M. T. CICERONIS

DE OFFICIIS

LIBRI TRES.

WITH MARGINAL ANALYSIS AND AN ENGLISH COMMENTARY.

Edited for the Syndics of the University Press

BY THE

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ADVERTISEMENT

TO THE ENGLISH EDITION.

THE text of this edition of Cicero's Treatise *de Officiis* is as nearly as possible an exact reprint of that of Zumpt in his smaller edition, published at Brunswick, 1849; which, if not the most perfect, is perhaps, upon the whole, the best suited for an edition with no higher aim than the present, having been commonly adopted in Schools and in the ordinary University Course.

The Marginal Analysis will, it is hoped, be of service to the student in tracing the connection of thought in the original; the Commentary is designed to afford a simple and easy explanation of such difficulties in the text as are likely to be felt by the ordinary Student of Classical Literature. Occasional illustration has been given from the works of modern jurists, especially from Grotius's great work *De Jure Belli ac Pacis.*

I have to acknowledge most gratefully the services rendered me throughout the greater part of the work by W. T. NEWMAN, Esq., M.A., late Scholar of Trinity College, Cambridge, and Senior Assistant Master in Cheltenham College, by whose assistance the publication of this volume has been considerably accelerated.

CHELTENHAM COLLEGE, *Oct.* 14, 1854.

NOTE

BY THE AMERICAN EDITOR.

THE American Editor believes that he is rendering a very acceptable service to his young countrymen in making them acquainted with the excellent edition of *Cicero De Officiis* by Holden. In doing this, however, he has ventured, in many instances, to remodel and simplify the commentary of the English scholar, and occasionally to add to it notes and emendations of the text from other European editors. His object has been to present the American student with a good *Variorum* edition, containing every thing calculated to clear up the difficulties of the original; and it will afford him great pleasure if that object shall be found to have been successfully accomplished.

C. A.

COLUMBIA COLLEGE, *March* 22, 1859.

MARCI TULLII CICERONIS

DE OFFICIIS

AD

MARCUM FILIUM.

LIBER PRIMUS.

I.

INTRODUCTION. Ch. i. containing an exhortation to his son to combine the study of *Greek* with that of *Latin* Literature; and the study of *forensic Eloquence* with that of *Philosophy*.

QUAMQUAM te, Marce fili, annum jam 1
audientem Cratippum, idque Athenis, abundare oportet præceptis institutisque philosophiæ, propter summam et doctoris auctoritatem et urbis, quorum alter te scientia augere potest, altera exemplis: tamen, ut ipse ad meam utilitatem semper cum Græcis Latina conjunxi, neque id in philosophia solum, sed etiam in dicendi exercitatione feci; idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam 2
quidem ad rem nos, ut videmur, magnum attulimus adjumentum hominibus nostris, ut non modo Græcarum literarum rudes sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad judicandum. Quam ob rem dis- 3
ces tu quidem a principe hujus ætatis philosophorum, et disces, quamdiu voles: tamdiu autem velle debebis, quoad te, quantum proficias, non pœnitebit: sed tamen nostra legens, non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse (de rebus ipsis utere tuo judicio, nihil enim impedio), orationem autem Latinam efficies profecto legendis nostris pleniorem. Nec vero arroganter hoc dictum existimari velim. Nam philosophandi 4

scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate dicere, quoniam in eo studio ætatem consumpsi, si id mihi assumo, videor id meo jure quodam modo vindicare. Quam ob rem magnopere te hortor, mi Cicero, 5 ut non solum orationes meas, sed hos etiam de philosophia libros, qui se jam illis fere æquarunt, studiose legas. Vis enim dicendi major est in illis, sed hoc quoque colendum est æquabile et temperatum orationis genus.

To this purpose he is advised to read his Father's compositions in both Subjects.

Et id quidem nemini video Græcorum adhuc contigisse, 6 ut idem utroque in genere elaboraret, sequeturque et illud forense dicendi et hoc quietum disputandi genus: nisi forte Demetrius Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens; dulcis tamen, ut Theophrasti discipulum possis agnoscere. Nos autem quan- 7 tum in utroque profecerimus aliorum sit judicium: utrumque certe secuti sumus. Equidem et Platonem existimo, 8 si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere; et Demosthenem, si illa, quæ a Platone didicerat, tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse. Eodemque modo de Aristotele et Isocrate judico: quorum uterque suo studio delectatus contempsit alterum.

The union of the study of Philosophy and Oratory unattempted by the Greeks.

II.

Sed quum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri volui maxime, quod et ætati tuæ esset aptissimum et auctoritati meæ. Nam quum multa 2 sint in philosophia et gravia et utilia accurate copioseque a philosophis disputata, latissime patere videntur ea, quæ de officiis tradita ab illis et præcepta sunt. Nulla enim vitæ pars neque publicis neque 3 privatis neque forensibus neque domesticis in rebus, neque si tecum agas quid, neque si cum altero contrahas, vacare

The reasons for choosing the subject of Moral Duties to write upon. Its general use and importance.

Ch. ii. 1—10.

officio potest: in eoque et colendo sita vitæ est honestas omnis et in negligendo turpitudo.

Atque hæc quidem quæstio communis est omnium philosophorum. 4 Quis est enim, qui nullis officii præceptis tradendis philosophum se audeat dicere? 5 Sed sunt nonnullæ disciplinæ, quæ propositis bonorum et malorum finibus officium omne pervertant. 6 Nam, qui summum bonum sic instituit, ut nihil habeat cum virtute conjunctum, idque suis commodis, non honestate metitur; hic, si sibi ipse consentiat et non interdum naturæ bonitate vincatur, neque amicitiam colere possit nec justitiam nec liberalitatem. Fortis vero, dolorem summum malum judicans, aut temperans voluptatem summum bonum statuens esse certe nullo modo potest. 7 Quæ quamquam ita sint in promptu, ut res disputatione non egeat, tamen sunt a nobis alio loco disputata. 8 Hæ disciplinæ igitur si sibi consentaneæ velint esse, de officio nihil queant dicere. Neque ulla officii præcepta firma, stabilia, conjuncta naturæ tradi possunt, nisi aut ab iis qui solam, aut ab iis qui maxime honestatem propter se dicant expetendam. 9 Ita propria est ea præceptio Stoicorum, Academicorum, Peripateticorum: quoniam Aristonis, Pyrrhonis, Herilli jam pridem explosa sententia est; qui tamen haberent jus suum disputandi de officio, si rerum aliquem delectum reliquissent, ut ad officii inventionem aditus esset. 10 Sequimur igitur hoc quidem tempore et hac in quæstione potissimum Stoicos, non ut interpretes; sed, ut solemus, e fontibus eorum judicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus.

False notions entertained concerning them by some Schools of Philosophy.

CICERO professes his intention to follow the Stoics mainly.

Placet igitur, quoniam omnis disputatio de officio futura 11 est, ante definire, quid sit officium: quod a Panætio prætermissum esse miror. 12 Omnis enim, quæ a ratione suscipitur de aliqua re institutio, debet a definitione proficisci, ut intelligatur, quid sit id de quo disputetur.

Meaning of *Officium* to be ascertained first.

III.

Questions concerning it of two sorts, theoretical and practical.

Omnis de officio duplex est quæstio. Unum genus est, quod pertinet ad finem bonorum: alterum, quod positum est in præceptis, quibus in omnes partes usus vitæ conformari possit. Superio- 2

Examples of the former kind.

ris generis hujusmodi exempla sunt; omniane officia perfecta sint? numquid officium aliud alio majus sit? et quæ sunt generis ejusdem. Quo- 3

The second sort enter into the present inquiry.

rum autem officiorum præcepta traduntur, ea quamquam pertinent ad finem bonorum, tamen minus id apparet, quia magis ad institutionem vitæ communis spectare videntur: de quibus est nobis his libris explicandum.

Another division of Duties is into Middle and Perfect.

Atque etiam alia divisio est officii. Nam 4 et medium quoddam officium dicitur et perfectum. Perfectum officium rectum, opinor, vocemus, quod Græci *κατόρθωμα*, hoc autem commune officium vocant. Atque ea sic definiunt, ut, rectum quod 5 sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit, ratio probabilis reddi possit.

PANÆTIUS made but three general Heads of Deliberation, to which CICERO adds two more.

Triplex igitur est, ut Panætio videtur, con- 6 silii capiundi deliberatio. Nam honestumne factu sit an turpe dubitant id, quod in deliberationem cadit; in quo considerando sæpe animi in contrarias sententias distrahuntur. Tum autem aut anquirunt aut consultant, ad vitæ commo- 7 ditatem jucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint juvare et suos, conducat id necne, de quo deliberant: quæ deliberatio omnis in rationem utilitatis cadit. Tertium dubitandi genus 8 est, quum pugnare videtur cum honesto id, quod videtur esse utile. Quum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit, ut distrahatur in deliberando animus afferatque ancipitem curam cogitandi. Hac divi- 9

sione, quum præterire aliquid maximum vitium in dividendo sit, duo prætermissa sunt. Nec enim solum, utrum honestum an turpe sit, deliberari solet; sed etiam, duobus propositis honestis, utrum honestius; itemque, duobus propositis, utilibus, utrum utilius. Ita, quam ille triplicem 10
putavit esse rationem, in quinque partes distribui debere reperitur. Primum igitur est de honesto, sed dupliciter; tum pari ratione de utili; post de comparatione eorum disserendum.

IV.

FIRST GENERAL HEAD OF DELIBERATION.

Ch. iv.—xlii. Whether an action be right or wrong.

Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinetque ea, quæ nocitura videantur, omniaque, quæ sint ad vivendum necessaria, anquirat et paret, ut pastum, ut latibula, ut alia generis ejusdem. Commune autem ani- 2
mantium omnium est conjunctionis appetitus procreandi causa, et cura quædam eorum, quæ procreata sunt. Sed inter hominem et beluam hoc 3
maxime interest, quod hæc tantum, quantum sensu movetur, ad id solum, quod adest quodque præsens est, se accommodat, paullum admodum sentiens præteritum aut futurum. Homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt, earumque progressus et quasi antecessiones non ignorat, similitudines comparat, rebusque præsentibus adjungit atque annectit futuras, facile totius vitæ cursum videt, ad eamque degendam præparat res necessarias. Ea- 4
demque natura vi rationis hominem conciliat homini et ad orationis et ad vitæ societatem: ingeneratque in primis præcipuum quendam amorem in eos, qui procreati sunt: impellitque, ut hominum cœtus et celebrationes et esse et a se obiri velit, ob easque causas studeat parare ea, quæ suppeditent et ad cultum, et ad victum; nec sibi soli,

Wherein the Nature of man consists, and how it differs from that of other creatures.

How Justice, or the virtues relating to human Society, are agreeable to the dictates of human Nature.

sed conjugi, liberis ceterisque, quos caros habeat tuerique debeat. Quæ cura exsuscitat etiam animos et majores ad rem gerendam facit. In primisque hominis 5 est propria veri inquisitio atque investigatio. Itaque quum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre, audire, addiscere: cognitionemque rerum aut occultarum aut admirabilium ad beate vivendum necessariam ducimus. Ex quo intelligitur, quod verum, simplex sincerumque sit, id esse naturæ hominis aptissimum. Huic veri videndi cupi- 6 ditati adjuncta est appetitio quædam principatus, ut nemini parere animus bene informatus a natura velit, nisi præcipienti aut docenti aut utilitatis causa juste et legitime imperanti: ex quo magnitudo animi exsistit humanarumque rerum contemptio. Nec vero illa parva 7 vis naturæ est rationisque, quod unum hoc animal sentit, quid sit ordo, quid sit quod deceat, in factis dictisque qui modus. Itaque eorum ipsorum, quæ adspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit. Quam similitudinem 8 natura ratioque ab oculis ad animum transferens, multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservandum putat, cavetque ne quid indecore effeminateve faciat; tum in omnibus et opinionibus et factis, ne quid libidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur 9 id, quod quærimus, honestum: quod, etiamsi nobilitatum non sit, tamen honestum est, quodque vere dicimus, etiam si a nullo laudetur, natura esse laudabile.

How Wisdom or the virtues relating to Truth, are most of all agreeable to Nature.

Also Courage and love of independence.

And lastly a Sense of what is becoming.

Now these are the four elements which constitute the *honestum*, which is the object of our inquiry.

V.

There is a moral as well as a physical Symmetry and Proportion.

Formam quidem ipsam, Marce fili, et tamquam faciem honesti vides: quæ, si oculis cerneretur, mirabiles amores, ut ait Plato,

To each of the above general Divisions are attached its several Duties and Obligations. What the object of each of these is.

excitaret sapientiæ. Sed omne, quod est ho- 2
nestum, id quattuor partium oritur ex aliqua. Aut enim in perspicientia veri sollertiaque versatur, aut in hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide, aut in animi excelsi atque invicti magnitudine ac robore, aut in omnium, quæ fiunt quæque dicuntur, ordine et modo, in quo inest modestia et temperantia. Quæ quattuor quamquam inter se colligata atque 3
implicata sunt, tamen ex singulis certa officiorum genera nascuntur. Velut ex ea parte, quæ prima descripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri; ejusque virtutis hoc munus est proprium. Ut enim quisque maxime perspicit, quid in re qua- 4
que verissimum sit, quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet. Quocirca huic quasi materia, quam 5
tractet et in qua versetur, subjecta est veritas. Reliquis autem tribus virtutibus necessitates propositæ sunt, ad eas res parandas tuendasque, quibus actio vitæ continetur: ut et societas hominum conjunctioque servetur, et animi excellentia magnitudoque, quum in augendis opibus utilitatibusque et sibi et suis comparandis, tum multo magis in his ipsis despiciendis, eluceat. Ordo autem et constantia et modera- 6
tio et ea, quæ sunt his similia, versantur in eo genere, ad quod est adhibenda actio quædam, non solum mentis agitatio. His enim rebus, quæ tractantur in vita, modum quemdam et ordinem adhibentes honestatem et decus conservabimus.

VI.

THE FIRST OF THE CARDINAL VIRTUES.

Wisdom, or the Investigation of Truth, is the nearest allied to man's nature.

Ex quattuor autem locis, in quos honesti naturam vimque divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim tra- 2
himur et ducimur ad cognitionis et scientiæ cupiditatem, in qua excellere pulchrum

putamus; labi autem, errare, nescire, decipi, et malum et turpe ducimus. In hoc genere et naturali 3 et honesto duo vitia vitanda sunt: unum, ne incognita pro cognitis habeamus hisque temere assentiamur, quod vitium effugere qui volet—omnes autem velle debent—adhibebit ad considerandas res et tempus et diligentiam. Alterum est vitium, quod quidam nimis magnum studium 4 multamque operam in res obscuras atque difficiles conferunt, easdemque non necessarias. Quibus vitiis declinatis, 5 quod in rebus honestis et cognitione dignis operæ curæque ponetur, id jure laudabitur: ut in astrologia C. Sulpicium audimus, in geometria Sex. Pompeium ipsi cognovimus, multos in dialecticis, plures in jure civili. Quæ omnes ar- 6 tes in veri investigatione versantur, cujus studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit; a qua tamen fit intermissio sæpe, multique dantur ad studia reditus; tum agitatio mentis, quæ nunquam acquiescit, potest nos in studiis cognitionis, etiam sine opera nostra, continere. Omnis autem cogita- 7 tio motusque animi aut in consiliis capiendis de rebus honestis et pertinentibus ad bene beateque vivendum aut in studiis scientiæ cognitionisque versabitur. Ac de primo quidem officii fonte diximus.

Two errors to be avoided in it.

VII.

Of the Second Cardinal Virtue. Ch. 7—13.

De tribus autem reliquis latissime patet ea ratio, qua societas hominum inter ipsos et vitæ quasi communitas continetur. Cujus partes duæ; justitia, in qua virtutis est splendor maximus, ex qua viri boni nominantur; et huic conjuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet.

Two parts of it, Justice.

Liberality.

Of Justice; Ch. 7—13. Its first duty: *To do no wrong.*

Sed justitiæ primum munus est, ut ne 2 cui quis noceat, nisi lacessitus injuria: deinde ut communibus pro communibus utatur, pri-

vatis ut suis. Sunt autem privata nulla natura: sed aut 3
vetere occupatione, ut qui quondam in vacua venerunt;
aut victoria, ut qui bello potiti sunt; aut lege, pactio-
ne, conditione, sorte: ex quo fit, ut ager Arpinas Arpi-
natium dicatur; Tusculanus Tusculanorum: similisque est
privatarum possessionum descriptio. Ex quo, quia suum 4
cujusque fit eorum, quæ natura fuerant communia, quod
cuique obtigit, id quisque teneat. E quo si quis sibi appe-
tet, violabit jus humanæ societatis. Sed quoniam, ut præ- 5
clare scriptum est a Platone, non nobis solum nati sumus,
ortusque nostri partem patria vindicat, partem amici; atque
ut placet Stoicis, quæ in terris gignantur, ad usum homi-
num omnia creari; homines autem hominum causa esse
generatos, ut ipsi inter se aliis alii prodesse possent: in hoc
naturam debemus ducem sequi, communes
utilitates in medium afferre, mutatione offici-
orum, dando, accipiendo, tum artibus, tum
opera, tum facultatibus, devincire hominum inter homines
societatem.

Its second duty: *To do all the good we can.*

Fundamentum autem justitiæ est fides, id est dictorum 6
conventorumque constantia et veritas. Ex quo, quamquam
hoc videbitur fortasse cuipiam durius, tamen audeamus imi-
tari Stoicos, qui studiose exquirunt, unde verba sint ducta,
credamusque, quia *fiat*, quod dictum est, appellatam *fidem*.

Of its opposite, Injustice, there are two sorts, the one of *commission*, the other of *omission*.

Sed injustitiæ genera duo sunt: unum eo- 7
rum qui inferunt; alterum eorum, qui ab iis,
quibus infertur, si possunt, non propulsant in-
juriam. Nam, qui injuste impetum in quem- 8
piam facit, aut ira aut aliqua perturbatione
incitatus, is quasi manus afferre videtur socio: qui autem
non defendit nec obsistit, si potest, injuriæ, tam est in vitio,
quam si parentes aut amicos aut patriam deserat.

a. Causes of the first sort of injustice,
1. Fear.
2. The satisfaction of some irreg-

Atque illæ quidem injuriæ, quæ nocendi 9
causa de industria inferuntur, sæpe a metu
proficiscuntur; quum is, qui nocere alteri co-
gitat, timet, ne, nisi id fecerit, ipse aliquo

ular desire, as of *Riches.*

afficiatur incommodo. Maximam autem partem ad injuriam faciundam aggrediuntur, ut adipiscantur ea, quæ concupiverunt: in quo vitio latissime patet avaritia. 10

VIII.

The desire of Riches, one cause of injustice, whence it proceeds.

Expetuntur autem divitiæ cum ad usus vitæ necessarios, tum ad perfruendas voluptates. In quibus autem major est animus, 2 in iis pecuniæ cupiditas spectat ad opes et ad gratificandi facultatem: ut nuper M. Crassus negabat ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse, cujus fructibus exercitum alere non posset. Delectant 3 etiam magnifici apparatus vitæque cultus cum elegantia et copia: quibus rebus effectum est, ut infinita pecuniæ cupiditas esset. Nec vero rei familiaris amplificatio, nemini 4 nocens, vituperanda est: sed fugienda semper injuria est.

The desire of Glory and inordinate lust of Power, another cause of Injustice.

Maxime autem adducuntur plerique, ut eos 5 justitiæ capiat oblivio, quum in imperiorum, honorum, gloriæ cupiditatem inciderunt.

Instance in case of CÆSAR.

Quod enim est apud Ennium: 6

nulla sancta societas,
nec fides regni est;

id latius patet. Nam quidquid ejusmodi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare sanctam societatem. De- 7 claravit id modo temeritas C. Cæsaris, qui omnia jura divina atque humana pervertit propter eum, quem sibi ipse opinionis errore finxerat, principatum. Est autem in hoc 8 genere molestum, quod in maximis animis splendidissimisque ingeniis plerumque exsistunt honoris, imperii, potentiæ, gloriæ cupiditates. Quo magis cavendum est, ne quid in eo genere peccetur. Sed in omni injustitia permul- 9 tum interest, utrum perturbatione aliqua animi, quæ plerumque brevis est et ad tempus, an consulto et cogitata fiat injuria. Leviora enim sunt ea, quæ repentino aliquo 10

motu accidunt, quam ea, quæ meditata et præparata inferuntur.

Ac de inferenda quidem injuria satis dictum est.

IX.

β. The causes of the second sort of Injustice, that of omission, Fear of giving Offense, of Expense, Indolence, etc.

Prætermittendæ autem defensionis deserendique officii plures solent esse causæ. Nam aut inimicitias aut laborem aut sumptus suscipere nolunt; aut etiam negligentia, pigritia, inertia aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos esse patiantur. Itaque videndum est, ne non satis 2 sit id, quod apud Platonem est in philosophos dictum: quod in veri investigatione versentur, quodque ea, quæ plerique vehementer expetant, de quibus inter se digladiari solent, contemnant et pro nihilo putent, propterea justos esse. Nam alterum justitiæ genus assequuntur, in inferenda ne 3 cui noceant injuria: in alterum incidunt; discendi enim studio impediti, quos tueri debent, deserunt. Itaque eos 4 ne ad rem publicam accessuros quidem putat, nisi coactos. Æquius autem erat id voluntate fieri. Nam hoc ipsum ita justum est, quod recte fit, si est voluntarium. Sunt etiam, 5 qui aut studio rei familiaris tuendæ aut odio quodam hominum suum se negotium agere dicant, ne facere cuiquam videantur injuriam; qui altero genere injustitiæ vacant, in alterum incurrunt. Deserunt enim vitæ societatem, quia nihil conferunt in eam studii, nihil operæ, nihil facultatum.

Quoniam igitur duobus generibus injustitiæ propositis ad- 6 junximus causas utriusque generis, easque res ante constituimus, quibus justitia contineretur; facile, quod cujusque temporis officium sit, poterimus, nisi nosmetipsos valde amabimus, judicare. Est enim difficilis cura rerum alienarum. 7 Quamquam Terentianus ille Chremes humani nihil a se alienum putat. Sed tamen, quia magis ea percipimus atque sentimus, quæ nobis ipsis aut prospera aut adversa eveniunt, quam illa, quæ ceteris, quæ quasi longo intervallo in-

An excellent rule for avoiding all injustice.

terjecto videmus; aliter de illis, ac de nobis, judicamus. Quocirca bene præcipiunt, qui 8 vetant quidquam agere, quod dubites, æquum sit, an iniquum. Æquitas enim lucet ipsa per se, dubitatio cogitationem significat injuriæ.

X.

Duties imposed by Justice vary according to circumstances, so that what is just at one time would be unjust at another.

Sed incidunt sæpe tempora, quum ea, quæ maxime videntur digna esse justo homine, eoque quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, facere promissum: quæque pertinent ad veritatem et ad fidem, ea migrare interdum et non servare fit justum. Referri enim decet ad ea, quæ posui principio, 2 fundamenta justitiæ: primum, ut ne cui noceatur; deinde, ut communi utilitati serviatur. Ea quum tempore commu- 3 tantur, commutatur officium, et non semper est idem. Pot-

Thus promises and contracts are not to be adhered to in several cases, e. g., if they are prejudicial either to the promiser or to the promisee;

est enim accidere promissum aliquod et conventum, ut id effici sit inutile vel ei cui promissum sit, vel ei qui promiserit. Nam si, 4 ut in fabulis est, Neptunus, quod Theseo promiserat, non fecisset, Theseus Hippolyto filio non esset orbatus. Ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit: quo impetrato, in maximos luctus incidit. Nec promissa igitur servanda sunt ea, quæ sint iis, quibus 5 promiseris, inutilia: nec, si plus tibi noceant quam illi prosint cui promiseris, contra officium est majus anteponi minori. Ut, si constitueris cuipiam te advocatum in rem præ- 6 sentem esse venturum, atque interim graviter ægrotare filius cœperit, non sit contra officium non facere, quod dixeris; magisque ille, cui promissum sit, ab officio discedat, si se

or if made under circumstances of intimidation or through deceit.

destitutum queratur. Jam illis promissis 7 standum non esse quis non videt quæ coactus quis metu, quæ deceptus dolo promiserit? quæ quidem pleraque jure prætorio liberantur, nonnulla legibus.

Injustice is often done by artful evasions and adherence to the letter of the Law: frequently in the course of public transactions.

Exsistunt etiam sæpe injuriæ calumnia 8 quadam et nimis callida sed malitiosa juris interpretatione. Ex quo illud, *Summum jus summa injuria*, factum est jam tritum sermone proverbium. Quo in genere etiam in re pub- 9 lica multa peccantur: ut ille, qui, quum triginta dierum essent cum hoste indutiæ factæ, noctu populabatur agros, quod dierum essent pactæ, non noctium indutiæ. Ne noster quidem probandus, si verum est, Q. Fabi- 10 um Labeonem seu quem alium—nihil enim habeo præter auditum—arbitrum Nolanis et Neapolitanis de finibus a senatu datum, quum ad locum venisset, cum utrisque separatim locutum, ut ne cupide quid agerent, ne appetenter, atque ut regredi quam progredi mallent. Id quum utrique 11 fecissent, aliquantum agri in medio relictum est. Itaque illorum fines sic, ut ipsi dixerant, terminavit: in medio relictum quod erat, populo Romano adjudicavit. Decipere 12 hoc quidem est, non judicare. Quocirca in omni re fugienda est talis sollertia.

XI.

Sunt autem quædam officia etiam adversus eos servanda, a quibus injuriam acceperis. Est enim ulciscendi et puniendi modus. Atque haud scio, an satis sit, eum qui lacessierit, injuriæ suæ pœnitere; ut et ipse ne quid tale posthac, et ceteri sint ad injuriam tardiores. At- 2 que in re publica maxime conservanda sunt jura belli. Nam quum sint duo genera decertandi, unum per disceptationem, alterum per vim; quumque illud proprium sit hominis, hoc beluarum: confugiendum est ad posterius, si uti non licet superiore. Quare suscipienda quid- 3 em bella sunt ob eam causam, ut sine injuria in pace vivatur; parta autem victoria conservandi ii, qui non crudeles in bello, non

Justice imposes duties on us toward all sorts of men, *first*, even toward those who have wronged us.

Secondly, toward Public Enemies. War should be resorted to only as an extreme measure, and be conducted on lenient and humane principles.

Ch. xi.—xiii.

immanes fuerunt. Ut majores nostri Tusculanos, Æquos, 4
Volscos, Sabinos, Hernicos in civitatem etiam acceperunt;
at Karthaginem et Numantiam funditus sustulerunt. Nol- 5
lem Corinthum; sed credo aliquid secutos, opportunitatem
loci maxime, ne posset aliquando ad bellum faciendum loc-
us ipse adhortari. Mea quidem sententia paci, quæ nihil 6
habitura sit insidiarum, semper est consulendum. In quo
si mihi esset obtemperatum; si non optimam, at aliquam
rem publicam, quæ nunc nulla est, haberemus. Et quum 7
iis, quos vi deviceris, consulendum est; tum ii qui armis
positis ad imperatorum fidem confugient, quamvis murum
aries percusserit, recipiendi. In quo tanto opere apud nos- 8
tros justitia culta est, ut ii, qui civitates aut nationes devic-
tas bello in fidem recepissent, earum patroni essent more
majorum.

Humane spirit of the Roman Code of War illustrated by an anecdote concerning the elder CATO,

Ac belli quidem æquitas sanctissime fe- 9
tiali populi Romani jure perscripta est. Ex
quo intelligi potest, nullum bellum esse jus-
tum, nisi quod aut rebus repetitis geratur
aut denuntiatum ante sit et indictum. Po- 10
pilius imperator tenebat provinciam, in cujus exercitu Ca-
tonis filius tiro militabat. Quum autem Popilio videretur
unam dimittere legionem, Catonis quoque filium, qui in
eadem legione militabat, dimisit. Sed, quum amore pug- 11
nandi in exercitu remansisset, Cato ad Popilium scripsit,
ut, si eum pateretur in exercitu remanere, secundo eum
obliget militiæ sacramento: quia, priore amisso, jure cum
hostibus pugnare non poterat. Adeo summa erat obser-
vatio in bello movendo. Marci quidem Catonis senis est 12
epistola ad Marcum filium, in qua scribit, se audisse eum
missum factum esse a consule, quum in Macedonia bello
Persico miles esset. Monet igitur, ut caveat, ne prœlium
ineat. Negat enim jus esse, qui miles non sit, cum hoste
pugnare.

XII.

and by their use of the term *hostis* (meaning stranger) for a Principal in War.

Equidem etiam illud animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi rei tristitiam mitigatam. Hostis enim apud majores nostros is dicebatur, quem nunc peregrinum dicimus. Indicant duo- 2
decim tabulæ: ut, STATVS DIES CVM HOSTE: itemque, ADVERSVS HOSTEM ÆTERNA AVCTORITAS. Quid ad hanc man- 3
suetudinem addi potest, eum, quicum bellum geras, tam molli nomine appellari? Quamquam id nomen durius effecit jam vetustas. A peregrino enim recessit et proprie in

Some Wars are undertaken for glory and conquest alone, others for the sake of safety.

eo, qui arma contra ferret, remansit. Quum 4
vero de imperio decertatur belloque quæritur gloria, causas omnino subesse tamen oportet easdem, quas dixi paullo ante justas causas esse bellorum. Sed ea bella, quibus imperii gloria proposita est, minus acerbe gerenda sunt. Ut enim quum civiliter conten- 5
dimus, aliter si est inimicus, aliter si competitor; cum altero certamen honoris et dignitatis est, cum altero capitis et famæ: sic cum Celtiberis, cum Cimbris bellum, ut cum inimicis, gerebatur,

There must be just grounds for the commencement of War in either case: only there must be a different conduct observed in each.

A generous sentiment of King PYRRHUS about ransoming prisoners of war.

uter esset, non uter imperaret; cum Latinis, Sabinis, Samnitibus, Pœnis, Pyrrho de imperio dimicabatur. Pœni fœdifragi, crudelis Hannibal: reliqui justiores. Pyrrhi quid- 6
em de captivis reddendis illa præclara:

Nec mi aurum posco, nec mi pretium dederitis;
Nec cauponantes bellum, sed belligerantes,
Ferro, non auro vitam cernamus utrique.
Vosne velit, an me regnare hera, quidve ferat, Fors,
Virtute experiamur. Et hoc simul accipite dictum:
Quorum virtuti belli fortuna pepercit,
Eorundem me libertati parcere certum est:
Dono, ducite, doque volentibus cum magnis dis.

Regalis sane et digna Æacidarum genere sententia.

XIII.

Individuals as well as states are bound in justice to keep the promises which they may have been compelled by particular circumstances to make to an enemy.

Story of REGULUS.

Atque etiam si quid singuli temporibus adducti hosti promiserunt, est in eo ipso fides conservanda: ut primo Punico bello Regu- 2
lus captus a Pœnis, quum de captivis commutandis Romam missus esset jurassetque se rediturum, primum, ut venit, captivos reddendos in senatu non censuit; deinde, quum retineretur a propinquis et ab amicis, ad supplicium redire maluit, quam fidem hosti datam fallere. [*Secundo autem Punico bello post* 3
Cannensem pugnam quos decem Hannibal Romam adstrictos misit jure jurando se redituros

Instance of perjury of ten Roman soldiers during the 2d Punic War.

esse, nisi de redimendis iis, qui capti erant, impetrassent: eos omnes, censores, quoad quisque eorum vixit, qui pejerassent, in ærariis reliquerunt: nec minus illum, qui juris jurandi fraude culpam invenerat. Quum enim Hannibalis permissu exisset de 4
castris, rediit paullo post, quod se oblitum nescio quid diceret. Deinde egressus e castris jure jurando se solutum putabat. Et 5
erat verbis, re non erat. Semper autem in fide, quid senseris, 6
non, quid dixeris, cogitandum. Maximum autem exemplum est 7
justitiæ in hostem a majoribus nostris constitutum quum a Pyrrho perfuga senatui est pollicitus, se venenum regi daturum, et eum necaturum. Senatus et C. Fabricius perfugam Pyrrho dedidit. Ita ne hostis quidem et potentis et bellum ultro infe- 8
rentis interitum cum scelere approbavit.]

Ac de bellicis quidem officiis satis dictum est. 9

Justice is to be extended even to the lowest of mankind, as to slaves.

Meminerimus autem, etiam adversus infimos justitiam esse servandam. Est autem infima conditio et fortuna servorum, quibus non male præcipiunt qui ita jubent uti ut mercenariis; operam exigendam, justa præbenda. Quum autem duobus 10
modis, id est aut vi aut fraude, fiat injuria; fraus quasi vulpeculæ, vis leonis videtur: utrumque homine alienissimum, sed fraus odio digna majore. Totius autem injustitiæ nulla 11

The worst species of Injustice is that which is accompanied with Hypocrisy.

capitalior est, quam eorum, qui tum quum maxime fallunt, id agunt, ut viri boni esse videantur.—De justitia satis dictum est.

XIV.

Of Liberality, the second part of General Justice. Ch. xiv.—xviii.

Three cautions to be observed in the practice of it.

Deinceps, ut erat propositum, de beneficentia ac de liberalitate dicatur: qua quidem nihil est naturæ hominis accommodatius, sed habet multas cautiones. Viden- 2
dum est enim primum, ne obsit benignitas et iis ipsis, quibus benigne videbitur fieri, et ceteris: deinde, ne major benignitas sit quam facultates: tum, ut pro dignitate cuique tribuatur. Id enim est justitiæ fundamentum, ad quam hæc referenda sunt omnia.

A. That our bounty prove not a disservice to the object of it, or to others.

Nam et qui gratificantur cuipiam, quod ob- 3
sit illi, cui prodesse velle videantur, non benefici neque liberales, sed perniciosi assentatores judicandi sunt: et qui aliis nocent, ut in alios liberales sint, in eadem sunt injustitia, ut si in suam rem aliena convertant. Sunt autem multi, et quidem cu- 4
pidi splendoris et gloriæ, qui eripiunt aliis, quod aliis largiantur. Hique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacunque ratione. Id autem tantum abest officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur, 5
quæ prosit amicis, noceat nemini. Quare L. Sullæ et C. 6
Cæsaris pecuniarum translatio a justis dominis ad alienos non debet liberalis videri. Nihil est enim liberale, quod non idem justum.

P. That it be not suffered to exceed our means and abilities.

Alter locus erat cautionis, ne benignitas 7
major esset quam facultates. Quod qui benigniores volunt esse quam res patitur, primum in eo peccant, quod injuriosi sunt in proximos: quas enim copias iis et suppeditari æquius est et relinqui, eas transferunt ad alienos. Inest autem in tali liberalitate 8
cupiditas plerumque rapiendi et auferendi per injuriam, ut

ad largiendum suppetant copiæ. Videre etiam licet ple- 9
rosque non tam natura liberales quam quadam gloria ductos, ut benefici videantur, facere multa, quæ proficisci ab ostentatione magis quam a voluntate videantur. Talis autem simulatio vanitati est conjunctior quam aut liberalitati, aut honestati.

C. That it be proportioned to the Merit of the Receiver: which is of several sorts, viz.

Tertium est propositum, ut in beneficentia 10
delectus esset dignitatis: in quo et mores ejus erunt spectandi, in quem beneficium conferetur, et animus erga nos et communitas ac societas vitæ, et ad nostras utilitates officia ante collata. Quæ ut concurrant omnia, optabile est; si 11
minus, plures causæ majoresque ponderis plus habebunt.

XV.

a. *Moral character.*

Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus præclare agitur si sunt simulacra virtutis: etiam hoc intelligendum puto, neminem omnino esse negligendum, in quo aliqua significatio virtutis appareat; colendum autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua multa jam dicta sunt, justitia. Nam fortis 2
animus et magnus, in homine non perfecto nec sapiente ferventior plerumque est: illæ virtutes virum bonum viden-

b. The *good-will* borne to us.

tur potius attingere. Atque hæc in moribus. De benevolentia autem, quam quisque 3
habeat erga nos, primum illud est in officio, ut ei plurimum tribuamus, a quo plurimum diligamur: sed benevolentiam non adolescentulorum more, ardore quodam amoris, sed sta-

c. The *services* done us. Gratitude a most necessary duty.

bilitate potius et constantia judicemus. Sin 4
erunt merita, ut non ineunda, sed referenda sit gratia, major quædam cura adhibenda est. Nullum enim officium referenda gratia magis necessarium est. Quod si ea, quæ utenda acceperis, majore mensura, 5
si modo possis, jubet reddere Hesiodus; quidnam beneficio

provocati facere debemus? An imitari agros fertiles, qui multo plus efferunt quam acceperunt? Etenim si in eos, 6 quos speramus nobis profuturos, non dubitamus officia conferre; quales in eos esse debemus, qui jam profuerunt? Nam quum duo genera liberalitatis sint, unum dandi beneficii, alterum reddendi; demus, necne, in nostra potestate est; non reddere viro bono non licet, modo id facere possit sine injuria. Acceptorum autem beneficiorum sunt delec- 8 tus habendi: nec dubium, quin maximo cuique plurimum debeatur. In quo tamen in primis, quo quisque animo, studio, benevolentia fecerit, ponderandum est. Multi enim faciunt multa 9 temeritate quadam, sine judicio, vel morbo in omnes, vel repentino quodam, quasi vento, impetu animi incitati: quæ beneficia æque magna non sunt habenda atque ea, quæ judicio, considerate constanterque delata sunt. Sed in col- 10 locando beneficio et in referenda gratia, si cetera paria sunt, hoc maxime officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari: quod contra fit a plerisque. A 11 quo enim plurimum sperant, etiamsi is non eget, tamen ei potissimum inserviunt.

Rule to be observed in bestowing benefits and returning favors.

XVI.

Society is kept up by the proportioning of benefits to the union between men.

Optime autem societas hominum conjunctioque servabitur, si, ut quisque erit conjunctissimus, ita in eum benignitatis plurimum conferetur. Sed, quæ natura princi- 2 pia sint communitatis et societatis humanæ, repetendum videtur altius. Est enim pri- 3 mum, quod cernitur in universi generis humani societate; ejus autem vinculum est ratio et oratio, quæ docendo, discendo, communicando, disceptando, judicando conciliat inter se homines conjungitque naturali quadam societate. Neque ulla 4 re longius absumus a natura ferarum, in quibus inesse fortitudinem sæpe dicimus, ut in equis, in leonibus: justitiam,

Principles of human society. The first and most comprehensive society is that between all men, as Men: the duties it imposes.

æquitatem, bonitatem non dicimus. Sunt enim rationis et 5
orationis expertes. Ac latissime quidem patens hominibus inter ipsos, omnibus inter omnes, societas hæc est; in qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas, ut, quæ descripta sunt legibus et jure civili, hæc ita teneantur, ut sit constitutum, e quibus ipsis cetera sic observentur, ut in Græcorum proverbio est: *Amicorum esse communia omnia.* Om- 6
nium autem communia hominum videntur ea, quæ sunt generis ejus, quod ab Ennio positum in una re transferri in multas potest.

Homo, qui erranti comiter monstrat viam,
Quasi lumen de suo lumine accendat, facit.
Nihilominus ipsi lucet, quum illi accenderit.

Una ex re satis præcipit, ut, quidquid sine detrimento 7
commodari possit, id tribuatur vel ignoto. Ex quo sunt 8
illa communia: non prohibere aqua profluente; pati ab igne ignem capere, si qui velit; consilium fidele deliberanti dare: quæ sunt iis utilia, qui accipiunt; danti non molesta. Quare et his utendum est, et semper aliquid ad communem utilitatem adferendum. Sed quoniam copiæ parvæ 9
singulorum sunt, eorum autem, qui his egeant, infinita est multitudo: vulgaris liberalitas referenda est ad illum Ennii finem,

Nihilominus ipsi lucet:

ut facultas sit, qua in nostros simus liberales.

XVII.

Several gradations of human society by which duties are *varied;* as Race, Nation, Language, Country, etc.

Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, propior est ejusdem gentis, nationis, linguæ, qua maxime homines conjunguntur. Interius 2
etiam est ejusdem esse civitatis. Multa enim sunt civibus inter se communia: forum, fana, porticus, viæ, leges, jura, judicia, suffragia, consuetudines præterea et familiaritates multisque cum multis res rationesque contractæ.

Relationship and Affinity. Degrees of Relationship.

Artior vero colligatio est societatis propin- 3
quorum: ab illa enim immensa societate humani generis in exiguum angustumque concluditur. Nam quum sit hoc natura commune animan- 4
tium, ut habeant libidinem procreandi, prima societas in ipso conjugio est: proxima in liberis: deinde una domus, communia omnia. Id autem est principium urbis et quasi seminarium rei publicæ. Sequuntur fratrum conjunctiones; 5
post consobrinorum sobrinorumque: qui quum una domo jam capi non possint, in alias domos, tamquam in colonias, exeunt. Sequuntur connubia et affinitates: ex quibus 6
etiam plures propinqui. Quæ propagatio et suboles origo est rerum publicarum. Sanguinis autem conjunctio benevolentia devincit homines et caritate. Magnum est enim eadem habere monumenta majorum, eisdem uti sacris, sepulcra habere communia.

That of *friendship* the most closely knit.

Sed omnium societatum nulla præstan- 7
tior est, nulla firmior, quam quum viri boni, moribus similes, sunt familiaritate conjuncti. Illud enim honestum, quod sæpe dicimus, etiamsi in alio cernimus, tamen nos movet atque illi, in quo ipsa inesse videtur, amicos facit. Et quamquam omnis virtus nos ad 8
se allicit facitque, ut eos diligamus, in quibus ipsa inesse videatur: tamen justitia et liberalitas id maxime efficit. Nihil autem est amabilius, nec copulatius, quam morum si- 9
militudo bonorum. In quibus enim eadem studia sunt, eædem voluntates, in his fit, ut æque quisque altero delectetur, ac se ipso: efficiturque id, quod Pythagoras vult in

The relation arising from an *interchange* of *kindnesses*.

amicitia, ut unus fiat ex pluribus. Magna 10
etiam illa communitas est, quæ conficitur ex beneficiis ultro citroque datis acceptis: quæ et mutua et grata dum sunt, inter quos ea sunt, firma devinciuntur societate.

Sed, quum omnia ratione animoque lustraris, omnium 11
societatum nulla est gravior, nulla carior, quam ea, quæ cum re publica est unicuique nostrum. Cari sunt paren- 12

That of *Country* preferred even to those of relationship.

tes, cari liberi, propinqui, familiares; sed omnes omnium caritates patria una complexa est: pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum 13 immanitas, qui lacerarunt omni scelere patriam et in ea funditus delenda occupati et sunt et fuerunt. Sed, si con- 14 tentio quædam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus: proximi liberi totaque domus, quæ spectat in nos solos neque aliud ullum potest habere perfugium; deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quam ob rem 15 necessaria præsidia vitæ debentur iis maxime, quos ante dixi; vita autem victusque communis, consilia, sermones, cohortationes, consolationes, interdum etiam objurgationes in amicitiis vigent maxime: estque ea jucundissima amicitia, quam similitudo morum conjugavit.

Next to country, come Parents and Children.

XVIII.

But there are *exceptional* circumstances to be considered in the exercise of Liberality.

Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit, et quid quisque vel sine nobis aut possit consequi aut non possit. Ita non iidem erunt 2 necessitudinum gradus, qui temporum; suntque officia, quæ aliis magis quam aliis debeantur: ut vicinum citius adjuveris in fructibus percipiendis, quam aut fratrem aut familiarem, at, si lis in judicio sit, propinquum potius et amicum quam vicinum defenderis.

Hæc igitur et talia circumspicienda sunt in omni officio 3 et consuetudo exercitatioque capienda, ut boni ratiocinatores officiorum esse possimus, et addendo deducendoque videre, quæ reliqui summa fiat: ex quo, quantum cuique debeatur, intelligas. Sed, ut nec medici nec imperatores nec 4 oratores, quamvis artis præcepta perceperint, quidquam magna laude dignum sine usu et exercitatione consequi

Rules signify but little themselves, unless confirmed by practice and exercise.

possunt, sic officii conservandi præcepta traduntur illa quidem, ut facimus ipsi; sed rei magnitudo usum quoque exercitationemque desiderat. Atque ab iis rebus, quæ sunt in 5 jure societatis humanæ, quemadmodum ducatur honestum, ex quo aptum est officium, satis fere diximus.

THIRD CARDINAL VIRTUE. Fortitude. Ch. xviii.—xxvi.

Intelligendum est autem, quum proposita 6 sint genera quatuor, e quibus honestas officiumque manaret, splendidissimum videri, quod animo magno elatoque humanasque res despiciente factum sit. Itaque in probris maxime in promptu est, si 7 quid tale dici potest:

Vos etenim juvenes animum geritis muliebrem,
Illa virago viri,

Et si quid ejusmodi:

Salmaci, da spolia sine sudore et sanguine!

Contraque in laudibus, quæ magno animo fortiter excel- 8 lenterque gesta sunt, ea nescio quo modo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone, Sal- 9 amine, Platæis, Thermopylis, Leuctris; hinc noster Cocles, hinc Decii, hinc Cnæus et Publius Scipiones, hinc M. Marcellus, innumerabiles alii: maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicæ gloriæ, quod statuas quoque videmus ornatu fere militari.

XIX.

This is not truly a virtue, if pursued for selfish ends and when unaccompanied with Justice, Truth, etc.

Definition of it by the STOICS commended.

Sed ea animi elatio, quæ cernitur in periculis et laboribus, si justitia vacat, pugnatque non pro salute communi, sed pro suis commodis, in vitio est. Non modo enim id virtutis non est, sed est potius immanitatis omnem humanitatem repellentis. Itaque probe 2 definitur a Stoicis fortitudo, quum eam virtutem esse dicunt propugnantem pro æquitate. Quocirca 3 nemo, qui fortitudinis gloriam consecutus est insidiis et ma-

litia, laudem est adeptus. Nihil honestum esse potest, quod justitia vacat. Præclarum igitur illud Platonis. *Non solum, inquit, scientia, quæ est remota ab justitia, calliditas potius quam sapientia est appellanda; verum etiam animus paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciæ potius nomen habeat quam fortitudinis.* Itaque viros fortes et magnanimos eosdem bonos et simplices, veritatis amicos minimeque fallaces esse volumus: quæ sunt ex media laude justitiæ. Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime pertinacia et nimia cupiditas principatus innascitur. Ut enim apud Platonem est, omnem morem Lacedæmoniorum inflammatum esse cupiditate vincendi: sic, ut quisque animi magnitudine maxime excellit, ita maxime vult princeps omnium vel potius solus esse. Difficile autem est, quum præstare omnibus concupieris, servare æquitatem, quæ est justitiæ maxime propria. Ex quo fit, ut neque disceptatione vinci se nec ullo publico ac legitimo jure patiantur: exsistuntque in re publica plerumque largitores et factiosi, ut opes quam maximas consequantur, et sint vi potius superiores, quam justitia pares. Sed, quo difficilius, hoc præclarius. Nullum est enim tempus, quod justitia vacare debeat. Fortes igitur et magnanimi sunt habendi non, qui faciunt, sed, qui propulsant injuriam. Vera autem et sapiens animi magnitudo honestum illud, quod maxime natura sequitur, in factis positum, non in gloria judicat: principemque se esse mavult, quam videri. Etenim, qui ex errore imperitæ multitudinis pendet, hic in magnis viris non est habendus. Facillime autem ad res injustas impellitur, ut quisque altissimo animo est, gloriæ cupiditate. Qui locus est sane lubricus, quod vix invenitur, qui laboribus susceptis periculisque aditis non quasi mercedem rerum gestarum desideret gloriam.

4 5 6 7 8 9 10 11 12 13

Unfortunately, an undue Ambition for Power too naturally shoots up from this Elevation and Greatness of Spirit, and this is often inconsistent with a strict observance of Justice.

XX.

True Greatness of mind is discernible by two Characters;

a. Contempt of outward things and Endurance;

β. Performance of great Actions, attended with danger and difficulty. The latter is the more glorious of the two; but the former is the efficient cause of Greatness.

Omnino fortis animus et magnus duabus rebus maxime cernitur: quarum una in rerum externarum despicientia ponitur, quum persuasum sit, nihil hominem, nisi quod honestum decorumque sit, aut admirari aut optare aut expetere oportere, nullique neque homini neque perturbationi animi nec fortunæ succumbere. Altera est res, ut quum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxime utiles, sed ut vehementer arduas plenasque laborum et periculorum tum vitæ, tum multarum rerum, quæ ad vitam pertinent. Harum rerum duarum splendor omnis, amplitudo, addo etiam utilitatem, in posteriore est: causa autem et ratio efficiens magnos viros in priore. In eo est enim illud, quod excellentes animos et humana contemnentes facit.

Its excellence consists in two particulars:

a. In the judging Rectitude alone to be good;

b. In Freedom from all Passion and mental Disorder, such as,

Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum judices et ab omni animi perturbatione liber sis. Nam et ea, quæ eximia plerisque et præclara videntur, parva ducere, eaque ratione stabili firmaque contemnere, fortis animi magnique ducendum est: et ea, quæ videntur acerba, quæ multa et varia in hominum vita fortunaque versantur, ita ferre, ut nihil a statu naturæ discedas, nihil a dignitate sapientis, robusti animi est magnæque constantiæ. Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate: nec, qui invictum se a labore præstiterit, vinci a voluptate. Quam ob rem et hæc videnda, et

Love of Money,

pecuniæ fugienda cupiditas. Nihil enim est tam angusti animi tamque parvi, quam amare divitias: nihil honestius magnificentiusque, quam pecuniam contemnere, si non habeas, si habeas, ad beneficientiam liberalita-

Love of Glory, temque conferre. Cavenda est etiam gloriæ 8 cupiditas, ut supra dixi. Eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero 9 imperia expetenda, ac potius aut non accipienda interdum aut deponenda nonnunquam. Vacandum 10 autem omni est animi perturbatione, cum cupiditate et metu, tum etiam ægritudine et voluptate animi, et iracundia; ut tranquillitas animi et securitas adsit, quæ affert quum constantiam tum etiam dignitatem. Multi autem et sunt 11 et fuerunt, qui eam, quam dico, tranquillitatem expetentes, a negotiis publicis se removerunt ad otiumque perfugerunt. In his et nobilissimi philosophi longeque principes et quidam homines severi et graves nec populi nec principum mores ferre potuerunt: vixeruntque nonnulli in agris, delectati re sua familiari. His idem propositum fuit, quod regibus, ut ne 12 qua re egerent, ne cui parerent, libertate uterentur: cujus proprium est sic vivere, ut velis.

and from whatever else tends to dispossess us of that peacefulness of mind, a desire for which has caused many to withdraw from active life into retirement.

XXI.

Comparison between the active and the retired Life.

Quare, quum hoc commune sit potentiæ cupidorum cum iis, quos dixi, otiosis: alteri se adipisci id posse arbitrantur, si opes magnas habeant: alteri, si contenti sint et suo et parvo. In 2 quo neutrorum omnino contemnenda sententia est: sed et facilior et tutior et minus aliis gravis aut molesta vita est otiosorum: fructuosior autem hominum generi et ad claritatem amplitudinemque aptior eorum, qui se ad rem publicam et ad magnas res gerendas accommodaverunt. Qua- 3 propter et iis forsitan concedendum sit rem publicam non capessentibus, qui excellenti ingenio doctrinæ sese dediderunt: et iis qui aut valetudinis imbecillitate aut aliqua graviore causa impediti a re publica recesserunt, quum ejus administrandæ potestatem aliis laudemque concederent. Quibus autem 4

In what cases a man may be excused from serving the Public.

talis nulla sit causa, si despicere se dicant ea, quæ plerique mirentur, imperia et magistratus, iis non modo non laudi, verum etiam vitio dandum puto. Quorum judicium in eo, 5 quod gloriam contemnant et pro nihilo putent, difficile factu est non probare: sed videntur labores et molestias, tum offensionum et repulsarum quasi quandam ignominiam timere et infamiam. Sunt enim, qui in rebus contrariis pa- 6 rum sibi constent: voluptatem severissime contemnant, in dolore sint molliores: gloriam negligant, frangantur infamia: atque ea quidem non satis constanter. Sed iis, qui 7 habent a natura adjumenta rerum gerendarum, abjecta omni cunctatione adipiscendi magistratus, et gerenda res publica est. Nec enim aliter aut regi civitas aut declarari animi magnitudo potest. Capessentibus autem rem publicam 8 nihilo minus, quam philosophis, haud scio an magis etiam, et magnificentia et despicientia adhibenda sit rerum humanarum, quam sæpe dico, et tranquillitas animi atque securitas: si quidem nec anxii futuri sunt et cum gravitate constantiaque victuri. Quæ faciliora sunt philosophis, quo minus 9 multa patent in eorum vita, quæ fortuna feriat et quo minus multis rebus egent: et quia, si quid adversi eveniat, tam graviter cadere non possunt. Quocirca non sine causa 10 majores motus animorum concitantur, majorque efficiendi cura rem publicam gerentibus quam quietis; quo magis his magnitudo est animi adhibenda et vacuitas ab angoribus. Ad rem gerendam autem qui accedit, caveat, ne 11 id modo consideret, quam illa res honesta sit: sed etiam, ut habeat efficiendi facultatem: in quo ipso consideran- 12 dum est, ne aut temere desperet propter ignaviam aut nimis confidat propter cupiditatem. In omnibus autem negotiis, priusquam adgrediare, adhibenda est præparatio diligens.

Those ought to serve it, who are naturally qualified for the service.

The qualifications requisite: the faults to be eschewed; and the rules to be observed by them.

XXII.

Opinion that the glory of military exploits is preferable to that of civil employment combated.

Sed cum plerique arbitrentur, res bellicas majores esse quam urbanas, minuenda est hæc opinio. Multi enim bella sæpe quæsie- 2
runt propter gloriæ cupiditatem: atque id in magnis animis ingeniisque plerumque contingit, eoque magis, si sunt ad rem militarem apti et cupidi bellorum gerendorum. Vere autem si volumus judicare, 3
multæ res exstiterunt urbanæ majores clarioresque quam bellicæ. Quamvis enim Themistocles jure 4
laudetur, et sit ejus nomen quam Solonis illustrius, citeturque Salamis clarissimæ testis victoriæ, quæ anteponatur consilio Solonis ei, quo primum constituit Areopagitas: non minus præclarum hoc quam illud judicandum est. Illud 5
enim semel profuit, hoc semper proderit civitati: hoc consilio leges Atheniensium, hoc majorum instituta servantur. Et Themistocles quidem nihil dixerit, in quo ipse Areopa- 6
gum adjuverit: at ille vere, ab se adjutum Themistoclem. Est enim bellum gestum consilio senatus ejus, qui a Solone erat constitutus. Licet eadem de Pausania Lysandroque 7
dicere: quorum rebus gestis quamquam imperium Lacedæmonis putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinæ conferendi sunt. Quin etiam ob has ipsas causas et parentiores habuerunt exercitus et fortiores. Mihi quidem neque pueris nobis M. Scaurus C. 8
Mario, neque, quum versaremur in re publica, Q. Catulus Cn. Pompeio, cedere videbatur. Parvi enim sunt foris 9
arma, nisi est consilium domi. Nec plus Africanus, singularis et vir et imperator, in exscindenda Numantia rei publicæ profuit, quam eodem tempore P. Nasica privatus, cum Ti. Gracchum interemit. Quamquam hæc quidem res non solum ex domestica est ratione: attingit enim bellicam, quoniam vi manuque confecta est: sed tamen id ipsum est gestum consilio urbano, sine exercitu. Illud au- 10

Examples of civil courage shown to be no less meritorious than those of military.

tem optimum est, in quod invadi solere ab improbis et invidis audio:

Cedant arma togæ, concedat laurea linguæ.

Allusion to the author's own eminent services to the Republic.

Ut enim alios omittam, nobis rem publicam 11
gubernantibus, nonne togæ arma cessere? ne-
que enim periculum in republica fuit gravius
umquam, nec majus otium. Ita consiliis diligentiaque nos- 12
tra celeriter de manibus audacissimorum civium delapsa
arma ipsa ceciderunt. Quæ res igitur gesta umquam in 13
bello tanta? qui triumphus conferendus? Licet enim mihi,
Marce fili, apud te gloriari, ad quem et hereditas hujus glo-
riæ et factorum imitatio pertinet. Mihi quidem certe vir 14
abundans bellicis laudibus Cn. Pompeius, multis audienti-
bus, hoc tribuit, ut diceret, frustra se triumphum tertium de-
portaturum fuisse, nisi meo in rem publicam beneficio, ubi
triumpharet, esset habiturus. Sunt igitur domesticæ for- 15
titudines non inferiores militaribus: in quibus plus etiam,
quam in his, operæ studiique ponendum est.

XXIII.

Omnino illud honestum, quod ex animo excelso magnificoque quærimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut obedire consilio rationique possit in exsequendis negotiis et in labore tolerando. Honestum autem id, quod exquirimus, 2
totum est positum in animi cura et cogitatione: in quo
non minorem utilitatem afferunt, qui togati rei publicæ
præsunt, quam qui bellum gerunt. Itaque eorum consilio 3
sæpe aut non suscepta aut confecta bella sunt, nonnunquam
etiam illata: ut M. Catonis bellum tertium Punicum, in

Wisdom in determining preferable to Courage in fighting.

quo etiam mortui valuit auctoritas. Quare 4
expetenda quidem magis est decernendi ratio,
quam decertandi fortitudo: sed cavendum,
ne id bellandi magis fuga, quam utilitatis ratione faciamus.
Bellum autem ita suscipiatur, ut nihil aliud nisi pax quæsita videatur. Fortis vero et constantis est, non perturbari 5

in rebus asperis, nec tumultuantem de gradu dejici, ut dicitur; sed præsenti animo uti et consilio, nec a ratione discedere. Quamquam hoc animi, illud etiam ingenii magni 6
est, præcipere cogitatione futura, et aliquanto ante constituere, quid accidere possit in utramque partem, et quid agendum sit, cum quid evenerit; nec committere, ut aliquando dicendum sit *Non putaram.* Hæc sunt opera magni animi et excelsi, et prudentia consilioque fidentis. Temere 7
autem in acie versari, et manu cum hoste confligere, immane quiddam et beluarum simile est, sed cum tempus necessitasque postulat, decertandum manu est, et mors servituti turpitudinique anteponenda.

XXIV.

Cautions to be observed in regard to military Fortitude and rules for encountering dangers.

De evertendis autem diripiendisque urbibus valde considerandum est, ne quid temere, ne quid crudeliter; idque est viri magni, rebus agitatis, punire sontes, multitudinem conservare, in omni fortuna recta atque honesta
retinere. Ut enim sunt, quem ad modum supra dixi, qui 2
urbanis rebus bellicas anteponant: sic reperias multos, quibus periculosa et calida consilia quietis et cogitatis et splendidiora et majora videantur. Nunquam omnino periculi fuga committendum est, ut imbelles timidique videamur. Sed fugiendum illud etiam, ne offeramus nos periculis sine 3
causa: quo esse nihil potest stultius. Quapropter in ade- 4
undis periculis consuetudo imitanda medicorum est, qui leviter ægrotantes leniter curant: gravioribus autem morbis periculosas curationes et ancipites adhibere coguntur. Quare in tranquillo tempestatem adversam optare demen- 5
tis est; subvenire autem tempestati quavis ratione sapientis: eoque magis, si plus adipiscare re explicata boni, quam

We ought to be more forward in exposing our own persons than the general interests

addubitata mali. Periculosæ autem rerum 6
actiones partim iis sunt, qui eas suscipiunt, partim rei publicæ. Itemque alii de vita, alii de gloria et benivolentia civium in dis-

to danger, and to fight for Honor and Reputation rather than for any mercenary considerations.

crimen vocantur. Promtiores igitur debe- 7
mus esse ad nostra pericula, quam ad communia, dimicareque paratius de honore et gloria, quam de ceteris commodis. Inventi au- 8
tem multi sunt, qui non modo pecuniam, sed etiam vitam profundere pro patria parati essent: iidem gloriæ jacturam ne minimam quidem facere vellent, ne re publica quidem postulante. Ut Callicratidas, qui cum Lace- 9
dæmoniorum dux fuisset Peloponnesiaco bello, multaque fecisset egregie, vertit ad extremum omnia, cum consilio non paruit eorum, qui classem ab Arginussis removendam, nec cum Atheniensibus dimicandum putabant. Quibus ille respondit, Lacedæmonios, classe illa amissa, aliam parare posse; se fugere sine suo dedecore non posse. Atque hæc 10
quidem Lacedæmoniis plaga mediocris: illa pestifera, qua, cum Cleombrotus invidiam timens temere cum Epaminonda conflixisset, Lacedæmoniorum opes corruerunt. Quanto Q. 11
Maximus melius? de quo Ennius:

Unus homo nobis cunctando restituit rem.
Non ponebat enim rumores ante salutem.
Ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. 12
Sunt enim, qui, quod sentiunt, etsi optimum sit, tamen invidiæ metu non audent dicere.

XXV.

Necessity of Fortitude in the Statesman.

What two rules he ought to observe,

Omnino qui rei publicæ præfuturi sunt, duo Platonis præcepta teneant: unum, ut utilitatem civium sic tueantur, ut, quæcunque agunt, ad eam referant, obliti commodorum suorum: alterum, ut totum corpus rei publicæ curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim 2
tutela, sic procuratio rei publicæ ad utilitatem eorum, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem negligunt, 3
rem perniciosissimam in civitatem inducunt, seditionem at-

que discordiam: ex quo evenit, ut alii populares, alii studiosi optimi cujusque videantur, pauci universorum. Hinc 4 apud Athenienses magnæ discordiæ: in nostra re publica non solum seditiones, sed etiam pestifera bella civilia: quæ gravis et fortis civis et in re publica dignus principatu fugiet atque oderit, tradetque se totum rei publicæ, neque opes aut potentiam consectabitur, totamque eam sic tuebitur, ut omnibus consulat. Nec vero criminibus falsis in 5 odium aut invidiam quemquam vocabit: omninoque ita justitiæ honestatique adhærescet, ut, dum ea conservet, quamvis graviter offendat, mortemque oppetat potius, quam deserat illa, quæ dixi.

how he ought to be above all Ambition and Rivalry;

Miserrima omnino est ambitio honorum- 6 que contentio: de qua præclare apud eundem est Platonem, similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautæ certarent, quis eorum potissimum gubernaret.

Idemque præcipit, ut eos adversarios existimemus, qui 7 arma contra ferant; non eos, qui suo judicio tueri rem publicam velint: qualis fuit inter P. Africanum et Q. Metellum sine acerbitate dissensio.

and to exercise Leniency, consistently with a strict impartiality, in the administration of Justice;

Nec vero audiendi, qui graviter inimicis 8 irascendum putabunt, idque magnanimi et fortis viri esse censebunt. Nihil enim laudabilius, nihil magno et præclaro viro dignius placabilitate atque clementia. In liberis vero 9 populis et in juris æquabilitate exercenda etiam est facilitas et altitudo animi, quæ dicitur: ne, si irascamur aut intempestive accedentibus aut impudenter rogantibus, in morositatem inutilem et odiosam incidamus. Et tamen ita 10 probanda est mansuetudo atque clementia, ut adhibeatur rei publicæ causa severitas, sine qua administrari civitas non potest. Omnis autem et animadversio et castigatio contu- 11 melia vacare debet: neque ad ejus, qui punitur aliquem aut verbis castigat, sed ad rei publicæ utilitatem referri. Cav- 12

endum est etiam, ne major pœna quam culpa sit, et ne iisdem de causis alii plectantur, alii ne appellentur quidem.

also to avoid Anger; for Rulers should be like the Laws themselves, unimpassioned.

Prohibenda autem maxime est ira in punien- 13
do. Nunquam enim, iratus qui accedet ad pœnam, mediocritatem illam tenebit, quæ est inter nimium et parum; quæ placet Peripateticis, et recte placet: modo ne laudarent iracundiam, et
dicerent utiliter a natura datam. Illa vero omnibus in re- 14
bus repudianda est, optandumque, ut ii, qui præsunt rei publicæ, legum similes sint, quæ ad puniendum non iracundia, sed æquitate ducuntur.

XXVI.

An even and steady temper should be maintained in Prosperity no less than in Adversity.

Atque etiam in rebus prosperis et ad volun-
tatem nostram fluentibus superbiam magno opere, fastidium arrogantiamque fugiamus. Nam ut adversas res, sic secundas immode- 2
rate ferre levitatis est: præclaraque est æqua-
bilitas in omni vita, et idem semper vultus eademque frons, ut de Socrate itemque de C. Lælio accepimus. Philippum 3
quidem, Macedonum regem, rebus gestis et gloria superatum a filio, facilitate et humanitate video superiorem fuisse.
Itaque alter semper magnus, alter sæpe turpissimus: ut 4
recte præcipere videantur, qui monent, ut, quanto superiores simus, tanto nos geramus summissius. Panætius quidem 5
Africanum, auditorem et familiarem suum, solitum ait dicere, ut equos, propter crebras contentiones prœliorum ferocitate exultantes, domitoribus tradere soleant, ut his facilioribus possint uti; sic homines secundis rebus effrenatos sibique præfidentes tamquam in gyrum rationis et doctrinæ duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunæ. Atque etiam in secundissi- 6
mis rebus maxime est utendum consilio amicorum, hisque major etiam, quam ante, tribuenda auctoritas. Iisdemque 7
temporibus cavendum est, ne assentatoribus patefaciamus aures, neve adulari nos sinamus: in quo falli facile est.

Tales enim nos esse putamus, ut jure laudemur. Ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus turpiter irridentur, et in maximis versantur erroribus.

There are certain duties attaching even in retirement to the man of noble mind.

Sed hæc quidem hactenus. Illud autem 8 sic est judicandum, maximas geri res et maximi animi ab iis, qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat. Esse autem magni animi et fuisse 9 multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quædam, seseque suarum rerum finibus continerent; aut interjecti inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes, neque excludentes ab ejus usu suos, potiusque et amicis impertientes et rei publicæ, si quando usus esset. Quæ primum bene parta 10 sit, nullo neque turpi quæstu, neque odioso: tum quam plurimis, modo dignis, se utilem præbeat: deinde augeatur ratione, diligentia, parsimonia, nec libidini potius luxuriæque quam liberalitati et beneficentiæ pareat. Hæc præ- 11 scripta servantem licet magnifice, graviter animoseque vivere, atque etiam simpliciter, fideliter, vitæ hominum amice.

XXVII.

FOURTH CARDINAL VIRTUE. Temperance. Ch. xxvii.—xlii. Propriety being the universal property of Virtue coexists with this no less than with the three former virtues: viz.,

Sequitur, ut de una reliqua parte honestatis dicendum sit: in qua verecundia, et quasi quidam ornatus vitæ, temperantia et modestia, omnisque sedatio perturbationum animi, et rerum modus cernitur. Hoc 2 loco continetur id, quod dici Latine decorum potest: Græce enim πρέπον dicitur. Hujus vis ea est, ut ab honesto non queat separari. Nam et quod decet, honestum est; et quod honestum est, decet. Qualis autem differentia sit honesti et 3 decori, facilius intelligi, quam explanari potest. Quicquid est enim, quod deceat, id tum apparet, cum antegressa est

honestas. Itaque non solum in hac parte honestatis, de qua 4
hoc loco disserendum est, sed etiam in tribus superioribus,
with Wisdom, quid deceat, apparet. Nam et ratione uti 5
atque oratione prudenter, et agere, quod agas, considerate,
omnique in re, quid sit veri, videre et tueri decet: contra-
que falli, errare, labi, decipi tam dedecet, quam delirare et
mente esse captum. Et justa omnia decora
with Justice, sunt; injusta contra, ut turpia, sic indecora.
with Fortitude. Similis est ratio fortitudinis. Quod enim 6
viriliter animoque magno fit, id dignum viro et decorum vi-
detur: quod contra, id ut turpe, sic indecorum. Quare per- 7
tinet quidem ad omnem honestatem hoc, quod dico, deco-
rum: et ita pertinet, ut non recondita quadam ratione cer-
natur, sed sit in promptu. Est enim quiddam, idque intel- 8
ligitur in omni virtute, quod deceat: quod cogitatione ma-
gis a virtute potest quam re separari. Ut venustas et pul- 9
chritudo corporis secerni non potest a valetudine: sic hoc,
de quo loquimur, decorum, totum illud quidem est cum vir-
tute confusum, sed mente et cogitatione distinguitur.

Two sorts of Propriety; General, which is the property of all virtue, and Special, which is adapted to every single branch of it.

Est autem ejus descriptio duplex. Nam 10
et generale quoddam decorum intelligimus,
quod in omni honestate versatur: et aliud
huic subjectum, quod pertinet ad singulas
partes honestatis. Atque illud superius sic 11
fere definiri solet: decorum id esse, quod con-
sentaneum sit hominis excellentiæ, in eo, in quo natura ejus
a reliquis animantibus differat. Quæ autem pars subjecta 12
generi est, eam sic definiunt, ut id decorum velint esse, quod
ita naturæ consentaneum sit, ut in eo moderatio et tempe-
rantia appareat cum specie quadam liberali.

XXVIII.

Moral Propriety may be illustrated by the Propriety which the Poets preserve

Hæc ita intelligi possumus existimare ex
eo decoro, quod poëtæ sequuntur: de quo
alio loco plura dici solent. Sed tum servare 2
illud poëtas, quod deceat, dicimus, cum id,

in their description of characters.

quod quaque persona dignum est, et fit et dicitur. Ut, si Æacus aut Minos diceret *Oderint, dum metuant*, aut *Natis sepulcro ipse est parens;* indecorum videretur, quod eos fuisse justos accepimus. At Atreo dicente, plausus excitantur. Est enim digna persona oratio. Sed poëtæ, quid quemque deceat, ex 3 persona judicabunt: nobis autem personam imposuit ipsa natura magna cum excellentia præstantiaque animantium reliquarum. Quocirca poëtæ, in magna varietate pesona- 4 rum, etiam vitiosis quid conveniat, et quid deceat, videbunt: nobis autem cum a natura constantiæ, moderationis, temperantiæ, verecundiæ partes datæ sint; cumque eadem natura doceat non negligere, quemadmodum nos adversus homines geramus: efficitur, ut et illud, quod ad omnem honestatem pertinet, decorum, quam late fusum sit, appareat; et hoc, quod spectatur in unoquoque genere virtutis. Ut enim pulchritudo corporis apta 5 compositione membrorum movet oculos, et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt: sic hoc decorum, quod elucet in vita, movet approbationem eorum, quibuscum vivitur, ordine et constantia et moderatione dictorum omnium atque factorum. Adhibenda est 6 igitur quædam reverentia adversus homines, et optimi cujusque, et reliquorum. Nam negligere, quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. Est autem quod differat, in hominum ratione haben- 7 da, inter justitiam et verecundiam. Justitiæ partes sunt 8 non violare homines, verecundiæ non offendere, in quo maxime perspicitur vis decori. His igitur expositis quale sit id, quod decere dicimus, intellectum puto.

Difference between the two. The poet can himself give such or such a character (a vicious one, if he pleases), and with him Propriety consists in the person's speaking and doing what is agreeable to such a character; but we have one character to live up to, that which is assigned us by Nature herself, in having made us reasonable creatures.

Duties resulting from it are:

A. Generally, to follow Nature's

Officium autem, quod ab eo ducitur, hanc 9 primum habet vim, quæ deducit ad convenientiam conservationemque naturæ: quam si

dictates and guidance, as applicable to us,
(a) not only in our character of men,
(b) but also in our individual characters.
Ch. xxix.—xxxiv.

sequemur ducem, nunquam aberrabimus, sequemurque et id quod acutum et perspicax natura est; et id quod ad hominum consociationem accommodatum; et id, quod vehemens atque forte. Sed maxima vis decori in 10 hac inest parte, de qua disputamus. Neque enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item ad naturam accommodati sunt. Duplex est enim vis animorum atque 11 natura: una pars in appetitu posita est, quæ est ὁρμὴ Græce, quæ hominem huc et illuc rapit: altera in ratione, quæ docet et explanat, quid faciendum fugiendumve sit. Ita fit, ut ratio præsit, appetitus obtemperet.

B. To subject our Passions to the sovereign sway of Reason, so as to do nothing which may not be justifiable by it.
Ch. xxxv.—xlii.

XXIX.

Omnis autem actio vacare debet temeritate et negligentia: nec vero agere quicquam, cujus non possit causam probabilem reddere. Hæc est enim fere descriptio officii. Efficiendum autem est, ut appetitus rationi obediant, eam- 2 que neque præcurrant, nec propter pigritiam aut ignaviam deserant: sintque tranquilli, atque omni animi perturbatione careant. Ex quo elucebit omnis constantia omnisque 3 moderatio. Nam qui appetitus longius evagantur, et tamquam exultantes sive cupiendo, sive fugiendo, non satis a ratione retinentur, ii sine dubio finem et modum transeunt. Relinquunt enim et abjiciunt obedientiam, nec rationi parent, cui sunt subjecti lege naturæ: a quibus non modo animi perturbantur, sed etiam corpora. Licet ora ipsa cer- 4 nere iratorum, aut eorum, qui aut libidine aliqua aut metu commoti sunt aut voluptate nimia gestiunt: quorum omnium vultus, voces, motus statusque mutantur. Ex quibus illud intelligitur 5 (ut ad officii formam revertamur) appetitus omnes contrahendos sedandosque esse, exci-

(Aa) In obedience to the former duty, we ought,
(a) to cultivate an earnest and thoughtful disposition, and not

to exceed proper bounds either in the employment of Jesting,

tandamque animadversionem et diligentiam, ut ne quid temere ac fortuito, inconsiderate negligenterque agamus.

Neque enim ita generati a natura sumus, ut ad ludum 6
et jocum facti esse videamur: ad severitatem potius, et ad
quædam studia graviora atque majora. Ludo autem et 7
joco uti illo quidem licet: sed sicut somno et quietibus ce-
teris, tum, cum gravibus seriisque rebus satisfecerimus. Ip- 8
sumque genus jocandi non profusum nec immodestum, sed
ingenuum et facetum esse debet. Ut enim pueris non om- 9
nem ludendi licentiam damus, sed eam, quæ ab honestatis
actionibus non sit aliena: sic in ipso joco aliquod probi in-

which is of two kinds,

genii lumen eluceat. Duplex omnino est jo- 10
candi genus: unum illiberale, petulans, flagi-
tiosum, obscœnum; alterum elegans, urbanum, ingeniosum,
facetum. Quo genere non modo Plautus noster et Attico- 11
rum antiqua comœdia, sed etiam philosophorum Socratico-
rum libri referti sunt; multaque multorum facete dicta;
ut ea, quæ a sene Catone collecta sunt, quæ vocant *ἀπο-*
φθέγματα. Facilis igitur est distinctio ingenui et illiberalis 12
joci. Alter est, si tempore fit, remisso homine dignus;
alter ne libero quidem, si rerum turpitudini adhibetur ver-

or in our ordinary Diversions and Amusements.

borum obscœnitas. Ludendi etiam est qui- 13
dam modus retinendus: ut ne nimis omnia
profundamus, elatique voluptate in aliquam
turpitudinem delabamur. Suppeditant autem et campus
noster et studia venandi honesta exempla ludendi.

XXX.

(β) to despise sensual gratification, as unworthy the dignity of Man's nature, and its superiority over that of the brute creation.

Sed pertinet ad omnem officii quæstionem,
semper in promptu habere, quantum natura
hominis pecudibus reliquisque beluis antece-
dat. Illæ nihil sentiunt nisi voluptatem, ad 2
eamque feruntur omni impetu: hominis au-
tem mens discendo alitur et cogitando, sem-
per aliquid aut anquirit aut agit, videndique et audiendi de-

lectatione ducitur. Quin etiam si quis est paulo ad volup- 3
tates propensior, modo ne sit ex pecudum genere (sunt enim quidam homines non re, sed nomine), sed si quis est paulo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis, propter verecundiam. Ex quo intel- 4
ligitur, corporis voluptatem non satis esse dignam hominis præstantia, eamque contemni et rejici oportere: sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse ejus fruendæ modum. Itaque victus cultusque corpo- 5
ris ad valetudinem referatur et ad vires, non ad voluptatem. Atque etiam si considerare volumus, quæ sit in na- 6
tura hominis excellentia et dignitas, intelligemus, quam sit turpe diffluere luxuria, et delicate ac molliter vivere: quamque honestum parce, continenter, severe, sobrie.

And, since Man has two characters to support, viz., the human character common to all, and the particular, distinct in each individual;

Intelligendum etiam est, duabus quasi nos 7
a natura indutos esse personis: quarum una communis est, ex eo, quod omnes participes sumus rationis præstantiæque ejus, qua antecellimus bestiis, a qua omne honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur: altera autem, quæ proprie singulis est tributa. Ut enim in corporibus magnæ dissi- 8
militudines sunt, alios videmus velocitate ad cursum, alios viribus ad luctandum valere; itemque in formis aliis dignitatem inesse, aliis venustatem; sic in animis existunt majores etiam varietates. Erat in L. Crasso, in L. Philippo 9
multus lepos: major etiam magisque de industria in C. Cæsare, L. F. At iisdem temporibus in M. Scauro et in M. Druso adolescente singularis severitas, in C. Lælio multa hilaritas, in ejus familiari Scipione ambitio major, vita tristior. De Græcis autem dulcem et facetum, festivique 10
sermonis, atque in omni oratione simulatorem, quem *εἴρωνα* Græci nominarunt, Socratem accepimus: contra Pythagoram et Periclem summam auctoritatem consecutos sine ulla hilaritate. Callidum Hannibalem ex Pœnorum, ex 11
nostris ducibus Q. Maximum accepimus facile celare, ta-

cere, dissimulare, insidiari, præripere hostium consilia. In 12
quo genere Græci Themistoclem et Pheræum Jasonem ceteris anteponunt; in primisque versutum et callidum factum Solonis, qui, quo et tutior vita ejus esset, et plus aliquanto rei publicæ prodesset, furere se simulavit. Sunt his 13
alii multum dispares, simplices et aperti: qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum, quod velint, consequantur: ut Sullam et M. Crassum videbamus. Quo in genere versutissimum 14
et patientissimum Lacedæmonium Lysandrum accepimus; contraque Callicratidam, qui præfectus classis proximus post Lysandrum fuit. Itemque in sermonibus alium, quamvis 15
præpotens sit, efficere, ut unus de multis esse videatur: quod in Catulo, et in patre, et in filio, itemque in Q. Mucio Mancia vidimus. Audivi ex majoribus natu, hoc idem fuisse in 16
P. Scipione Nasica; contraque patrem ejus, illum, qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem habuisse sermonis: ne Xenocratem quidem, severissimum philosophorum, ob eamque rem ipsam magnum et clarum fuisse. Innumerabiles aliæ dissimilitudines sunt naturæ morum- 17
que, minime tamen vituperandorum.

XXXI.

(Ab) He should study Himself, his powers and frailties, and carefully cultivate and improve the particular character which Nature has assigned him, so that he may learn to avoid every kind of incongruity in his actions.

Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius decorum illud, quod quærimus, retineatur. Sic enim est faciendum, ut contra universam 2
naturam nihil contendamus, ea tamen conservata, propriam naturam sequamur; ut, etiamsi sint alia graviora atque meliora, tamen nos studia nostra nostræ naturæ regula metiamur. Neque enim attinet naturæ re- 3
pugnare, nec quicquam sequi, quod assequi non queas (ex quo magis emergit, quale sit decorum illud), ideo, quia nihil decet invita Minerva, ut aiunt, id est, ad-

versante et repugnante natura. Omnino si quicquam est 4
decorum, nihil est profecto magis, quam æquabilitas universæ vitæ, tum singularum actionum; quam conservare non possis, si aliorum naturam imitans omittas tuam. Ut 5
enim sermone eo debemus uti, qui natus est nobis, ne, ut quidam, Græca verba inculcantes, jure optimo rideamur: sic in actiones omnemque vitam nullam discrepantiam conferre debemus. Atque hæc differentia naturarum tantam 6
habet vim, ut nonnunquam mortem sibi ipse consciscere alius debeat, alius in eadem causa non debeat. Num enim 7
alia in causa M. Cato fuit, alia ceteri, qui se in Africa Cæsari tradiderunt? Atqui ceteris forsitan vitio datum esset, si se interemissent, propterea quod lenior eorum vita et mores fuerant faciliores: Catoni cum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roboravisset, semperque in proposito susceptoque consilio permansisset, moriundum potius, quam tyranni vultus aspiciendus fuit. Quam multa passus est Ulixes in illo errore diu- 8
turno, cum et mulieribus (si Circe et Calypso mulieres appellandæ sunt) inserviret, et in omni sermone omnibus affabilem et jucundum se esse vellet? Domi vero etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando, quod cupiebat, veniret. At Ajax, quo animo traditur,
millies oppetere mortem, quam illa perpeti maluisset. Quæ 9
contemplantes expendere oportebit, quid quisque habeat sui: eaque moderari, nec velle experiri, quam se aliena deceant. Id enim maxime quemque decet, quod est cujusque maxime suum. Suum quisque igitur noscat ingenium, ac- 10
remque se et bonorum et vitiorum suorum judicem præbeat, ne scenici plus, quam nos, videantur habere prudentiæ. Illi 11
enim non optimas, sed sibi accommodatissimas fabulas eligunt. Qui voce freti sunt, Epigonos Medumque: qui gestu, Melanippam, Clytæmnestram: semper Rupilius, quem ego memini, Antiopam; non sæpe Æsopus Ajacem. Ergo 12
histrio hoc videbit in scena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elab-

orabimus. Sin aliquando necessitas nos ad ea detruserit, quæ nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea, si non decore, at quam minime indecore facere possimus. Nec tam est enitendum, ut 13 bona, quæ nobis data non sint, sequamur, quam ut vitia fugiamus.

XXXII.

(Ac) He has also a character to sustain varying according to the particular walk of life, which is determined by his own choice, and according to his position in the social scale, which depends upon accident.

Ac duabus his personis, quas supra dixi, tertia adjungitur, quam casus aliqui aut tempus imponit: quarta etiam, quam nobismet ipsi judicio nostro accommodamus. Nam 2 regna, imperia, nobilitates, honores, divitiæ, opes, eaque, quæ sunt his contraria, in casu sita, temporibus gubernantur. Ipsi autem 3 gerere quam personam velimus, a nostra voluntate proficiscitur. Itaque se alii ad philosophiam, alii ad jus civile, alii ad eloquentiam applicant; ipsarumque virtutum in alia alius mavult excellere. Quorum vero patres aut majores aliqua gloria præstiterunt, 4 ii student plerumque eodem in genere laudis excellere: ut Q. Mucius P. F. in jure civili; Paulli filius Africanus in re militari. Quidam autem ad eas laudes, quas a patribus ac- 5 ceperunt, addunt aliquam suam: ut hic idem Africanus eloquentia cumulavit bellicam gloriam; quod idem fecit Timotheus, Cononis filius, qui, cum belli laude non inferior fuisset, quam pater, ad eam laudem doctrinæ et ingenii gloriam adjecit. Fit autem interdum ut nonnulli, omissa imi- 6 tatione majorum, suum quoddam institutum consequantur: maximeque in eo plerumque elaborant ii, qui magna sibi proponunt, obscuris orti majoribus. Hæc igitur omnia, cum 7 quærimus, quid deceat, complecti animo et cogitatione debemus.

In primis autem constituendum est, quos nos et quales 8 esse velimus, et in quo genere vitæ: quæ deliberatio est omnium difficillima. Ineunte enim adolescentia, cum est 9

maxima imbecillitas consilii, tum id sibi quisque genus ætatis degendæ constituit, quod maxime adamavit. Itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, judicare. Nam quod Hercu- 10
lem Prodicium dicunt (ut est apud Xenophontem) cum primum pubesceret (quod tempus a natura ad deligendum, quam quisque viam vivendi sit ingressurus, datum est) exisse in solitudinem, atque ibi sedentem diu secum multumque dubitasse, cum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset; hoc Herculi, 11
Jovis satu edito, potuit fortasse contingere; nobis non item, qui imitamur, quos cuique visum est, atque ad eorum studia institutaque impellimur. Ple- 12
rumque autem, parentum præceptis imbuti, ad eorum consuetudinem moremque deducimur. Alii multitudinis judicio feruntur, quæque majori 13
parti pulcherrima videntur, ea maxime optant. Nonnulli tamen sive felicitate quadam, sive bonitate naturæ, sive parentum disciplina, rectam vitæ secuti sunt viam.

(Motives by which men are usually guided in their choice of a profession).

XXXIII.

Illud autem maxime rarum genus est eorum, qui aut excellente ingenii magnitudine, aut præclara eruditione atque doctrina, aut utraque re ornati, spatium etiam deliberandi habuerunt, quem potissimum vitæ cursum sequi vellent: in 2
qua deliberatione ad suam cujusque naturam consilium est omne revocandum. Nam cum in omnibus, quæ aguntur, 3
ex eo, quo modo quisque natus est (ut supra dictum est) quid deceat, exquirimus; tum in tota vita constituenda, multo est cura major adhibenda, ut constare in vitæ perpetuitate possimus nobismet ipsis, nec in ullo officio claudicare. Ad hanc autem rationem quoniam maximam vim 4
natura habet, fortuna proximam; utriusque omnino habenda ratio est in deligendo genere vitæ, sed naturæ magis. Multo enim et firmior est et constantior: ut fortuna non- 5
nunquam ipsa, mortalis cum immortali natura pugnare vi-

deatur. Qui igitur ad naturæ suæ non vitiosæ genus con- 6
silium vivendi omne contulerit, is constantiam teneat (id
enim maxime decet) nisi forte se intellexerit errasse in deli-
gendo genere vitæ. Quod si acciderit (potest autem accid- 7
ere) facienda morum institutorumque mutatio est. Eam 8
mutationem, si tempora adjuvabunt, facilius commodius-
que faciemus. Sin minus; sensim erit pedetentimque fa-
cienda: ut amicitias, quæ minus delectent et minus proben-
tur, magis decere censent sapientes sensim dissuere, quam
repente præcidere. Commutato autem genere vitæ, omni 9
ratione curandum est, ut id bono consilio fecisse videamur.

Sed quoniam paulo ante dictum est, imitandos esse ma- 10
jores, primum illud exceptum sit, ne vitia sint imitanda.
Deinde, si natura non feret, ut quædam imitari possit; (ut 11
superioris Africani filius, qui hunc Paullo natum adoptavit,
propter infirmitatem valetudinis non tam potuit patris si-
milis esse, quam ille fuerat sui) si igitur non poterit sive 12
causas defensitare, sive populum contionibus tenere, sive
bella gerere; illa tamen præstare debebit, quæ erunt in ip-
sius potestate, justitiam, fidem, liberalitatem, modestiam,
temperantiam, quo minus ab eo id, quod desit, requiratur.
Optima autem hereditas a patribus traditur liberis, omni- 13
que patrimonio præstantior, gloria virtutis rerumque gesta-
rum: cui dedecori esse, nefas et impium judicandum est.

XXXIV.

(Ad) He has also another set of duties to perform varying according to his age.

Et quoniam officia non eadem disparibus ætatibus tribuuntur, aliaque sunt juve-
num, alia seniorum; aliquid etiam de hac dis-
tinctione dicendum est. Est igitur adoles- 2

Duties peculiar to young men.

centis, majores natu vereri, exque his deli-
gere optimos et probatissimos, quorum consi-
lio atque auctoritate nitatur. Ineuntis enim ætatis inscitia
senum constituenda et regenda prudentia est. Maxime au- 3
tem hæc ætas a libidinibus arcenda est, exercendaque in
labore patientiaque et animi et corporis; ut eorum et in

bellicis et in civilibus officiis vigeat industria. Atque etiam 4
cum relaxare animos et dare se jucunditati volent, caveant
intemperantiam, meminerint verecundiæ: quod erit facilius,
si in ejusmodi quidem rebus majores natu velint interesse.

Duties peculiar to old men.

Senibus autem labores corporis minuendi, ex- 5
ercitationes animi etiam augendæ videntur.
Danda vero opera, ut et amicos et juventutem et maxime
rem publicam consilio et prudentia quam plurimum adjuvent. Nihil autem magis cavendum est senectuti, quam 6
ne languori se desidiæque dedat. Luxuria vero cum omni 7
ætati turpis, tum senectuti fœdissima est. Sin autem etiam
libidinum intemperantia accesserit, duplex malum est, quod
et ipsa senectus dedecus concipit, et facit adolescentium impudentiorem intemperantiam.

Duties peculiar to magistrates, private citizens, and aliens.

Ac ne illud quidem alienum est, de magis- 8
tratuum, de privatorum, de civium, de pere-
grinorum officiis dicere. Est igitur proprium 9
munus magistratus, intelligere, se gerere personam civitatis, debereque ejus dignitatem et decus sustinere, servare
leges, jura describere, ea fidei suæ commissa meminisse.
Privatum autem oportet æquo et pari cum civibus jure vi- 10
vere, neque summissum et abjectum, neque se efferentem:
tum in re publica ea velle, quæ tranquilla et honesta sint.
Talem enim solemus et sentire bonum civem, et dicere.
Peregrini autem atque incolæ officium est, nihil præter suum 11
negotium agere, nihil de alio anquirere, minimeque esse in
aliena re publica curiosum.

Ita fere officia reperientur, cum quæretur, quid deceat, 12
et quid aptum sit personis, temporibus, ætatibus. Nihil 13
est autem, quod tam deceat, quam in omni re gerenda consilioque capiendo servare constantiam.

XXXV.

(Ba) In obedience to the second duty, he must be careful of modes-

Sed quoniam decorum illud in omnibus
factis, dictis, in corporis denique motu et statu
cernitur, idque positum est in tribus rebus,

ty in his outward carriage;

formositate, ordine, ornatu ad actionem apto, difficilibus ad eloquendum, sed satis erit intelligi; in his autem tribus continetur cura etiam illa, ut pro- 2
bemur iis, quibuscum apud quosque vivamus: his quoque de rebus pauca dicantur. Principio, corporis nostri mag- 3
nam natura ipsa videtur habuisse rationem: quæ formam nostram reliquamque figuram, in qua esset species honesta, eam posuit in promptu, quæ partes autem corporis ad naturæ necessitatem datæ aspectum essent deformem habituræ atque turpem, eas contexit atque abdidit. Hanc na- 4
turæ tam diligentem fabricam imitata est hominum verecundia. Quæ enim natura occultavit, eadem omnes, qui sana mente sunt, removent ab oculis: ipsique necessitati dant operam ut quam occultissime pareant: quarumque partium corporis usus sunt necessarii, eas neque partes neque earum usus suis nominibus appellant: quodque facere turpe non est, modo occulte, id dicere obscœnum est. Ita- 5
que nec actio rerum illarum aperta petulantia vacat, nec orationis obscœnitas. Nec vero audiendi sunt Cynici, aut 6
si qui fuerunt Stoici pæne Cynici, qui reprehendunt et irrident, quod ea, quæ re turpia non sint, nominibus ac verbis flagitiosa ducamus: illa autem, quæ turpia sint, nominibus appellemus suis. Latrocinari, fraudare, adulterare, 7
re turpe est, sed dicitur non obscœne: liberis dare operam, re honestum est, nomine obscœnum: pluraque in eam sententiam ab eisdem contra verecundiam disputantur. Nos 8
autem naturam sequamur, et ab omni, quod abhorret ab oculorum auriumque approbatione, fugiamus. Status, incessus, sessio, accubitio, vultus, oculi, manuum motus, teneant illud decorum. Quibus in rebus duo maxime sunt 9
fugienda, ne quid effeminatum aut molle, et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque con- 10
cedendum est, ut iis hæc apta sint, nobis dissoluta. Sceni- 11
corum quidem mos tantam habet vetere disciplina verecundiam, ut in scenam sine subligaculo prodeat nemo. Ver- 12
entur enim, ne, si quo casu evenerit, ut corporis partes

quædam aperiantur, aspiciantur non decore. Nostro qui- 13
dem more cum parentibus puberes filii, cum soceris generi
non lavantur. Retinenda igitur est hujus generis verecun- 14
dia, præsertim natura ipsa magistra et duce.

XXXVI.

(Bb) of having respect to his personal dignity,

Cum autem pulchritudinis duo genera
sint, quorum in altero venustas sit, in altero
dignitas; venustatem muliebrem ducere de-
bemus, dignitatem virilem. Ergo et a forma removeatur 2
omnis viro non dignus ornatus, et huic simile vitium in
gestu motuque caveatur. Nam et palæstrici motus sunt 3
sæpe odiosiores, et histrionum nonnulli gestus ineptiis non
vacant; et in utroque genere quæ sunt recta et simplicia
laudantur. Formæ autem dignitas coloris bonitate tuenda 4
est; color exercitationibus corporis. Adhibenda præterea 5
munditia est non odiosa neque exquisita nimis, tantum quæ
fugiat agrestem et inhumanam negligentiam. Eadem ra- 6
tio est habenda vestitus; in quo, sicut in plerisque rebus,
mediocritas optima est. Cavendum autem est, ne aut tar- 7
ditatibus utamur in ingressu mollioribus, ut pomparum fer-
culis similes esse videamur; aut in festinationibus suscipiamus nimias celeritates: quæ cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit, non adesse constantiam. Sed multo etiam 8
magis elaborandum est, ne animi motus a natura recedant: quod assequemur, si cavebimus, ne in perturbationes atque exanimationes incidamus, et si attentos animos
ad decoris conservationem tenebimus. Motus autem ani- 9
morum duplices sunt, alteri cogitationis, alteri appetitus.
Cogitatio in vero exquirendo maxime versatur: appetitus
impellit ad agendum. Curandum est igitur, ut cogitatione
ad res quam optimas utamur, appetitum rationi obedientem præbeamus.

XXXVII.

(Bc) and to his manner of address in public as well as in ordinary conversation.

Et quoniam magna vis orationis est, eaque duplex, altera contentionis, altera sermonis: contentio disceptationibus tribuatur judiciorum, contionum, senatus; sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia. Contentionis 2 præcepta rhetorum sunt; nulla sermonis: quamquam haud scio an possint hæc quoque esse. Sed discentium studiis 3 inveniuntur magistri: huic autem qui studeant, sunt nulli; rhetorum turba referta omnia. Quamquam, quæ verborum sententiarumque præcepta sunt, eadem ad sermonem pertinebunt. Sed cum orationis indicem vocem habeamus; 4 in voce autem duo sequamur, ut clara sit, ut suavis; utrumque omnino a natura petendum est; verum alterum exercitatio augebit, alterum imitatio presse loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito judicio putares 5 uti litterarum, quamquam erant litterati, sed et alii: hi autem optime uti lingua Latina putabantur. Sonus erat 6 dulcis; litteræ neque expressæ, neque oppressæ, ne aut obscurum esset, aut putidum. Sine contentione vox nec languens, nec canora. Uberior oratio L. Crassi, nec minus 7 faceta: sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Cæsar, Catuli patris frater, vicit omnes, 8 ut in illo ipso forensi genere dicendi contentiones aliorum sermone vinceret. In omnibus igitur his elaborandum est, 9 si in omni re, quid deceat, exquirimus. Sit ergo hic sermo, 10 in quo Socratici maxime excellunt, lenis minimeque pertinax: insit in eo lepos. Nec vero, tamquam in possessionem 11 suam venerit, excludat alios; sed cum reliquis in rebus, tum in sermone communi, vicissitudinem non iniquam putet. Ac videat in primis, quibus de rebus loquatur: si se- 12 riis, severitatem adhibeat; si jocosis, leporem. In primis- 13 que provideat, ne sermo vitium aliquod indicet inesse in moribus: quod maxime tum solet evenire, cum studiose de

absentibus detrahendi causa, aut per ridiculum, aut severe, maledice contumelioseque dicitur. Habentur autem ple- 14
rumque sermones aut de domesticis negotiis, aut de re publica, aut de artium studiis atque doctrina. Danda igitur 15
opera est, ut etiam si aberrare ad alia cœperit, ad hæc revocetur oratio. Sed utcunque aderunt: neque enim iis- 16
dem de rebus, nec omni tempore, nec similiter delectamur. Animadvertendum est etiam, quatenus sermo delectationem habeat, et, ut incipiendi ratio fuerit, ita sit desinendi modus.

XXXVIII.

Sed quomodo in omni vita rectissime præcipitur, ut perturbationes fugiamus, id est, motus animi nimios, rationi non obtemperantes: sic ejus modi motibus sermo debet vacare, ne aut ira existat, aut cupiditas aliqua, aut pigritia, 2
aut ignavia, aut tale aliquid appareat. Maximeque curandum est, ut eos, quibuscum sermonem conferemus, et vereri et diligere videamur. Objurgationes etiam nonnunquam 3
incidunt necessariæ, in quibus utendum est fortasse et vocis contentione majore et verborum gravitate acriore, id agendum etiam ut ea facere videamur irati: sed ut ad urendum et secandum, sic ad hoc genus castigandi raro invitique veniemus, nec unquam nisi necessario, si nulla reperietur alia medicina. Sed tamen ira procul absit, cum qua nihil recte fieri, nihil considerate potest. Magnam autem par- 4
tem clementi castigatione licet uti, gravitate tamen adjuncta, ut et severitas adhibeatur, et contumelia repellatur. Atque 5
etiam illud ipsum, quod acerbitatis habet objurgatio, significandum est, ipsius id causa, qui objurgetur, esse susceptum. Rectum est autem etiam in illis contentionibus, quæ cum 6
inimicissimis fiunt, etiamsi nobis indigna audiamus, tamen gravitatem retinere, iracundiam pellere. Quæ enim cum 7
aliqua perturbatione fiunt, ea nec constanter fieri possunt, neque iis, qui adsunt, probari. Deforme etiam est, de se 8
ipsum prædicare, falsa præsertim, et cum irrisione audientium imitari militem gloriosum.

XXXIX.

(Bd) A man high in office should exhibit his sense of propriety by avoiding all ostentation and extravagance in his Residence:

Et quoniam omnia persequimur, volumus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse: cujus finis est usus, ad quem accommodanda est ædificandi descriptio, et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio, qui primus ex illa familia consul 2 factus est, honori fuisse accepimus, quod præclaram ædificasset in Palatio et plenam dignitatis domum: quæ cum vulgo viseretur, suffragata domino, novo homini, ad consulatum putabatur. Hanc Scaurus demolitus accessionem 3 adjunxit ædibus. Itaque ille in suam domum consulatum primus attulit: hic summi et clarissimi viri filius, in domum multiplicatam non repulsam solum retulit, sed ignominiam etiam et calamitatem. Ornanda est enim dignitas 4 domo, non ex domo tota quærenda: nec domo dominus, sed domino domus honestanda est. Et ut in ceteris habenda 5 ratio non sua solum, sed etiam aliorum: sic in domo clari hominis, in quam et hospites multi recipiendi, et admittenda hominum cujusque modi multitudo, adhibenda cura est laxitatis. Aliter ampla domus dedecori sæpe domino fit, si est 6 in ea solitudo, et maxime, si aliquando alio domino solita est frequentari. Odiosum est enim, cum a prætereuntibus 7 dicitur:

O domus antiqua, heu quam dispari
Dominare domino!

quod quidem his temporibus in multis licet dicere. Cav- 8 endum autem est, præsertim si ipse ædifices, ne extra modum sumptu et magnificentia prodeas: quo in genere multum mali etiam in exemplo est. Studiose enim plerique, 9 præsertim in hanc partem, facta principum imitantur: ut L. Luculli, summi viri, virtutem quis? at quam multi villarum magnificentiam imitati sunt? Quarum quidem certe est adhibendus modus, ad mediocritatemque revocandus.

and in his Dress and Furniture.

Eademque mediocritas ad omnem usum cultumque vitæ transferenda est. Sed hæc hactenus. 10

Three things to be observed in all our undertakings.

In omni autem actione suscipienda tria sunt tenenda: primum, ut appetitus rationi pareat; quo nihil est ad officia conservanda accommodatius: deinde, ut animadvertatur, quanta illa res sit quam efficere velimus: ut neve major, neve minor cura et opera suscipiatur, quam causa postulet: tertium est, ut caveamus, ut ea, quæ pertinent ad liberalem speciem et dignitatem, moderata sint. Modus autem est optimus, de- 11 cus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium præstantissimum est, appetitum obtemperare rationi.

XL.

Duty of Method and Seasonableness in all our actions, particularly under this head of our discourse. There should be nothing jarring, no inconsistency in our conduct.

Deinceps de ordine rerum et opportunitate temporum dicendum est. Hæc autem scientia continentur ea, quam Græci *εὐταξίαν* nominant: non hanc, quam interpretamur modestiam, quo in verbo modus inest, sed illa est *εὐταξία*, in qua intelligitur ordinis conservatio. Itaque, ut eandem nos 2 modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia earum rerum quæ agentur aut dicentur loco suo collocandarum. Ita videtur eadem vis 3 ordinis et collocationis fore. Nam et ordinem sic definiunt, compositionem rerum aptis et accommodatis locis: locum autem actionis, opportunitatem temporis esse dicunt: tempus autem actionis opportunum Græce *εὐκαιρία*, Latine appellatur occasio. Sic fit, ut modestia hæc quam ita inter- 4 pretamur, ut dixi, scientia sit opportunitatis idoneorum ad agendum temporum. Sed potest eadem esse prudentiæ de- 5 finitio, de qua principio diximus: hoc autem loco de moderatione et temperantia et earum similibus virtutibus quærimus. Itaque, quæ erant prudentiæ propria, suo loco dicta

sunt: quæ autem harum virtutum, de quibus jam diu loq-
uimur, quæ pertinent ad verecundiam, et ad eorum appro-
bationem, quibuscum vivimus, nunc dicenda sunt. Talis 6
est igitur ordo actionum adhibendus, ut, quemadmodum in
oratione constanti, sic in vita omnia sint apta inter se et
convenientia. Turpe est enim valdeque vitiosum, in re 7
severa convivii dicta aut delicatum aliquem inferre sermo-
nem. Bene Pericles, cum haberet collegam in prætura 8
Sophoclem, iique de communi officio convenissent, et casu
formosus puer præteriret, dixissetque Sophocles, O puerum
pulchrum, Pericle! At enim prætorem, Sophocle, decet
non solum manus, sed etiam oculos abstinentes habere.
Atque hoc idem Sophocles si in athletarum probatione dix-
isset, justa reprehensione caruisset: tanta vis est et loci et
temporis. Ut, si qui, cum causam sit acturus, in itinere 9
aut in ambulatione secum ipse meditetur, aut si quid aliud
attentius cogitet, non reprehendatur: at hoc idem si in con-
vivio faciat, inhumanus videatur inscitia temporis. Sed 10
ea, quæ multum ab humanitate discrepant, ut, si quis in
foro cantet aut si qua est alia magna perversitas, facile ap-
parent, nec magno opere admonitionem et præcepta de-
siderant. Quæ autem parva videntur esse delicta neque 11
a multis intelligi possunt, ab iis est diligentius declinandum.
Ut in fidibus aut in tibiis, quamvis paulum discrepent, ta- 12
men id a sciente animadverti solet: sic videndum est in
vita, ne forte quid discrepet; vel multo etiam magis, quo
major et melior actionum, quam sonorum, concentus est.

XLI.

Itaque, ut in fidibus musicorum aures vel minima sen-
tiunt: sic nos, si acres ac diligentes esse volumus animad-
versores vitiorum, magna sæpe intelligemus ex parvis. Ex 2
oculorum obtutu, ex superciliorum aut remissione aut con-
tractione, ex mæstitia, ex hilaritate, ex risu, ex locutione,
ex reticentia, ex contentione vocis et submissione, ex ce-
teris similibus facile judicabimus, quid eorum apte fiat, quid
ab officio naturaque discrepet.

To avoid such impropriety, we may often take a lesson from noticing the conduct of others,

Quo in genere non est incommodum, quale 3 quidque eorum sit, ex aliis judicare, ut, si quid dedeceat in illis, vitemus ipsi. Fit enim 4 nescio quomodo, ut magis in aliis cernamus, quam in nobismet ipsis, si quid delinquitur. Itaque facillime corriguntur in discendo, quorum vitia imi- 5 tantur emendandi causa magistri.

and often appeal to men of learning or experience for their advice upon any subject of duty.

Nec vero alienum est, ad ea eligenda, quæ 6 dubitationem afferunt, adhibere doctos homines, vel etiam usu peritos, et quid iis de quoque officii genere placeat exquirere. Ma- 7 jor enim pars eo fere deferri solet, quo a natura ipsa deducitur. In quibus videndum est, non modo quid quisque loquatur, sed etiam quid quisque sentiat, atque etiam qua de causa quisque sentiat. Ut enim pictores, 8 et ii, qui signa fabricantur, et vero etiam poëtæ, suum quisque opus a vulgo considerari vult, ut, si quid reprehensum sit a pluribus, id corrigatur; hique et secum et cum aliis quid in eo peccatum sit exquirunt: sic aliorum judicio permulta nobis et facienda et non facienda et mutanda et corrigenda sunt.

Of man in his political relation.

Quæ vero more agentur institutisque civi- 9 libus, de iis nihil est præcipiendum. Illa enim ipsa præcepta sunt. Nec quemquam 10 hoc errore duci oportet, ut, si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere. Magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota 11 est ejicienda. Est enim inimica verecundiæ, sine qua nihil rectum esse potest, nihil honestum. Eos autem, quorum 12 vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes ac bene meritos aut merentes sic, ut aliquo honore aut imperio affectos, observare et colere debemus: tribuere etiam multum senectuti: cedere iis, qui magistratum habebunt: habere delectum civis et peregrini: in ipsoque peregrino, privatimne an publice venerit. Ad 13

summam, ne agam de singulis, communem totius generis hominum conciliationem et consociationem colere, tueri, servare debemus.

XLII.

On the different occupations suitable to a gentleman.

Jam de artificiis et quæstibus, qui liberales habendi, qui sordidi sint, hæc fere accepimus. Primum improbantur ii quæstus, qui in odia 2 hominum incurrunt, ut portitorum, ut feneratorum. Il- 3 liberales autem et sordidi quæstus mercenariorum omnium, quorum operæ, non quorum artes emuntur. Est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam 4 putandi, qui mercantur a mercatoribus, quod statim vendant. Nihil enim proficiant, nisi admodum mentiantur; nec vero est quicquam turpius vanitate. Opificesque om- 5 nes in sordida arte versantur. Nec enim quicquam ingenuum potest habere officina. Minimeque artes eæ probandæ, 6 quæ ministræ sunt voluptatum:

Cetarii, lanii, coqui, fartores, piscatores,

ut ait Terentius. Adde huc, si placet, unguentarios, saltatores, totumque ludum talarium. Quibus autem artibus 7 aut prudentia major inest, aut non mediocris utilitas quæritur, ut medicina, ut architectura, ut doctrina rerum honestarum, hæ sunt iis, quorum ordini conveniunt, honestæ. Mercatura autem, si tenuis est, sordida putanda est: sin 8 magna et copiosa, multa undique apportans multisque sine vanitate impertiens, non est admodum vituperanda. Atque 9 etiam, si satiata quæstu, vel contenta potius, ut sæpe ex alto in portum, ex ipso portu se in agros possessionesque contulerit, videtur jure optimo posse laudari. Omnium au- 10 tem rerum, ex quibus aliquid acquiritur, nihil est agri cultura melius, nihil dulcius, nihil homine, nihil libero dignius. De qua, quoniam in Catone majore satis multa diximus, illinc assumes, quæ ad hunc locum pertinebunt.

XLIII.

SECOND GENERAL HEAD OF DELIBERATION.

Comparison between Duties, as to their relative importance.

Ch. xliii.—xlv.

Sed ab iis partibus, quæ sunt honestatis, quem ad modum officia ducerentur, satis expositum videtur. Eorum autem ipsorum, 2 quæ honesta sunt, potest incidere sæpe contentio et comparatio; de duobus honestis utrum honestius: qui locus a Panætio est prætermissus. Nam cum omnis honestas manet a parti- 3 bus quattuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis; hæ in deligendo officio sæpe inter se comparentur necesse est.

Social duties have a prior claim upon us, and therefore Justice, inasmuch as it promotes the interests of society, is to be held in greater estimation than mere quiescent knowledge.

Placet igitur, aptiora esse naturæ ea offi- 4 cia quæ ex communitate, quam ea quæ ex cognitione ducantur: idque hoc argumento 5 confirmari potest, quod, si contigerit ea vita sapienti, ut in omnium rerum affluentibus copiis omnia, quæ cognitione digna sint, summo otio secum ipse consideret et contemple- 6 tur: tamen, si solitudo tanta sit ut hominem videre non possit, excedat e vita. Princeps- que omnium virtutum illa sapientia, quam *σοφίαν* Græci vocant—prudentiam enim, quam Græci *φρόνησιν*, aliam quandam intelligimus, quæ est rerum expetendarum fugi- 7 endarumque scientia; illa autem sapientia, quam princi- pem dixi, rerum est divinarum et humanarum scientia, in qua continetur deorum et hominum communitas, et societas inter ipsos. Ea si maxima est, ut est, certe necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque naturæ manca quodam 8 modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur. Pertinet igitur ad societatem generis humani. Ergo hæc cognitioni anteponenda est. Atque id optimus 9 quisque re ipsa ostendit et judicat. Quis enim est tam cu- 10 pidus in perspicienda cognoscendaque rerum natura, ut, si

ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriæ, cui subvenire opitularique possit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas aut metiri mundi magnitudinem posse arbitretur? Atque hoc idem in parentis, in amici re aut periculo fecerit. Quibus rebus intelligitur, 11
studiis officiisque scientiæ præponenda esse officia justitiæ, quæ pertinent ad hominum caritatem, qua nihil homini esse debet antiquius.

XLIV.

Not but that Knowledge may be made subservient to the advancement of Social Interests.

Atque illi, quorum studia vitaque omnis in rerum cognitione versata est, tamen ab augendis hominum utilitatibus et commodis non recesserunt. Nam et erudiverunt multos, 2
quo meliores cives utilioresque rebus suis publicis essent: ut Thebanum Epaminondam Lysis Pythagoreus, Syracusium Dionem Plato multique multos: nosque ipsi, quicquid ad rem publicam attulimus, si modo aliquid attulimus, a doctoribus atque doctrina instructi ad eam et ornati accessimus. Neque solum vivi atque præ- 3
sentes studiosos discendi erudiunt atque docent, sed hoc idem etiam post mortem monumentis litterarum assequuntur. Nec enim locus ullus prætermissus est ab iis, qui ad 4
leges, qui ad mores, qui ad disciplinam rei publicæ pertineret: ut otium suum ad nostrum negotium contulisse videantur. Ita illi ipsi doctrinæ studiis et sapientiæ dediti, ad 5
hominum utilitatem suam intelligentiam prudentiamque potissimum conferunt. Ob eamque etiam causam eloqui co- 6
piose, modo prudenter, melius est, quam vel acutissime sine eloquentia cogitare; quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate juncti sumus. Atque ut apium examina non fingendorum favo- 7
rum causa congregantur, sed, cum congregabilia natura sint, fingunt favos: sic homines, ac multo etiam magis, natura congregati, adhibent agendi cogitandique sollertiam.

Itaque nisi ea virtus, quæ constat ex hominibus tuendis, id 8
est ex societate generis humani, attingat cognitionem re-
rum, solivaga cognitio et jejuna videatur. Itemque mag- 9
nitudo animi, remota communitate conjunctioneque huma-
na, feritas sit quædam et immanitas. Ita fit, ut vincat cog-
nitionis studium consociatio hominum atque communitas.
Nec verum est, quod dicitur a quibusdam, propter necessi- 10
tatem vitæ, quod ea, quæ natura desideraret, consequi sine
aliis atque efficere non possemus, idcirco initam esse cum
hominibus communitatem et societatem; quod, si omnia
nobis, quæ ad victum cultumque pertinent, quasi virgula
divina, ut aiunt, suppeditarentur, tum optima quisque in-
genio, negotiis omnibus omissis, totum se in cognitione et
scientia collocaret. Non est ita. Nam et solitudinem fu- 11
geret et socium studii quæreret: tum docere, tum discere
vellet, tum audire, tum dicere. Ergo omne officium, quod 12
ad conjunctionem hominum et ad societatem tuendam valet,
anteponendum est illi officio, quod cognitione et scientia
continetur.

XLV.

But Social interests are not to be preferred at the expense of Temperance.

Illud forsitan quærendum sit, num hæc
communitas, quæ maxime est apta naturæ,
sit etiam moderationi modestiæque semper
anteponenda. Non placet. Sunt enim quæ- 2
dam partim ita fœda, partim ita flagitiosa, ut ea ne con-
servandæ quidem patriæ causa sapiens facturus sit. Ea
Posidonius collegit permulta, sed ita tætra quædam, ita
obscœna, ut dictu quoque videantur turpia. Hæc igitur 3
non suscipiet rei publicæ causa; ne res publica quidem
pro se suscipi volet. Sed hæc commodius se res habet, 4
quod non potest accidere tempus, ut intersit rei publicæ,
quicquam illorum facere sapientem. Quare hoc quidem 5
effectum sit, in officiis deligendis id genus officiorum excel-
lere, quod teneatur hominum societate. Etenim cognitio- 6
nem prudentiamque sequitur considerata actio. Ita fit, ut

agere considerate pluris sit, quam cogitare prudenter. Atque hæc quidem hactenus. Patefactus est enim locus ipse, 7
ut non sit difficile in exquirendo officio, quid cuique sit præponendum, videre. In ipsa autem communitate sunt gra- 8
dus officiorum: ex quibus, quid cuique præstet, intelligi possit; ut prima diis immortalibus, secunda patriæ, tertia parentibus, deinceps gradatim reliquis debeantur. Quibus 9
ex rebus breviter disputatis intelligi potest, non solum id homines solere dubitare, honestumne an turpe sit: sed etiam, duobus propositis honestis, utrum honestius. Hic 10
locus a Panætio est, ut supra dixi, prætermissus. Sed jam ad reliqua pergamus.

LIBER SECUNDUS.

I.

THIRD GENERAL HEAD OF DELIBERATION.

The expediency or inexpediency of actions.

Practical duties therefore the immediate subject of our inquiry.

QUEMADMODUM officia ducerentur ab honestate, Marce fili, atque ab omni genere virtutis, satis explicatum arbitror libro superiore. Sequitur, ut hæc officiorum genera 2 persequar, quæ pertinent ad vitæ cultum, et ad earum rerum, quibus utuntur homines, facultatem, ad opes, ad copias. In quo tum quæri dixi, quid utile, quid inutile: tum ex utilibus quid utilius, aut quid maxime utile. De quibus dicere aggrediar, si pauca prius de instituto ac de judicio meo dixero.

CICERO'S reasons for applying himself to the study of Philosophy in general;

1. His diminished interest in political affairs.

Quamquam enim libri nostri complures 3 non modo ad legendi, sed etiam ad scribendi studium excitaverunt, tamen interdum vereor, ne quibusdam bonis viris philosophiæ nomen sit invisum, mirenturque, in ea tantum me operæ et temporis ponere. Ego au- 4 tem quam diu res publica per eos gerebatur, quibus se ipsa commiserat, omnes meas curas cogitationesque in eam conferebam. Cum autem dominatu unius om- 5 nia tenerentur, neque esset usquam consilio aut auctoritati locus, socios denique tuendæ rei publicæ, summos viros, amisissem: nec me angoribus dedidi, quibus essem confectus, nisi iis restitissem, nec rursum indignis homine docto voluptatibus. Atque utinam res publica stetisset, quo cœ- 6 perat statu, nec in homines non tam commutandarum quam evertendarum rerum cupidos incidisset. Primum enim, ut 7 stante re publica facere solebamus, in agendo plus, quam in scribendo, operæ poneremus: deinde ipsis scriptis non ea, quæ nunc, sed actiones nostras mandaremus, ut sæpe feci-

mus. Cum autem res publica, in qua omnis mea cura, co- 8
gitatio, opera poni solebat, nulla esset omnino, illæ scilicet
litteræ conticuerunt, forenses et senatoriæ. Nihil agere 9
autem cum animus non posset, in his studiis ab initio ver-
satus ætatis, existimavi, honestissime molestias posse deponi,
si me ad philosophiam retulissem. Cui cum multum ado- 10
lescens discendi causa temporis tribuissem, posteaquam ho-
noribus inservire cœpi, meque totum rei publicæ tradidi,
tantum erat philosophiæ loci, quantum superfuerat amico-
rum et rei publicæ temporis. Id autem omne consume-
batur in legendo; scribendi otium non erat.

II.

Maximis igitur in malis hoc tamen boni assecuti videmur,
ut ea litteris mandaremus, quæ nec erant satis nota nostris,
et erant cognitione dignissima. Quid enim est, per deos, 2
optabilius sapientia? quid præstantius? quid homini meli-
us? quid homine dignius? Hanc igitur qui 3
expetunt, philosophi nominantur: nec quic-
quam aliud est philosophia, si interpretari
velis, præter studium sapientiæ. Sapientia 4
autem est (ut a veteribus philosophis defini-
tum est), rerum divinarum et humanarum
causarumque, quibus hæ res continentur, sci-
entia: cujus studium qui vituperat, haud sane intelligo,
quidnam sit, quod laudandum putet. Nam sive oblectatio 5
quæritur animi requiesque curarum; quæ conferri cum
eorum studiis potest, qui semper aliquid anquirunt, quod
spectet et valeat ad bene beateque vivendum? sive ratio
constantiæ virtutisque ducitur; aut hæc ars est aut nulla
omnino, per quam eas assequamur. Nullam dicere maxi- 6
marum rerum artem esse, cum minimarum sine arte nulla
sit, hominum est parum considerate loquentium atque in
maximis rebus errantium. Si autem est aliqua disciplina 7
virtutis; ubi ea quæretur, cum ab hoc discendi genere dis-
cesseris? Sed hæc, cum ad philosophiam cohortamur, ac- 8

2. The transcendent dignity of the subject, and a consideration of the actual benefits which accrue from a study of it.

curatius disputari solent: quod alio quodam libro fecimus. Hoc autem tempore tantum nobis declarandum fuit, cur or- 9
bati rei publicæ muneribus ad hoc nos studium potissimum contulissemus.

His defense of the particular system, which he has adopted, viz., the Academic, and of his own alleged inconsistency in following such a system, and yet devoting himself to philosophical investigation at all.

Occurritur autem nobis, et quidem a doc- 10
tis et eruditis quærentibus, satisne constanter facere videamur, qui, cum percipi nihil posse dicamus, tamen et aliis de rebus disserere solleamus, et hoc ipso tempore præcepta officii persequamur. Quibus vellem satis cognita 11
esset nostra sententia. Non enim sumus ii, quorum vagetur animus errore, nec habeat unquam, quid sequatur. Quæ enim esset ista 12
mens, vel quæ vita potius, non modo disputandi, sed etiam vivendi ratione sublata? Nos autem, ut ceteri alia certa, 13
alia incerta esse dicunt, sic ab his dissentientes, alia probabilia, contra alia dicimus. Quid est igitur, quod me im- 14
pediat, ea quæ probabilia mihi videantur, sequi? quæ contra, improbare; atque affirmandi arrogantiam vitantem, fugere temeritatem, quæ a sapientia dissidet plurimum? Con- 15
tra autem omnia disputatur a nostris, quod hoc ipsum probabile elucere non possit, nisi ex utraque parte causarum esset facta contentio. Sed hæc explanata sunt in Acade- 16
micis nostris satis, ut arbitror, diligenter. Tibi autem, mi 17
Cicero, quamquam in antiquissima nobilissimaque philosophia, Cratippo auctore, versaris; iis simillimo, qui ista præclara pepererunt; tamen hæc nostra, finitima vestris, ignota esse nolui. Sed jam ad instituta pergamus.

III.

Expediency can not be disunited from Moral Rectitude, as some fancy.

Quinque igitur rationibus propositis officii persequendi, quarum duæ ad decus honestatemque pertinerent, duæ ad commoda vitæ, copias, opes, facultates, quinta ad eligendi judicium, si quando ea, quæ dixi, pugnare inter se viderentur: honestatis pars confecta est, quam quidem tibi cupio

esse notissimam. Hoc autem, de quo nunc agimus, id ip- 2
sum est, quod utile appellatur. In quo lapsa consuetudo 3
deflexit de via, sensimque eo deducta est, ut honestatem ab
utilitate secernens constitueret, esse honestum aliquid, quod
utile non esset, et utile, quod non honestum: qua nulla
pernicies major hominum vitæ potuit afferri. Summa quid- 4
em auctoritate philosophi, severe sane atque honeste, hæc
tria genera confusa, cogitatione distinguunt. Quicquid 5
enim justum sit, id etiam utile esse censent: itemque quod
honestum, idem justum. Ex quo efficitur, ut, quicquid hon-
estum sit, idem sit utile. Quod qui parum perspiciunt, 6
hi sæpe versutos homines et callidos admirantes, malitiam
sapientiam judicant. Quorum error eripiendus est, opinio- 7
que omnis ad eam spem traducenda, ut honestis consiliis
justisque factis, non fraude et malitia, se intelligant ea quæ
velint consequi posse.

A classification of the things that relate to the improvement of social life; of which the most important for good or bad results is the society and intercourse between man and man,

Quæ ergo ad vitam hominum tuendam per- 8
tinent, partim sunt inanima, ut aurum, ar-
gentum, ut ea, quæ gignuntur e terra, ut alia
generis ejusdem: partim animalia, quæ hab-
ent suos impetus et rerum appetitus. Eo-
rum autem alia rationis expertia sunt, alia
ratione utentia. Expertes rationis, equi, bov- 9
es, reliquæ pecudes, apes, quarum opere ef-
ficitur aliquid ad usum hominum atque vitam. Ratione 10
autem utentium duo genera ponunt, deorum unum, alterum
hominum. Deos placatos pietas efficiet et sanctitas: prox- 11
ime autem et secundum deos homines hominibus max-
ime utiles esse possunt. Earumque item rerum, quæ 12
noceant et obsint, eadem divisio est. Sed quia deos nocere
non putant, his exceptis, homines hominibus obesse pluri-
mum arbitrantur.

leading to mutual co-operation, and industrial activity,

Ea enim ipsa, quæ inanima diximus, plera- 13
que sunt hominum operis effecta, quæ nec
haberemus, nisi manus et ars accessisset: nec
his sine hominum administratione uteremur. Neque enim 14

valetudinis curatio, neque navigatio, neque agri cultura neque frugum fructuumque reliquorum perceptio et conservatio sine hominum opera ulla esse potuisset. Jam vero et 15
earum rerum, quibus abundaremus, exportatio, et earum, quibus egeremus, invectio, certe nulla esset, nisi his muneribus homines fungerentur. Eademque ratione nec lapides 16
e terra exciderentur ad usum nostrum necessarii, *nec ferrum*, *æs*, *aurum*, *argentum* effoderetur *penitus abditum*, sine hominum labore et manu.

IV.

Tecta vero, quibus et frigorum vis pelleretur, et calorum molestiæ sedarentur, unde aut initio generi humano dari potuissent, aut postea subveniri, si aut vi tempestatis aut terræ motu aut vetustate cecidissent, nisi communis vita ab hominibus harum rerum auxilia petere didicisset? Adde 2
ductus aquarum, derivationes fluminum, agrorum irrigationes, moles oppositas fluctibus, portus manu factos, quæ unde sine hominum opere habere possemus? Ex quibus 3
multisque aliis perspicuum est, qui fructus quæque utilitates ex rebus iis, quæ sunt inanimæ, percipiantur, eas nos nullo modo sine hominum manu atque opera capere potuisse. Qui denique ex bestiis fructus, aut quæ commoditas, nisi 4
homines adjuvarent, percipi posset? Nam et qui principes 5
inveniendi fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt: nec hoc tempore sine hominum opera aut pascere eas aut domare aut tueri aut tempestivos fructus ex his capere possemus: ab eisdemque et eæ quæ nocent interficiuntur, et quæ usui possunt esse capiuntur. Quid enumerem artium multi- 6
tudinem, sine quibus vita omnino nulla esse potuisset? Quid enim ægris subveniret, quæ esset oblectatio valentium, qui victus aut cultus, nisi tam multæ nobis artes ministrarent, quibus rebus exculta hominum vita tantum distat a victu et cultu bestiarum? Urbes vero sine hominum cœtu non potuissent nec 7

and so to the invention of various arts, without which civilization is impossible.

ædificari, nec frequentari: ex quo leges moresque constituti, tum juris æqua descriptio certaque vivendi disciplina. Quas 8 res et mansuetudo animorum consecuta et verecundia est: effectumque, ut esset vita munitior, atque ut dando et accipiendo mutuandisque facultatibus et commodandis nulla re egeremus.

V.

This, however, is a self-evident truth:

Longiores hoc loco sumus, quam necesse est. Quis est enim, cui non perspicua sint illa, quæ pluribus verbis a Panætio commemorantur, neminem neque ducem belli nec principem domi magnas res et salutares sine hominum studiis gerere potuisse? Commemoratur ab eo Themistocles, Pericles, Cyrus, 2 Agesilaus, Alexander, quos negat sine adjumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis.

Atque ut magnas utilitates adipiscimur conspiratione 3 hominum atque consensu, sic nulla tam detestabilis pestis est, quæ non homini ab homine nascatur. Est Dicæarchi 4 liber de interitu hominum, Peripatetici magni et copiosi: qui collectis ceteris causis, eluvionis, pestilentiæ, vastitatis, beluarum etiam repentinæ multitudinis, quarum impetu docet quædam hominum genera esse consumpta; deinde comparat, quanto plures deleti sint homines hominum impetu, id est, bellis aut seditionibus, quam omni reliqua calamitate.

and therefore it becomes a chief Property of Virtue to win the affections of mankind and employ them to her own purposes.

Cum igitur hic locus nihil habeat dubita- 5 tionis, quin homines plurimum hominibus et prosint et obsint: proprium hoc statuo esse virtutis, conciliare animos hominum et ad usus suos adjungere. Itaque, quæ in 6 rebus inanimis, quæque in usu et tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis; hominum autem studia ad amplificationem nostrarum rerum prompta ac parata, virorum præstantium

sapientia et virtute excitantur. Etenim virtus omnis trib- 7
us in rebus fere vertitur: quarum una est in perspiciendo, quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quidque gignatur, quæ cujusque rei causa sit; alterum cohibere motus animi 8
turbatos, quos Græci πάθη nominant, appetitionesque, quas illi ὁρμάς, obedientes efficere rationi; tertium, iis quibuscum congregamur uti moderate et scienter, quorum studiis ea quæ natura desiderat expleta cumulataque habeamus, per eosdemque, si quid importetur nobis incommodi, propulsemus ulciscamurque eos qui nocere nobis conati sunt, tantaque pœna afficiamus, quantam æquitas humanitasque patitur.

VI.

The means of effecting this examined and considered, after an incidental remark on the influence of chance, as subordinate to, and not overruling, the assistance of men in the most essential things.

Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post: sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque 2
partem, vel secundas ad res, vel adversas, quis ignorat? Nam et cum prospero flatu 3
ejus utimur, ad exitus pervehimur optatos; et cum reflavit, affligimur. Hæc igitur ipsa 4
fortuna ceteros casus rariores habet, primum ab inanimis procellas, tempestates, naufragia, ruinas, incendia: deinde a bestiis ictus, morsus, impetus. Hæc ergo, ut dixi, rari- 5
ora. At vero interitus exercituum, ut proxime trium, sæpe multorum, clades imperatorum, ut nuper summi et singularis viri, invidiæ præterea multitudinis, atque ob eas bene meritorum sæpe civium expulsiones, calamitates, fugæ; rursusque secundæ res, honores, imperia, victoriæ, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt.

Hoc igitur cognito, dicendum est, quonam modo homi- 6
num studia ad utilitates nostras allicere atque excitare

possimus. Quæ si longior fuerit oratio; cum magnitu- 7
dine utilitatis comparetur; ita fortasse etiam brevior videbitur.

A statement of the motives which lead men to render each other services: or to put themselves under the power of another.

Quæcunque igitur homines homini tribu- 8
unt ad eum augendum atque honestandum, aut benivolentiæ gratia faciunt, cum aliqua de causa quempiam diligunt; aut honoris, si cujus virtutem suspiciunt, quemque dignum fortuna quam amplissima putant; aut cui fidem habent, et bene rebus suis consulere arbitrantur; aut cujus opes metuunt; aut contra, a quibus aliquid expectant, ut cum reges popularesve homines largitiones aliquas proponunt; aut postremo pretio ac mercede ducuntur, quæ 9
sordidissima est illa quidem ratio et inquinatissima, et iis qui ea tenentur, et illis, qui ad eam confugere conantur. Male enim se res habet, cum, quod virtute effici debet, id 10
tentatur pecunia. Sed quoniam nonnunquam hoc subsidium necessarium est, quemadmodum sit utendum eo, dicemus, si prius iis de rebus quæ virtuti propiores sunt dixerimus. Atque etiam subjiciunt se homines imperio alterius 11
et potestati de causis pluribus. Ducuntur enim aut benivo- 12
lentia, aut beneficiorum magnitudine, aut dignitatis præstantia, aut spe sibi id utile futurum, aut metu ne vi parere cogantur, aut spe largitionis promissisque capti; aut postremo, ut sæpe in nostra re publica videmus, mercede conducti.

VII.

(i) Affection, which is the most secure bond of authority: as Fear is the least secure. This maxim illustrated by historical examples.

Omnium autem rerum nec aptius est quic- 2
quam ad opes tuendas ac tenendas, quam diligi, nec alienius, quam timeri. Præclare enim Ennius:

Quem metuunt, oderunt: quem quisque odit, periise expetit.

Multorum autem odiis nullas opes posse ob- 3
sistere, si antea fuit ignotum, nuper est cog-

nitum. Nec vero hujus tyranni solum, quem armis op- 4
pressa pertulit civitas, paretque cummaxime mortuo, interitus declarat, quantum odium hominum valeat ad pestem; sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit. Malus enim est 5
custos diuturnitatis metus, contraque benivolentia fidelis vel ad perpetuitatem. Sed iis, qui vi oppressos imperio 6
coërcent, sit sane adhibenda sævitia, ut heris in famulos, si aliter teneri non possunt. Qui vero in libera civitate ita 7
se instruunt, ut metuantur, his nihil potest esse dementius. Quamvis enim sint demersæ leges alicujus opibus, quamvis 8
timefacta libertas, emergunt tamen hæc aliquando aut judiciis tacitis aut occultis de honore suffragiis. Acriores 9
autem morsus sunt intermissæ libertatis, quam retentæ. Quod igitur latissime patet, neque ad incolumitatem solum, 10
sed etiam ad opes et potentiam valet plurimum, id amplectamur ut metus absit, caritas retineatur: ita facillime, quæ volemus et privatis in rebus et in re publica consequemur. Etenim, qui se metui volent, a quibus metuentur, eosdem 11
metuant ipsi necesse est. Quid enim cense- 12
mus, superiorem illum Dionysium, quo cruciatu timoris angi solitum, qui cultros metuens tonsorios, candente carbone sibi adurebat capillum? Quid? Alexandrum Pheræum, quo animo vixisse arbitra- 13
mur? qui, ut scriptum legimus, cum uxorem Theben admodum diligeret, tamen ad eam ex epulis in cubiculum veniens, barbarum et eum quidem, ut scriptum est, compunctum notis Thraciis, destricto gladio jubebat anteire: præmittebatque de stipatoribus suis, qui scrutarentur arculas muliebres, et ne quod in vestimentis telum occultaretur exquirerent. O miserum, qui fideliorem et barbarum et 14
stigmatiam putaret, quam conjugem! Nec eum fefellit. Ab ea est enim ipsa propter pellicatus suspicionem interfectus. Nec vero ulla vis imperii tanta est, quæ, premente 15
metu, possit esse diuturna. Testis est Phalaris: cujus est 16
præter ceteros nobilitata crudelitas: qui non ex insidiis

of individual tyrants and also states.

interiit, ut is, quem modo dixi, Alexander, non a paucis, ut hic noster, sed in quem universa Agrigentinorum multitudo impetum fecit. Quid? Macedones nonne Demetrium re- 17 liquerunt, universique se ad Pyrrhum contulerunt? Quid? Lacedæmonios injuste imperantes nonne repente omnes fere socii deseruerunt, spectatoresque se otiosos præbuerunt Leuctricæ calamitatis?

The LACEDÆMONIAN state.

VIII.

The ROMAN state.

Manner in which the Roman dominion was upheld in old times: the abuses which had of late crept in: the oppression exercised in the provinces, and consequent ruin of the Commonwealth.

Externa libentius in tali re, quam domestica, recordor. Verumtamen, quamdiu im- 2 perium populi Romani beneficiis tenebatur, non injuriis: bella aut pro sociis, aut de imperio gerebantur; exitus erant bellorum aut mites aut necessarii; regum, populorum, na- 3 tionum portus erat et refugium senatus; nostri autem magistratus imperatoresque ex hac una re maximam laudem capere studebant, si provincias, si socios æquitate et fide defendissent. Itaque illud patrocinium orbis terræ verius, quam 4 imperium poterat nominari. Sensim hanc consuetudinem 5 et disciplinam jam antea minuebamus: post vero Sullæ victoriam penitus amisimus. Desitum est enim videri quic- 6 quam in socios iniquum, cum extitisset in cives tanta crudelitas. Ergo in illo secuta est honestam causam non ho- 7 nesta victoria. Est enim ausus dicere, hasta posita, cum bona in foro venderet et bonorum virorum et locupletum et certe civium, prædam se suam vendere. Secutus est, 8 qui in causa impia, victoria etiam fœdiore, non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis jure comprehenderet. Itaque, vexatis 9 ac perditis exteris nationibus, ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua nunquam nostri imperatores ex Transalpinis bellis triumpharunt. Multa præterea commemorarem 10 nefaria in socios, si hoc uno quicquam sol vidisset indignius.

Jure igitur plectimur. Nisi enim multorum impunita sce- 11
lera tulissemus, nunquam ad unum tanta pervenisset licen-
tia: a quo quidem rei familiaris ad paucos, cupiditatum ad
multos improbos venit hereditas. Nec vero unquam bello- 12
rum civilium semen et causa deerit, dum homines perditi
hastam illam cruentam et meminerint et sperabunt. Quam
P. Sulla cum vibrasset, dictatore propinquo suo, idem sex-
to tricesimo anno post a sceleratiore hasta non recessit.
Alter autem, qui in illa dictatura scriba fuerat, in hac fuit
quæstor urbanus. Ex quo debet intelligi, talibus præmiis 13
propositis, nunquam defutura bella civilia. Itaque parietes 14
modo urbis stant et manent, iique ipsi jam extrema scelera
metuentes: rem vero publicam penitus amisimus. Atque 15
in has clades incidimus (redeundum est enim ad proposi-
tum), dum metui, quam cari esse et diligi maluimus. Quæ 16
si populo Romano injuste imperanti accidere potuerunt,
quid debent putare singuli?

The origin of these evils: hence appears the importance of a government securing the good-will of mankind: much more so then of individuals, in different degrees according to their circumstances.

Quod cum perspicuum sit, benivolentiæ 17
vim esse magnam, metus imbecillam: sequi-
tur ut disseramus, quibus rebus facillime pos-
simus eam, quam volumus, adipisci cum ho-
nore et fide caritatem. Sed ea non pariter 18
omnes egemus. Nam ad cujusque vitam in-
stitutam accommodandum est, a multisne
opus sit, an satis sit a paucis diligi. Certum 19
igitur hoc sit, idque et primum et maxime
necessarium, familiaritates habere fidas amantium nos ami-
corum et nostra mirantium. Hæc enim est una res pror- 20
sus ut non multum differat inter summos et mediocres vi-
ros; eaque utrisque est propemodum comparanda. Hon- 21
ore et gloria et benivolentia civium fortasse non æque
omnes egent, sed tamen si cui hæc suppetunt, adjuvant
aliquantum cum ad cetera, tum ad amicitias comparan-
das.

IX.

(ii) Glory or Repute; ch. ix.—xiv. This, in its highest and most perfect form, arises from three things: which are,

Sed de amicitia alio libro dictum est, qui inscribitur Lælius. Nunc dicamus de gloria, quamquam ea quoque de re duo sunt nostri libri: sed attingamus, quandoquidem ea in rebus majoribus administrandis adjuvat plurimum. Summa igitur et perfecta gloria 2 constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore dignos putat. Hæc autem, si est simpliciter breviterque dicendum, 3 quibus rebus pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus.

(*a*) *Esteem* or *Regard:* Principal means of winning which are Kindness, whether of action or intention, and the real or supposed Possession of those virtues which are the ornament of man in his social relation.

Ac primum de illis tribus, quæ ante dixi, 4 benivolentiæ præcepta videamus: quæ quidem capitur beneficiis maxime: secundo autem loco benefica voluntate benivolentia movetur, etiamsi res forte non suppetit. Ve- 5 hementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis, beneficentiæ, justitiæ, fidei, omniumque earum virtutum, quæ pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod hones- 6 tum decorumque dicimus, quia per se nobis placet, animosque omnium natura et specie sua commovet, maximeque quasi perlucet ex his, quas commemoravi, virtutibus: idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hæ quidem causæ diligendi gravissi- 7 mæ: possunt enim præterea nonnullæ esse leviores.

(*b*) *Affiance:* to gain which the most powerful instruments are *Wisdom* and *Justice*, especially the latter,

Fides autem ut habeatur, duabus rebus 8 effici potest, si existimabimur adepti conjunctam cum justitia prudentiam. Nam et iis 9 fidem habemus, quos plus intelligere, quam nos, arbitramur, quosque et futura prospicere credimus, et cum res agatur in discrimenque ventum sit,

expedire rem et consilium ex tempore capere posse. Hanc enim utilem homines existimant veramque prudentiam. Justis autem et fidis hominibus, id est bonis viris, ita fides 10 habetur, ut nulla sit in his fraudis injuriæque suspicio. Itaque his salutem nostram, his fortunas, his liberos, rectissime committi arbitramur. Harum igitur duarum ad fidem 11 faciendam justitia plus pollet: quippe cum ea sine prudentia satis habeat auctoritatis, prudentia sine justitia nihil valeat ad faciendam fidem. Quo enim quis versutior et cal- 12 lidior est, hoc invisior et suspectior, detracta opinione probitatis. Quam ob rem intelligentiæ justitia conjuncta, 13 quantum volet, habebit ad faciendam fidem virium; justitia sine prudentia multum poterit; sine justitia nihil valebit prudentia.

X.

(not that they are really distinct in themselves, only we here speak of them as separate, in order to suit the popular understanding).

Sed ne quis sit admiratus, cur, cum inter omnes philosophos constet, a meque ipso sæpe disputatum sit, qui unam haberet, omnes habere virtutes, nunc ita sejungam, quasi possit quisquam, qui non idem prudens sit, justus esse: alia est illa, cum veritas ipsa limatur 2 in disputatione, subtilitas; alia, cum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut vul- 3 gus, ita nos hoc loco loquimur, ut alios fortes, alios viros bonos, alios prudentes esse dicamus. Popularibus enim 4 verbis est agendum et usitatis, cum loquamur de opinione populari, idque eodem modo fecit Panætius. Sed ad pro- 5 positum revertamur.

(c) *Admiration*, which is bestowed upon pre-eminence of virtue, (the more if unlooked for) upon loftiness of spirit, and justice;

Erat igitur ex tribus, quæ ad gloriam pertinerent, hoc tertium, ut, cum admiratione hominum, honore ab iis digni judicaremur. Admirantur igitur communiter illi 6 quidem omnia, quæ magna, et præter opinionem suam animadverterunt: separatim autem in singulis, si perspiciunt nec opinata quædam bona.

Itaque eos viros suspiciunt, maximisque efferunt laudibus, 7
in quibus existimant se excellentes quasdam et singulares
perspicere virtutes: despiciunt autem eos et contemnunt, 8
in quibus nihil virtutis, nihil animi, nihil nervorum putant.
Non enim omnes eos contemnunt, de quibus male existi-
mant. Nam quos improbos, maledicos, fraudulentos pu- 9
tant, et ad faciendam injuriam instructos, eos contemnunt
quidem neutiquam, sed de his male existimant. Quamob- 10
rem, ut ante dixi, contemnuntur ii, qui nec sibi nec alteri,
ut dicitur; in quibus nullus labor, nulla industria, nulla
cura est. Admiratione autem afficiuntur ii, qui anteire ce-
teris virtute putantur, et cum omni carere dedecore, tum
vero iis vitiis, quibus alii non facile possunt obsistere. Nam 11
et voluptates, blandissimæ dominæ, majoris partis animos
a virtute detorquent; et dolorum cum admoventur faces,
præter modum plerique exterrentur. Vita, mors, divitiæ, 12
paupertas, omnes homines vehementissime permovent. Quæ 13
qui in utramque partem excelso animo magnoque despici-
unt, cum aliqua his ampla et honesta res objecta est, totos
ad se convertit et rapit. Tum quis non admiretur splen-
dorem pulchritudinemque virtutis?

XI.

Ergo et hæc animi despicientia admirabilitatem magnam
facit: et maxime justitia, ex qua una virtute viri boni ap-
pellantur, mirifica quædam multitudini videtur: nec inju-
ria. Nemo enim justus esse potest, qui mortem, qui dolo- 2
rem, qui exilium, qui egestatem timet, aut qui ea, quæ sunt
his contraria, æquitati anteponit. Maximeque admirantur 3
eum, qui pecunia non movetur; quod in quo viro perspec-
tum sit, hunc igni spectatum arbitrantur.

But Justice alone may be considered to produce all the other means of acquiring glory, since it

Itaque illa tria, quæ proposita sunt ad 4
gloriam, omnia justitia conficit: et benivo-
lentiam, quod prodesse vult plurimis; et ob
eandem causam fidem; et admirationem,
quod eas res spernit et negligit, ad quas ple-

enters into the composition of all.

Its wide scope and value.

rique inflammati aviditate rapiuntur. Ac 5 mea quidem sententia omnis ratio atque institutio vitæ adjumenta hominum desiderat, in primisque ut habeat, quibuscum possit familiares conferre sermones: quod est difficile, nisi speciem præ te boni viri feras. Ergo etiam solitario homini, atque in agro vitam 6 agenti, opinio justitiæ necessaria est: eoque etiam magis, quod eam si non habebunt, injustique habebuntur, nullis præsidiis septi, multis afficientur injuriis. Atque iis etiam, 7 qui vendunt, emunt, conducunt, locant, contrahendisque negotiis implicantur, justitia ad rem gerendam necessaria est. Cujus tanta vis est, ut ne illi quidem, qui maleficio et scel- 8 ere pascuntur, possint sine ulla particula justitiæ vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur 9 aliquid aut eripit, is sibi ne in latrocinio quidem relinquit locum. Ille autem, qui archipirata dicitur, nisi æquabiliter prædam dispertiat, aut interficiatur a sociis, aut relinquatur. Quin etiam leges latronum esse dicuntur, quibus 10 pareant, quas observent. Itaque propter æquabilem prædæ 11 partitionem et Bardylis Illyrius latro, de quo est apud Theopompum, magnas opes habuit, et multo majores Viriathus Lusitanus, cui quidem etiam exercitus nostri imperatoresque cesserunt: quem C. Lælius, is, qui sapiens usurpatur, prætor fregit et comminuit, ferocitatemque ejus ita repressit, ut facile bellum reliquis traderet. Cum igitur tanta 12 vis justitiæ sit, ut ea etiam latronum opes firmet atque augeat, quantam ejus vim inter leges et judicia et in constituta re publica fore putamus?

XII.

It was the attainment of justice which led, in the earliest times, to the election of Kings and enactment of Laws.

Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud majores nostros, justitiæ fruendæ causa videntur olim bene morati reges constituti. Nam cum 2 premeretur initio multitudo ab iis, qui majores opes habebant: ad unum aliquem confugiebant, vir-

tute præstantem; qui, cum prohiberet injuria tenuiores, æquitate constituenda summos cum infimis pari jure retinebat. Eademque constituendarum legum fuit causa, quæ 3 regum. Jus enim semper est quæsitum æquabile: neque enim aliter esset jus. Id si ab uno justo et bono viro con- 4 sequebantur, erant eo contenti. Cum id minus contingeret, leges sunt inventæ, quæ cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum 5 est, eos ad imperandum deligi solitos, quorum de justitia magna esset opinio multitudinis. Adjuncto vero, ut iidem etiam prudentes haberentur, nihil erat, quod homines his auctoribus non posse consequi se arbitrarentur. Omni 6 igitur ratione colenda et retinenda justitia est, cum ipsa per sese (nam aliter justitia non esset), tum propter amplificationem honoris et gloriæ.

But Glory, to last, must rest on some solid and real basis; if founded on pretense, it will soon disappear. Maxim of SOCRATES to this effect.

Sed ut pecuniæ non quærendæ solum ra- 7 tio est, verum etiam collocandæ, quæ perpetuos sumptus suppeditet, non solum necessarios, sed etiam liberales: sic gloria et quærenda, et collocanda ratione est. Quam- 8 quam præclare Socrates, hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset. Quod si qui simulatione et inani ostentatione 9 et ficto non modo sermone, sed etiam vultu, stabilem se gloriam consequi posse rentur, vehementer errant. Vera 10 gloria radices agit, atque etiam propagatur; ficta omnia celeriter tamquam flosculi decidunt, nec simulatum potest quicquam esse diuturnum. Testes sunt permulti in 11 utramque partem: sed brevitatis causa familia contenti erimus una. Ti. enim Gracchus P. F. tam diu laudabitur, 12 dum memoria rerum Romanarum manebit. At ejus filii nec vivi probabantur bonis, et mortui numerum obtinent jure cæsorum.

XIII.

Rules for the Acquisition of Glory by young men. Ch. xiii., xiv.

Qui igitur adipisci veram gloriam volet, justitiæ fungatur officiis. Ea quæ essent, dictum est in libro superiore. Sed, ut facil- 2 lime, quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen quædam præcepta danda sunt. Nam si quis ab ineunte ætate 3 habet causam celebritatis et nominis, aut a patre acceptam (quod tibi, mi Cicero, arbitror contigisse), aut aliquo casu atque fortuna; in hunc oculi omnium conjiciuntur, atque in eum, quid agat, quemadmodum vivat, inquiritur: et tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum ejus esse nec factum. Quorum autem 4 prima ætas propter humilitatem et obscuritatem in hominum ignoratione versatur, ii, simulac juvenes esse cœperunt, magna spectare et ad ea rectis studiis debent contendere: quod eo firmiore animo facient, quia non modo non invidetur illi ætati, verum etiam favetur.

(α) *Military* Merit, the chief recommendation.

Prima est igitur adolescenti commendatio 5 ad gloriam, si qua ex bellicis rebus comparari potest; in qua multi apud majores nostros extiterunt: semper enim fere bella gerebantur. Tua autem ætas incidit in id bellum, cujus altera pars scel- 6 eris nimium habuit, altera felicitatis parum. Quo tamen 7 in bello, cum te Pompeius alæ alteri præfecisset, magnam laudem et a summo viro et ab exercitu consequebare equitando, jaculando, omni militari labore tolerando. Atque ea quidem tua laus pariter cum republica cecidit. Mihi 8 autem hæc oratio suscepta non de te est, sed de genere toto: quamobrem pergamus ad ea, quæ restant.

(β) *Moral* and *Intellectual* qualities constitute a better title to it than Physical.

Ut igitur in reliquis rebus multo majora 9 opera sunt animi, quam corporis: sic eæ res, quas ingenio ac ratione persequimur, graviores sunt, quam illæ, quas viribus. Prima 10 igitur commendatio proficiscitur a modestia, tum pie-

tate in parentes, in suos benivolentia. Facillime autem, 11
et in optimam partem, cognoscuntur adolescentes, qui se ad claros et sapientes viros, bene consulentes rei publicæ, contulerunt: quibuscum si frequentes sunt, opinionem afferunt populo, eorum fore se similes, quos sibi ipsi delegerint ad imitandum. P. Rutilii adolescentiam ad opi- 12
nionem et innocentiæ, et juris scientiæ, P. Mucii commendavit domus. Nam L. quidem 13
Crassus, cum esset admodum adolescens, non aliunde mutuatus est, sed sibi ipse peperit maximam laudem ex illa accusatione nobili et gloriosa: et qua ætate qui exercentur, laude affici solent, ut de Demosthene accepimus, ea ætate L. Crassus ostendit, id se in foro optime jam facere, quod etiam tum poterat domi cum laude meditari.

(Exemplification of the above Truth.)

XIV.

(7) *Command of Language*, whether in Conversation or in Debate.

The former may be made a powerful instrument for winning the affections: but the most powerful is Oratory.

Sed cum duplex ratio sit orationis, quarum in altera sermo sit, in altera contentio: non est id quidem dubium, quin contentio orationis majorem vim habeat ad gloriam (ea est enim, quam eloquentiam dicimus) sed tamen difficile dictu est, quanto opere conciliet animos comitas affabilitasque sermonis. Ex- 2
tant epistolæ, et Philippi ad Alexandrum, et Antipatri ad Cassandrum, et Antigoni ad Philippum filium, trium prudentissimorum (sic enim accepimus), quibus præcipiunt, ut oratione benigna multitudinis animos ad benivolentiam alliciant, militesque blande appellando deliniant. Quæ autem in multitudine cum contentione habetur 3
oratio, ea sæpe universam excitat. Magna est enim admi- 4
ratio copiose sapienterque dicentis: quem qui audiunt, intelligere etiam et sapere plus quam ceteros arbitrantur. Si 5
vero inest in oratione mixta modestiæ gravitas, nihil admirabilius fieri potest; eoque magis, si ea sunt in adolescente.

The Oratory of the Bar commands

Sed, cum sint plura causarum genera, quæ 6
eloquentiam desiderent, multique in nostra

the most admiration: its twofold employment, *Accusation* and *Defense*, of which the latter is the most honorable.

re publica adolescentes et apud judices, et apud populum, et apud senatum dicendo laudem assecuti sint, maxima est admiratio in judiciis: quorum ratio duplex est. Nam ex 7 accusatione et defensione constat: quarum etsi laudabilior est defensio, tamen etiam accusatio probata persæpe est. Dixi paulo ante de Crasso. Idem fecit ado- 8 lescens M. Antonius. Etiam P. Sulpicii eloquentiam accusatio illustravit, cum seditiosum et inutilem civem, C. Nor-

Reasons which justify Accusation.

banum, in judicium vocavit. Sed hoc qui- 9 dem non est sæpe faciendum, nec unquam nisi aut rei publicæ causa, ut ii, quos ante dixi; aut ulciscendi, ut duo Luculli; aut patrocinii, ut nos pro Siculis, pro Sardis in Albucio Julius. In accusando etiam M'. Aquillio L. Fufii cognita industria est. Semel 10 igitur, aut non sæpe certe. Sin erit, cui faciendum sit sæpius, rei publicæ tribuat hoc muneris, cujus inimicos ulcisci sæpius, non est reprehendendum. Modus tamen adsit. Duri enim hominis vel potius vix hominis videtur, pericu- 11 lum capitis inferre multis. Id cum periculosum ipsi est, 12 tum etiam sordidum ad famam, committere, ut accusator nominere: quod contigit M. Bruto, summo genere nato, illius filio, qui juris civilis in primis peritus fuit. Atque 13 etiam hoc præceptum officii diligenter tenendum est, ne quem unquam innocentem judicio capitis arcessas: id enim sine scelere fieri nullo pacto potest. Nam quid est tam 14 inhumanum, quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem per-

Circumstances under which criminals may be defended.

niciemque convertere? Nec tamen, ut hoc 15 fugiendum est, item est habendum religioni, nocentem aliquando, modo ne nefarium impiumque, defendere. Vult hoc multitudo, patitur consue-

Duties of Judge and Advocate respectively.

tudo, fert etiam humanitas. Judicis est, 16 semper in causis verum sequi: patroni, nonnunquam veri simile, etiamsi minus sit verum, defendere; quod scribere (præsertim cum de philoso- 17

phia scriberem) non auderem, nisi idem placeret gravissimo Stoicorum Panætio. Maxime autem et gloria paritur et 18
gratia defensionibus: eoque major, si quando accidit, ut ei subveniatur, qui potentis alicujus opibus circumveniri urgerique videatur, ut nos et sæpe alias, et adolescentes con- 19
tra L. Sullæ dominantis opes pro S. Roscio Amerino fecimus: quæ, ut scis, extat oratio.

XV.

(iii) Kindness and Generosity.
Ch. xv.—xxiv.
Two ways of bestowing it, by *personal* and by *pecuniary* assistance, of which the latter is the more easy, the former the more honorable. General statement of their respective advantages.

Sed expositis adolescentium officiis, quæ valeant ad gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est. Cujus est ratio duplex. Nam 2
aut opera benigne fit indigentibus aut pecunia. Facilior est hæc posterior, locupleti præsertim: sed illa lautior ac splendidior et viro forti claroque dignior. Quamquam enim 3
in utroque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur: largitioque, quæ fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur: qua quo in plures usus
sis, eo minus in multos uti possis. At qui opera, id est 4
virtute et industria, benefici et liberales erunt, primum quo pluribus profuerint, eo plures ad benigne faciendum adjutores habebunt. Dein consuetudine beneficentiæ paratiores 5
erunt et tamquam exercitatiores ad bene de multis promerendum. Præclare in epistola quadam Alexandrum filium 6
Philippus accusat, quod largitione benivolentiam Macedonum consectetur. *Quæ te, malum*, inquit, *ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem suum, sed ministrum et præbitorem sperent fore?* Bene *ministrum* 7
et præbitorem; quo quid sordidius regi? melius etiam, quod largitionem corruptelam esse dixit. Fit enim deterior, qui accipit, atque ad idem semper expectandum paratior. Hoc 8

ille filio, sed præceptum putemus omnibus. Quamobrem id quidem non dubium est, quin illa benignitas, quæ constet ex opera et industria, et honestior sit et latius pateat, et possit prodesse pluribus. Nonnunquam 9 tamen est largiendum, nec hoc benignitatis genus omnino repudiandum est, et sæpe idoneis hominibus indigentibus de re familiari impertiendum: sed diligenter atque moderate. Multi enim patrimonia ef- 10 fuderunt inconsulte largiendo. Quid autem est stultius, quam, quod libenter facias, curare, ut id diutius facere non possis? Atque etiam sequuntur largitionem rapinæ. Cum 11 enim dando egere cœperunt, alienis bonis manus afferre coguntur. Ita, cum benivolentiæ comparandæ causa bene- 12 fici esse velint, non tanta studia assequuntur eorum, quibus dederunt, quanta odia eorum, quibus ademerunt. Quam- 13 obrem nec ita claudenda res est familiaris, ut eam benignitas aperire non possit, nec ita reseranda, ut pateat omnibus: modus adhibeatur, isque referatur ad facultates. Om- 14 nino meminisse debemus id, quod a nostris hominibus sæpissime usurpatum, jam in proverbii consuetudinem venit, largitionem fundum non habere. Etenim quis potest mod- 15 us esse, cum et idem qui consuerunt, et idem illud alii desiderent?

Inconsiderate Bounty to be avoided.

XVI.

(A) Of Pecuniary Assistance. Ch. xvi.—xviii.

Omnino duo sunt genera largorum, quorum alteri prodigi, alteri liberales. Prodigi, 2 qui epulis, et viscerationibus, et gladiatorum muneribus, ludorum venationumque apparatu, pecunias profundunt in eas res, quarum memoriam aut brevem aut nullam omnino sint relicturi. Liberales autem, qui suis fa- 3 cultatibus aut captos a prædonibus redimunt, aut æs alienum suscipiunt amicorum, aut in filiarum collocatione adjuvant, aut opitulantur in re vel quærenda vel augenda. Itaque miror, quid 4

(1) Distinction between the two kinds of generosity, viz., *Liberality* and *Prodigality*. Acts of Liberality are far preferable to Public Entertainments and Exhibitions.

in mentem venerit Theophrasto in eo libro, quem de divi-
tiis scripsit: in quo multa præclare, illud absurde. Est
enim multus in laudanda magnificentia et apparatione po-
pularium munerum: taliumque sumptuum facultatem fruc-
tum divitiarum putat. Mihi autem ille fructus liberalita- 5
tis, cujus pauca exempla posui, multo et major videtur et
certior. Quanto Aristo Ceus gravius et verius nos repre- 6
hendit, qui has pecuniarum effusiones non admiremur, quæ
fiunt ad multitudinem deliniendam: at ii, qui ab hoste ob- 7
sidentur, si emere aquæ sextarium mina cogantur, hoc pri-
mo incredibile nobis videri, omnesque mirari, sed, cum at-
tenderint, veniam necessitati dare; in his immanibus jac- 8
turis infinitisque sumptibus nihil nos magno opere mirari;
cum præsertim neque necessitati subveniatur, nec dignitas
augeatur, ipsaque illa delectatio multitudinis sit ad breve
exiguumque tempus, eaque a levissimo quoque: in quo
tamen ipso una cum satietate, memoria quoque moriatur
voluptatis. Bene etiam colligit, hæc pueris et mulierecu- 9
lis et servis et servorum simillimis liberis esse grata; gravi
vero homini et ea quæ fiunt judicio certo ponderanti, pro-
bari posse nullo modo. Quamquam intel- 10
ligo, in nostra civitate inveterasse jam bo-
nis temporibus, ut splendor ædilitatum ab
optimis viris postuletur. Itaque et P. Cras- 11
sus, cum cognomine dives, tum copiis, func-
tus est ædilicio maximo munere, et paulo
post L. Crassus cum omnium hominum moderatissimo, Q.
Mucio, magnificentissima ædilitate functus est: deinde C.
Claudius, Appii filius: multi post, Luculli, Hortensius,
Silanus. Omnes autem P. Lentulus, me consule, vicit su- 12
periores. Hunc est Scaurus imitatus. Magnificentissima
vero nostri Pompeii munera secundo consulatu: in quibus
omnibus quid mihi placeat, vides.

These, however, have been allowed in the best of times, and necessity enjoins the use, though not the abuse, of them.

XVII.

Niggardliness to be eschewed as much as Extravagance.

Vitanda tamen suspicio est avaritiæ. Mamerco, homini divitissimo, prætermissio ædilitatis consulatus repulsam attulit. Quare 2 et, si postulatur a populo, bonis viris si non desiderantibus, at tamen approbantibus, faciendum est, modo pro facultatibus, nos ipsi ut fecimus; et, si quando aliqua res 3 major atque utilior populari largitione acquiritur; ut Oresti nuper prandia in semitis decumæ nomine magno honori fuerunt. Ne M. quidem Scio vitio datum est, quod in caritate asse modium populi dedit. Magna enim se et inveterata invidia nec turpi jactura, quando erat ædilis, nec maxima liberavit. Sed honori summo nuper nostro Miloni 4 fuit, qui gladiatoribus emptis rei publicæ causa, quæ salute nostra continebatur, omnes P. Clodii conatus furoresque compressit. Causa igitur largitionis est, si aut necesse 5 est, aut utile. In his autem ipsis mediocritatis regula op- 6 tima est. L. quidem Philippus Q. F. magno vir ingenio in primisque clarus, gloriari solebat, se sine ullo munere adeptum esse omnia, quæ haberentur amplissima. Dicebat idem Cotta, Curio. Nobis quoque licet in hoc quodam modo gloriari. Nam pro amplitudine honorum, quos cunc- 7 tis suffragiis adepti sumus nostro quidem anno, quod contigit eorum nemini, quos modo nominavi, sane exiguus sumptus ædilitatis fuit. Atque etiam illæ impensæ meli- 8 ores, muri, navalia, portus, aquarum ductus, omniaque, quæ ad usum rei publicæ pertinent. Quamquam, quod præsens 9 tamquam in manum datur, jucundius est: tamen hæc in posterum gratiora. Theatra, porticus, nova templa, vere- 10 cundius reprehendo, propter Pompeium: sed doctissimi non probant, ut et hic ipse Panætius, quem multum in his libris secutus sum, non interpretatus: et Phalereus Demetrius, 11 qui Periclem, principem Græciæ, vituperat, quod tantam pecuniam in præclara illa propylæa conjecerit. Sed de hoc genere toto, in iis libris, quos de re publica scripsi, dili-

All pecuniary largesses to be proportioned to the means of the Giver.

genter est disputatum. Tota igitur ratio ta- 12
lium largitionum genere vitiosa est, tempor-
ibus necessaria; et tum ipsum et ad facul-
tates accommodanda et mediocritate mode-
randa est.

XVIII.

(b) On *Liberality.* Rules for determining the mode of its exercise.

In illo autem altero genere largiendi, quod
a liberalitate proficiscitur, non uno modo in
disparibus causis affecti esse debemus. Alia 2
causa est ejus, qui calamitate premitur, et
ejus, qui res meliores quærit, nullis suis rebus adversis. 3
Propensior benignitas esse debebit in calamitosos, nisi forte
erunt digni calamitate. In iis tamen, qui se adjuvari vol-
ent, non ne affligantur, sed ut altiorem gradum ascendant,
restricti omnino esse nullo modo debemus: sed in deligen-
dis idoneis judicium et diligentiam adhibere. Nam præ-
clare Ennius:

Benefacta male locata, malefacta arbitror.

Quod autem tributum est bono viro et grato, in eo cum ex 4
ipso fructus est, tum etiam ex ceteris. Temeritate enim 5
remota, gratissima est liberalitas; eoque eam studiosius
plerique laudant, quod summi cujusque bonitas commune
perfugium est omnium. Danda igitur opera est, ut iis 6
beneficiis quam plurimos afficiamus, quorum memoria libe-
ris posterisque prodatur, ut iis ingratis esse non liceat.
Omnes enim immemorem beneficii oderunt, eamque injuri- 7
am in deterrenda liberalitate sibi etiam fieri, eumque, qui
faciat, communem hostem tenuiorum putant. Atque hæc 8

Cases in which liberality is well bestowed,

benignitas etiam rei publicæ est utilis, red-
imi e servitute captos, locupletari tenuiores:
quod quidem vulgo solitum fieri ab ordine
nostro, in oratione Crassi scriptum copiose videmus. Hanc 9
ergo consuetudinem benignitatis largitioni munerum longe
antepono. Hæc est gravium hominum atque magnorum;
illa quasi assentatorum populi, multitudinis levitatem vol-

uptate quasi titillantium. Conveniet autem cum in dando 10
munificum esse, tum in exigendo non acerbum; in omnique
re contrahenda, vendendo, emendo, conducendo, locando,
vicinitatibus et confiniis æquum et facilem, multa multis
de jure suo cedentem, a litibus vero, quantum liceat et nes-
cio an paulo plus etiam quam liceat, abhorrentem. Est 11
enim non modo liberale, paulum nonnunquam de suo jure
decedere, sed interdum etiam fructuosum. Habenda au- 12
tem ratio est rei familiaris, quam quidem di-
labi sinere, flagitiosum est, sed ita, ut illibe-
ralitatis avaritiæque absit suspicio. Posse 13
enim liberalitate uti, non spoliantem se patrimonio, nimi-
rum est pecuniæ fructus maximus. Recte 14
etiam a Theophrasto est laudata hospitalitas.
Est enim, ut mihi quidem videtur, valde decorum, patere
domus hominum illustrium hospitibus illustribus: idque
etiam rei publicæ est ornamento, homines externos hoc
liberalitatis genere in urbe nostra non egere. Est autem 15
etiam vehementer utile iis, qui honeste posse multum vol-
unt, per hospites apud externos populos valere opibus et
gratia. Theophrastus quidem scribit, Cimonem Athenis 16
etiam in suos curiales Laciadas hospitalem fuisse. Ita enim
instituisse, et villicis imperavisse, ut omnia præberentur,
quicunque Laciades in villam suam devertisset.

consistently with due regard to our private means.

The duty of *Hospitality.*

XIX.

On Personal Assistance, which may be rendered either to the Community or to Individuals.

Ch. xix.—24.

(1) A knowledge of Jurisprudence and legal Advice a most desirable means of tendering this latter kind.

Quæ autem opera, non largitione, benefi-
cia dantur, hæc tum in universam rem pub-
licam, tum in singulos cives conferuntur.
Nam in jure cavere, consilio juvare, atque 2
hoc scientiæ genere prodesse quam plurimis,
vehementer et ad opes augendas pertinet, et
ad gratiam. Itaque cum multa præclara 3
majorum, tum quod optime constituti juris
civilis summo semper in honore fuit cognitio
atque interpretatio; quam quidem ante hanc 4

confusionem temporum in possessione sua principes retinuerunt: nunc, ut honores, ut omnes dignitatis gradus, sic hujus scientiæ splendor deletus est: idque eo indignius, 5 quod eo tempore hoc contigit, cum is esset, qui omnes superiores, quibus honore par esset, scientia facile vicisset. Hæc igitur opera, grata multis, et ad beneficiis obstringen- 6 dos homines accommodata. Atque huic arti 7 finitima est dicendi facultas, et gravior, et ornatior. Quid enim eloquentia præstabilius, vel admiratione audientium, vel spe indigentium, vel eorum, qui defensi sunt, gratia? Huic ergo a majoribus nostris 8 est in toga dignitatis principatus datus. Diserti igitur 9 hominis, et facile laborantis, quodque in patriis est moribus, multorum causas et non gravate et gratuito defendentis, beneficia et patrocinia late patent. Admo- 10 nebat me res, ut hoc quoque loco intermissionem eloquentiæ, ne dicam interitum, deplorarem: ni vererer, ne de me ipso aliquid viderer queri. Sed tamen videmus, quibus extinctis oratoribus, quam in paucis spes, quanto in paucioribus facultas, quam in multis sit audacia. Cum autem omnes non possint, ne multi qui- 11 dem, aut juris periti esse, aut diserti; licet tamen opera prodesse multis, beneficia petentem, commendantem judicibus, magistratibus, vigilantem pro re alterius, eos ipsos, qui aut consuluntur, aut defendunt, rogantem: quod qui faciunt, plurimum gratiæ consequuntur, latissimeque eorum manat industria. Jam illud non sunt admo- 12 nendi (est enim in promptu) ut animadvertant, cum juvare alios velint, ne quos offendant. Sæpe enim aut eos lædunt, quos non debent, aut 13 eos, quos non expedit: si imprudentes, negligentiæ est; si scientes, temeritatis. Utendum etiam est excusatione ad- 14 versus eos, quos invitus offendas, quacunque possis, quare id, quod feceris, necesse fuerit, nec aliter facere potueris: ceterisque operis et officiis erit id, quod violatum est, compensandum.

Nearly allied to this is Eloquence.

[Complaint of the dearth of Orators at this time.]

We must be careful, while serving some, not to disoblige others.

XX.

Personal merit, not Fortune, to be considered in bestowing a favor. This is a rule more honored in the breach than in the observance.

Sed cum in hominibus juvandis aut mores spectari aut fortuna soleat: dictu quidem est proclive, itaque vulgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est. Sed quis 2 est tandem, qui inopis et optimi viri causæ non anteponat, in opera danda, gratiam fortunati et potentis? A quo enim expeditior et celerior remuneratio fore 3 videtur, in eum fere est voluntas nostra propensior. Sed 4 animadvertendum est diligentius, quæ natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiamsi referre gratiam non potest, habere certe potest. Commode autem, 5 quicunque dixit, pecuniam qui habeat, non reddidisse: qui reddiderit, non habere: gratiam autem et qui retulerit, habere: et qui habeat, retulisse. At, qui se 6 locupletes, honoratos, beatos putant, ii ne obligari quidem beneficio volunt: quin etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint; atque etiam a se aut postulari aut expectari aliquid suspicantur: patrocinio vero se usos aut clientes appellari, mortis instar putant. At vero ille tenuis, 7 cum, quicquid factum sit, se spectatum, non fortunam putat, non modo illi, qui est meritus, sed etiam illis, a quibus expectat (eget enim multis) gratum se videri studet: neque vero verbis auget suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod, si opulen- 8 tum fortunatumque defenderis, in uno illo aut forte in liberis ejus manet gratia; sin autem inopem, probum tamen et modestum, omnes non improbi humiles (quæ magna in populo multitudo est) præsidium sibi paratum vident. Quamobrem melius apud bonos, quam apud fortunatos, be- 9 neficium collocari puto. Danda omnino ope- 10 ra est, ut omni generi satis facere possimus: sed si res in contentionem veniet, nimirum

Inducements for serving the Poor rather than the Rich.

All alike have a claim upon us, but some stronger than others.

Themistocles est auctor adhibendus; qui cum consuleretur, utrum bono viro pauperi, an minus probato diviti filiam collocaret: Ego vero, inquit, malo virum, qui pecunia egeat, quam pecuniam, quæ viro. Sed corrupti mores deprava- 11
tique sunt admiratione divitiarum. Quarum magnitudo quid ad unumquemque nostrum pertinet? Illum fortasse 12
adjuvat, qui habet: ne id quidem semper: sed fac juvare; utentior sane sit; honestior vero quomodo? Quodsi etiam 13
bonus erit vir, ne impediant divitiæ, quominus juvetur, modo ne adjuvent; sitque omne judicium, non quam locuples, sed qualis quisque sit. Extremum 14
autem præceptum in beneficiis operaque danda, ne quid contra æquitatem contendas, ne quid pro injuria. Fundamentum enim est perpetuæ commendationis et famæ justitia, sine qua nihil potest esse laudabile.

But services of whatever kind or degree must consist with Justice.

XXI.

(b) Public Services. Of which there is a subdivision according as they are bestowed upon the Community, or upon the Individuals composing that Community.

Sed quoniam de eo genere beneficiorum dictum est, quæ ad singulos spectant: deinceps de iis, quæ ad universos, quæque ad rem publicam pertinent, disputandum est. Eo- 2
rum autem ipsorum partim ejusmodi sunt, ut ad universos cives pertineant, partim singulos ut attingant, quæ sunt etiam gratiora. Danda opera est omnino, si possit, utrisque, 3
nec minus, ut etiam singulis consulatur: sed ita, ut ea res aut prosit aut certe ne obsit rei publicæ. C. Gracchi fru- 4
mentaria magna largitio; exhauriebat igitur ærarium; modica M. Octavii, et rei publicæ tolerabilis, et plebi necessaria, ergo et civibus et rei publicæ salutaris. In primis 5
autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat, neque de bonis privatorum publice deminutio fiat. Perniciose enim Philippus in tribunatu, cum 6
legem agrariam ferret, quam tamen antiquari facile passus

Duties of a Public Officer:
1st, to provide for the Security of Property;

est, et in eo vehementer se moderatum præbuit: sed cum in agendo multa populariter, tum illud male, non esse in civitate duo milia hominum, qui rem haberent. Capitalis 7 oratio, ed ad æquationem bonorum pertinens: qua peste quæ potest esse major? Hanc enim ob causam maxime, 8 ut sua tuerentur, res publicæ civitatesque constitutæ sunt. Nam etsi duce natura congregabantur homines, tamen spe 9 custodiæ rerum suarum urbium præsidia quærebant. Dan- 10 da etiam opera est, ne, quod apud majores nostros sæpe fiebat, propter ærarii tenuitatem assiduitatemque bellorum, tributum sit conferendum, idque ne eveniat, multo ante erit providendum. Sin quæ necessitas hujus muneris alicui rei 11 publicæ obvenerit (malo enim, quam nostræ ominari; neque tamen de nostra, sed de omni re publica disputo) danda erit opera, ut omnes intelligant, si salvi esse velint, necessitati esse parendum. Atque etiam omnes, qui 12 rem publicam gubernabunt, consulere debebunt, ut earum rerum copia sit, quæ sunt necessariæ ad victum. Quarum qualis comparatio fieri soleat 13 et debeat, non est necesse disputare: est enim in promptu; tantum locus attingendus fuit.

2dly, so to manage the Finances, that there be no necessity for enormous taxation.

3dly, to provide a proper supply of the necessaries of Life.

Caput autem est in omni procuratione ne- 14 gotii et muneris publici, ut avaritiæ pellatur etiam minima suspicio. *Utinam*, inquit C. 15 Pontius Samnis, *ad illa tempora me fortuna reservasset, et tum essem natus, quando Romani dona accipere cœpissent! non essem passus diutius eos imperare.* Næ illi multa sæcula ex- 16 pectanda fuerunt: modo enim hoc malum in hanc rem publicam invasit. Itaque facile patior, tum potius Pontium fuisse, siquidem in illo tantum fuit roboris. Nondum 17 centum et decem anni sunt, cum de pecuniis repetundis a L. Pisone lata lex est, nulla antea cum fuisset. At vero postea tot leges, et proximæ quæque durio- res, tot rei, tot damnati, tantum Italicum bellum propter judiciorum metum excitatum, tanta, sub-

4thly, to be above all suspicion of corruptibility.

The evils of Rapacity.

latis legibus et judiciis, expilatio direptioque sociorum, ut imbecillitate aliorum, non nostra virtute, valeamus.

XXII.

Incorruptibility in Public characters enforced by the Example of the elder and younger AFRICANUS, and others.

Laudat Africanum Panætius, quod fuerit abstinens. Quidni laudet? sed in illo alia majora. Laus abstinentiæ non hominis est solum, sed etiam temporum illorum. Omni 2 Macedonum gaza, quæ fuit maxima, potitus Paullus tantum in ærarium pecuniæ invexit, ut unius imperatoris præda finem attulerit tributorum: at hic nihil domum suam intulit præter memoriam nominis sempiternam. Imitatus patrem Africanus nihilo locupletior Car- 3 thagine eversa. Quid? qui ejus collega fuit in censura, L. 4 Mummius, numquid copiosior, cum copiosissimam urbem funditus sustulisset? Italiam ornare, quam domum suam, maluit. Quamquam Italia ornata, domus ipsa mihi videtur ornatior. Nullum igitur vitium tætrius est (ut eo, 5 unde egressa est, referat se oratio) quam avaritia, præsertim in principibus et rem publicam gubernantibus. Habere 6 enim quæstui rem publicam non modo turpe est, sed sceleratum etiam et nefarium. Itaque quod Apollo Pythius 7 oraculum edidit, Spartam nulla re alia, nisi avaritia esse perituram, id videtur non solum Lacedæmoniis, sed etiam omnibus opulentis populis prædixisse. Nulla autem re 8 conciliare facilius benivolentiam multitudinis possunt ii, qui rei publicæ præsunt, quam abstinentia et continentia.

Leveling Measures, such as Agrarian Laws, Abolition of Debts, are destructive of Public credit, and of Justice.

Qui vero se populares volunt, ob eamque 9 causam aut agrariam rem temptant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant: labefactant fundamenta rei publicæ; concordiam primum, quæ esse non potest, cum aliis adimuntur, aliis condonantur pecuniæ: deinde æquitatem, quæ tollitur omnis, si habere suum cuique non licet. Id enim est pro- 10 prium (ut supra dixi) civitatis atque urbis, ut sit libera et

non sollicita suæ rei cujusque custodia. Atque in hac per- 11
nicie rei publicæ ne illam quidem consequuntur, quam putant, gratiam. Nam cui res erepta est, est inimicus: cui 12
data est, etiam dissimulat, se accipere voluisse: et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo. At vero ille, qui accepit injuriam, et 13
meminit, et præ se fert dolorem suum; nec, si plures sunt ii, quibus improbe datum est, quam illi, quibus injuste ademptum est, idcirco plus etiam valent. Non enim numero hæc judicantur, sed pondere. Quam autem habet 14
æquitatem, ut agrum multis annis, aut etiam sæculis, ante possessum, qui nullum habuit, habeat: qui autem habuit, amittat?

XXIII.

Historical instances: LYSANDER, AGIS, TIBERIUS GRACCHUS.

Ac propter hoc injuriæ genus Lacedæmonii Lysandrum ephorum expulerunt; Agin regem, quod nunquam antea apud eos accidderat, necaverunt. Exque eo tempore tantæ 2
discordiæ secutæ sunt, ut et tyranni existerent, et optimates exterminarentur, et præclarissime constituta res publica dilaberetur. Nec vero ipsa solum ce- 3
cidit, sed etiam reliquam Græciam evertit contagionibus malorum, quæ a Lacedæmoniis profectæ manarunt latius. Quid? nostros Gracchos, Ti. Gracchi, summi viri, filios, 4
Africani nepotes, nonne agrariæ contentiones perdiderunt?

ARATUS's conduct commended as a Model.

At vero Aratus Sicyonius jure laudatur, qui, 5
cum ejus civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem, clandestino introitu urbe est potitus. Cumque tyrannum Nicoclem improviso oppressisset, sexcentos exules, qui locupletissimi fuerant ejus civitatis, restituit, remque publicam adventu suo liberavit. Sed cum magnam animadverteret 6
in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum esse arbitrabatur, et quinquaginta annorum pos-

sessiones moveri non nimis æquum putabat, propterea quod tam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine injuria: judicavit, neque illis adimi, neque his non satisfieri, quorum illa fuerant, oportere. Cum igitur statuisset, opus esse ad eam rem 7 constituendam pecunia, Alexandriam se proficisci velle dixit, remque integram ad reditum suum jussit esse: isque celeriter ad Ptolemæum, suum hospitem, venit, qui tum regnabat alter post Alexandriam conditam; cui cum exposu- 8 isset patriam se liberare velle, causamque docuisset, a rege opulento vir summus facile impetravit, ut grandi pecunia adjuvaretur. Quam cum Sicyonem attulisset, adhibuit sibi 9 in consilium quindecim principes, cum quibus causas cognovit et eorum, qui aliena tenebant, et eorum, qui sua amiserant: perfecitque æstimandis possessionibus, ut persuaderet aliis, ut pecuniam accipere mallent, possessionibus cederent: aliis, ut commodius putarent, numerari sibi, quod tanti esset, quam suum recuperare. Ita perfectum est, ut omnes concordia constituta sine querela discederent. O 10 virum magnum, dignumque, qui in re publica nostra natus esset! Sic par est agere cum civibus, non (ut bis jam vidimus) hastam in foro ponere, et bona civium voci subjicere præconis. At ille Græcus, id quod fuit sapientis et præ- 11 stantis viri, omnibus consulendum putavit. Eaque est summa ratio et sapientia boni civis, commoda civium non divellere, atque omnes æquitate eadem continere. Habitent gratis in alieno. Quid ita? Ut, cum ego emerim, ædifica- 12 rim, tuear, impendam, tu, me invito, fruare meo? Quid est aliud aliis sua eripere, aliis dare aliena?

The truest wisdom of a *Patriot* is to secure each in the Enjoyment of his Property, and to provide equal Rights for all.

Tabulæ vero novæ quid habent argumenti, nisi ut emas mea pecunia fundum; cum tu habeas, ego non habeam pecuniam?

XXIV.

Debt is as much as possible to be guarded against, and Acts for the Abolition of Debt to be avoided. Public Credit the strongest Barrier of Government. Reference to recent Events. The duty of statesmen to watch over the administration of Justice, the Conduct of Peace and War, the Public Revenues, and the territory of the Empire.

Quam ob rem ne sit æs alienum, quod rei publicæ noceat, providendum est; (quod multis rationibus caveri potest:) non, si fuerit, et locupletes suum perdant, debitores lucrentur alienum. Nec enim ulla res vehe- 2 mentius rem publicam continet, quam fides; quæ esse nulla potest, nisi erit necessaria solutio rerum creditarum. Nunquam ve- 3 hementius actum est, quam me consule, ne solveretur. Armis et castris temptata res est ab omni genere hominum et ordine: quibus ita restiti, ut hoc totum malum de re publica tolleretur. Nunquam nec majus 4 æs alienum fuit; nec melius nec facilius dissolutum est. Fraudandi enim spe sublata, solvendi necessitas consecuta est. At vero hic nunc vic- 5 tor, tum quidem victus, quæ cogitarat cum ipsius intererat, tum ea perfecit, cum ejus jam nihil interesset. Tanta in eo peccandi libido fuit, ut hoc ipsum eum delectaret, peccare, etiamsi causa non esset.

Ab hoc igitur genere largitionis, ut aliis detur, aliis au- 6 feratur, aberunt ii, qui rem publicam tuebuntur: in primisque operam dabunt, ut juris et judiciorum æquitate suum quisque teneat; et neque tenuiores propter humilitatem circumveniantur, neque locupletibus ad sua vel tenenda vel recuperanda obsit invidia: præterea quibuscunque rebus vel belli vel domi poterunt, rem publicam augeant imperio, agris, vectigalibus. Hæc magnorum hominum sunt: hæc 7 apud majores nostros factitata: hæc genera officiorum qui persequuntur, cum summa utilitate rei publicæ magnam ipsi adipiscentur et gratiam et gloriam.

Attention to be paid to Health and Property.

In his autem utilitatum præceptis Antipa- 8 ter Tyrius, Stoicus, qui Athenis nuper est mortuus, duo præterita censet esse a Panæ-

tio, valetudinis curationem, et pecuniæ. Quas res a summo philosopho præteritas arbitror, quod essent faciles: sunt certe utiles. Sed valetudo sustentatur notitia sui corporis; 9 et observatione, quæ res aut prodesse soleant, aut obesse; et continentia in victu omni atque cultu, corporis tuendi causa; et prætermittendis voluptatibus; postremo arte eorum, quorum ad scientiam hæc pertinent. Res autem 10 familiaris quæri debet iis rebus, a quibus abest turpitudo: conservari autem diligentia et parsimonia: eisdem etiam rebus augeri. Has res commodissime Xenophon Socrati- 11 cus persecutus est in eo libro, qui Œconomicus inscribitur: quem nos ista fere ætate cum essemus, qua es tu nunc, e Græco in Latinum convertimus.

XXV.

FOURTH GENERAL HEAD OF DELIBERATION.

Comparison between things in respect of their Expediency. Illustration of the manner in which such comparison may be made.

Sed utilitatum comparatio, quoniam hic locus erat quartus, a Panætio prætermissus, sæpe est necessaria. Nam et cor- 2 poris commoda cum externis, et externa cum corporis, et ipsa inter se corporis, et externa cum externis comparari solent. Cum 3 externis corporis hoc modo comparantur: valere ut malis, quam dives esse. Cum corporis externa hoc modo: dives esse potius, quam maximis corporis viribus. Ipsa inter se corporis sic: ut bona valetudo voluptati anteponatur, vires celeritati. Exter- 4 norum autem, ut gloria divitiis, vectigalia urbana rusticis. Ex quo genere comparationis illud est Catonis senis; a 5 quo cum quæreretur, quid maxime in re familiari expediret, respondit, bene pascere. Quid secundum? Satis bene pascere. Quid tertium? Male pascere. Quid quartum? Arare. Et, cum ille, qui quæsierat, dixisset, Quid fenerari? tum Cato, Quid hominem, inquit, occidere? Ex 6 quo et multis aliis intelligi debet, utilitatum comparationes fieri solere, recteque hoc adjunctum esse quartum exquirendorum officiorum genus. Sed toto hoc de genere, de 7

quærenda, de collocanda pecunia, vellem etiam de utenda, commodius a quibusdam optimis viris ad Janum medium sedentibus, quam ab ullis philosophis ulla in schola disputatur. Sunt tamen ea cognoscenda: pertinent enim ad 8
utilitatem, de qua hoc libro disputatum est. Reliqua deinceps persequamur.

LIBER TERTIUS.

I.

INTRODUCTORY REMARKS.

CICERO'S own Retirement contrasted with that of SCIPIO. SCIPIO'S was the effect of choice, CICERO'S arose from want of employment, occasioned by recent Political events. But, as out of evil some good may always be drawn, CICERO therefore employs his leisure in composing, not content with silent Meditation, such as we may infer SCIPIO liked, from the fact of his having left no records of his writings.

PUBLIUM Scipionem, Marce fili, eum, qui primus Africanus appellatus sit, dicere solitum scripsit Cato, qui fuit fere ejus æqualis, *Nunquam se minus otiosum esse, quam cum otiosus, nec minus solum, quam cum solus esset.* Magnifica vero vox et magno viro ac sapiente 2 digna: quæ declarat, illum et in otio de negotiis cogitare et in solitudine secum loqui solitum; ut neque cessaret unquam, et interdum colloquio alterius non egeret. Itaque duæ res, quæ languorem afferunt ceteris, illum acuebant, otium et solitudo. Vellem 3 nobis hoc idem dicere liceret: sed si minus imitatione tantam ingenii præstantiam consequi possumus, voluntate certe proxime accedimus. Nam et a re publica forensibusque 4 negotiis armis impiis vique prohibiti, otium persequimur: et ob eam causam, urbe relicta, rura peragrantes, sæpe soli sumus. Sed nec hoc otium 5 cum Africani otio, nec hæc solitudo cum illa comparanda est. Ille enim requiescens a rei publicæ pulcherrimis mu- 6 neribus otium sibi sumebat aliquando, et e cœtu hominum frequentiaque interdum, tamquam in portum, se in solitudinem recipiebat. Nostrum autem otium negotii inopia, 7 non requiescendi studio, constitutum est. Extincto enim senatu deletisque judiciis, quid est, quod dignum nobis aut in curia aut in foro agere possimus? Ita, qui in maxima 8 celebritate atque in oculis civium quondam vixerimus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos, quantum licet, et sæpe soli sumus. Sed 9

quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere; sed etiam excerpere ex his ipsis, si quid inesset boni: propterea et otio fruor, non illo quidem, quo debebat is, qui quondam peperisset otium civitati; nec eam solitudinem languere patior, quam mihi affert necessitas, non voluntas. Quamquam Africanus ma- 10
jorem laudem meo judicio assequebatur. Nulla enim ejus 11
ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus extat. Ex quo intelligi debet, illum mentis agitatione investigationeque earum rerum, quas cogitando consequebatur, neque otiosum nec solum unquam fuisse. Nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Ita- 12
que plura brevi tempore eversa, quam multis annis stante re publica, scripsimus.

II.

Exhortation to the study of Moral Philosophy addressed to his Son.

Sed cum tota philosophia, mi Cicero, frugifera et fructuosa, nec ulla pars ejus inculta
ac deserta sit: tum nullus feracior in ea locus
est nec uberior, quam de officiis, a quibus constanter honesteque vivendi præcepta ducuntur. Quare quamquam a 2
Cratippo nostro, principe hujus memoriæ philosophorum,
hæc te assidue audire atque accipere confido: tamen con-
ducere arbitror, talibus aures tuas vocibus undique circum-
sonare; nec eas, si fieri possit, quicquam aliud audire.
Quod cum omnibus est faciendum, qui vitam honestam in- 3
gredi cogitant, tum haud scio an nemini potius, quam tibi.
Sustines enim non parvam expectationem imitandæ indus- 4
triæ nostræ, magnam honorum, nonnullam fortasse nomi-
nis. Suscepisti onus præterea grave et Athenarum et Crat- 5
ippi: ad quos cum tamquam ad mercaturam bonarum artium sis profectus, inanem redire turpissimum est, dedecorantem et urbis auctoritatem et magistri. Quare quantum 6
conniti animo potes, quantum labore contendere (si dis-

cendi labor est potius, quam voluptas) tantum fac ut efficias: neve committas, ut, cum omnia suppeditata sint a nobis, tute tibi defuisse videare. Sed hæc hactenus. Multa 7 enim sæpe ad te cohortandi gratia scripsimus. Nunc ad reliquam partem propositæ divisionis revertamur.

FIFTH GENERAL HEAD OF DELIBERATION.

Conflict between Moral Rectitude and Expediency.

This subject has been passed over by PANÆTIUS, not, however, intentionally, as some suppose.

Panætius igitur, qui sine controversia 8 de officiis accuratissime disputavit, quemque nos, correctione quadam adhibita, potissimum secuti sumus, tribus generibus propositis, in quibus deliberare homines et consultare de officio solerent; uno, cum dubitarent, honestumne id esset, de quo ageretur, an turpe: altero, utilene esset an inutile: tertio, si id quod speciem haberet honesti, pugnaret cum eo quod utile videretur, quo modo ea discerni oporteret: de duobus generibus primis tribus libris explicavit: de tertio autem genere deinceps se scripsit dicturum, nec exsolvit, quod promiserat. Quod eo 9 magis miror, quia scriptum a discipulo ejus Posidonio est, triginta annis vixisse Panætium, posteaquam illos libros edidisset. Quem locum miror a Posidonio breviter esse 10 tactum in quibusdam commentariis, præsertim cum scribat, nullum esse locum in tota philosophia tam necessarium. Minime vero assentior iis, qui negant, eum locum a Panæ- 11 tio prætermissum, sed consulto relictum, nec omnino scribendum fuisse; quia nunquam posset utilitas cum honestate pugnare. De quo alterum potest habere dubitationem, 12 adhibendumne fuerit hoc genus, quod in divisione Panætii tertium est, an plane omittendum: alterum dubitari non potest, quin a Panætio susceptum sit, sed relictum. Nam 13 qui e divisione tripartita duas partes absolverit, huic necesse est restare tertiam. Præterea in extremo libro tertio de hac parte pollicetur se deinceps esse dicturum. Accedit 14 eodem testis locuples, Posidonius, qui etiam scribit in quadam epistola, P. Rutilium Rufum dicere solere, qui Panætium audierat, ut nemo pictor esset inventus, qui in Coa

Venere eam partem, quam Apelles inchoatam reliquisset, absolveret (oris enim pulchritudo reliqui corporis imitandi spem auferebat), sic ea, quæ Panætius prætermisisset et non perfecisset, propter eorum, quæ perfecisset, præstantiam neminem esse persecutum.

III.

There never can be any *real* conflict between the two, since, as Socrates wisely observed, they are naturally allied to each other: it is only a *specious appearance* of Expediency that can come into Collision with Moral Rectitude:

Quam ob rem de judicio Panætii dubitari non potest: rectene autem hanc tertiam partem ad exquirendum officium adjunxerit an secus, de eo fortasse disputari potest. Nam 2 sive honestum solum bonum est, ut Stoicis placet; sive quod honestum est, id ita summum bonum est, quemadmodum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant: dubitandum non est, quin nunquam possit utilitas cum honestate contendere. Itaque accepi- 3 mus, Socratem execrari solitum eos, qui primum hæc, natura cohærentia, opinione distraxissent. Cui quidem ita 4 sunt Stoici assensi, ut et quicquid honestum esset, id utile esse censerent; nec utile quicquam, quod non honestum.

(hence Panætius had good reason for considering the present a fit and proper subject of inquiry,)

Quodsi is esset Panætius, qui virtutem prop- 5 terea colendam diceret, quod ea efficiens utilitatis esset; ut ii, qui res expetendas vel voluptate vel indolentia metiuntur: liceret ei dicere, utilitatem aliquando cum honestate pugnare. Sed cum sit is, qui id solum bonum judicet, 6 quod honestum sit; quæ autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri nec decessione pejorem: non videtur ejusmodi debuisse deliberationem introducere, in qua, quod utile videretur, cum eo, quod honestum est, compararetur. Etenim quod sum- 7 mum bonum a Stoicis dicitur, convenienter naturæ vivere, id habet hanc, ut opinor, sententiam, cum virtute congruere semper; cetera autem, quæ secundum naturam essent,

ita legere, si ea virtuti non repugnarent. Quod cum ita 8
sit, putant quidam, hanc comparationem non recte introductam, nec omnino de eo genere quicquam præcipiendum fuisse.

whether we take perfect or absolute Moral Rectitude which can exist only in a perfectly Wise Man,

Atque illud quidem honestum, quod pro- 9
prie vereque dictur, id in sapientibus est solis, neque a virtute divelli unquam potest. In iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum nullo modo, similitudines honesti esse possunt. Hæc enim 10
omnia officia, de quibus his libris disputamus, media Stoici appellant: ea communia sunt, et late patent; quæ et ingenii bonitate multi assequuntur et progressione discendi. Illud autem officium, quod rectum iidem appellant, per- 11
fectum atque absolutum est, et, ut iidem dicunt, omnes numeros habet; nec, præter sapientem, cadere in quemquam potest.

or what is popularly accepted as such, and attainable by all, although really only a shadow of the former. This, however, is the kind of Rectitude which we are considering, the duties derivable from it being those called *media* by the Stoics.

Cum autem aliquid actum est, in 12
quo media officia compareant, id cumulate videteur esse perfectum, propterea quod vulgus, quid absit a perfecto, non fere intelligit; quatenus autem intelligit, nihil putat prætermissum. Quod idem in poëmatis, in 13
picturis usu venit in aliisque compluribus, ut delectentur imperiti laudentque ea, quæ laudanda non sint, ob eam, credo, causam, quod insit in his aliquid probi, quod capiat ignaros, qui quidem, quid in quaque re vitii sit, nequeant judicare. Itaque cum sunt docti a peritis, desistunt facile sententia.

IV.

Hæc igitur officia, de quibus his libris disserimus, quasi secunda quædam honesta esse dicunt, non sapientium modo propria, sed cum omni hominum genere communia. Itaque his omnes, in quibus est virtutis indoles, commoventur. Nec vero cum duo Decii aut duo Scipiones fortes viri com- 2

memorantur, aut cum Fabricius aut Aristides justus nominatur, aut ab illis fortitudinis, aut ab his justitiæ, tamquam a sapiente, petitur exemplum. Nemo enim horum sic sap- 3
iens, ut sapientem volumus intelligi; nec ii, qui sapientes habiti et nominati, M. Cato et C. Lælius, sapientes fuerunt; ne illi quidem septem: sed ex mediorum officiorum frequentia similitudinem quandam gerebant speciemque sapientium. Quocirca nec id, quod vere honestum est, fas est 4
cum utilitatis repugnantia comparari; nec id, quod communiter appellamus honestum, quod colitur ab iis, qui bonos se viros haberi volunt, cum emolumentis unquam est comparandum. Tamque id honestum, quod in nostram 5
intelligentiam cadit, tuendum conservandumque nobis est, quam illud, quod proprie dicetur vereque est honestum, sapientibus. Aliter enim teneri non potest, si qua ad vir- 6
tutem est facta progressio. Sed hæc quidem de his, qui conservatione officiorum existimantur boni.

Expediency never really clashes with Moral Rectitude,

Qui autem omnia metiuntur emolumentis 7
et commodis, neque ea volunt præponderari honestate, ii solent in deliberando honestum cum eo, quod utile putant, comparare: boni viri non solent. Itaque 8
existimo Panætium, cum dixerit homines solere in hac comparatione dubitare, hoc ipsum sensisse, quod dixerit, solere modo, non etiam oportere. Etenim non modo pluris 9
putare quod utile videatur, quam quod honestum, sed hæc etiam inter se comparare et in his addubitare, turpissimum est.

but only seems to do so; because an improper estimate is formed of the Morality of the Action.

Quid ergo est, quod nonnunquam dubita- 10
tionem afferre soleat considerandumque videatur? Credo, si quando dubitatio acci- 11
dit, quale sit id, de quo consideretur. Sæpe
enim tempore fit, ut, quod turpe plerumque haberi soleat, inveniatur non esse turpe. Exempli causa ponatur aliquid, quod pateat latius. Quod potest majus esse scelus, 12
quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyran-

num occidit, quamvis familiarem? Populo quidem Ro- 13
mano non videtur, qui ex omnibus præclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestatem utilitas est consecuta.

Hence there must be some Standard, some Criterion for judging of the morality of an action, when there is occasion for doubt. The Stoical doctrine will supply us with one, "*Whatever is virtuous is expedient;*" and, "*Nothing can be expedient which is not virtuous.*"

Itaque, ut sine ullo errore dijudicare pos- 14
simus, si quando cum illo quod honestum intelligimus pugnare id videbitur quod appellamus utile, formula quædam constituenda est, quam si sequemur in comparatione rerum, ab officio nunquam recedemus. Erit 15
autem hæc formula Stoicorum rationi disciplinæque maxime consentanea: quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis et a Peripateticis vestris, qui quondam iidem erant, quæ honesta sunt anteponuntur iis quæ videntur utilia; tamen splendidius hæc ab eis disseruntur quibus, quicquid honestum est, idem utile videtur, nec utile quicquam, quod non honestum; quam ab iis quibus aut honestum aliquid non utile, aut utile non honestum. Nobis autem nostra Academia mag- 16
nam licentiam dat, ut quodcunque maxime probabile occurrat, id nostro jure liceat defendere. Sed redeo ad formulam.

V.

Thus (1) Injustice to another for selfish aggrandizement must lead to the Dissolution of that Society which is most natural to man.

Detrahere igitur alteri aliquid, et hominem hominis incommodo suum augere commodum, magis est contra naturam, quam mors, quam paupertas, quam dolor, quam cetera, quæ possunt aut corpori accidere aut rebus externis. Nam principio tollit con- 2
victum humanum et societatem. Si enim sic erimus affecti, ut propter suum quisque emolumentum spoliet aut violet alterum, dirumpi necesse est eam, quæ maxime est secundum naturam, humani generis societatem. Ut, si 3

unumquodque membrum sensum hunc haberet ut posse putaret se valere, si proximi membri valetudinem ad se traduxisset, debilitari et interire totum corpus necesse esset; sic, si unus quisque nostrum ad se rapiat commoda aliorum, detrahatque quod cuique possit, emolumenti sui gratia, societas hominum et communitas evertatur necesse est. Nam 4 sibi ut quisque malit, quod ad usum vitæ pertineat, quam alteri acquirere, concessum est non repugnante natura: illud natura non patitur, ut aliorum spoliis nostras facultates, copias, opes augeamus. Neque vero 5 hoc solum natura, id est jure gentium, sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi causa nocere alteri. Hoc enim spectant leges, hoc volunt, incol- 6 umem esse civium conjunctionem: quam qui dirimunt, eos morte, exilio, vinclis, damno coërcent. Atque hoc 7 multo magis efficit ipsa naturæ ratio, quæ est lex divina et humana, cui parere qui velit (omnes autem parebunt, qui secundum naturam volent vivere) nunquam committet, ut alienum appetat, et id, quod alteri detraxerit, sibi assumat. Etenim multo magis est secundum na- 8 turam excelsitas animi et magnitudo, itemque communitas, justitia, liberalitas, quam voluptas, quam vita, quam divitiæ: quæ quidem contemnere et pro nihilo ducere, comparantem cum utilitate communi, magni animi et excelsi est. Detrahere autem de altero sui commodi causa, magis 9 est contra naturam, quam mors, quam dolor, quam cetera generis ejusdem. Itemque magis est secundum naturam, 10 pro omnibus gentibus, si fieri possit, conservandis aut juvandis maximos labores molestiasque suscipere, imitantem Herculem illum, quem hominum fama, beneficiorum memor, in concilio cœlestium collocavit, quam vivere in solitudine, non modo sine ullis molestiis sed etiam in maximis volup-

(Comparison in this respect between the natural Body and the Body social.)

It is not only a violation of the Law of Nature, but also of the Civil Law.

The common Good always to be preferred to individual Good. This is a primary Law of Nature.

tatibus, abundantem omnibus copiis, ut excellas etiam pulchritudine et viribus. Quocirca optimo quisque et splen- 11
didissimo ingenio longe illam vitam huic anteponit. Ex 12
quo efficitur, hominem naturæ obedientem homini nocere non posse. Deinde qui alterum violat, ut ipse aliquid 13
commodi consequatur, aut nihil existimat se facere contra naturam; aut magis fugiendam censet mortem, paupertatem, dolorem, amissionem etiam liberorum, propinquorum, amicorum, quam facere cuipiam injuriam. Si nihil existi- 14
mat contra naturam fieri hominibus violandis, quid cum eo disseras, qui omnino hominem ex homine tollat? Sin fu- 15
giendum id quidem censet, sed multo illa pejora, mortem, paupertatem, dolorem; errat in eo, quod ullum aut corporis aut fortunæ vitium vitiis animi gravius existimat.

VI.

And (2) the interests of Individuals are inseparable from those of the Community. Extent of the resulting obligation imposed upon us.

Ergo unum debet esse omnibus propositum, ut eadem sit utilitas uniuscujusque et universorum: quam si ad se quisque rapiet, dissolvetur omnis humana consortio. Atque etiam, si hoc natura præscri- 2
bit, ut homo homini, quicunque sit, ob eam ipsam causam, quod is homo sit, consultum velit, necesse est secundum eandem naturam omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem 3
lege naturæ: idque ipsum si ita est, certe violare alterum naturæ lege prohibemur. Verum autem primum, verum igitur extremum. Nam illud quidem absur- 4
dum est, quod quidam dicunt, parenti se aut fratri nihil detracturos sui commodi causa; aliam rationem esse civium reliquorum. Hi 5
sibi nihil juris, nullam societatem communis utilitatis causa statuunt esse cum civibus; quæ sententia omnem societatem distrahit civitatis. Qui autem civium rationem di- 6
cunt habendam, externorum negant, ii diri-

Nor must we draw any distinction between our Relations and Members of the Community at large, else we should subvert the social intercourse of our community, or between our own Community

and Foreign nations; by which we should destroy all intercourse between the more extended Community of Mankind, in other words, violate Justice and the other Virtues in general.

munt communem humani generis societatem; qua sublata, beneficentia, liberalitas, bonitas, justitia funditus tollitur. Quæ qui tollunt, etiam adversus deos immortales impii judicandi sunt. Ab his enim constitutam 7 inter homines societatem evertunt: cujus societatis artissimum vinculum est, magis arbitrari esse contra naturam, hominem homini detrahere sui commodi causa, quam omnia incommoda subire vel externa vel corporis vel etiam ipsius animi, quæ vacent injustitia. Hæc enim una virtus om- 8 nium est domina et regina virtutum. Forsitan quispiam dixerit: Nonne igitur sapiens, si fame ipse conficiatur, abstulerit cibum alteri, homini ad nullam rem utili? Minime vero. Non enim mihi est 9 vita mea utilior, quam animi talis affectio, neminem ut violem commodi mei gratia. Quid? si Phalarim, crudelem 10 tyrannum et immanem vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat? Hæc ad judi- 11 candum sunt facillima. Nam si quid ab homine ad nullam partem utili, utilitatis tuæ causa detraxeris, inhumane feceris contraque naturæ legem: sin autem is tu sis, qui multam utilitatem rei publicæ atque hominum societati, si in vita remaneas, afferre possis, si quid ob eam causam alteri detraxeris, non sit reprehendendum. Sin autem id non sit ejusmodi, suum 12 cuique incommodum ferendum est potius quam de alterius commodis detrahendum. Non igitur magis est contra na- 13 turam morbus aut egestas aut quid ejusmodi, quam detractio atque appetitio alieni; sed communis utilitatis derelictio contra naturam est; est enim injusta. Itaque lex ipsa 14 naturæ, quæ utilitatem hominum conservat et continet, decernit profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariæ; qui, si occiderit, multum de communi utilitate detraxerit: modo hoc ita faciat, ut ne ipse de se

Two particular questions of Casuistry proposed:

First Case considered and determined;

bene existimans seseque diligens hanc causam habeat ad injuriam. Ita semper officio fungetur, utilitati consulens 15 hominum, et ei quam sæpe commemoro, humanæ societati.

Second Case considered and determined;

Nam quod ad Phalarim attinet, perfacile ju- 16 dicium est. Nulla est enim societas nobis cum tyrannis, et potius summa distractio est: neque est contra naturam, spoliare eum, si possis, quem est honestum necare: atque hoc omne genus pestiferum atque 17 impium ex hominum communitate exterminandum est. Etenim ut membra quædam amputantur, si et ipsa san- 18 guine et tamquam spiritu carere cœperunt, et nocent reliquis partibus corporis: sic ista in figura hominis feritas et immanitas beluæ a communi tamquam humanitatis corpore segreganda est. Hujus generis quæstiones sunt om- 19 nes eæ, in quibus ex tempore officium exquiritur.

VII.

To revert to PANÆTIUS. This writer would beyond doubt have discussed these sort of Questions, had he not been prevented from finishing his Treatise on Ethics. CICERO therefore professes to follow out his system: and begins with this Postulate:

That *Honestum* is either the only Good or the chief Good.

Ejusmodi igitur credo res Panætium persecuturum fuisse, nisi aliqui casus aut occupatio consilium ejus peremisset. Ad quas 2 ipsas consultationes ex superioribus libris satis multa præcepta sunt, quibus perspici possit, quid sit propter turpitudinem fugiendum; quid sit, quod idcirco fugiendum non sit, quod omnino turpe non est. Sed quo- 3 niam operi inchoato, prope tamen absoluto, tamquam fastigium imponimus: ut geometræ solent non omnia docere, sed postulare, ut quædam sibi concedantur, quo facilius, quæ volunt, explicent: sic ego a te postulo, mi Cicero, ut mihi concedas, si potes, nihil, præter id quod honestum sit, propter se esse expetendum. Sin hoc non licet per Cratippum: at illud certe dabis, quod 4 honestum sit, id esse maxime propter se expetendum. Mihi utrumvis satis est: et tum hoc, tum illud probabilius videtur, nec præterea quicquam probabile. Ac primum in 5

PANÆTIUS was undoubtedly right in recognizing a *seeming* contrariety between Expediency and Moral Rectitude.

hoc Panætius defendendus est, quod non utilia cum honestis pugnare aliquando posse dixerit (neque enim ei fas erat), sed ea quæ viderentur utilia. Nihil vero utile, quod 6 non idem honestum: nihil honestum, quod non idem utile sit, sæpe testatur: negatque ullam pestem majorem in vitam hominum invasisse, quam eorum opinionem, qui ista distraxerint. Itaque non ut aliquando ante- 7 poneremus utilia honestis, sed ut ea sine errore dijudicaremus, si quando incidissent, induxit eam, quæ videretur esse, non quæ esset, repugnantiam. Hanc igitur partem 8 relictam explebimus, nullis adminiculis, sed, ut dicitur, Marte nostro. Neque enim quicquam est de hac parte 9 post Panætium explicatum, quod quidem mihi probaretur, de iis quæ in manus meas venerint.

VIII.

GENERAL CONCLUSIONS on this subject.

Ch. viii.—xi.

Moral deformity can not be really expedient, but only assumes the appearance of Expediency: the former being in rebellion against Nature, the latter in unison with it. Again: moral Rectitude being, if not the sole, certainly the chief Good; and what is good being expedient, it follows that whatever is Right is also expedient.

Cum igitur aliqua species utilitatis objecta est, commoveri necesse est: sed si, cum animum attenderis, turpitudinem videas adjunctam ei rei quæ speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intelligendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quodsi nihil est tam 2 contra naturam, quam turpitudo (recta enim et convenientia et constantia natura desiderat, aspernaturque contraria) nihilque tam secundum naturam, quam utilitas; certe in eadem re utilitas et turpitudo esse non potest. Itemque si ad honestatem nati sumus, 3 eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni pondere gravior habenda quam reliqua omnia, quod Aristoteli placet; necesse est, quod honestum sit, id esse aut solum aut summum bonum: quod autem bonum, id certe utile: ita quicquid

The mistaken Principles of dishonest men, and their lamentable consequences.

honestum, id utile. Quare error hominum 4
non proborum, cum aliquid, quod utile visum
est, arripuit, id continuo secernit ab honesto.
Hinc sicæ, hinc venena, hinc falsa testamenta 5
nascuntur: hinc furta, peculatus, expilationes direptionesque sociorum et civium; hinc opum nimiarum potentiæ non ferendæ; postremo etiam in liberis civitatibus regnandi existunt cupiditates, quibus nihil nec tætrius nec fœdius excogitari potest. Emolumenta enim rerum fallacibus ju- 6
diciis vident: pœnam, non dico legum, quam sæpe perrumpunt, sed ipsius turpitudinis, quæ acerbissima est, non vident. Quamobrem hoc quidem deliberantium genus pella- 7
tur e medio (est enim totum sceleratum et impium) qui deliberant, utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent. In ipsa enim dubitatione facinus inest, etiamsi ad id non pervenerint. Ergo 8
ea deliberanda omnino non sunt, in quibus est turpis ea deliberatio.

Mere Doubt in questions of conflict between the *Honestum* and the *Utile* is criminal.

Hopes of Secrecy should not be allowed to influence our deliberations.

Story of GYGES and his Ring, and its Moral.

Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est. Satis enim nobis, si modo in philosophia ali- 9
quid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil injuste, nihil libidinose, nihil incontinenter esse faciendum.

IX.

Hinc ille Gyges inducitur a Platone: qui, cum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum, æneumque equum, ut ferunt fabulæ, animadvertit, cujus in lateribus fores essent: quibus apertis corpus hominis mortui vidit magnitudine inusitata, anulumque aureum in digito: quem ut detraxit, ipse induit (erat autem regius pastor), tum in concilium se pastorum recepit. Ibi cum 2
palam ejus anuli ad palmam converterat, a nullo videba-

tur, ipse autem omnia videbat. Idem rursus videbatur, cum in locum anulum inverterat. Itaque hac opportuni- 3
tate anuli usus, reginæ stuprum intulit, eaque adjutrice regem dominum interemit, sustulit quos obstare arbitrabatur: nec in his eum facinoribus quisquam potuit videre. Sic repente anuli beneficio rex exortus est Lydiæ. Hunc igi- 4
tur ipsum anulum si habeat sapiens, nihil plus sibi licere putet peccare, quam si non haberet. Honesta enim bonis viris, non occulta quæruntur. Atque hoc loco philosophi 5
quidam, minime mali illi quidem, sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone: quasi vero ille aut factum id esse aut fieri potuisse defendat. Hæc est vis hujus anuli et hujus exempli, si nemo 6
sciturus, nemo ne suspicaturus quidem sit, cum aliquid divitiarum, potentiæ, dominationis, libidinis causa feceris, si id diis hominibusque futurum sit semper ignotum, sisne facturus. Negant id fieri posse. Quamquam potest id quid- 7
em: sed quæro, quod negant posse, id si posset, quidnam facerent? Urgent rustice sane: negant enim posse, et in 8
eo perstant. Hoc verbum quid valeat, non vident. Cum 9
enim quærimus, si celare possint, quid facturi sint, non quærimus, possintne celare; sed tamquam tormenta quædam adhibemus, ut, si responderint, se, impunitate proposita, facturos quod expediat, facinorosos se esse fateantur: si negent, omnia turpia per se ipsa fugienda esse concedant. Sed jam ad propositum revertamur.

X.

Cases which admit of Doubt, whether an action be right or not.

Incidunt multæ sæpe causæ, quæ conturbent animos utilitatis specie; non, cum hoc deliberetur, relinquendane sit honestas propter utilitatis magnitudinem (nam id quidem improbum est), sed illud, possitne id, quod utile videatur, fieri

Love of Empire is one source of violation of Duty.

Case of BRUTUS.

non turpiter. Cum Collatino collegæ Bru- 2
tus imperium abrogabat, poterat videri facere injuste. Fuerat enim in regibus expellendis

socius Bruti consiliorum et adjutor. Cum autem consilium hoc principes cepissent, cognationem Superbi nomenque Tarquiniorum et memoriam regni esse tollendam: quod erat utile, patriæ consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit prop- 3
ter honestatem, sine qua ne utilitas quidem esse potuisset.

Case of ROMULUS.

At in eo rege, qui urbem condidit, non item. 4
Species enim utilitatis animum pepulit ejus: cui cum visum esset utilius, solum quam cum altero regnare, fratrem interemit. Omisit hic et pietatem et humani- 5
tatem, ut id, quod utile videbatur neque erat, assequi posset: et tamen muri causam opposuit, speciem honestatis neque probabilem nec sane idoneam. Peccavit igitur, pace vel Quirini vel Romuli dixerim. Nec tamen nostræ nobis 6
utilitates omittendæ sunt, aliisque tradendæ, cum his ipsi egeamus: sed suæ cuique utilitati, quod sine alterius injuria fiat, serviendum est. Scite Chrysippus, ut multa: 7

Apt observation of CHRYSIPPUS.

Qui stadium, inquit, currit, eniti et contendere debet, quam maxime possit, ut vincat; supplantare eum, quicum certet, aut manu depellere nullo modo debet. Sic in vita sibi quemque petere, quod pertineat ad usum, non iniquum est; alteri deripere, jus non est.

Friendship is a second source of Violation of Duty.

Maxime autem perturbantur officia in ami- 8
citiis; quibus et non tribuere, quod recte possis, et tribuere, quod non sit æquum, contra officium est. Sed hujus generis totius 9

The Rule here to be observed is, that we should not postpone the Duties of Impartiality and Conscientiousness to any considerations of personal Friendship.

breve et non difficile præceptum est. Quæ enim videntur utilia, honores, divitiæ, voluptates, cetera generis ejusdem, hæc amicitiæ nunquam anteponenda sunt. At neque con- 10
tra rem publicam, neque contra jusjurandum ac fidem, amici causa, vir bonus faciet; ne si judex quidem erit de ipso amico. Ponit enim personam amici, cum induit judicis. Tantum dabit amicitiæ, 11
ut veram amici causam esse malit: ut orandæ litis tempus, quoad per leges liceat, accommodet. Cum vero jurato

sententia dicenda sit, meminerit, deum se adhibere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit deus ipse divinius. Itaque præclarum a majoribus ac- 13 cepimus morem rogandi judicis, si eum teneremus, *quæ salva fide facere possit.* Hæc rogatio ad ea pertinet, quæ paulo ante dixi honeste amico a judice posse concedi. Nam si 14 omnia facienda sint, quæ amici velint: non amicitiæ tales, sed conjurationes putandæ sint. Loquor autem de com- 15 munibus amicitiis. Nam in sapientibus viris perfectisque nihil potest esse tale. Damonem et Phintiam, Pythago- 16 reos, ferunt hoc animo inter se fuisse, ut, cum eorum alteri Dionysius tyrannus diem necis destinavisset, et is qui morti addictus esset, paucos sibi dies commendandorum suorum causa postulavisset: vas factus est alter ejus sistendi; ut, si ille non revertisset, moriendum esset ipsi. Qui cum ad 17 diem se recepisset, admiratus eorum fidem tyrannus, petivit, ut se ad amicitiam tertium adscriberent. Cum igitur 18 id, quod utile videtur, in amicitia cum eo, quod honestum est, comparatur, jaceat utilitatis species, valeat honestas. Cum autem in amicitia, quæ honesta non sunt, postula- 19 buntur, religio et fides anteponatur amicitiæ. Sic habebitur is, quem exquirimus, delectus officii.

XI.

The same Rule applicable to Political Communities, no less than to Individuals. Examples in point.

Sed utilitatis specie in re publica sæpissime peccatur, ut in Corinthi disturbatione nostri. Durius etiam Athenienses, qui sciverunt, ut Æginetis, qui classe valebant, pollices præciderentur. Hoc visum est utile. Nimis enim imminebat, propter propinquitatem, Ægina Pi- 2 ræeo. Sed nihil, quod crudele, utile. Est enim hominum naturæ, quam sequi debemus, maxime inimica crudelitas. Male etiam qui peregrinos urbibus uti prohibent, eosque 3 exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere: 4 quam legem tulerunt sapientissimi consules Crassus et Scæ-

vola: usu vero urbis prohibere peregrinos sane inhumanum est. Illa præclara, in quibus publicæ utilitatis species præ 5 honestate contemnitur. Plena exemplorum est nostra res 6 publica, cum sæpe, tum maxime bello Punico secundo: quæ, Cannensi calamitate accepta, majores animos habuit, quam unquam rebus secundis. Nulla timoris significatio, nulla 7 mentio pacis. Tanta vis est honesti, ut speciem utilitatis obscuret. Athenienses cum Persarum impetum nullo modo 8 possent sustinere, statuerentque, ut urbe relicta, conjugibus et liberis Trœzene depositis, naves conscenderent, libertatemque Græciæ classe defenderent; Cyrsilum quemdam suadentem, ut in urbe manerent, Xerxemque reciperent, lapidibus cooperuerunt. Atqui ille utilitatem sequi vide- 9 batur: sed ea nulla erat repugnante honestate. Themis- 10 tocles post victoriam ejus belli, quod cum Persis fuit, dixit in contione, se habere consilium rei publicæ salutare, sed id sciri non opus esse. Postulavit, ut aliquem populus daret, quicum communicaret. Datus est Aristides. Huic 11 ille, classem Lacedæmoniorum, quæ subducta esset ad Gytheum, clam incendi posse: quo facto frangi Lacedæmoniorum opes necesse esset. Quod Aristides cum audisset, 12 in contionem magna expectatione venit, dixitque perutile esse consilium quod Themistocles afferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt: totamque eam rem, quam ne audierant quidem, auctore Aristide repudiaverunt. Mel- 13 ius hi, quam nos, qui piratas immunes, socios vectigales habemus.

XII.

PARTICULAR CONCLUSIONS: A. Where Craft, assuming the guise of Wisdom, brings Expediency into

Maneat ergo, quod turpe sit, id nunquam esse utile; ne tum quidem, cum id, quod esse utile putes, adipiscare. Hoc enim ipsum utile putare, quod turpe sit, calamitosum est. Sed incidunt, ut supra dixi, sæpe 2 causæ, cum repugnare utilitas honestati vi-

collision with Justice.

Ch. xii.—xxv.

Cases of Reticence: as concealment of something for selfish purposes by the Seller, which it would be for the interest of the Buyer to know.

deatur, ut animadvertendum sit, repugnetne plane, an possit cum honestate conjungi. Ejus generis hæ sunt quæstiones: Si, ex- 3 empli gratia, vir bonus Alexandrea Rhodum magnum frumenti numerum advexerit in Rhodiorum inopia et fame summaque annonæ caritate; si idem sciat, complures mercatores Alexandrea solvisse, navesque in cursu, frumento onustas, petentes Rhodum viderit: dicturusne sit id Rhodiis, an silentio suum quam plurimo venditurus? Sapientem et bonum virum fingimus; 4 de ejus deliberatione et consultatione quærimus: qui celaturus Rhodios non sit, si id turpe judicet, sed dubitet, an

Difference of opinion on such a case between DIOGENES of BABYLON and ANTIPATER:

turpe non sit. In hujusmodi causis aliud 5 Diogeni Babylonio videri solet, magno et gravi Stoico: aliud Antipatro, discipulo ejus, homini acutissimo. Antipatro, omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret; Diogeni, venditorem, quatenus jure civili constitutum sit, dicere vitia oportere, cetera sine insidiis agere; et quoniam vendat, velle quam optime vendere. Advexi, exposui, vendo meum non pluris, quam ce- 6 teri, fortasse etiam minoris, cum major est copia: cui fit injuria? Exoritur Antipatri ratio ex altera parte: Quid 7 ais? Tu, cum hominibus consulere debeas, et servire humanæ societati, eaque lege natus sis, et ea habeas principia naturæ, quibus parere et quæ sequi debeas, ut utilitas tua communis sit utilitas, vicissimque communis utilitas tua sit; celabis homines, quid iis adsit commoditatis et copiæ? Respondebit Diogenes fortasse sic: Aliud est celare, aliud 8 tacere; neque ego nunc te celo, si tibi non dico, quæ natura deorum sit, qui sit finis bonorum, quæ tibi plus prodessent cognita, quam tritici vilitas. Sed non, quicquid tibi audire utile est, id mihi dicere necesse est. Immo vero, 9 inquiet ille, necesse est, si quidem meministi, esse inter homines natura conjunctam societatem. Memini, inquiet 10

illę: sed num ista societas talis est, ut nihil suum cujusquam sit? quod si ita est, ne vendendum quidem quidquam est, sed donandum.

XIII.

Vides in hac tota disceptatione non illud dici, quamvis hoc turpe sit, tamen, quoniam expedit, faciam; sed ita expedire, ut turpe non sit: ex altera autem parte, ea re, quia turpe sit, non esse faciendum. Vendat ædes 2 vir bonus propter aliqua vitia, quæ ipse norit, ceteri ignorent; pestilentes sint, et habeantur salubres; ignoretur, in omnibus cubiculis apparere serpentes; male materiatæ sint, ruinosæ, sed hoc, præter dominum, nemo sciat. Quæro, si hæc emptoribus venditor 3 non dixerit, ædesque vendiderit pluris multo, quam se venditurum putarit, num injuste aut improbe fecerit. Ille vero, inquit Antipater. Quid est enim aliud, erranti viam non 4 monstrare, quod Athenis execrationibus publicis sanctum est, si hoc non est, emptorem pati ruere, et per errorem in maximam fraudem incurrere? Plus etiam est, quam 5 viam non monstrare. Nam est scientem in errorem alterum inducere. Diogenes contra: Num te emere coëgit, 6 qui ne hortatus quidem est? Ille, quod non placebat, proscripsit: tu, quod placebat, emisti. Quodsi qui proscri- 7 bunt VILLAM BONAM BENEQUE ÆDIFICATAM, non existimantur fefellisse, etiamsi illa nec bona est, nec ædificata ratione; multo minus, qui domum non laudarunt. Ubi enim judicium emptoris est, ibi fraus venditoris quæ potest esse? Sin autem dictum non omne præstandum est, quod dictum 8 non est, id præstandum putas? Quid vero est stultius, quam venditorem ejus rei, quam vendat, vitia narrare? Quid autem tam absurdum, quam si domini jussu ita præco prædicet, DOMUM PESTILENTEM VENDO? Sic ergo in qui- 9 busdam causis dubiis ex altera parte defenditur honestas, ex altera ita de utilitate dicitur, ut id, quod utile videatur, non modo facere honestum sit, sed etiam, non facere, turpe.

or concealment of some defects in an Article of Sale.

Decision of these two cases.

Hæc est illa, quæ videtur utilium fieri cum honestis sæpe dissensio. Quæ dijudicanda sunt. Non 10 enim, ut quæreremus, exposuimus, sed ut explicaremus. Non igitur videtur nec frumentarius ille Rho- 11 dius, nec hic ædium venditor celare emptores debuisse. Neque enim id est celare, quicquid reticeas: sed cum, quod tu scias, id ignorare emolumenti tui causa velis eos, quorum intersit id scire. Hoc autem celandi genus quale sit, 12 et cujus hominis, quis non videt? Certe non aperti, non simplicis, non ingenui, non justi, non viri boni: versuti potius, obscuri, astuti, fallacis, malitiosi, callidi, veteratoris, vafri. Hæc tot et alia plura nonne inutile est vitiorum subire nomina?

XIV.

Much worse is the Case of those who invent downright falsehoods for selfish ends. Illustration of this. The fraud upon CANIUS done by one PYTHIUS;

Quodsi vituperandi, qui reticuerunt, quid de iis existimandum est, qui orationis vanitatem adhibuerunt? C. Canius, eques 2 Romanus, nec infacetus et satis litteratus, cum se Syracusas otiandi, ut ipse dicere solebat, non negotiandi causa, contulisset, dictitabat, se hortulos aliquos emere velle, quo invitare amicos, et ubi se oblectare sine interpellatoribus posset. Quod cum percrebruisset, Pythius ei quidam, qui 3 argentariam faceret Syracusis, venales quidem se hortos non habere, sed licere uti Canio, si vellet, ut suis: et simul ad cœnam hominem in hortos invitavit in posterum diem. Cum ille promisisset, tum Pythius, qui esset, ut argenta- 4 rius, apud omnes ordines gratiosus, piscatores ad se convocavit, et ab his petivit, ut ante suos hortulos postridie piscarentur: dixitque, quid eos facere vellet. Ad cœnam 5 tempore venit Canius: opipare a Pythio apparatum convivium: cymbarum ante oculos multitudo: pro se quisque, quod ceperat, afferebat: ante pedes Pythii pisces abjiciebantur. Tum Canius, Quæso, inquit, quid est hoc, Pythi? 6 tantumne piscium, tantumne cymbarum? Et ille, Quid

mirum? inquit; hoc loco est, Syracusis quicquid est pis-
cium: hic aquatio: hac villa isti carere non possunt. In-
census Canius cupiditate contendit a Pythio, ut venderet.
Gravate ille primo. Quid multa? impetrat. Emit homo 7
cupidus et locuples tanti, quanti Pythius voluit, et emit in-
structos. Nomina facit, negotium conficit. Invitat Ca- 8
nius postridie familiares suos. Venit ipse mature. Scal-
mum nullum videt. Quærit ex proximo vicino, num feriæ
quædam piscatorum essent, quod eos nullos viderit. Nullæ,
quod sciam, ille inquit, sed hic piscari nulli solent: itaque
heri mirabar, quid accidisset. Stomachari 9
Canius. Sed quid faceret? Nondum enim
Aquillius, collega et familiaris meus, protu-
lerat de dolo malo formulas. In quibus ip- 10
sis cum ex eo quæreretur, quid esset dolus
malus, respondebat, cum esset aliud simula-
tum, aliud actum. Hoc quidem sane lucu-
lente ut ab homine perito definiendi. Ergo 11
et Pythius et omnes aliud agentes, aliud simulantes, per-
fidi, improbi, malitiosi. Nullum igitur eorum factum potest
utile esse, cum sit tot vitiis inquinatum.

which amounted to a Criminal Fraud, according to the Provisions of AQUILLIUS's act, so that the perpetrator of it would now-a-days be even amenable to Justice.

XV.

The above-mentioned act establishes this Principle, that every kind of fraudulent Concealment, as well as false Assertion, is wrong. Such transactions have in fact been provided against by general and special enactments.

Quodsi Aquilliana definitio vera est, ex
omni vita simulatio dissimulatioque tollenda
est. Ita nec ut emat melius, nec ut vendat,
quidquam simulabit aut dissimulabit vir bon-
us. Atque iste dolus malus et legibus erat 2
vindicatus (ut tutela duodecim tabulis, cir-
cumscriptio adolescentium lege Plætoria), et
sine lege judiciis, in quibus additur EX FIDE
BONA. Reliquorum autem judiciorum hæc 3
verba maxime excellunt, in arbitrio rei uxo-
riæ, MELIUS ÆQUIUS: in fiducia, UT INTER BONOS BENE
AGIER. Quid ergo? aut in eo, quod MELIUS ÆQUIUS, potest 4
ulla pars inesse fraudis? aut, cum dicitur INTER BONOS

BENE AGIER, quidquam agi dolose aut malitiose potest? Dolus autem malus in simulatione, ut ait Aquillius, con- 5
tinetur. Tollendum est igitur ex rebus contrahendis omne mendacium. Non inlicitatorem venditor, non qui contra 6
se liceatur, emptor apponet. Uterque, si ad eloquendum venerit, non plus, quam semel, eloquetur. Q. quidem Scæ- 7
vola, P. F., cum postulasset, ut sibi fundus, cujus emptor erat, semel indicaretur, idque venditor fecisset, dixit, se pluris æstimare: addidit centum milia. Nemo est, qui 8
hoc viri boni fuisse neget; sapientis, negant: ut si minoris, quam potuisset, vendidisset. Hæc igitur est illa pernicies, 9
quod alios bonos, alios sapientes existimant. Ex quo Ennius, *nequicquam sapere sapientem, qui ipse sibi prodesse non quiret.* Vere id quidem, si, quid esset *prodesse*, mihi cum Ennio conveniret. Hecatonem quidem Rhodium, disci- 10
pulum Panætii, video in iis libris, quos de officiis scripsit, Q. Tuberoni dicere, *Sapientis esse, nihil contra mores, leges, instituta facientem, habere rationem rei familiaris. Neque* 11
enim solum nobis divites esse volumus, sed liberis, propinquis, amicis, maximeque rei publicæ. Singulorum enim facultates et copiæ divitiæ sunt civitatis. Huic Scævolæ factum, de 12
quo paulo ante dixi, placere nullo modo potest. Etenim omnino tantum se negat facturum compendii sui causa, quod non liceat. Huic nec laus magna tribuenda nec gratia est. Sed sive simulatio et dissimulatio dolus malus 13
est; perpaucæ res sunt in quibus non dolus iste malus versetur: sive vir bonus est is, qui prodest, quibus potest, nocet nemini; certe istum virum bonum non facile reperimus. Nunquam igitur est utile peccare, quia semper est 14
turpe: et quia semper est honestum virum bonum esse, semper est utile.

XVI.

Thus it is a maxim of Law that all flaws known to the Sell-

Ac de jure quidem prædiorum sanctum apud nos est jure civili, ut in his vendendis vitia dicerentur, quæ nota essent venditori.

er of property should be told to the Buyer.

Cases in point.

In the latter of these Cases we may observe that Law and Equity were opposed to each other.

Nam, cum ex duodecim tabulis satis esset ea 2 præstari, quæ essent lingua nuncupata, quæ qui infitiatus esset, dupli pœnam subiret: a juris consultis etiam reticentiæ pœna est constituta. Quidquid enim esset in prædio vitii, 3 id statuerunt, si venditor sciret, nisi nominatim dictum esset, præstari oportere. Ut, 4 cum in arce augurium augures acturi essent, jussissentque Ti. Claudium Centumalum, qui ædes in Cœlio monte habebat, demoliri ea, quorum altitudo officeret auspiciis, Claudius proscripsit insulam, vendidit; emit P. Calpurnius Lanarius. Huic ab auguribus illud idem denuntiatum est. Itaque Calpurnius cum demolitus esset, cognossetque Clau- 5 dium ædes postea proscripsisse, quam esset ab auguribus demoliri jussus, arbitrum illum adegit, QUIDQUID SIBI DARE, FACERE OPORTERET EX FIDE BONA. M. Cato sententiam 6 dixit, hujus nostri Catonis pater. Ut enim ceteri ex patribus, sic hic, qui illud lumen progenuit, ex filio est nominandus. Is igitur judex ita pronuntiavit, cum in vendendo 7 rem eam scisset, et non pronuntiasset, emptori damnum præstari oportere. Ergo ad fidem bonam statuit pertinere, notum esse emptori vitium, quod nosset venditor. Quod si 8 recte judicavit, non recte frumentarius ille, non recte ædium pestilentium venditor tacuit. Sed hujusmodi reticentiæ jure civili omnes comprehendi non possunt: quæ autem possunt, diligenter tenentur. M. Marius Gratidianus, propinquus 9 noster, C. Sergio Oratæ vendiderat ædes eas, quas ab eodem ipse paucis ante annis emerat. Eæ serviebant: sed hoc in mancipio Marius non dixerat. Adducta res in judicium 10 est. Oratam Crassus, Gratidianum defendebat Antonius. Jus Crassus urgebat, quod vitii venditor non dixisset sciens, id oportere præstari: æquitatem Antonius, quoniam id vitium ignotum Sergio non fuisset, qui illas ædes vendidisset, nihil fuisse necesse dici: nec eum esse deceptum, qui id, quod emerat, quo jure esset, teneret. Quorsus hæc? ut 11 illud intelligas, non placuisse majoribus nostris astutos.

XVII.

Sed aliter leges, aliter philosophi tollunt astutias. Leges, quatenus manu tenere possunt; philosophi, quatenus ratione et intelligentia. Ratio ergo hoc postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne igitur in- 2 sidiæ tendere plagas, etiamsi excitaturus non sis nec agitaturus? Ipsæ enim feræ nullo insequente sæpe incidunt. Sic tu ædes proscribas, tabulam, tamquam plagas, ponas, domum propter vitia vendas, in eam aliquis incurrat imprudens? Hoc quamquam video 3 propter depravationem consuetudinis neque more turpe haberi, neque aut lege sanciri aut jure civili: tamen naturæ lege sanctum est. Societas est enim (quod etsi sæpe 4 dictum est, dicendum tamen est sæpius) latissime quidem quæ pateat, hominum inter homines; interior eorum, qui ejusdem gentis sunt; propior eorum, qui ejusdem civitatis. Itaque majores aliud jus gentium, aliud jus 5 civile esse voluerunt. Quod civile, non idem continuo gentium; quod autem gentium, idem civile esse debet. Sed nos veri juris 6 germanæque justitiæ solidam et expressam effigiem nullam tenemus; umbra et imaginibus utimur. Eas ipsas utinam sequeremur. Feruntur enim ex optimis naturæ et veritatis exemplis. Nam quanti verba illa, UTI NE 7 PROPTER TE FIDEMVE TUAM CAPTUS FRAUDATUSVE SIM. Quam illa aurea, UT INTER BONOS BENE AGIER OPORTET ET SINE FRAUDATIONE! Sed, qui sint boni, et quid sit bene agi, magna quæstio est. Q. quidem Scævola, pon- 8 tifex maximus, summam vim esse dicebat in omnibus iis arbitriis, in quibus adderetur EX FIDE BONA: fideique bonæ nomen existimabat manare latissime, idque versari in tutelis, societatibus, fiduciis, mandatis, rebus emptis, venditis,

But, if Law is strict, much stricter is Morality in regard to Cases of Fraud.

For there are some cases which, though not cognizable by *positive* Law, are yet cognizable by the Law of *Nature* and *Nations*.

Consequent Distinction between the Law of the Land (*jus civile*) and the Law of Nature (*jus gentium*): the latter should be the Groundwork of the former.

Examples of Roman Rules of Law for the prevention of Fraud.

conductis, locatis, quibus vitæ societas contineretur: in his magni esse judicis statuere (præsertim cum in plerisque essent judicia contraria) quid quemque cuique præstare oporteret. Quocirca astutiæ tollendæ sunt, eaque malitia, 9 quæ vult illa quidem videri se esse prudentiam, sed abest ab ea distatque plurimum. Prudentia est enim locata in 10 delectu bonorum et malorum: malitia, si omnia, quæ turpia sunt, mala sunt, mala bonis ponit ante. Nec vero in 11 prædiis solum jus civile ductum a natura malitiam fraudemque vindicat, sed etiam in mancipiorum venditione venditoris fraus omnis excluditur. Qui enim scire 12 debuit, de sanitate, de fuga, de furtis, præstat edicto ædilium. Heredum alia causa est. Ex quo intelligitur, quoniam juris natura fons 13 sit, hoc secundum naturam esse, neminem id agere, ut ex alterius prædetur inscitia. Nec 14 ulla pernicies vitæ major inveniri potest, quam in malitia simulatio intelligentiæ: ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim quisque reperietur, qui, impunitate et ignoratione omnium proposita, abstinere possit injuria?

CONCLUSION.—Since these cases are disallowed by Law, and since all positive Law is founded in Nature, therefore it is a general Law of Nature that we are not to take advantage of another man's ignorance. There is no greater source of mischief than Craft which wears the mask of Wisdom.

XVIII.

The worst cases of crime do not fall within the scope of a Moral Treatise: which deals with the Actions of Respectable Men: *i. e.*, men who pass in society for such.

Periclitemur, si placet, in iis quidem exemplis, in quibus peccari vulgus hominum fortasse non putet. Neque enim de sicariis, 2 veneficis, testamentariis, furibus, peculatoribus hoc loco disserendum est: qui non verbis sunt et disputatione philosophorum, sed vinclis et carcere fatigandi. Sed hæc consideremus, quæ faciunt ii, qui habentur boni. L. Minucii Basili, locupletis hominis, falsum 3 testamentum quidam e Græcia Romam attulerunt. Quod quo facilius obtinerent, scrip- 4

One cause of Immorality is the Desire of Money.

Conduct of M.

CRASSUS and Q. HORTENSIUS about a forged will of M. BASILUS.

serunt heredes secum M. Crassum et Q. Hortensium, homines ejusdem ætatis potentissimos: qui, cum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpæ, alieni facinoris munusculum non repudiaverunt. Quid ergo? satin' est hoc, 5 ut non deliquisse videantur? Mihi quidem non videtur: quamquam alterum vivum amavi, alterum non odi mortuum. Sed cum Basilus M. Satrium, sororis filium, nomen 6 suum ferre voluisset, eumque fecisset heredem (hunc dico patronum agri Piceni et Sabini: o turpem notam temporum illorum!) num erat æquum, principes cives rem habere, ad Satrium nihil præter nomen pervenire? Etenim si is, qui non defendit injuriam, neque 7 propulsat, cum potest, injuste facit, ut in primo libro disserui; qualis habendus est is, qui non modo non repellit, sed etiam adjuvat injuriam? Mihi quidem etiam veræ heredi- 8 tates non honestæ videntur, si sunt malitiosis blanditiis, officiorum non veritate sed simulatione, quæsitæ. Atqui in talibus rebus aliud utile interdum, aliud 9 honestum videri solet. Falso. Nam eadem utilitatis, quæ honestatis, est regula. Qui hoc non perviderit, ab hoc nulla 10 fraus aberit, nullum facinus. Sic enim cogitans: Est istuc 11 quidem honestum, verum hoc expedit; res a natura copulatas audebit errore divellere; qui fons est fraudium, maleficiorum, scelerum omnium.

This was more unjust than the mere allowing a wrong, when you can prevent it. No plea of expediency can ever justify intrigues for supplanting the rightful heir.

XIX.

A really respectable man will not choose to take advantage of opportunities of fraud and concealment: he will never separate justice and expediency, nor entertain a thought which he would

Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen ejus irrepere, hac vi non utatur, ne si exploratum quidem habeat, id omnino neminem unquam suspicaturum. At 2 dares hanc vim M. Crasso, ut digitorum percussione heres posset scriptus esse, qui re vera non esset heres; in foro, crede mihi,

not dare to speak openly. Nature forbids the union of expediency and wrong, as much as it does that of right and wrong.

saltaret. Homo autem justus, isque quem 3
sentimus virum bonum, nihil cuiquam, quod
in se transferat, detrahet. Hoc qui admira-
tur, is se, quid sit vir bonus, nescire fateatur.
At vero si quis voluerit animi sui complica- 4
tam notionem evolvere, jam se ipse doceat, eum virum bonum esse, qui prosit, quibus possit, noceat nemini, nisi lacessitus injuria. Quid ergo? hic non noceat, qui quodam 5
quasi veneno perficiat, ut veros heredes moveat, in eorum locum ipse succedat? Non igitur faciat, dixerit quis, quod 6
utile sit, quod expediat? Immo intelligat, nihil nec expedire nec utile esse, quod sit injustum. Hoc qui non didicerit, bonus vir esse non poterit. Fimbriam consularem au- 7
diebam de patre nostro puer judicem M. Lutatio Pinthiæ fuisse, equiti Romano sane honesto, cum is sponsionem fecisset, NI VIR BONUS ESSET, itaque ei dixisse Fimbriam, se illam rem nunquam judicaturum; ne aut spoliaret fama probatum hominem, si contra judicavisset; aut statuisse videretur, virum bonum esse aliquem, cum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, 8
quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quidquam esse utile, quod non honestum sit. Itaque talis vir non modo facere, sed ne cogitare quid- 9
em quidquam audebit, quod non audeat prædicare. Hæc 10
non turpe est dubitare philosophos, quæ ne rustici quidem dubitent? a quibus natum est id, quod jam contritum est vetustate proverbium: cum enim fidem alicujus bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices. Hoc quam habet vim, nisi illam, nihil expedire, quod non 11
deceat, etiamsi id possis nullo refellente obtinere? Videsne, 12
hoc proverbio neque Gygi illi posse veniam dari neque huic, quem paulo ante fingebam digitorum percussione hereditates omnium posse converrere? Ut enim, quod turpe est, id quamvis occultetur, tamen honestum fieri nullo modo potest: sic, quod honestum non est, id utile ut sit, effici non potest adversante et repugnante natura.

XX.

Another common source of immorality is the Desire of Distinction.

At enim, cum permagna præmia sunt, est causa peccandi. C. Marius cum a spe consulatus longe abesset, et jam septimum annum post præturam jaceret, neque petiturus unquam consulatum videretur; Q. Metellum, cujus legatus erat, summum virum et civem, cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est, bellum illum ducere: si se consulem fecissent, brevi tempore aut vivum aut mortuum Jugurtham se in potestatem populi Romani daturum. Ita- 2 que factus est ille quidem consul, sed a fide justitiaque discessit, qui optimum et gravissimum civem, cujus legatus et a quo missus esset, in invidiam falso crimine adduxerit.

Instance of MARIUS:

Instance of GRATIDIANUS:

Ne noster quidem Gratidianus officio boni 3 viri functus est tum, cum prætor esset, collegiumque prætorum tribuni plebi adhibuissent, ut res nummaria de communi sententia constitueretur. Jactabatur enim temporibus illis nummus sic, ut nemo posset scire, quid haberet. Conscripserunt communiter edictum cum 4 pœna atque judicio; constitueruntque, ut omnes simul in rostra post meridiem escenderent. Et ceteri quidem alius 5 alio: Marius a subselliis in rostra recta, idque, quod communiter compositum fuerat, solus edixit. Et ea res, si quæris, ei magno honori fuit. Omnibus vicis statuæ: ad eas tus, cerei. Quid multa? Nemo unquam multitudini fuit carior. Hæc sunt, quæ conturbant in 6 deliberatione nonnunquam, cum id, in quo violatur æquitas, non ita magnum, illud autem, quod ex eo paritur, permagnum videtur: ut Mario, præripere collegis et tribunis pl. popularem gratiam, non ita turpe; consulem ob eam rem fieri, quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula 7 est, quam tibi cupio esse notissimam: aut illud, quod utile videtur, turpe ne sit; aut si turpe est, ne videatur esse

Reflections upon these instances, and proposed Rule.

utile. Quid igitur? possumusne aut illum Marium virum 8
bonum judicare, aut hunc? Explica atque excute intelligentiam tuam, ut videas, quæ sit in ea species, forma et notio viri boni. Cadit ergo in virum bonum mentiri emo- 9
lumenti sui causa, criminari, præripere, fallere? Nihil profecto minus. Est ergo ulla res tanti, aut 10
commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid 11
est quod afferre tantum utilitas ista, quæ dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem justitiamque detraxerit? Quid enim interest, utrum ex homine 12
se convertat quis in beluam, an hominis figura immanitatem gerat beluæ?

The character of Good is worth all other things.

XXI.

A third source is Desire of Power: the acquisition of which is no excuse for wrong actions. Examples of CÆSAR and POMPEY.

Quid? qui omnia recta et honesta negligunt, dummodo potentiam consequantur, nonne idem faciunt, quod is, qui etiam socerum habere voluit eum, cujus ipse audacia potens esset? Utile ei videbatur plurimum 2
posse alterius invidia: id quam injustum in patriam et quam turpe et quam inutile esset, non videbat. Ipse autem socer in ore semper Græcos ver- 3
sus de Phœnissis habebat, quos dicam ut potero; incondite fortasse, sed tamen ut res possit intelligi:

The Principle enunciated in EURIPIDES' lines is immoral.

Nam si violandum est jus, regnandi gratia
Violandum est: aliis rebus pietatem colas.

Capitalis Eteocles, vel potius Euripides, qui id unum, quod 4
omnium sceleratissimum fuerit, exceperit. Quid igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? Ecce tibi, qui rex populi Romani 5
dominusque omnium gentium esse concupierit, idque perfecerit. Hanc cupiditatem si 6
honestam quis esse dicit, amens est. Probat enim legum et libertatis interitum: earum-

The opinion that the magnitude of the advantage to be gained excuses crime, produces the most disastrous consequences.

que oppressionem, tætram et detestabilem, gloriosam putat. Qui autem fatetur, honestum non esse in ea civitate, quæ 7
libera fuerit quæque esse debeat, regnare, sed ei qui id facere possit, esse utile: qua hunc objurgatione aut quo potius convicio a tanto errore coner avellere? Potest enim, 8
dii immortales, cuiquam esse utile fœdissimum et tæterrimum parricidium patriæ: quamvis is, qui se eo obstrinxerit, ab oppressis civibus Parens nominetur? 9
Honestate igitur dirigenda utilitas est, et quidem sic, ut hæc duo, verbo inter se discrepare, re unum sonare videantur. Non habeo, ad vulgi opinionem, quæ major utilitas 10
quam regnandi esse possit: nihil contra inutilius ei qui injuste consecutus sit invenio, cum ad veritatem cœpi revocare rationem. Possunt enim cuiquam esse utiles angores, 11
sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima?

Rectitude is the only measure and standard of expediency. The real evils to a man of Power, acquired by unjustifiable means, shown by the instance of JULIUS CÆSAR. If this rule be true in cases where the seeming advantage is great, it holds still more in other cases.

Multi iniqui atque infideles regno, pauci sunt boni, 12
inquit Attius. At cui regno? Quod a Tantalo et Pelope proditum jure obtinebatur. Nam quanto plures ei regi 13
putas, qui exercitu populi Romani populum ipsum Romanum oppressisset, civitatemque non modo liberam, sed etiam gentibus imperantem, servire sibi coëgisset? Hunc tu quas conscientiæ labes in animo censes habuisse? quæ vulnera? Cujus autem vita ipsi potest utilis esse, cum 14
ejus vitæ ea condicio sit, ut, qui illam eripuerit, in maxima et gratia futurus sit et gloria? Quodsi hæc utilia non sunt, 15
quæ maxime videntur, quia plena sunt dedecoris ac turpitudinis; satis persuasum esse debet nihil esse utile, quod non honestum sit.

XXII.

Farther Instances in point: I. FABRICIUS, his behavior to

Quamquam id quidem, cum sæpe alias, tum Pyrrhi bello a C. Fabricio, consule iterum, et a senatu nostro judicatum est. Cum 2

PYRRHUS: in this case there was a seeming expediency in wrong, but in reality no inconsistency between Rectitude and Expediency.

enim rex Pyrrhus populo Romano bellum ultro intulisset, cumque de imperio certamen esset cum rege generoso ac potente; perfuga ab eo venit in castra Fabricii, eique est pollicitus, si præmium sibi proposuisset, se, ut clam venisset, sic clam in Pyrrhi castra redituru m et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum: idque ejus factum laudatum a senatu est. Atqui si speciem utilitatis opinionemque 3 quærimus, magnum illud bellum perfuga unus et gravem adversarium imperii sustulisset: sed magnum dedecus et flagitium, quicum laudis certamen fuisset, eum non virtute, sed scelere superatum. Utrum igitur utilius vel Fabricio, 4 qui talis in hac urbe, qualis Aristides Athenis fuit, vel senatui nostro, qui nunquam utilitatem a dignitate sejunxit, armis cum hoste certare, an venenis? Si gloriæ causa im- 5 perium expetendum est, scelus absit, in quo non potest esse gloria: sin ipsæ opes expetuntur quoquo modo, non pote-

II. Another Case of apparent but not real opposition between Rectitude and Expediency.

runt utiles esse cum infamia. Non igitur 6 utilis illa L. Philippi Q. F. sententia: quas civitates L. Sulla, pecunia accepta, ex senatus consulto liberavisset, ut eæ rursus vectigales essent, neque iis pecuniam, quam pro libertate dederant, redderemus. Est ei senatus assensus. Turpe impe- 7 rio. Piratarum enim melior fides, quam senatus. At aucta vectigalia: utile igitur. Quousque audebunt di- 8 cere quidquam utile, quod non honestum? Potest autem ulli imperio, quod gloria fultum esse debet, et benivolentia sociorum, utile esse odium et infamia? Ego etiam 9

Third Case.

cum Catone meo sæpe dissensi. Nimis mihi præfracte videbatur ærarium vectigaliaque defendere, omnia publicanis negare, multa sociis: cum in hos benefici esse deberemus; cum illis sic agere, ut cum colonis nostris soleremus: eoque magis, quo illa ordinum conjunctio ad salutem rei publicæ pertinebat. Male etiam 10

Fourth Case.

Curio, cum causam Transpadanorum æquam

The Maxim, *Vincat utilitas*, is wrong, unless rightly construed.

esse dicebat: semper autem addebat, *Vincat utilitas*. Potius diceret, non esse æquam, 11 quia non esset utilis rei publicæ, quam, cum non utilem diceret, æquam fateretur.

XXIII.

Several cases, as to the Duty of a Man in doubtful circumstances, put by HECATON. All these controverted points admit of an easy solution. Rule of action in such cases has been already laid down.

Plenus est sextus liber de officiis Hecatonis talium quæstionum, Sitne boni viri, in maxima caritate annonæ, familiam non alere. In utramque partem disputat; sed tamen ad extremum utilitate officium dirigit magis quam humanitate. Quærit, si in mari 2 jactura facienda sit, equine pretiosi potius jacturam faciat, an servuli vilis. Hic alio res familiaris, alio ducit humanitas. Si tab- 3 ulam de naufragio stultus arripuerit, extorquebitne eam sapiens, si potuerit? Negat, quia sit injurium. Quid dominus navis, eripietne suum? Minime, non plus, quam navi- 4 gantem in alto ejicere de navi velit, quia sua sit. Quoad enim perventum sit eo, quo sumpta navis est, non domini est navis, sed navigantium. Quid si una tabula sit, duo 5 naufragi, iique sapientes: sibi neuter rapiat, an alter cedat alteri? Cedat vero: sed ei, cujus magis intersit vel sua vel rei publicæ causa, vivere. Quid si hæc paria in utro- 6 que? Nullum erit certamen, sed, quasi sorte aut micando victus, alteri cedet alter. Quid si pater fana expilet, cu- 7 niculos agat ad ærarium: indicetne id magistratibus filius? Nefas id quidem est. Quin etiam defendat patrem, si arguatur. Non igitur patria præstat omnibus officiis? Immo vero: sed ipsi patriæ conducit, pios habere cives in parentes. Quid si tyrannidem occupare, si patriam prodere co- 8 nabitur pater: silebitne filius? Immo vero obsecrabit patrem, ne id faciat; si nihil proficiet, accusabit, minabitur etiam; ad extremum, si ad perniciem patriæ res spectabit, patriæ salutem anteponet saluti patris. Quærit etiam, si 9 sapiens adulterinos nummos acceperit imprudens pro bonis,

cum id rescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait: Antipater negat, cui potius assentior. Qui 10 vinum fugiens vendat sciens, debeatne dicere. Non necesse putat Diogenes: Antipater viri boni existimat. Hæc sunt 11 quasi controversa jura Stoicorum. In mancipio vendendo dicendane vitia: non ea, quæ nisi dixeris, redhibeatur mancipium jure civili; sed hæc, mendacem esse, aleatorem, furacem, ebriosum. Alteri dicenda videntur, alteri non videntur. Si quis aurum vendens, orichalcum se putet ven- 12 dere, indicetne ei vir bonus, aurum illud esse, an emat denario, quod sit mille denariûm? Perspicuum est jam, et quid mihi videatur, et quæ sit inter eos philosophos, quos nominavi, controversia.

XXIV.

Farther discussion of cases, those namely referring to *Promises* and *Contracts*.

Pacta et promissa semperne servanda sint, quæ nec vi nec dolo malo (ut prætores solent) facta sint. Si quis medicamentum cui- 2 piam dederit ad aquam intercutem, pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento unquam postea uteretur; si eo medicamento sanus factus sit, et annis aliquot post inciderit in eundem morbum, nec ab eo, quicum pepigerat, impetret, ut item eo liceat uti: quid faciendum sit. Cum sit is inhumanus, qui non concedat, nec ei quidquam fiat injuriæ, vitæ et saluti consulendum. Quid? si qui sapiens rogatus 3 sit ab eo, qui eum heredem faciat, cum ei testamento sestertiûm millies relinquatur, ut ante, quam hereditatem adeat, luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset: faciat, quod promiserit, necne. Promi- 4 sisse nollem, et id arbitror fuisse gravitatis. Quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit: nisi forte eam pecuniam in rei publicæ magnum aliquod tempus contulerit, ut vel saltare, cum patriæ consulturus sit, turpe non sit.

Under what circumstances these may be violated.

XXV.

Continuation: Promises that may be lawfully broken: Those that are prejudicial to the party to whom the promise is made.

Instances taken from mythology.

Ac ne illa quidem promissa servanda sunt, quæ non sunt iis ipsis utilia, quibus illa promiseris. Sol Phaëthonti filio, ut redeamus 2 ad fabulas, facturum se esse dixit, quidquid optasset. Optavit, ut in currum patris tolleretur. Sublatus est. Atque is antequam constitit, ictu fulminis deflagravit. Quanto 3 melius fuerat, in hoc promissum patris non esse servatum? Quid, quod Theseus exegit promissum a Neptuno? Cui cum tres optationes Neptunus dedisset, optavit interitum Hippolyti filii, cum is patri suspectus esset de noverca: quo optato impetrato, Theseus in maximis fuit luctibus. Quid? Agamemnon cum devovisset Dianæ, 4 quod in suo regno pulcherrimum natum esset illo anno, immolavit Iphigeniam, qua nihil erat eo quidem anno natum pulchrius. Promissum potius non faciendum, quam tam tætrum facinus admittendum fuit. Ergo et promissa non 5 facienda nonnunquam, neque semper deposita reddenda. Si gladium quis apud te sana mente deposuerit, repetat in- 6 saniens; reddere peccatum sit, officium non reddere. Quid, 7 si is, qui apud te pecuniam deposuerit, bellum inferat patriæ, reddasne depositum? Non, credo. Facias enim contra rem publicam, quæ debet esse carissima. Sic multa, 8

By these examples it appears that actions, in themselves right, may become wrong owing to circumstances.

quæ honesta natura videntur esse, temporibus fiunt non honesta. Facere promissa, stare conventis, reddere deposita, commutata utilitate, fiunt non honesta. Ac de iis quid- 9 em, quæ videntur esse utilitates contra justitiam simulatione prudentiæ, satis arbitror dictum.

Sed quoniam a quattuor fontibus honestatis primo libro 10 officia duximus, in eisdem versemur, cum docebimus, ea quæ videantur esse utilia, neque sint, quam sint virtutis inimica. Ac de prudentia quidem, quam vult imitari ma- 11 litia; itemque de justitia, quæ semper est utilis, disputatum

est. Reliquæ sunt duæ partes honestatis, quarum altera 12
in animi excellentis magnitudine et præstantia cernitur,
altera in conformatione et moderatione continentiæ et tem-
perantiæ.

XXVI.

B. Where false Expediency comes into collision with Courage. Ch. xxvi.—xxxii. Cases in point; That of ULYSSES.

Utile videbatur Ulixi (ut quidem poëtæ
tragici prodiderunt: nam apud Homerum,
optimum auctorem, talis de Ulixe nulla sus-
picio est) sed insimulant eum tragœdiæ, si-
mulatione insaniæ militiam subterfugere vol-
uisse. Non honestum consilium. At utile, 2
ut aliquis fortasse dixerit, regnare et Ithacæ
vivere otiose cum parentibus, cum uxore, cum filio. Ullum
tu decus in quotidianis laboribus et periculis cum hac tran-
quillitate conferendum putas? Ego vero istam contem- 3
nendam et abjiciendam: quoniam, quæ honesta non sit,
ne utilem quidem esse arbitror. Quid enim auditurum 4
putas fuisse Ulixem, si in illa simulatione perseveravisset?
qui cum maximas res gesserit in bello, tamen hæc audiat
ab Ajace:

Cujus ipse princeps jurisjurandi fuit,
Quod omnes scitis, solus neglexit fidem.
Furere assimulare, ne coiret, institit.
Quod ni Palamedis perspicax prudentia
Istius percepset malitiosam audaciam,
Fide sacratæ jus perpetuo falleret.

Illi vero non modo cum hostibus, verum etiam cum flucti- 5
bus id quod fecit, dimicare melius fuit, quam deserere con-
sentientem Græciam ad bellum barbaris inferendum.

That of REGULUS. Ch. xxvi.—xxxii.

Sed omittamus et fabulas et externa: ad 6
rem factam nostramque veniamus. M. Ati- 7
lius Regulus, cum consul iterum in Africa
ex insidiis captus esset, duce Xanthippo Lacedæmonio, im-
peratore autem patre Hannibalis Hamilcare, juratus mis-
sus est ad senatum, ut, nisi redditi essent Pœnis captivi

nobiles quidam, rediret ipse Carthaginem. Is cum Romam 8
venisset, utilitatis speciem videbat, sed eam, ut res declarat,
falsam judicavit: quæ erat talis: manere in patria, esse
domi suæ cum uxore, cum liberis; quam calamitatem ac-
cepisset in bello, communem fortunæ bellicæ judicantem,
tenere consularis dignitatis gradum. Quis hæc negat esse
utilia? Quem censes? Magnitudo animi et fortitudo
negat.

XXVII.

The conduct of REGULUS praised.

Num locupletiores quæris auctores? Ha-
rum enim est virtutum proprium, nihil ex-
timescere, omnia humana despicere, nihil, quod homini ac-
cidere possit, intolerandum putare. Itaque quid fecit? 2
In senatum venit, mandata exposuit: sententiam ne dice-
ret, recusavit; quam diu jurejurando hostium teneretur,
non esse se senatorem. Atque illud etiam (o stultum ho- 3
minem, dixerit quispiam, et repugnantem utilitati suæ!)
reddi captivos, negavit esse utile: illos enim adolescentes
esse et bonos duces, se jam confectum senectute. Cujus 4
cum valuisset auctoritas, captivi retenti sunt, ipse Cartha-
ginem rediit: neque eum caritas patriæ retinuit, nec suo-
rum. Neque vero tum ignorabat, se ad crudelissimum hos- 5
tem et ad exquisita supplicia proficisci: sed jusjurandum
conservandum putabat. Itaque tum, cum vigilando neca- 6
batur, erat in meliore causa quam si domi
senex captivus, perjurus consularis remansis-
set. At stulte, qui non modo non censue- 7
rit captivos remittendos, verum etiam dis-
suaserit. Quomodo stulte? etiamne si rei 8
publicæ conducebat? Potest autem, quod
inutile rei publicæ sit, id cuiquam civi utile
esse?

Censured by some.

a. Defense of REGULUS.

Expediency is the aim and end of all, but it can not be separated upon any consideration from Rectitude.

XXVIII.

Pervertunt homines ea, quæ sunt fundamenta naturæ, cum utilitatem ab honestate sejungunt. Omnes enim expetimus utilitatem, ad eamque rapimur, nec facere aliter ullo modo possumus. Nam quis est, qui utilia fugiat? 2 aut quis potius, qui ea non studiosissime persequatur? Sed quia nusquam possumus, nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus; utilitatis nomen non tam splendidum quam necessarium ducimus. 3

ARGUMENTS AGAINST REGULUS.

i. What is there in an oath, and what to fear in breaking it?

ii. Regulus suffered more from his own conduct, than he could have had to fear from the gods as a punishment for Perjury.

iii. He ought to have chosen the least out of two evils.

iv. There are some things, seemingly right, in reality not so; thus it is a mistaken notion that faith ought to be kept with an enemy.

v. Promises, extorted by violence, need not be kept.

Quid est igitur, dixerit quis, in jurejurando? Num iratum timemus Jovem? 4 At hoc quidem commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii dicunt, nihil exhibere alteri, sed eorum etiam, qui deum semper agere aliquid et moliri volunt, nunquam nec irasci deum, nec nocere. Quid autem 5 iratus Jupiter plus nocere potuisset, quam nocuit sibi ipse Regulus? Nulla igitur vis 6 fuit religionis, quæ tantam utilitatem perverteret. An ne turpiter faceret? Primum, minima de malis. Num igitur tantum mali turpitudo ista habebat, quantum ille cruciatus? Deinde illud etiam apud 7 Attium,

Fregistin' fidem?
Neque dedi, neque do infideli cuiquam,

quamquam ab impio rege dicitur, luculente tamen dicitur. Addunt etiam, quemadmodum nos dicamus, videri quædam utilia, quæ 8 non sint: sic se dicere, videri quædam honesta, quæ non sint: ut hoc ipsum videtur honestum, conservandi jurisjurandi causa ad cruciatum revertisse, sed fit non honestum;

vi. Great expediency makes right.

quia, quod per vim hostium esset actum, ratum esse non debuit. Addunt, etiam, 9 quicquid valde utile sit, id fieri honestum, etiamsi antea non videretur. Hæc fere contra Regulum. Sed prima videamus.

XXIX.

ARGUMENTS IN REPLY.

i. Definition of an Oath, and reasons for the observance of it. The arguments against Regulus apply equally to oaths of any kind, which are not to be referred to Fear of consequences, but to Justice and Honor.

Non fuit Jupiter metuendus, ne iratus noceret: qui neque irasci solet nec nocere. Hæc quidem ratio non magis contra Reguli, 2 quam contra omne jusjurandum valet. Sed 3 in jurejurando, non qui metus sed quæ vis sit, debet intelligi. Est enim jusjurandum 4 affirmatio religiosa. Quod autem affirmate, quasi deo teste, promiseris, id tenendum est. Jam enim non ad iram deorum, quæ nulla est, sed ad justitiam et ad fidem pertinet. Nam præclare Ennius: 5

O Fides alma, apta pinnis, et Jusjurandum Jovis.

Qui Jus igitur jurandum violat, is Fidem violat, quam in Capitolio vicinam Jovis Optimi Maximi, ut in Catonis oratione est, majores nostri esse voluerunt.

ii. Pain is not the chief evil, nay, it is not one at all.

At enim ne iratus quidem Jupiter plus 6 Regulo nocuisset, quam sibi nocuit ipse Regulus. Certe, si nihil malum esset, nisi do- 7 lere. Id autem non modo summum malum, sed ne malum quidem esse, maxima auctoritate philosophi affirmant. Quorum quidem testem non mediocrem, sed haud scio an 8 gravissimum, Regulum nolite, quæso, vituperare. Quem 9 enim locupletiorem quærimus, quam principem populi Romani, qui retinendi officii causa cruciatum subierit volun-

iii. No outward Misfortune can be so bad as moral Deformity.

tarium? Nam quod aiunt, Minima de ma- 10 lis; id est, ut turpiter potius, quam calamitose: an est ullum majus malum turpitudine? Quæ si in deformitate corporis habet

aliquid offensionis, quanta illa depravatio et fœditas turpificati animi debet videri? Itaque nervosius qui ista disse- 11
runt, solum audent malum dicere id, quod turpe sit: qui autem remissius, hi tamen non dubitant summum malum dicere.

iv. Faith is to be kept with Enemies, though not with Robbers, because they are the common enemies of all. The correct idea of Perjury expressed in Euripides' line.

Nam illud quidem, 12

Neque dedi, neque do infideli cuiquam,

idcirco recte a poëta, quia, cum tractaretur Atreus, personæ serviendum fuit. Sed si 13
hoc sibi sumunt, nullam esse fidem, quæ infideli data sit, videant, ne quæratur latebra perjurio. Est jus etiam bellicum, fidesque 14
jurisjurandi sæpe cum hoste servanda. Quod enim ita juratum est, ut mens conciperet 15
fieri oportere, id servandum est: quod aliter, id si non feceris, nullum est perjurium. Ut, si prædonibus pactum 16
pro capite pretium non attuleris, nulla fraus est, ne si juratus quidem id non feceris. Nam pirata non est perduelli- 17
um numero definitus, sed communis hostis omnium. Cum hoc nec fides debet nec jusjurandum esse commune. Non 18
enim falsum jurare, perjurare est; sed quod EX ANIMI TUI SENTENTIA juraris, sicut verbis concipitur more nostro, id non facere, perjurium est. Scite enim Euripides: 19

Juravi lingua, mentem injuratam gero.

Regulus vero non debuit condiciones pactionesque bellicas 20
et hostiles perturbare perjurio. Cum justo enim et legitimo 21
hoste res gerebatur, adversus quem et totum jus fetiale et multa sunt jura communia. Quod ni ita esset, nunquam 22
claros viros senatus vinctos hostibus dedidisset.

XXX.

Historical cases, showing the manner in which the Romans disapproved of a preference of seeming Expediency over Moral Rectitude.

At vero T. Veturius et Sp. Postumius, cum iterum consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub jugum missis pacem cum Samnitibus fecerant, dediti sunt his; injussu enim populi senatusque fecerant. Eodemque tem- 2

pore Ti. Numicius, Q. Mælius, qui tum tribuni plebis erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur. Atque hujus deditionis ipse Pos- 3 tumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui, ut Numantinis, quibuscum sine senatus auctoritate fœdus fecerat, dederetur, rogationem suasit eam, quam L. Furius, S. Atilius ex senatus consulto ferebant: qua accepta est hostibus deditus. Honestius hic quam Q. Pompeius, quo, cum in eadem causa 4 esset, deprecante, accepta lex non est. Hic ea quæ videba- 5 tur utilitas plus valuit quam honestas: apud superiores utilitatis species falsa ab honestatis auctoritate superata est.

Answer to Argument v., That REGULUS had been forced into the Agreement: A good man can not be forced.

At non debuit ratum esse, quod erat ac- 6 tum per vim. Quasi vero forti viro vis possit adhiberi. Cur igitur ad senatum profi- 7 ciscebatur, cum præsertim de captivis dissuasurus esset? Quod maximum in eo est, id reprehenditis. Non enim suo judicio stet- 8 it, sed suscepit causam, ut esset judicium senatus: cui nisi ipse auctor fuisset, captivi profecto Pœnis redditi essent: ita incolumis in patria Regulus restitisset. Quod quia pa- 9 triæ non utile putavit, idcirco sibi honestum et sentire illa

Answer to Argument vi., That great Expediency must of itself become right. No apparent Expediency can make a thing right.

et pati credidit. Nam quod aiunt, quod 10 valde utile sit, id fieri honestum: immo vero esse, non fieri. Est enim nihil utile, quod idem non honestum: nec quia utile, honestum est; sed quia honestum, utile. Quare 11 ex multis mirabilibus exemplis, haud facile quis dixerit hoc exemplo aut laudabilius aut præstantius.

XXXI.

The conduct of REGULUS was not so remarkable in an age, when such

Sed ex tota hac laude Reguli unum illud est admiratione dignum, quod captivos ret- inendos censuit. Nam quod rediit, nobis 2 nunc mirabile videtur: illis quidem temporibus aliter facere non potuit. Itaque ista laus non est hominis, sed

great sanctity was attached to an oath, as is shown, among other things, by the Laws of the XII. Tables;

by examples taken from Roman History.

temporum. Nullum enim vinculum ad as- 3
tringendam fidem jurejurando majores artius
esse voluerunt. Id indicant leges in XII. 4
tabulis, indicant sacratæ, indicant fœdera,
quibus etiam cum hoste devincitur fides; in-
dicant notiones animadversionesque censo-
rum, qui nulla de re diligentius quam de jure
jurando judicabant. L. Manlio, A. F., cum 5
dictator fuisset, M. Pomponius tribunus plebis diem dixit,
quod is paucos sibi dies ad dictaturam gerendam addidisset.
Criminabatur etiam, quod Titum filium, qui postea est Tor- 6
quatus appellatus, ab hominibus relegasset et ruri habitare
jussisset. Quod cum audivisset adolescens filius, negotium 7
exhiberi patri: accurrisse Romam et cum prima luce Pom-
ponii domum venisse dicitur. Cui cum esset nuntiatum, 8
qui illum iratum allaturum ad se aliquid contra patrem
arbitraretur, surrexit e lectulo, remotisque arbitris, ad se
adolescentem jussit venire. At ille, ut ingressus est, con- 9
festim gladium destrinxit, juravitque se illum statim inter-
fecturum, nisi jusjurandum dedisset, se patrem missum esse
facturum. Juravit hoc terrore coactus Pomponius; rem 10
ad populum detulit; docuit, cur sibi causa desistere necesse
esset; Manlium missum fecit. Tantum temporibus illis
jusjurandum valebat. Atque hic T. Manlius is est, qui ad 11
Anienem Galli, quem ab eo provocatus occiderat, torque
detracto, cognomen invenit: cujus tertio consulatu Latini
ad Veserim fusi et fugati. Magnus vir in primis, et qui
perindulgens in patrem, idem acerbe severus in filium.

XXXII.

Instance of bad faith in some Roman soldiers during the second Punic War, contrasted with the conduct of REGULUS.

Sed ut laudandus Regulus in conservando
jurejurando, sic decem illi, quos post Can-
nensem pugnam juratos ad senatum misit
Hannibal, in castra redituros ea, quorum
erant potiti Pœni, nisi de redimendis capti-
vis impetravissent, si non redierunt, vitupe-

randi. De quibus non omnes uno modo. Nam Polybius, 2
bonus auctor in primis, ex decem nobilissimis, qui tum
erant missi, novem revertisse, a senatu re non impetrata:
unum qui paulo post, quam egressus erat e castris, redisset,
quasi aliquid esset oblitus, Romæ remansisse. Reditu enim 3
in castra liberatum se esse jurejurando interpretabatur.
Non recte: fraus enim destringit, non dissol-
vit perjurium. Fuit igitur stulta calliditas, 4
perverse imitata prudentiam. Itaque decre-
vit senatus, ut ille veterator et callidus vinc-
tus ad Hannibalem duceretur. Sed illud 5
maximum: octo hominum milia tenebat
Hannibal, non quos in acie cepisset, aut qui
periculum mortis effugissent, sed qui relicti
in castris fuissent a Paulo et a Varrone con-
sulibus. Eos senatus non censuit redimen- 6
dos, cum id parva pecunia fieri posset: ut
esset insitum militibus nostris aut vincere,
aut emori. Qua quidem re audita, frac- 7
tum animum Hannibalis scribit idem, quod
senatus populusque Romanus rebus afflictis tam excelso
animo fuisset. Sic honestatis comparatione ea, quæ vi- 8
dentur utilia, vincuntur. Acilius autem, qui Græce scrip- 9
sit historiam, plures ait fuisse, qui in castra revertissent,
eadem fraude, ut jurejurando liberarentur, eosque a cen-
soribus omnibus ignominiis notatos. Sit jam hujus loci 10
finis. Perspicuum est enim, quæ timido ani-
mo, humili, demisso, fractoque fiant (quale
fuisset Reguli factum, si aut de captivis,
quod ipsi opus esse videretur, non quod rei
publicæ, censuisset, aut domi remanere volu-
isset) non esse utilia, quia sint flagitiosa,
fœda, turpia.

Equivocation does not free from the guilt of Perjury, but rather aggravates it. In the case spoken of it did not prove expedient, but the contrary.

Another instance, in which disregard to apparent Expediency and regard to the Principles of Honor proved ultimately advantageous.

Hence there can be no real Expediency in mean and cowardly conduct, the reverse of that of REGULUS.

XXXIII.

C. When false Expediency comes into collision with Temperance.

This can only be the case on supposition of the Epicurean theory being true, that "pleasure is the *summum bonum*, and virtue so far desirable as it is conducive to this."

This doctrine proved to be in direct contradiction to the four sources of the *honestum*: viz.,

Restat quarta pars, quæ decore, moderatione, modestia, continentia, temperantia continetur. Potest igitur quidquam esse utile, 2 quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici, 3 atque Annicerii philosophi nominati, omne bonum in voluptate posuerunt, virtutemque censuerunt ob eam rem esse laudandam, quod efficiens esset voluptatis, quibus obsoletis floret Epicurus, ejusdem fere adjutor auctorque sententiæ. Cum his viris equisque, ut dici- 4 tur, si honestatem tueri ac retinere sententia est, decertandum est. Nam si non modo 5 utilitas, sed vita omnis beata, corporis firma constitutione ejusque constitutionis spe explorata, ut a Metrodoro scriptum est, continetur: certe hæc utilitas, et quidem summa (sic enim censent), cum

1. to Wisdom,

honestate pugnabit. Nam ubi primum pru- 6 dentiæ locus dabitur? An, ut conquirat undique suavitates? Quam miser virtutis famulatus, servientis voluptati! 7 Quod autem munus prudentiæ? An legere intelligenter voluptates? Fac nihil isto esse jucundius: quid cogitari

2. to Courage,

potest turpius? Jam, qui dolorem summum 8 malum dicat, apud eum quem habet locum fortitudo, quæ est dolorum laborumque contemptio? Quamvis enim mul- 9 tis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore: tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore: ut, si illum audiam de continentia et temperantia, dicit ille quidem multa multis locis; sed aqua hæret, ut

3. to Temperance,

aiunt. Nam qui potest temperantiam lau- 10 dare is, qui ponat summum bonum in voluptate? Est enim temperantia libidinum inimica, libidines autem consectatrices voluptatis. Atque in his tamen tri- 11

bus generibus, quoquo modo possunt, non incallide tergi-
versantur. Prudentiam introducunt, scientiam suppedi- 12
tantem voluptates, depellentem dolores. Fortitudinem quo-
que aliquo modo expediunt, cum tradunt rationem negli-
gendæ mortis perpetiendique doloris. Etiam temperan- 13
tiam inducunt, non facillime illi quidem, sed tamen quo-
quo modo possunt. Dicunt enim, voluptatis magnitudinem
doloris detractione finiri. Justitia vacillat,
vel jacet potius, omnesque eæ virtutes, quæ in communi-
tate cernuntur et in societate generis humani. Neque enim 14
bonitas, nec liberalitas, nec comitas esse potest, non plus
quam amicitia, si hæc non per se expetantur, sed ad volup-
tatem utilitatemve referantur. Conferamus igitur in pau- 15
ca. Nam ut utilitatem nullam esse docuimus, quæ hones-
tati esset contraria, sic omnem voluptatem dicimus hones-
tati esse contrariam. Quo magis reprehendendos Calli- 16
phonem et Dinomachum judico, qui se dirempturos con-
troversiam putaverunt, si cum honestate voluptatem, tam-
quam cum homine pecudem, copulavissent. Non recipit 17
istam conjunctionem honestas; aspernatur, repellit. Nec
vero finis bonorum, qui simplex esse debet, ex dissimillimis
rebus misceri et temperari potest. Sed de hoc (magna 18
enim res est) alio loco pluribus. Nunc ad
propositum. Quemadmodum igitur, si quan- 19
do ea, quæ videtur utilitas, honestati repug-
nat, dijudicanda res sit, satis est supra disputatum. Sin autem speciem utilitatis etiam 20
voluptas habere dicetur, nulla potest esse ei
cum honestate conjunctio. Nam ut tribua- 21
mus aliquid voluptati, condimenti fortasse
nonnihil, utilitatis certe nihil habebit.

4. to Justice.

As, therefore, Expediency is really identical with Rectitude, so is Pleasure contrary to it, though it sometimes assumes the appearance of Expediency.

XXXIV.

CONCLUDING REMARKS.

Habes a patre munus, Marce fili, mea
quidem sententia magnum; sed perinde erit,
ut acceperis. Quamquam hi tibi tres libri inter Cratippi

commentarios tamquam hospites erunt recipiendi. Sed ut, 2
si ipse venissem Athenas (quod quidem esset factum, nisi me e medio cursu clara voce patria revocasset), aliquando me quoque audires: sic, quoniam his voluminibus ad te profecta vox est mea, tribues his temporis quantum poteris: poteris autem, quantum voles. Cum vero intellexero, 3
te hoc scientiæ genere gaudere, tum et præsens tecum propediem, ut spero, et dum aberis absens loquar. Vale igitur, mi Cicero, tibique persuade, esse te quidem mihi carissimum; sed multo fore cariorem, si talibus monumentis præceptisque lætabere.

NOTES.

NOTES.

BOOK I.

CHAPTER I.

§ 1.

Annum jam audientem, &c. "After being now for a whole year a hearer of Cratippus, and that, too, at Athens." This city was at the time the great seat of literature, and, in fact, the university of the Roman empire. Cicero began his treatise at the commencement of the summer of B.C. 44, just after the assassination of Julius Cæsar, and finished it towards the close of the same year. His son Marcus, then in the twentieth year of his age, had been sent to Athens early in April of the preceding year.—*Cratippum.* Cratippus, an eminent Peripatetic philosopher, born at Mytilene. He wrote a treatise on Divination and the Art of Interpreting Dreams. —*Abundare præceptis*, &c. "To be well supplied with the practical lessons and principles of philosophy." The distinction between *præcepta* and *instituta* is well given by Heusinger: "Præcepta *sunt, quæ vera, recta, et honesta monstrant;* instituta *animum moresque ad præcepta conformant.*"

Ad meam utilitatem. Not "for my own improvement" as an end, but "to my own improvement" as a consequence. The more usual expression would have been *cum mea utilitate*, which is probably avoided because of the *cum* immediately following.—*Cum Græcis Latina.* The study of the Greek and Latin, and of the writers in both languages.—*Ut par sis in utriusque*, &c. "That you may be equally skilful in the employment of either style, i. e., may possess equal readiness of style in both languages, Greek and Latin. Literally, "may be equal in the ability of either style." Some, less correctly, make the reference to be to the oratorical and philosophical style. Zumpt's authority is decisive on this point. "*Noli dubitare,*" he remarks, "*quin ad utramque* linguam *pertineat, sicut mox est 'orationem Latinam legendis nostris efficies pleniorem.'*"—*Orationis.* Observe that *oratio* is "select laugnage, in conformity to rules," as opposed to *sermo*, "the language of ordinary life."

§ 2.

Ut videmur. "As we appear." Not to ourselves, but to others. This he says to avoid the charge of arrogance.—*Ut non modo*, &c. Cicero means, that by his writings he had not only taught his countrymen to think, but also had enriched the philosophic *copia verborum* of the Latin tongue. The *docti* are here opposed to the "*Græcarum literarum rudes.*" The former had been taught by Cicero that Greek philosophy was not a subject incapable of being expounded in Latin.—*Aliquantum.* "Considerable acquisitions." *Aliquantum* denotes something less than *magnum*, but more than *paullum.*—*Et ad dicendum*, &c. "Both for public speaking and for the decisions of philosophy," i. e., to aid them both in speaking and in philosophical disquisitions.

§ 3.

Disces. The second person of the future indicative is sometimes used for the second person of the imperative, in order to express a firm conviction that the command or direction will be complied with, especially in familiar language. (*Madvig*, § 384, *Obs.*)—*Te non pœnitebit.* "You shall not feel dissatisfied." Servius (*ad Virg. Eclog.*, 11, 34) explains *non pœnitebit* by *non parum videbitur.*—*Utrique.* "Both of us," i. e., we of the Academic, as well as Cratippus and others of the Peripatetic school, since we both lay claim to be followers of Socrates and Plato.—*Orationem autem Latinam*, &c. "You will undoubtedly, however, by reading my writings, render your Latin style more copious in its character." *Autem* is often thus employed epanaleptically after a parenthesis, when a train of thought is resumed which the parenthesis had interrupted. So a similar usage prevails in the case of the Greek particles, δέ, δ' οὖν, and ἀλλά.

§ 4, 5.

Dictum existimari. "To be regarded as uttered (by me)."—*Philosophandi scientiam.* "(Superior) ability in philosophising," i. e., superiority in philosophical inquiry.—*Proprium.* "The peculiar province."—*Apte, distincte, ornate.* "With propriety, with perspicuity, with elegance." *Apte* refers to the conformity of our style to the subject we are handling; *distincte* to the method of a discourse; *ornate* to the figures and ornaments of rhetoric employed in it.—*Hos.* The pronoun is here meant to refer to their having been produced at a more recent period than his oratorical works.—*Se jam illis æquarunt.* The reading *æquarunt*, instead of *se æquarunt*, is

shown by Zumpt to be incorrect Latin. Properly, a person is said *æquare aliquam rem cum aliqua re*, a thing *æquari cum aliqua re*. Sometimes a dative takes the place of the ablative with *cum*, as *solo æquare urbem*. The verb *æquare* is often used in the sense of "reaching" or "coming up to," with a simple accusative, but never with a dative. This follows from the literal meaning, viz., bringing a thing into equality with something belonging to yourself. — *Hoc æquabile et temperatum*, &c. "This even and sober manner of expression," i. e., which prevails in the latter, or in my philosophical works. The philosophic style is here designated as uniform and unimpassioned in comparison with the oratorical.

§ 6, 7.

Ut idem utroque, &c. "That the same individual laboured successfully in each kind of style." *Laboraret*, the reading of all the MSS. but one, would mean simply, "Laboured upon," without any reference to the result. (*Klotz, Wörterb., L. S., s. v.*)—*Sequeretur-que.* "And aimed at."—*Quietum.* "Unimpassioned."—*Phalereus.* "Of Phalerus." So called from his birth-place, the Attic borough of Phalerus. Observe that *Phalēreūs* must be pronounced as of three syllables, like the Greek Φαληρεύς.—*In hoc numero.* He means in the number of those who had made both rhetoric and philosophy their study.—*Theophrasti.* Compare *Cic. Brut.*, 31. "*Quis Aristotele nervosior, Theophrasto dulcior?*"—*Utrumque certe secuti sumus.* "We have aimed, at least, at both." *Certe* has here the force of γέ.

§ 8.

Tractare. "To employ." Literally, "to handle."—*Gravissime et copiosissime.* "With the greatest force and fluency." — *Quæ a Platone didicerat.* Cicero adopts here the common story, which makes Demosthenes to have been a pupil of Plato's. It may be that Demosthenes knew and esteemed Plato, but it is more than doubtful whether he received his instruction.—*Pronuntiare.* "To give utterance to," i. e., either in written language, or orally in the schools of the philosophers.—*Ornate splendideque.* "With elegance and brilliant effect."—*Contempsit alterum.* "Undervalued the other." Supply *studium.* Isocrates never tried how he could succeed in philosophy, nor Aristotle how he could succeed in rhetoric.

CHAPTER II.

§ 1, 2, 3.

Auctoritati meæ. "To my authority (as a parent)," i. e., to my moral influence over you. Some, less correctly, translate this, "To my character." — *Latissime patere.* "To extend most widely." That is, to apply to all kinds of life, times, and circumstances.—*Quæ tradita et præcepta sunt.* "Which have been delivered and enjoined." Heusinger refers *tradita* to speculative arguments, and *præcepta* to the admonitory style of writing.—*Vitæ pars.* "Department of life."—*Forensibus.* "Out-door." In a wider sense opposed to *domesticis*, as *foris* is to *domi.*—*Si tecum agas.* "If you be doing any thing by yourself." For even in such cases there are duties which you owe to your own self.—*Officio.* "Its appropriate duty," i. e., its particular obligations.

§ 4, 5.

Quæstio. "Subject of inquiry."—*Nullis officii præceptis tradendis.* "If no precepts of moral duty be laid down by him." The future participle in *dus* is often used as a present participle passive, or, in other words, has the meaning of a continued passive state.—*Disciplinæ.* "Sects." The chief of these were the Epicureans, who considered good to consist in pleasure, evil in pain.—*Propositis bonorum*, &c. "By the extremes of good and evil which they put forth," i. e., by their views of what constitutes the highest good and the greatest evil. *Finis* means the extremity, or farthest point to which any thing can be carried.—*Pervertunt.* In the sense of *evertunt* or *tollunt.* Observe, that if the substantive verb have a subject expressed, to which the relative refers, then the following verb is put in the indicative (*pervertunt*), and not in the subjunctive.

§ 6, 7.

Nam qui summum bonum sic instituit, &c. "For he who so lays down the chief good, that it is to have no connexion with virtue," &c.—*Non honestate.* "Not according to its moral merit."—*Hic.* The antecedent *is* being omitted in the previous clause, *hic* is here elegantly and emphatically substituted.—*Et non interdum*, &c. Cicero means, that Epicurus's sentiments about moral virtue do not accord with his theory concerning the ends of good and evil, but proceed from a natural goodness of heart.—*Fortis vero . . . esse certe nullo modo potest*, &c. "A man, in truth, can assuredly in no way be brave who," &c.—*Ita sint in promptu.* "Are so evident." Com-

pare chap. xxvii., 7. *Quanquam*, with the subjunctive, in Cicero is comparatively rare. In later writers it is the usual construction.—*Alio loco*. In the treatise *De Finibus* (ii., 8, 23) and the fourth and fifth books of the Tusculan Disputations.

§ 8.

Firma, stabilia, &c. "Firmly settled, unchangeable, agreeable to nature," i. e., resting on fixed principles, always consistent with those principles, and grounded in our very nature.—*Qui solam*, &c. The Stoics maintained that Virtue alone was to be desired; but the Academics and Peripatetics held that Virtue should be the chief object of desire. Now if any thing else may be desired more than Virtue, then I may part with my Virtue for obtaining it, and by consequence cannot observe any settled and unalterable Rules of Duty.

§ 9.

Ea præceptio. "This imparting of precepts (on the subject of moral duties)," i. e., the right to impart them.—*Stoicorum*. The Stoics held that nothing was good or desirable for its own sake, and for an end, but Virtue. (*Cic. Acad.*, ii., 44, 135; *De Fin.*, iii., 6, 21.)—*Academicorum*. The Academics denied that there was any such thing as certainty, and were not tied to any particular set of opinions, but followed what appeared most probable, though generally inclining to the Peripatetics. — *Peripateticorum*. They held that Virtue was the chief and abundantly most desirable good, but yet allowed the name of good to some other things, as Riches, Friends, Health, &c., whereas the Stoics did not.

Aristonis, Pyrrhonis, Herilli. These three philosophers were of different opinions about man's happiness. Aristo and Pyrrho made it consist in Virtue alone—the first with a perfect *Indifference* (ἀδιαφορία); the second with an entire *Insensibility* (ἀπαθεία) to every thing else, such as Health, Riches, Honours, &c. Herillus, on the other hand, made it to consist in Knowledge, with a like indifference. Though they did disagree, therefore, in their notions of happiness, yet they were all agreed in what Cicero here taxes them with, viz., in taking away all *delectus rerum* (power of choosing between things), by which means they left no *aditus*, as he says, *ad inventionem officii* (no way of finding out our duty). For how can that Prudence, which is seen in wisely choosing one thing before another, have any place, if all things are equally in themselves indifferent? And if there be no difference between Sickness and Health, Riches and Poverty, and it is as good for a man to be in

one as in the other of these, this takes away all obligations of assisting those that are in sickness or want, seeing that, according to this opinion, they are not anywise in a worse condition than the healthy or rich; and, by consequence, all Justice, Charity, Bounty, &c., must fall to the ground. This is what Cicero often objects to them, that they *virtutem ipsam quam amplexabantur tollere.* (*Cockman, ad loc.*)

Jam pridem explosa est. "Has long since been scouted." A metaphor borrowed from the stage. Bad actors are said *explodi*, "to be hissed off," when driven from the stage by the clamour of the audience.—*Rerum aliquem delectum.* "Any choice in things," i. e., between right and wrong, good and evil.—*Aditus.* "An avenue of approach."

§ 10, 11, 12.

Stoicos. Placed at the end of the clause for emphasis. (*Madvig, L. G.*, § 465.) Under the general appellation of *Stoicos* Cicero refers in particular to Panætius.—*Non ut interpretes.* "Not as mere translators."—*Quōque modo videbitur.* "And in whatever manner shall seem best."—*Omnis disputatio.* "The whole of the present discussion."—*Definire.* This verb properly means to set bounds to the meaning of a term, which Cicero here does by speaking of the several species of duty.—*Omnis enim quæ a ratione suscipitur institutio.* "For all instruction that proceeds upon some systematic plan." Literally, "that is undertaken from a systematic plan." Compare a similar use of the preposition *a* in *Cic. Ep. ad Fam.*, xi., 10: "*A certo sensu et vero judicas de nobis.*" Zumpt, less correctly, renders, "Which is undertaken by a rational being," making *ratione* the abstract for the concrete.—*A definitione proficisci.* "To set out with a definition."

CHAPTER III.

§ 1, 2, 3.

Duplex. That is, in any treatise upon *officium*, we must have regard to the two meanings which attach to the word, namely, (1) *Abstract duty*, and (2) *a special duty.* Special duties are what Cicero proposes to consider in the present Treatise.—*Ad finem bonorum.* "To the final good."—*Positum est.* "Consists."—*Quibus in omnes partes*, &c. "By which the practice of life may be moulded for all its relations."—*Numquid.* The simply interrogative *num* is strengthened by the addition of *quid* in the accusative.—*Quorum autem offi-*

ciorum, &c. "As regards, on the other hand, those duties for which precepts are imparted, although these relate, indeed, to the final good," &c.—*Institutionem.* "The regulation."

§ 4, 5.

Alia divisio. The Stoics held that *τὰ καθήκοντα* were either *τέλεια* (*perfecta*) or *μέσα* (*media*), i. e., "subordinate duties," the simple performance of which was neither bad nor good in itself, only as done with a bad intention or the contrary. (*Vid. De Fin.*, iii., 17.) The single name which they gave to *τέλεια καθήκοντα* was *κατορθώματα*, which Cicero translates by *recta facta*, or *recta.* Duties of the second class he styles *communia*, as being those which concern mankind in general. This class was called simply *τὸ καθῆκον* by the Stoics, and by Cicero, in imitation of them, *officium.* The latter word, as has already been remarked, has two meanings, according as it includes *τὸ κατόρθωμα*, the highest standard of duty, or is limited to the second class of duties.—*Rectum.* "A direct one."—*Hoc autem*, &c. "Whereas this other they call a common duty," i. e., for mankind in common.—*Ratio probabilis.* "A plausible reason."

§ 6, 7.

Consilii capiundi deliberatio. H. Stephens calls this a pleonasm, but Gronovius shows that there is a difference between *consilium capere* and *deliberare*, the former signifying *exequi deliberatum, rem facere de qua deliberabatur* (*ad Liv.*, xxxv., 34).—*Nam.* "For in the first place."—*Dubitant.* "Consider." In the sense of *cogitant* or *ambigunt.* The primitive meaning of *dubitare* is "to go backwards and forwards from one side to the other," hence, as here, "to weigh well," "to consider," &c. — *Quod in deliberationem cadit.* "Which comes under deliberation."—*Aut anquirunt.* "They either closely examine." This word properly signifies, "to look round about for any thing." Zumpt says, "Anquirunt *ipsi secum*, consultant *cum aliis*," though *consultare* does not necessarily imply deliberation conjointly with others.

Facultates rerum atque copias. "The means of procuring ordinary things, as well as abundant resources." By *facultates rerum* are meant, in fact, the means of obtaining the necessaries of life, or, as Heusinger explains it, "*Necessaria vivendi et agendi præsidia.*"—*Opes.* "Political influence."—*Suos.* Their relations, friends, and dependents.—*In rationem utilitatis cadit.* "Falls under the head of expediency."

§ 8, 9, 10.

Pugnare. "To conflict."—*Rapere.* "To hurry us away." A very graphic term.—*Afferatque ancipitem*, &c. "And brings to the deliberation a twofold anxiety of thought."—*Hac divisione.* "In this division (of Panætius)."—*Duo prætermissa sunt.* "Two heads are omitted." But Panætius was a Stoic, and the omission was intentional. For the Stoics denied that any honourable or useful act could be more honourable or useful than another.—*Triplicem rationem.* "A threefold object of systematic inquiry."—*Dupliciter.* "Under two heads." These two heads are: 1. *Honestum an turpe;* 2. *Honestum honesto honestius.* So again in the case of the *utile*, the two heads will be: 1. *Utile an inutile;* 2. *Utile utili utilius.*—*Disserendum.* The first Book, from chap. iv. to chap. xlii., is taken up with the consideration of what is *Honestum.* After which our author proceeds to consider the relative importance of the several virtues which constitute it, when they enter into competition. This ends the *first* Book. In the *second* Book, after determining what is *utile* (ch. i.—ch. xxiv.), he devotes one chapter only to the consideration of the conflicting claims of its several parts. The *third* Book is wholly occupied with the consideration of the *Honestum* and *Utile* where they enter into competition.

CHAPTER IV.

§ 1, 2, 3.

Principio. "In the first place." Not as some understand it, "in the original formation of things."—*Ut tueatur.* "The instinct of protecting."—*Declinetque.* "As well as of avoiding."—*Omniaque quæ.* Cicero is not very scrupulous with respect to the recurrence of similar syllables. Compare ii., 17, 8.—*Anquirat.* "Of carefully seeking after." — *Commune.* "A thing common to." — *Autem.* "Moreover."—*Beluam. Bestia* is the usual word to express the antithesis between man and the "brute" creation. *Belua* has the accessory notion of monstrous size.—*Tantum quantum.* "So far forth merely as."—*Quod adest*, &c. "Which is at hand and present," i. e., at hand and not to come, opposed to *futurum;* and what is present, as opposed to what is past, *præteritum.*

Consequentia cernit. "Discerns consequences," i. e., marks, so as to distinguish the chain of consequences. These words form part of the parenthetical clause which extends from *quod rationis* to *annectit futuras.*—*Earumque progressus*, &c. "And is not ignorant

of their onward and, as it were, antecedent movements," i. e., the connection of causes prospectively and retrospectively, forwards and backwards. Observe that *earum* does not refer to *rerum*, but to *causarum rerum*, and also, that *progressus* is the tracing the effect from the cause, and *antecessio* the tracing the cause from the effect. —*Similitudines*. For *similes res inter se*.

§ 4, 5, 6.

Eādemque natura, &c. "Nature likewise, by the same power of reason, attaches man to man for a mutual intercourse of both language and life." Aristotle remarks that man is φύσει πολιτικὸν ζῶον, "Naturally a social animal."—*Cœtus et celebrationes*. "Meetings for social and festive purposes."—*Obiri*. "To be frequented." —*Suppeditent*. "May suffice." This verb is not unfrequently used in an intransitive sense, as if *se* were understood. (*Zumpt*, § 145.) — *Cultum*. "Raiment."— *Tueri*. "To support." Equivalent here to *alere* or *sustentare*. — *Majores ad rem gerendam*. "More strenuous for the active business of life." More literally, "For action."—*Inquisitio atque investigatio*. "The inquiring into and the tracking out." — *Itaque*. "Accordingly." — *Sincerum*. "Undisguised." — *Aptissimum*. "Most in unison with." — *Principatus*. "Independence." — *Informatus*. "Moulded." More literally, "Put into shape." Hence our word "information," said of that which gives shape, as it were, to the mind; before this, knowledge would be merely *rudis indigestaque moles*.—*Præcipienti aut docenti*. "To one laying down precepts (for a good and happy life), or giving instruction (with respect to the discovery of truth)."—*Humanarum rerum*. Such as wealth, honours, &c.

§ 7, 8.

Parva vis. "An unimportant privilege."—*Qui modus*. "What limit is to be observed." Supply *sit servandus*.—*Itaque eorum ipsorum*, &c. Construe: *Itaque nullum aliud animal sentit pulchritudinem*, &c., *partium eorum ipsorum* (i. e., in iis ipsis) *quæ*, &c.—*Quam similitudinem*. "This likeness," i. e., this visible appearance of order, &c., in the external world.—*Multo etiam magis*, &c. An analogy is here established between the symmetry and harmony in the physical world and that in the moral. As man is the only creature able to appreciate physical beauty and ugliness, so is he the only creature competent to perceive moral beauty and deformity.—*Indecore effeminateve*. "In an unbecoming or spiritless manner." These adverbs are here opposed, as Hermann remarks, to *pulchritudinem* and *constantiam* which precede; and, in like manner, *libidinose* to *ordinem*.

—*Libidinose.* "Wantonly and capriciously." Equivalent to *licenter.*

§ 9.

Quod quærimus. "Of which we are in quest," i. e., which we are trying to discover.—*Nobilitatum.* "Blazoned abroad." The remark here made is directed against Epicurus, who asserted that if pleasure did not constitute the *honestum*, he did not know what else did, unless it might be something "*quod multitudinis rumore laudaretur.*" (*Cic. de Fin.*, ii., 15.)

CHAPTER V.

§ 1, 2.

Formam. "The embodiment."—*Faciem.* "The features."—*Vides.* That is, *animo*, or mentally.—*Plato.* The passage alluded to is from the Phædrus (*c.* 65): ὑ (*scil.* ὄψει) φρόνησις οὐχ ὁρᾶται, κ. τ. λ.—*Sapientiæ.* By this is meant a knowledge of the *honestum.*—*Quattuor partium*, &c. "From some one of four divisions."—*Aut enim in perspicientia*, &c. "For it consists either in the perception and intelligent development of the true."—*Rerum contractarum fide.* "In the faithful observance of contracts." *Res contractæ* signifies "a contract," and is frequently used by Cicero. He never employs the term *contractus* in this sense. It is found only in Gellius (xx., 1, 40) and in the ancient lawyers.—*Aut in omnium*, &c. "Or in observing due order and measure in all things," &c.—*Inest.* "Consists."

§ 3.

Implicata. "Interwoven." These virtues not only have a necessary relation, but they have a necessary reliance on each other's aid. Prudence enlightens Justice in the discharge of her duties; Courage is often requisite to sustain Justice; but to prevent that Courage from becoming rashness, Self-control or Moderation prescribes its bounds.—*Velut ex ea parte*, &c. Translate *ex* here by "in," to suit our idiom. There is an anacoluthon here. Cicero ends the preceding sentence with *nascuntur*, and adapts the first part of the succeeding one to the verb in the preceding sentence, and then introduces another verb (*inest*) requiring a different construction. — *Quæ prima descripta est.* "Which was set down first in order."

Sapientiam et prudentiam. "Speculative and practical wisdom."

The corresponding words in Greek are *σοφία* and *φρόνησις*. According to Aristotle, *σοφία* is the knowledge of many and great things, and may be called "speculative wisdom," answering to the *perspicientia veri;* whereas *φρόνησις* is the knowledge of things useful for the purposes of life or "practical wisdom." He gives the philosopher Thales as an example of a *σοφός*, and the statesman Pericles as an instance of a *φρόνιμος*.—*Munus.* "Function."

§ 4, 5.

Ut enim quisque, &c. The latter part of this sentence does not correspond with the commencement. It should be either *utque quisque acutissime . . . sic prudentissimus*, &c., or else *qui acutissime . . . is prudentissimus*, &c. We have here, therefore, another instance of anacoluthon. — *Quocirca huic*, &c. "Truth therefore is, as it were, the subject-matter of this virtue (namely, Wisdom), concerning which it is to treat, and with which it is to be conversant." *Subjecta materia* means "matter placed under" to be handled, or, more briefly, "subject-matter;" Aristotle's *ὑποκειμένη ὕλη*.—*Reliquis tribus virtutibus*, &c. "Our necessities are made the objects of exercise for the remaining three virtues." Literally, "Are placed before" them for their exercise. The virtues here meant are Justice, Courage, and Temperance. These are practical virtues, whereas Wisdom is a theoretical one.—*Actio vitæ.* "The actual business of life," i. e., practical life.—*Ut et societas*, &c. "In order that both the society and the union of men may be preserved," i. e., both human society in general, and the ties of kindred and friendship in particular. This is the province of Justice.—*Et animi excellentia*, &c. The province of Fortitude, or firm perseverance.—*Opibus et utilitatibus.* "Resources and advantages."

§ 6.

Ordo autem, &c. This is the peculiar province of Temperance or self-control. — *Versantur in eo genere*, &c. "Are conversant with that class of things to which some personal activity, not merely the operation of the mind, is to be applied."—*Quæ tractantur.* "Which are made the objects of action."—*Modum.* "Moderation."—*Honestatem et decus.* "Morality and decorum."

CHAPTER VI.

§ 1, 2.

Locis. "Heads" or "Divisions."—*Naturam vimque.* "The nature and essence."—*Cognitione.* "The investigation." *Cognoscere* is "to ascertain," "take notice of," not "to know." Thus *cognoscere causam*, "to inquire into a case."—*Maxime attingit.* "Most closely connects itself with," i. e., is particularly adapted to. Literally, "Most touches."—*Omnes enim trahimur*, &c. "For we are all drawn (by the impulse of nature) and led on (by reason)," i. e., we are all impelled, whether unwillingly or willingly. Compare the explanation of Heusinger: Ducimur *volentes*, trahimur *inviti.*—*Cognitionis et scientiæ.* "Of investigation and knowledge." *Cognitio* denotes the search after knowledge, the act of acquiring it; *scientia*, knowledge acquired.—*Labi.* "To slip." Supply *judicio.* There is a climax in the text which is well explained by Heusinger: "Labitur, *judicio scilicet, qui de aliqua re minus recte judicat;* errat, *qui falsa pro veris probat;* nescit, *qui totius rei ignarus est;* decipitur, *qui stultitia sua aliis quæstum præbet.*"

§ 3, 4, 5.

In hoc genere. "In this class of pursuits."—*Assentiamur.* Some MSS. and editions have *assentiamus.* The deponent is the more common form, but the other is not without good authority. (*Zumpt*, § 206.)—*Nimis magnum*, &c. "Too great a regard and too much labour." *Nimis* must be repeated with *multam.*—*Quod operæ curæque ponetur.* "Whatever amount of labour and care shall be laid out."

Astrologia. "Astronomy." Not "astrology," or the pretended art of foretelling future events by the aspect of the stars. *Astrologia* is the Ciceronian term for the science of astronomy; *astronomia* is later Latin, and employed by Seneca. (*Epist.* xcv., p. 406.)—*C. Sulpicium.* Supply *fecisse*, as equivalent to *operam curamque posuisse.* C. Sulpicius Gallus is meant, who, when serving as military tribune under Æmilius Paulus, in the Macedonian war against Perses, predicted an eclipse of the moon, the announcement of which to the Roman soldiery prevented the alarm that would otherwise have arisen.—*Sextum Pompeium.* Uncle of Pompey the Great. Cicero says of him in his *Brutus* (c. 47): "*Præstantissimum ingenium contulerat ad summam juris civilis et ad perfectam geometriæ et rerum Stoicarum scientiam.*"

§ 6, 7.

Quæ omnes artes versantur. "All these branches of knowledge have their field of operation."—*Cujus studio*, &c. Adam Smith observes that the most sublime speculations of the contemplative philosopher can scarcely compensate for the neglect of the smallest active duty. —*Actione.* "Its active exercise."—*A qua.* Referring to the duties of active life or business.—*Reditus.* "Opportunities of return."—*Tum agitatio mentis*, &c. "And then again, our mental activity, which is never at rest, is enough of itself to keep us in the pursuit of knowledge, even without any apparent exertion on our part," i. e., such as that of writing, reading, &c. The reading *studiis cogitationis* would mean "investigation into the nature of our own minds."—*Versabitur.* Equivalent to *versari debet.*

CHAPTER VII.

§ 1, 2.

De tribus autem reliquis, &c. "Of the three remaining classes of actions, that class extends most widely." With *reliquis* supply *rationibus.* The three here meant are Justice, Fortitude, and Temperance.—*Societas.* "The social intercourse."—*Et vitæ quasi communitas.* "And, so to speak, the fellowship of life." Observe the employment of *quasi* to usher in, apologetically, as it were, the comparatively rare term *communitas.*—*Justitia.* Justice, properly so called.—*Ex qua boni viri nominantur.* "From which good men are so termed."—*Lacessitus injuria.* Not necessarily, however, for the gratification of private resentment; it may be to prevent the recurrence of a precedent pernicious to society.—*Pro communibus.* "As common property," i. e., so as not to exclude others from the possession of what Nature designed for the common benefit of all.

§ 3.

Ut qui quondam, &c. Supply *occupatione eorum* after *ut.*—*Conditione.* "By specific condition," i. e., by an agreement requiring some specific performance.—*Sorte.* "By lot." The reference is to a public assignment by lot of portions of land among colonists and other settlers.—*Ager Arpinas.* The territory of Arpinum, a municipal town of Latium, and the native place of Cicero.—*Tusculanus.* The territory of Tusculum, a municipal town of Latium, about ten miles S.E. of Rome. Here Cicero had a villa.—*Descriptio.* "The assignment."

§ 4.

Ex quo, quia suum, &c. "And hence, as his own becomes the property of each one, let each one hold as his own that one of those things which had previously been common in their nature that has fallen unto each."—*Eo plus appetet.* "Shall seek in addition more than this."—*Jus.* "The fundamental law."

§ 5.

A Platone. In his ninth epistle.—*Ortusque nostri*, &c. "But since our country claims a part of our being." Literally, "Of our birth," answering to γενέσεως in the original Greek. Observe the adversative force of *que* in the present clause. The rule is, that if a negative proposition is followed by an affirmative, by which the same thought is expressed or continued, *que*, *et*, or *ac* are employed in Latin where in English we use "*but.*" (*Madvig*, 433, 2.)—*Atque*, *ut placet Stoicis*, &c. We have here a mixture of two constructions, viz., *ut placet Stoicis*, *omnia creantur*, and *placet Stoicis omnia creari.* In translating, render *creari* as if it had been *creantur.* Facciolati, in order to avoid the anacoluthon, removes *ut* from the text. Lambinus conjectures *atque ita placet Stoicis*, in which he is followed by Olivet. Others suppose an ellipsis of *ita est* after *atque.* —*Communes utilitates*, &c. "To contribute common advantages to the public stock."—*Mutatione officiorum.* "By an interchange of good offices."—*Artibus.* "By arts," i. e., skill and acquirements of any kind. These are treated of in chapter xlii.—*Facultatibus.* "By resources," i. e., private means of any kind.

§ 6, 7.

Fides. "Good faith."—*Dictorum conventorumque*, &c. "Constancy and truth in promises and contracts."—*Durius.* "Rather pedantic."—*Quia fiat quod dictum est.* "Because that is performed which was promised." This derivation of *fides* is worthless. The root of *fides* is connected with the short root of the Greek verb πείθω, or else with πίττις, Æolic for πίστις.—*Genera duo.* Wrongs of commission and wrongs of omission.

§ 8, 9.

Aut aliqua perturbatione. "Or by some other disturbing emotion." The passions are called *perturbationes*, as disturbing the "*tranquillitatem, id est placidam quietamque constantiam*" of the mind. (*Cic., Tusc. Quæst.*, iv., 5, 10.)—*Aliqua.* For *alia qua.* Consult *Klotz, Wörterb., L. S., s. v.*—*Manus afferre.* "To lay violent hands."—

Tam est in vitio. "Is as much in fault." Beier supplies *aperte*, "is as clearly in fault."—*De industria.* "Purposely."—*A metu proficiscuntur.* Compare *Grotius, de Jure B. et P.*, ii., 1, 2.—*Maximam partem.* Adverbial accusative. (*Zumpt*, § 459.)—*Aggrediuntur.* Supply *homines.*—*In quo vitio.* Scil. *injuriæ faciundæ.*

CHAPTER VIII.

§ 1, 2.

Expetuntur autem. Facciolati conjectures *enim* for *autem*, but the frequent repetition of *autem* is not unusual with Cicero. Compare chap. xiii., 7, and ch. xxxii., xxxiii., xxxiv.—*Major animus.* "A more aspiring mind than ordinary."—*Opes.* "Political influence."—*Gratificandi.* Supply *aliis.*—*M. Crassus.* Some consider the assertion of Crassus, to which Cicero here alludes, as a boast of his own wealth. Others, with more probability, think that he only meant that a fortune of very great extent was necessary for the principal man in the state. This is the M. Licinius Crassus so celebrated for his riches, and who united with Cæsar and Pompey in the so-called first triumvirate. In his second consulship he obtained the province of Syria, but was defeated and slain by the Parthians, whom he had attacked.—*Pecuniam.* The reference is strictly to property of any kind, personal or real.—*Cujus fructibus.* "By the interest of which." Strictly speaking, not only the interest of money is meant, but also the rents and profits of lands, &c.—*Exercitum alere.* Compare the calculations of Heusinger and Zumpt.

§ 3, 4.

Magnifici apparatus, &c. "Magnificent equipages, and a mode of life with elegance and abundance combined." Observe that *apparatus*, though here rendered "equipages," comprehends also, in strictness, furniture and every other instrument of pomp and splendour which engages the admiration of mankind.—*Esset.* "Was in his case, and still is." Supply mentally *atque etiam nunc sit.* Observe that *esset* is here, as Beier remarks, taken in the sense of the aorist.—*Nemini nocens.* "If injurious to no one."—*Vituperanda est.* Beier omits *est* here and at the end of the sentence.

§ 5, 6.

Imperiorum, honorum. "Of military commands, of civil offices."—*Apud Ennium.* In his play of the *Phœnissæ.* Quintus Ennius was an early Latin poet, born at Rudiæ, a town of Calabria, B.C.

239. He was distinguished by the appellation of "Father of Roman Song." His great work, the Annals, as well as his other poems, have, with the exception of some fragments, all perished.—*Nulla sancta societas*, &c. "No compact is inviolate, nor is good faith (preserved) in the case of a kingdom," i. e., where a throne is the prize. The reference appears to be to the two sons of Œdipus, Eteocles and Polynices, who agreed to take the throne by turns, year after year. Eteocles, however, who first enjoyed the kingdom, broke his word at the expiration of his year, and refused to deliver the throne to his brother. The lines as given in the text are portions of two trochaic lines, the first being the conclusion of a verse, and the second the beginning of another. Some give the two as one line, making it an imperfect trochaic tetrameter.—*Latius patet.* "Has a more extensive application."—*Sanctam servare societatem.* "To preserve sacred the tie of social intercourse.

§ 7, 8, 9, 10.

Modo. Julius Cæsar had been assassinated in March, B.C. 44, and Cicero began this treatise at the commencement of the summer, and finished it towards the close of the same year.—*Propter eum*, &c. "For the sake of that chief place in the state, an idea of which he had formed for himself from a mistaken opinion of its nature."—*Est autem in hoc genere molestum.* "In this connection, however, it is painful to reflect."—*In eo genere.* "In this respect."—*Perturbatione aliqua animi.* "Through some disturbing emotion of the mind," i. e., some fit of passion or momentary excitement. Compare note on chap. vii., § 8.—*Consulto.* "Deliberately," i. e., of malice prepense.—*Leviora.* "Of lighter criminality."—*Meditata.* "After having been premeditated." Taken passively.

CHAPTER IX.

§ 1, 2.

Suscipere. "To incur."—*Negligentia*, &c. "Through indifference, indolence, want of activity." *Pigritia* is natural sloth and indolence; *inertia*, inactivity, arising from want of skill or moral principle.—*Itaque videndum est*, &c. "We must see, therefore, whether that be sufficient," i. e., a sufficient apology. Literally, "Lest that be not sufficient." Compare *Zumpt*, § 534, and consult Heusinger, *ad loc.*, who gives *videndum* here the force of *verendum.*—*In philosophos.* Not "against," but "on," or "in favour of philosophers." The preposition *in* followed by an accusative after *dicere* and *loqui*

is sometimes employed to denote praise. Compare *Cic. de Leg.*, i., 19; *Suet. Tib.*, c. 20. The passage of Plato here alluded to occurs in the seventh book of the Republic, near the beginning, where we meet with the doctrine that the only proper ministers of state are Philosophers, because they are the only men who are free from ambition and selfishness.—*Digladiari.* "To contend violently." A metaphor taken from contending with swords, as if for life or death.

§ 3, 4, 5.

Assequuntur. "They observe." — *In alterum incidunt.* "They come into collision with the other." Literally, "They fall against or upon." One MS. gives *in altero delinquunt*, which some recent editors adopt; but the change is too violent. The difficulty which the commentators find here has arisen from their erroneously supposing that *incidere* in the present instance means "to fall into."—*Putat.* Referring to Plato. The passage which Cicero seems to have had in his eye occurs in the first book of the Republic (p. 347, c.): *δεῖ δὴ ἀναγκὴν αὐτοῖς προσεῖναι καὶ ζημίαν, εἰ μέλλουσιν ἐθέλειν ἄρχειν. Ὅθεν κινδυνεύει τὸ ἑκόντα ἐπὶ τὸ ἄρχειν ἰέναι, ἀλλὰ μὴ ἀνάγκη, αἰσχρὸν νενομίσθαι.*

Æquius autem erat, &c. "It were more just, however, for it to be done willingly." The indicative (*erat*) is here the correct form, not the subjunctive *esset*. The reference is to a thing which is not, but the time for which is not yet passed. (*Zumpt*, § 518.)—*Ita justum quod.* "So far just only as." Moralists make a distinction between doing an honest action and doing it honestly. He that pays another his due does an honest action, but he does not act honestly if it be against his will. (*Cockman, ad loc.*)—*Odio quodam hominum.* Such as Timon of Athens.—*Suum se negotium agere.* "That they are attending to their own affairs."—*Societatem.* "The social relations."—*Facultatum.* "Of their means."

§ 6, 7.

Contineretur. "Might be comprised." The imperfect where we would expect the present. Consult *Zumpt*, § 514.—*Temporis.* "Occasion."—*Est enim difficilis*, &c. For if we are selfish, it is difficult to concern ourselves in other people's affairs, since we may easily persuade ourselves that their interests and our own are identical.—*Quamquam.* "'Tis true."—*Terentianus ille Chremes.* "That Chremes in Terence." *Ille* here refers to what is marked and well known. The quotation given is from Terence, *Heaut.* i., 1: "*Homo sum, humani nihil a me alienum puto.*—*Sed tamen.* This refers to *est enim difficilis.*

Quocirca. Since we are so very much influenced by self-love.—*Quod dubites*, &c. "About which you may be in doubt, whether," &c.—*Lucet ipsa per se.* "Is clear of itself." Is self-evident.—*Cogitationem significat injuriæ.* "Implies the idea of injustice." The mere fact of any doubt arising is evidence enough of some injustice in the action, because self-love would always lead us to take views most favourable to ourselves.

CHAPTER X.

§ 1, 2.

Tempora. "Occasions."—*Ut reddere depositum*, &c. "As, for example, to restore a deposit, to perform a promise." Many editions, less correctly, place a colon after *contraria* and a comma after *facere.*—*Quæque pertinent*, &c. Construe: *Fitque justum interdum migrare et non servare ea quæ pertinent*, &c. Here the conjunction *que* stands for *potiusque:* "And it becomes just rather," &c.—*Migrare.* "To transgress." More literally, "To go beyond." So *migrare jus* (*de Leg.*, iii., 4). Heusinger, less correctly, explains *migrare* by *mutare.*—*Referri enim decet*, &c. "For (on such occasions) regard ought to be paid to those fundamental principles of justice which I laid down," &c.—*Principio.* Not in the beginning of this treatise, but in the commencement of the present discussion respecting justice.—*Ut communi utilitati serviatur.* "That the common welfare be subserved."

§ 3, 4.

Ea. Referring to the two fundamental principles just mentioned.—*Tempore.* "On any particular occasion."—*Potest accidere.* "May happen," i. e., to be made. Not, as some render it, "May so turn out."—*Ut id effici*, &c. The *ut* here requires that *tale* be supplied with *promissum* and *conventum.*—*Inutile.* "Prejudicial." *Inutilis* is used in the same sense, ii., 14, 8; iii., 13, 12; *Liv.*, v. 5.—*In fabulis.* "In the legends of the day," i. e., in the plays based upon those legends, such, for instance, as the Hippolytus of Euripides, to which Cicero would seem here particularly to allude.—*Theseo.* Theseus, King of Athens, was married first to the Amazon Hippolyte, by whom he had Hippolytus. He afterwards married Phædra, the daughter of Minos, King of Crete, who, entertaining an unhappy and fruitless passion for Hippolytus, eventually made a false charge against him to his father. The latter thereupon prayed to Neptune that his son might be destroyed, that god having prom-

ised to grant any three of his wishes.—*Tribus optatis.* The three wishes, according to the scholiast, were: first, to return from Hades, whither he had accompanied Pirithous; secondly, to be released from the mazes of the labyrinth; thirdly, that his son Pirithous might be destroyed.

§ 5.

Si noceant. "If they be likely to injure."—*Majus anteponi minori.* "That the more important consideration be preferred to the less." *Majus* is here equivalent to *majoris momenti rem.*

§ 6.

Ut si constitueris cuipiam, &c. "For instance, if you shall have made an appointment with any one that you will appear as an advocate for him in court." Instead of *cuipiam,* the more usual phraseology would have been *cum quopiam.* The expression *in rem præsentem venire* was the ordinary one in legal language for "appearing in court." Literally, it means "To appear at the spot or piece of ground which is the subject of litigation," because it was at one time the practice of litigants, and sometimes the judges themselves, to adjourn to the place itself for the purpose of personal examination.—*Advocatum.* The term *advocatus* was originally applied to any person who gave another his aid in any affair or business. It was also used to indicate a person who gave his advice and aid to another in the management of a cause, but the word did not signify the orator or patronus who made the speech in the time of Cicero.—*Quod dixeris.* "What you may have promised."

§ 7.

Illis promissis. The phrases *stare promissis* and *stare in promissis* are used indifferently, *promissis* being an ablative in both cases. Compare *Drakenb. ad Liv.,* xxi., 19, 4.—*Jure prætorio liberantur.* "Are cancelled by the Prætor's edict." Literally, "Are released," i. e., cease to be obligatory. The edicts of the Prætor, which were published annually, and formed a part of the collection called *Jus honorarium,* were explanatory of and supplementary to the statute law (*Jus civile*). The *Jus Prætorium,* therefore, is equivalent to *Equity,* which Aristotle defines to be *νομίμου δικαίου ἐπανόρθωμα* (*Eth. Nic.,* v. 14), or "a correction of Legal Justice." For the laws, observes the same philosopher elsewhere (*Polit.,* iii., x., 4), *τὸ καθόλου μόνον λέγουσιν, ἀλλ' οὐ πρὸς τὰ προσπίπτοντα ἐπιτάττουσιν*: "Speak only of the universal, and do not frame rules for particular cases."—*Legibus.* By the Laws of the XII Tables, by the

Prætorian and the Aquillian laws, which provided that certain kinds of obligations were not to be regarded as binding.

§ 8, 9.

Calumnia. "Chicanery," i. e., legal quirks and quibbles, an attention to the letter rather than the spirit of a law. The term is derived from an old verb *calvere*, "To cheat."—*Malitiosa.* "Fraudulent."—*Summum jus*, &c. "The highest justice is the highest injustice." Compare Terence, *Heaut.*, iv., 5, 48: *Jus summum sæpe summa est malitia.*—*Sermone.* "In daily discourse." In common parlance.—*In republica.* "In state affairs."—*Ille.* Pearce and Heusinger ascribe this transaction to Cleomenes, King of the Lacedæmonians, upon the authority of Plutarch. (*Lacon*, *Apophth.*, p. 223.) A similar case is mentioned by Strabo of the Thracians, when at war with the Bœotians, to which the proverb Θρᾳκία παρεύρεσις was applied.—*Dierum.* "For so many days merely."

§ 10.

Noster quidem. "The conduct, indeed, of our own countryman."—*Labeonem.* The Labeo here meant was grandson of the celebrated Q. Fabius Maximus. On another occasion, having defeated Antiochus and made a treaty with him, he stipulated for the surrender of one half of his fleet, and accordingly insisted on having each ship sawed in two. (Compare *Val. Max.*, vii., 3, 4.)—*Arbitrum datum.* "On having been appointed umpire."—*Nolanis.* Nola was one of the most ancient towns of Campania, twenty-one Roman miles S.E. of Capua. The Emperor Augustus died here.—*Ad locum.* "To the spot in controversy." Compare note on *in rem præsentem* (§ 6).—*Cum utrisque separatim locutum.* "Conferred separately with both parties." *Uterque* is used in the singular when the persons or things meant are each singular, but in the plural when they are each plural. Observe, moreover, that *esse* is to be supplied with *locutum*, the infinitive being governed by *verum est.*—*Ut ne cupide*, &c. "And advised them to do nothing with a covetous, nothing with a grasping spirit." We must supply a verb here, at the beginning of the clause, from the idea implied in *locutum* which precedes.—*Regredi.* "To recede (in their demands)."

§ 11, 12.

Aliquantum. "A considerable portion."—*Dixerant.* "Had fixed them." More literally, "Had asserted (them to be)."—*Judicare.* "To decide."—*Talis sollertia.* "Such (wretched) dexterity."

CHAPTER XI.

§ 1, 2.

Adversus. "Towards." Put for *erga.* So in chap. xiii.: "*Adversus infimos justitiam esse servandam.—Atque haud scio,* &c. "And indeed I am not certain, but that," &c., i. e., Nay, I am rather inclined to think that, &c. The expression *haud scio an* is equivalent, in fact, to "perhaps," with an inclination towards the affirmative. (*Zumpt,* § 354.)—*Ne quid tale posthac.* Supply *faciat.* A tense of the verb *facere* is often omitted in short propositions containing an opinion on a person's actions, &c. (*Zumpt,* § 771.)—*Per disceptationem.* "By discussion."—*Confugiendum est.* "We must have recourse."

§ 3, 4.

Immanes. "Inhuman." This word is derived by the old etymologists from *manus* or *manis,* the same as *bonus.* (*Fest., s. v.*) Bopp, however, connects it with the Sanscrit *mâ,* "to measure," making the primitive meaning to have been "monstrous," "enormous," &c.—*Tusculanos.* "The inhabitants of Tusculum." Tusculum, already mentioned in a previous note (chap. vii., 3), was the oldest *municipium* in Italy, and its inhabitants were admitted to the *Civitas Romana* B.C. 380.—*Æquos.* The Æqui were a warlike people of Latium, dwelling in the upper valley of the Anio, among the mountains that formed the eastern boundary. According to the statement of Livy (ix., 45), they were nearly all annihilated, but we must suppose that there was a remnant who were admitted to the privileges of Roman citizens.

Volscos. The Volsci dwelt in Latium, on both sides of the River Liris, and extended down to the Tuscan sea. They were admitted B.C. 303; the Sabines, after their defeat by M'. Curius Dentatus, B.C. 290; the Hernici, a mountaineer race of Sabine origin, to the north of the Volsci, B.C. 306.—*Carthaginem.* Carthage was destroyed B.C. 147.—*Numantia,* a town of the Celtiberi in Spain, near the sources of the Durius, and famed for its long resistance to the Roman power, was destroyed by the younger Africanus after his overthrow of Carthage, B.C. 133.

§ 5.

Nollem Corinthum. Supply *sustulissent.* Cicero means to be understood as disapproving of the destruction of Corinth on the ground of its being uncalled for and unjust. This city was destroyed by

Mummius, with circumstances of great barbarity, B.C. 146.—*Aliquid secutos.* "That they had some motive for what they did," i. e., some reasonable ground for their conduct.—*Opportunitatem loci maxime.* "Advantageousness of situation most probably."—*Locus ipse.* "Its very position." Corinth was situate between the Sinus Corinthiacus and the Sinus Saronicus, and would require two fleets and two land armies to besiege it. It also commanded the land route from the Peloponnesus into Northern Greece, and could therefore keep out the Roman forces from the latter country.

§ 6, 7.

Paci semper est consulendum. "We must always provide for a peace."—*Si mihi esset obtemperatum.* Cicero's epistles are full of allusions to the subjects of difference between Cæsar and Pompey, and his fruitless attempts to bring about a reconciliation between them.—*Quæ nunc nulla est.* "Whereas now we have no government at all."—*Et quum iis consulendum est . . . tum.* "And while you must exercise consideration towards those . . . so especially," &c.—*Quamvis murum*, &c. The inhabitants of besieged cities, who refused to surrender till the battering-ram had touched their walls, were usually deprived of life or liberty.

§ 8, 9.

Earum patroni. The protection of provinces in the Senate, and attention to their interests in general, devolved on the conquerors and their descendants. Thus the Scipios stood in the relation of *patroni* to the African provincials; Æmilius Paulus and his descendants to the Macedonians; the Marcelli to the Sicilians; the Fabii to the Allobroges, and Cato to the people of Cyprus.—*Ac belli quidem æquitas*, &c. "Now the principles of justice connected with warfare are recorded with the utmost scrupulousness in the Fetial code of the Roman people." The *Fetiales* were a college of sacred heralds, twenty in number, the chief of whom was called *Pater patratus.* The *Jus Fetiale* related to the demanding of satisfaction from an enemy, the proclaiming of war, making treaties of peace, &c.—*Rebus repetitis.* "After restoration has been demanded," i. e., without effect. Thirty-three days were allowed before proclamation of war.—*Denuntiatum et indictum.* "Announced and formally proclaimed." There is no redundancy here, as Scheller thinks, but merely an instance of antique official phraseology. Compare *Klotz, Wörterb, L. S., s. v.*

§ 10, 11.

Popilius. M. Popilius Lænas, who was chosen consul B.C. 173, and sent with an army against the Ligurian mountaineers, whom he conquered after great slaughter.—*Catonis filius.* M. Cato Licinianus, the son of Cato the Censor.—*Dimittere.* "To send away," i. e., to disband. He is thought to have done this from the belief that the enemy were completely subdued, and the surrender which they had made a final one. But in the following year the war was renewed.—*Secundo sacramento.* Disbanded soldiers took the military oath a second time on re-entering the service.—*Obliget.* We would expect here *obligaret;* but the present is more animated, and brings the action, as it were, immediately before the eyes.—*Priore amisso.* Heusinger puts the comma after *jure.*—*Adeo summa erat observatio.* "So very strict was the adherence to prescribed ordinance."

§ 12.

Est. "There is extant." Plutarch (*Quæst. Rom.*, c. 39) alludes to the same letter. The Cato spoken of is Cato Major, the Censor. —*Bello Persico.* "During the war with Perses." The last king of Macedonia, who was defeated and taken captive by Æmilius Paulus, B.C. 67. After the overthrow of the kingdom, the northern part of Greece, comprising Macedonia proper, Thessaly, and Illyricum, was formed into a province called Macedonia, just as the southern part, after the fall of Corinth, took the name of the province of Achaia.—*Jus esse.* Supply *eum*, not *ei.* The latter would require *pugnandi*, not *pugnare.* Zumpt throws out from the text the words *quum in Macedonia bello Persico miles esset*, on the ground of its being altogether improbable that young Cato should have been discharged in this way by two Roman commanders in succession, with an interval of only five years. If any change, however, is required in the text, it would be far better to reject, with Unger, all that intervenes between *indictum*, at the end of § 9, and *Adeo summa*, &c.

CHAPTER XII.

§ 1.

Equidem illud, &c. Construe: *Equidem animadverto etiam illud, tristitiam rei mitigatam esse lenitate verbi, quod* ("because") *is*, &c.—*Perduellis.* In translating we should retain unchanged both *perdu-*

ellis and *hostis*. The former properly means "a stubborn foe," though here taken for "a foe" generally.—*Lenitate rei tristitiam mitigatam*. "That the hardness of the case was sought to be softened down by the mildness of the term (employed to describe it)." Hume, in a note upon his *Essay on Commerce*, gives a much more correct view of the matter. It is much more probable, as he remarks, from the manners of the times, that the character of the early Romans made them regard all strangers as enemies, and call them by one and the same name. It is not consistent, he adds, with the most common maxims of policy or nature, that any state should regard its public enemies with a friendly eye, or preserve any such sentiments for them as the Roman orator would ascribe to his ancestors.

§ 2, 3.

Indicant. "Show this plainly."—*Status dies cum hoste*. "A day fixed for trial with a foreigner." A quotation from the language of the Twelve Tables.—*Adversus hostem æterna auctoritas*. "The right of property is perpetual against a foreigner," i. e., the right of ownership is such that no prescription can secure it to a stranger. —*Appellare*. The infinitive, for which the genitive of the gerund might have been used, is to be taken in apposition with *mansuetudinem*, as in *Cic. de Nat. Deor.*, iii., 24: "*Magnam molestiam suscepit Zeno, commenticiarum fabularum reddere rationem.*"—*Durius*. "Of harsher import."—*A peregrino enim*, &c. It has lost its signification of "foreigner," and has taken the permanent and peculiar meaning of "one who bears arms against" another.

§ 4, 5.

Omnino subesse tamen oportet. "There ought still, all the same, in this case to be at the bottom." *Subesse* is here equivalent to the Greek ὑπάρχειν. — *Quas dixi*. Compare chap. xi., § 2. — *Minus acerbe*. "In a less bitter spirit."—*Civiliter*. "As citizens." This is the MS. reading, and requires us to supply another *contendimus* after *aliter*. Many editions, however, give the conjectural emendation introduced by Fabricius, namely, *civi aliter contendimus*, &c., altered slightly from that of Anemœcius, *cive aliter*. — *Honoris et dignitatis*. "For preferment and rank." Observe that the first *altero* refers to the second *aliter*, the second to the first *aliter*. So we often find *hic* and *ille* used for "the former" and "latter," instead of "the latter" and "former" respectively.

Celtiberis. The Celtiberi were a powerful people in Spain, consisting of Celts who crossed the Pyrenees at an early period, and

became mingled with the Iberi, the original inhabitants of the country. They dwelt chiefly in the central parts of Spain, in the highlands which separate the Iberus from the rivers which flow towards the west, and in which the Tagus and Durius take their rise. Their chief town was Numantia. Compare xi., § 4.—*Cimbris.* The Cimbri were a Celtic race who, in conjunction with the Teutones, invaded Gaul and Italy, and were defeated by the celebrated Marius. —*Pyrrho.* Pyrrhus, King of Epirus, crossed over into Italy at the request of the Tarentines, and aided them against the Romans.—*Pœni fœdifragi*, &c. Observe the omission of the substantive verb.

§ 6, 7.

Illa præclara. "Those are noble words."—*Nec mi aurum posco*, &c. This quotation is from a speech of Pyrrhus, in the fifth book of the Annals of Ennius, where he addresses Fabricius, who had come to him with a large sum of money to ransom certain captives. —*Dederitis.* Observe the long penult, and consult Anthon's *Latin Prosody*, p. 65, *Obs.* 3.—*Cauponantes bellum.* "Making a trade of war." Imitated from the Greek. Compare *Æschylus, S. C. T.*, 545: καπηλεύειν μάχην. *Cauponantes* means, literally, "Huckstering."—*Sed belligerantes.* "But waging it as war."—*Vitam cernamus.* Another Græcism, for *de vita cernamus* (i. e., *decernamus*).—*Hera.* "Mistress of all things."—*Virtute experiamur.* "Let us strive to ascertain by valour."—*Accipite.* To be pronounced, by synæresis, *acpite.* A better reading than *accipe* in the singular, and suiting the plural form *dederitis* in the first verse.—*Eorundem.* A trisyllable, by synæresis.—*Certum est.* "I have resolved."—*Dono doque*, &c. "I bestow them as a gift, and I give them, too; with the great gods willing (that it be thus)," i. e., and may it so please heaven. Some, less correctly, remove the comma after *dono*, and construe this word as a dative with *ducite.*—*Volentibus.* In scanning, the final *s* is omitted before the initial consonant in the next word. (*Anthon's Lat. Pros.*, p. 108.)

Æacidarum. "Of the race of the Æacidæ." Pyrrhus, King of Epirus, claimed to be descended from Achilles, son of Peleus, and grandson of Æacus. The Æacidæ were the descendants of Æacus.

CHAPTER XIII.

§ 1, 2.

Temporibus. "By adverse circumstances."—*Regulus.* M. Atilius Regulus, who in his second consulship (B.C. 256) crossed over into

Africa, and gained several victories over the Carthaginians, until defeated and taken prisoner by the Spartan Xanthippus.—*Captivos reddendos*, &c. "Gave his opinion in the Senate that the captives ought not to be restored." Though *non* is joined in construction with *reddendos*, yet the idiomatic order requires that it should stand before the verb signifying "to say," "to think," &c. So in Greek οὐκ stands before the verb φημί, though otherwise construed.—*Quum retineretur*. "When he was sought to be detained." Observe the force of the imperfect. The case of Regulus is fully discussed in the third book.

§ 3.

Secundo autem, &c. All this down to *scelere approbavit* is regarded by the best editors as spurious, and therefore we have enclosed it in brackets and given it in a different type. It appears to be made up from a passage in the third book (chap. xxii.).—*Cannensem pugnam*. "The battle of Cannæ." Cannæ was a village of Apulia, near the River Aufidus, and celebrated in history for the great victory gained here by Hannibal over the Romans, B.C. 216.—*Quos decem*. "As regards those ten (of the captives) whom."—*In ærariis reliquerunt*. "Left in the condition of *ærarii*," i. e., disfranchised. The phrase *in ærarios*, or *inter ærarios referre*, or *ærarium facere*, signifies to reduce a person to the lowest degradation by depriving him of all the privileges of a Roman citizen, and imposing upon him as a punishment a higher rate of tax. This punishment was inflicted by the censors. A person so disfranchised was called *ærarius*. *Relinquere ærarium* or *in ærariis* properly signifies to leave a person in that condition at the time of laying down the censorship, to be so continued or further dealt with by the succeeding censors.—*Illum, qui*, &c. "That one of the number who had incurred guilt by a fraudulent evasion of his oath." *Culpam invenire* is the same as *culpæ se obnoxium reddere*.

§ 4, 5, 6.

Nescio quid. "Something or other."—*Solutum*. As opposed to *adstrictum*.—*Re non erat*. "But in reality he was not."—*Quid senseris*, &c. The sense and not the mere words of an oath must be regarded.—*Cogitandum*. For *considerandum*.

§ 7, 8.

Est constitutum. "Was set."—*Et eum necaturum*. These words plainly show the spuriousness of the passage. Cicero would have said *eumque necaturum*. We want here the adjunctive *que*, not the

copulative *et*. (*Zumpt*, § 333.)—*C. Fabricius*. C. Fabricius Luscinus, who, in his second consulship, was sent on an embassy to Pyrrhus, and resisted with such inflexible integrity the splendid offers of that prince.—*Dedidit*. Some read *dēdit*, the present tense. —*Cum scelere*. "When accompanied by an act of criminality."

§ 9, 10, 11.

Adversus. "Towards." Compare chap. xi., § 1.—*Quibus, non male præcipiunt*, &c. "And they lay down no bad rule, who bid us treat them as hired labourers." *Quibus* (to be resolved into *et illis*) depends on *uti*.—*Justa præbenda*. "That their just rights are to be afforded them," i. e., clothing, board, and lodging.—*Vulpeculæ*. The diminutive conveys the notion of meanness more forcibly.—*Homine alienissimum*. "Is most foreign to the nature of man."—*Totius autem injustitiæ*, &c. "In the whole range of injustice, however, there is none more deserving of condign punishment." Compare Heusinger: "*Dignior quæ capitis supplicio expietur*.—*Id agunt ut videantur*. "Do their utmost to appear."

CHAPTER XIV.

§ 1, 2, 3.

Deinceps. "Next in order." Compare Heusinger: "*Non interrupto aliis rebus sermone*."—*Ut erat propositum*. Compare chap. vii., § 1.—*Dicatur*. "Let us treat." There is no need of supplying *necesse est* here with Degen.—*Multas cautiones*. "Many points requiring circumspection."—*Videndum*. In the sense of *cavendum*. —*Quibus benigne videbitur fieri*. "Unto whom it shall appear proper that a kindness be done."—*Pro dignitate*. "According to his deserts."—*Id enim*. This refers to *ut pro dignitate cuique tribuatur*. —*Qui gratificantur cuipiam quod*. "Who seek to bestow a favour upon any one, which," &c. Supply *id* with *gratificantur*.—*In eadem sunt injustitia*. "Act with the same injustice."—*Utsi*. For *ac si*.

§ 4, 5, 6.

Hique. He means those persons who, when in office, confer all benefits on their own friends.—*Quacunque ratione*. Supply *fieri potest*, and consult Zumpt, § 706.—*Abest officio*. For *abest ab officio*. —*Videndum*. "We must take care." Equivalent here to *curandum*.—*Quare L. Sullæ*, &c, "Wherefore Lucius Sulla's and Caius Cæsar's transfer of property," &c. Observe the double genitive depending on one and the same word. The allusion is to Sulla's en-

riching his followers by the proscription of his political opponents, and Cæsar's reckless plundering of provinces to reward his friends and followers.—*Nihil enim.* Supply *est.*

§ 7, 8, 9.

Alter locus cautionis. "The second point for the exercise of circumspection."—*Quod.* "Because."—*Res.* "Their circumstances." Shortened from *res familiaris.*—*Primum.* There is no corresponding particle to this, such as *deinde;* but the clause which answers to *primum peccant* is *inest autem in tali,* &c.—*Suppeditari et relinqui.* The former refers to aid afforded by one during his lifetime, the latter to what is left after death.—*Ut suppetant copiæ.* "That means may abound."—*Plerosque.* "Many of such persons," i. e., of those whose bounty exceeds their means.—*Quadam gloria.* "By a sort of pride."—*Voluntate.* "From generous feeling."—*Conjunctior.* "More nearly allied."

§ 10, 11.

Tertium est propositum. "It was proposed as a third point for consideration." — *Delectus dignitatis.* "A choice according to worth." — *Et communitas ac societas vitæ.* "And the common as well as social relations of life." By the first are meant the ties of family and kindred; by the second, those which unite men together as members of the same society or state; and both combined make up the sum of the general welfare. — *Concurrant.* "Unite."—*Si minus.* If, after an affirmative proposition, the negative opposite is added without a verb, our "but if not" is commonly expressed in prose by *si* (or *sin*) *minus, sin aliter.* (*Zumpt,* § 343.)—*Causæ.* "Inducements for conferring a kindness. Supply *benefaciendi.*

CHAPTER XV.

§ 1, 2.

Sed cum iis, in quibus, &c. "But with those in whom it is a great point gained if only the rough draughts of excellence are found," i. e., the traces or semblance. So *justitiæ umbra et imagines* (iii., 7, 6), and "*similitudines honesti*" (*de Fin.*, v. 14).—*Significatio.* "Indication."—*Colendum esse.* "Should be favoured."—*Ferventior.* "Too impetuous." — *Attingere.* "To belong to." Compare chap. vi., 18.—*In moribus.* "With respect to morals," i. e., in regard to character. With *hæc* supply *spectanda sunt.*

§ 3, 4, 5.

Primum illud, &c. "This first of all is a part of our duty, that," &c.—*Sin erunt merita*, &c. "But if there shall be services already rendered us, so that we have not to conciliate the kindness of another, but to return it."—*Utenda.* Taken passively. (*Zumpt*, § 657.)—*Hesiodus.* Hesiod, one of the earliest Greek poets, lived about a century later than Homer. He was born at Ascra, a village of Bœotia. The passage alluded to in the text is from the "Works and Days," v. 346, &c.—*An imitari*, &c. "Ought we not to imitate?" &c. *An* after a preceding question is equivalent to *nonne*, and indicates that the answer cannot be doubtful. There is no need, therefore, of supplying *non* in the text, as some editions do. Consult *Madvig*, § 453; *Zumpt*, § 353.

§ 6, 7, 8.

Officia conferre. "To bestow kind offices."—*Demus necne.* "Whether we give or not."—*Modo.* For *dummodo.*—*Id facere.* "To do so," i. e., *reddere.*—*Acceptorum autem beneficiorum*, &c. "As regards, however, benefits received, we must select between them."—*Maximo cuique.* "To the greatest obligation in all cases." Supply *beneficio.*

§ 9, 10, 11.

Sine judicio, &c. "Without discrimination, or else with a diseased impulse towards all." The ordinary reading of the editions is *sine judicio vel modo*, which has been very properly corrected by Zumpt, from two of the MSS., into *vel morbo.* The common text offends against the rule for the use of *vel.* (*Zumpt*, § 336.)—*Impetu animi.* "Impetuosity of feeling."—*Judicio.* For *cum judicio.*—*In collocando beneficio.* "In bestowing a favour."—*Si cetera paria sunt.* Same as *ceteris paribus.*—*Officii est.* "Is a point of duty."—*Quod contra.* Anastrophe. (*Madvig*, § 469, *Obs.* 1.)

CHAPTER XVI.

§ 1, 2, 3.

Societas conjunctioque. Compare chap. v., 5.—*Conjunctissimus.* He now proceeds to the consideration of the degree of *communitas ac societas vitæ*, which subsists between man and man, and begins with investigating the natural principles of human society from their origin.—*Sed quæ natura*, &c. "But it seems proper that we

should go higher and trace back (to their source) what are the first natural causes of union and social intercourse among men."—*In universi generis societate.* "In the connexion subsisting between the whole human race."—*Communicando.* "By mutual interchange of thoughts." Supply *consilia.*—*Disceptando.* "By argumentative discussion."—*Societate.* "Fellowship."

§ 4, 5.

Fortitudinem. "Courage."—*Societas hæc est.* He refers to the *universi generis societas* mentioned above, § 3.—*Quas natura genuit.* Such as light, air, fire, water, &c.—*Communitas.* "A common enjoyment."—*Ut, quæ descripta,* &c. "But so as, whatever things have been marked out as property by the laws and civil statutes, these be possessed in such a way as it has been settled (by those laws)." Observe that the initial *ut* has here the force of *ita tamen ut.*—*E quibus ipsis,* &c. "And in virtue of these same laws, let other matters be regarded in such a way as is expressed in the proverb of the Greeks," &c. The proverb alluded to occurs in Aristotle (*Polit.*, ii., 3): Κοινὰ τὰ τῶν φίλων.

§ 6, 7.

Ennio. Consult note on chap. viii., § 6.—*Positum in una re.* "Placed under one particular head."—*Homo qui,* &c. These lines are Iambic trimeters.—*Comiter.* "Kindly."—*Quasi de,* &c. This line begins with an anapæst, and *suo,* farther on, is to be pronounced as a monosyllable.—*Nihilominus,* &c. "It affords, however, none the less light for himself after it has kindled a light for the other." The first and second feet of this line are anapæsts.—*Una ex re satis præcipitur.* "By this single instance it is sufficiently enjoined."

§ 8, 9.

Ex quo sunt illa communia. "Hence arise those common principles of humanity." Less correctly rendered by some, "Those general maxims."—*Deliberanti.* "To one in suspense," i. e., seeking advice of himself or of others.—*Quare et his utendum est.* "We are therefore both to practise these common principles."—*Vulgaris liberalitas,* &c. "This universal generosity (i. e., of always giving something of our own for the common benefit) must be regulated by the limit fixed by Ennius (in the words), *It affords, however,*" &c.—*In nostros.* We are not to be so generous to all as to impoverish ourselves, and put it out of our power to assist those who are more nearly allied to us.

CHAPTER XVII.

§ 1, 2, 3.

Ut enim ab illa, &c. "For to take leave of that one which is unbounded," i. e., consisting of all mankind.—*Gentis, nationis. Gens* is a general name, "race," "people," and includes the particular term *natio*, "nation," "tribe."—*Interius etiam est*, &c. "It is a still closer bond to belong to the same state."—*Consuetudines præterea*, &c. "Acquaintanceships besides, and intimacies."—*Multisque cum multis*, &c. "And business transactions and commercial dealings by many with many."—*Ab illa enim*, &c. "For it is inclosed from off the society of man at large within a small and narrow pale," i. e., as being but a very minute portion of the immense society of mankind. A metaphor from concentric circles, which decrease towards the centre.

§ 4, 5.

Prima societas. "The first bond of union." In chap. xvi. Cicero, beginning with the general bond of union, descends to the particular; he now ascends from the particular bond of union (i. e., marriage) to the more general.—*Consobrinorum*, &c. "Of first and second cousins." *Consobrini* (i. e., *con-soror-ini*) are "sisters' children," whereas brothers' children are *fratres patrueles.* The children of my father's sister are to me *amitini;* for those of my mother's brother there is no single word. The term *consobrini*, however, may be applied generally to "cousins," as *sobrini* is to "cousins' children."

§ 6, 7, 8.

Affinitates. "Connexions by marriage," by which we increase our number of kinsmen.—*Suboles.* "Aftergrowth."—*Monumenta.* "Memorials," i. e., statues, trophies, inscriptions, &c. The sight of these would be a powerful incitement to imitate their example.—*Sacris.* "Family rites." Each *gens* or "house" at Rome had its own religious ceremonies, "*Cui præter cognatos et affines nemo interponebatur.*" (*Val. Max.*, ii., 1.)—*Viri boni.* The Stoics held that "*solus sapiens scit amare, solus sapiens amicus est.*—*Illud honestum.* "That moral excellence."—*Ipsa inesse videatur.* The common text has *id* for *ipsa.*

§ 9, 10.

Copulatius. "More binding." Used actively, as Heusinger re-

marks. Scheller and others, however, prefer *copulantius*, as given by several MSS.—*Quod Pythagoras vult*, &c. Pythagoras's definition of a friend was ἄλλος ἐγώ, "a second self."—*Communitas.* "Union."—*Ultro citroque.* "Mutually." The common text has *ultro citro*, which Zumpt says is incorrect, and that usage requires either *ultro citroque* or *ultro et citro.*—*Devinciuntur.* Supply *hi.*

§ 11, 12, 13.

Ratione animoque. "With reason and reflection."—*Omnium societatum.* "Of all social ties."—*Gravior.* "More weighty."—*Omnes omnium caritates.* "All the endearments of all."—*Immanitas.* "The barbarity." Compare note on chap. xi., §. 3.—*Qui laceraruntt*, &c. He alludes to Marc Antony and his adherents then alive, and to Catiline, Clodius, and Cæsar, now dead.

§ 14, 15.

Contentio et comparatio. "A relative estimate and comparison of."—*Quæ spectat in nos solos.* "Which looks up to us alone," i. e., for protection. Depends on us.—*Bene convenientes.* "Concordant."—*Est communis.* "Is shared in common."—*Præsidia.* "Supports."—*Vita autem victusque communis.* "But living and boarding together."—*Objurgationes.* Thus, in *Proverbs*, xxvii., 5, 6, Solomon calls rebukes the "wounds of a friend," which he says are "faithful," while "the kisses of an enemy are deceitful."—*Vigent maxime.* "Find their proper sphere," i. e., have most effect. Literally, "Flourish most."

CHAPTER XVIII.

§ 1, 2.

In his omnibus officiis tribuendis. "In bestowing all these good offices."—*Ita non iidem*, &c. "Thus (if we take this into consideration) the degrees of intimacy will not be the same as those of circumstances." That is, under peculiar circumstances the duties which relations and friends owe to each other may give way to other ties. For instance, the preference which a near neighbour is entitled to claim during harvest.—*Necessitudinum.* The term *necessitudo* expresses some bond of union, some tie, formed by various circumstances, as by blood-relationship; by affinity or connexion by marriage; by belonging to the same *collegium* or society; by being colleagues in office; by some services rendered, as in the case of intimate friends.—*Ut.* "As for instance."—*At si lis in judicio sit.* "But if a lawsuit be pending."

§ 3, 4.

Circumspicienda sunt. "Are to be carefully considered."—*Et consuetudo exercitatioque capienda.* "And habit and experience, by dint of practice, are to be acquired." The expressions *consuetudo capienda* and *exercitatio capienda* are considered by some not to be correct Latinity, but they are supported by others in Cicero, such as *misericordiam capere*, "To conceive, entertain pity;" *sensum gloriæ capere*, &c.—*Ratiocinatores.* "Calculators."—*Et addendo deducendoque*, &c. "And by adding or subtracting ascertain what may be the amount of the remainder," i. e., may strike the balance, and so perceive the proportion due to each party. — *Officii conservandi.* "For the observance of duty."—*Illa quidem.* The pronoun is here superfluous. (*Zumpt*, § 744.)—*Facimus.* "Are now doing," i. e., delivering precepts.

§ 5, 6, 7.

Quæ sunt in jure, &c. "Which appertain to the right of human society." Equivalent to *quæ sunt in societate justa.*—*Ex quo aptum est officium.* "On which duty depends." Literally, "From which duty is fastened" or "attached." Observe that *aptum* has here its participial force, as being formed from an obsolete verb *apiscor;* and also, that *ex quo* implies a nearer and closer dependence than *a quo.*—*Proposita sint.* Compare chap. v. — *Honestas officiumque.* "Moral excellence and (consequently) moral duty." — *In probris maxime in promptu est.* "In cases of reproach, what most readily occurs is." Any thing within our reach, and easy to be obtained, is said to be *in promptu*, "at hand."

Vos etenim, &c. These verses are commonly supposed to be from Ennius, but Lachman (*ad Lucret.*, iv., 211) attributes them to some old unknown poet. As printed in the different editions, the measure is Iambic trimeter. Lachman, however, writes the whole as one long Trochaic septenarius, reading *virgo* for *virago.*—*Illa virago viri.* "That maiden the spirit of a man." Supply *animum gerit.* The form *virago* is an archaism. Some suppose Clœlia to be here meant. Zumpt is in favour of Camilla, mentioned by Virgil (*Æn.*, xi., 432). — *Salmaci*, &c. "Give me thy spoils, effeminate one, without sweat and blood," i. e., Coward, surrender these without a blow, even as a coward should. This line also is supposed to be from Ennius. The measure is Iambic trimeter, like the previous ones. *Salmacis* is properly the name of a spring in Caria, near Halicarnassus, said to have an enervating property (*Ovid, Met.*, iv., 482, *seqq.*). Here it is taken as a term of reproach for an effeminate man.

§ 8, 9.

In laudibus. "In cases of praise."—*Nescio quo modo*, &c. "Somehow, as it were, with a more elevated strain."—*Pleniore ore.* An instance of what grammarians call *Parechēsis* (Παρήχησις) or alliteration. Compare *O fortunatam natam*, &c. (*Juv.*, x., 122.)—*Rhetorum campus.* "The field for rhetoricians to expatiate in." Marathon, Salamis, &c., were the scenes of brilliant Grecian victories.—*Cocles.* Horatius Cocles, who defended the bridge over the Tiber against the army of Porsena.—*Decii.* The two Decii, father and son, devoted themselves for their country.—*Scipiones.* The brothers Scipio are often mentioned by Cicero. Cnæus, the younger, was the father of P. Cornelius Nasica; Publius, the elder, of the elder Africanus and Asiaticus. They both fell in the second Punic war.—*Marcellus.* The conqueror of Syracuse.—*Alii.* Supply *omnium commemoratione celebrantur.* Some merely supply *excelluunt.*—*Studium.* "Their fondness."—*Ornatu militari.* "In military costume," i. e., not in the *toga* or robe of peace.

CHAPTER XIX.

§ 1, 2, 3.

Animi elatio. "Spirit."—*In vitio est.* "Is faulty." For *vitiosa est.* Compare vii., § 8.—*Immanitatis.* Compare xi., § 3.—*Propugnantem pro.* "Fighting in defence of."—*Malitia.* "Evil arts."

§ 4, 5.

Illud Platonis. "The following remark of Plato." The observation is in the *Menexenus*, p. 246, D: *πᾶσά τε ἐπιστήμη χωριζομένη δικαιοσύνης καὶ τῆς ἄλλης ἀρετῆς πανουργία, οὐ σοφία, φαίνεται.*—*Verum etiam animus*, &c. This may be compared with the *Laches*, p. 197, C: *ταῦτα οὖν, ἅ συ καλεῖς ἀνδρεῖα καὶ οἱ πολλοί, ἐγὼ θράσεα καλῶ.*—*Eosdem bonos.* For *simul bonos.*—*Ex media laude justitiæ.* "From the inmost praise of justice," i. e., are fundamental parts of justice, and the especial virtues of a just man.

§ 6, 7, 8.

Sed illud odiosum est. "The following, however, is a painful consideration." Compare viii., § 8.—*Innascitur.* "Spring up."—*Omnem morem.* "The whole character." Compare *Lach.*, p. 182, E.—*Vel potius solus esse.* Alluding to Pompey and Cæsar.—*Æquitatem.* "An equitable spirit."

§ 9, 10, 11.

Disceptatione. "By argument."—*Ullo publico*, &c. "By any universal or constitutional law."—*Quo . . . hoc.* For *quanto . . . tanto.*—*Tempus.* "Occasion."—*Igitur.* "So then," i. e., the upshot is.—*Animi magnitudo.* Personification.—*Quod maxime natura sequitur.* "Which nature especially aims at," i. e., which forms the chief aim of him who yields obedience to the laws of nature and to the dictates of reason.—*Principem se esse mavult.* The same as *princeps esse mavult.* A common construction with verbs of wishing.

§ 12, 13.

Qui ex errore, &c. "Who depends on the erroneous views of the ignorant multitude," i. e., who is swayed by the prejudices of the ignorant rabble.—*Ut.* "According as."—*Qui locus est sane lubricus.* "This is certainly a hazardous situation." Literally, "a slippery" one.—*Quod vix invenitur*, &c. Men are prone to regard glory as an *end* of their actions, and not simply as the reward.

CHAPTER XX.

§ 1, 2.

Rerum externarum. "Of mere outward circumstances," i. e., such as are not under our own control, but depend upon another's will and the caprice of fortune.—*Honestum decorumque.* "Virtuous and becoming."—*Nulli neque.* The two negatives here, as in Greek, strengthen the negation. (*Zumpt*, § 754, note.)—*Perturbationi animi.* Compare viii., § 9.—*Illas quidem.* The pronoun is pleonastic, as before. Compare xviii., 4.—*Sed ut vehementer.* The conjunction *ut* is repeated with emphasis.—*Tum vitæ*, &c. Gernhard explains the particles *tum . . . tum* here as follows: "*Nunc vitæ, nunc, etiam si non vitæ, certe aliarum rerum,*" &c.

§ 3, 4.

Harum rerum duarum. Of the two things just mentioned, in which greatness of mind consists, namely (1), insensibility to the accidents of fortune, and (2) the performance of glorious actions. The former is the *cause*, making just men what they are; the latter the *effect* of their being such. Because they have the former quality, resolution of mind, therefore it is that they are enabled to attain to the latter, very great and useful actions.—*In eo.* "In it," i. e., the

former. The proper use of *is* is merely as a pronoun of reference; so *id* in the beginning of the following section refers also to *priore*. —*Animi perturbatione.* "Mental disorder," i. e., irregular passion.

§ 5, 6.

Ratione stabili firmaque. "Upon fixed and solid principles," i. e., not wavering in our estimate of their value.—*Quæ multa et varia*, &c. "Which occur in human life under many and various forms." —*A statu naturæ.* "From your true and natural position." A metaphor borrowed from the palæstra. Compare *de gradu dejici.* Disregard for the gifts of fortune is the "natural state," because such gifts have merely a conventional value put upon them by society.—*Frangi cupiditate.* Fortitude consists in freedom from irregular passions, of which "Desire" is one. Whoever, therefore, does not control his desires, offends against Fortitude as well as against Justice.

§ 7, 8, 9.

Videnda. "Must be looked to," i. e., guarded against. Equivalent to *cavenda.* — *Conferre.* "To apply it." — *Gloriæ.* "Applause."—*Libertatem.* "Independence."—*Ac potius.* "But rather." Where we would use the adversative particle after a negative sentence, the Latins often employ the copulative. See the rule stated more explicitly in the notes to vii., § 5.

§ 10, 11, 12.

Voluptate animi. "Excessive joy." Orelli, without any necessity, changes *animi* to *nimia*, on the authority of a single MS.—*Constantiam.* "Uniformity of character." The act of *sibi constare*, which can only proceed from a constant subjection of the appetites to the control of reason; for the passions are irregular and inconsistent with one another.—*Sunt qui . . . removerunt*, &c. If the substantive verb have a subject expressed, to which the relative refers, then the following verb is put in the indicative, and not in the subjunctive.—*Nobilissimi philosophi.* "The most distinguished philosophers," such as Plato, Aristotle, Zeno, Pythagoras, Anaxagoras.—*Quidam homines severi.* He seems to allude to such men as T. Pomponius Atticus, &c. — *In agris.* Such as Cincinnatus, Fabricius, Dentatus. — *Delectati re sua familiari.* "Amusing themselves with the management of their own private estate."—*Libertate uterentur.* Repeat *ut* from the preceding *ne.*—*Cujus.* Scil. *libertatis.*

CHAPTER XXI.

§ 1, 2, 3.

Hoc. Scil. *propositum*, i. e., *vivere ut velis*, which is again referred to in the *id* that immediately follows. Compare the explanation of Facciolati: "*Tam potentiæ cupidi, quam quieti et otiosi, id propositum habent, ut vivant ad voluptatem, nemini obnoxii.*"—*Otiosis.* "Living in retirement."—*Alteri . . . alteri.* "The former . . . the latter."—*Otiosorum.* "Of men of retired habits."—*Quapropter et iis forsitan*, &c. "And hence, perhaps, we may excuse, for their not taking part in public affairs, both those who," &c. The construction is a Greek one: *συγχωρητέον ἐκείνοις μὴ κοινωνοῦσι*, but of rare occurrence in Latin. Compare *Tusc. Disp.*, ii., 7, 19: "*Adspice Philoctetam, cui concedendum est gementi.*"—*Aliqua graviore causa.* For *alia qua*, &c.—*Concederent.* "They have resigned."

§ 4, 5.

Causa. "Excuse."—*Vitio.* "As a ground of censure."—*Difficile factu est non probare.* "It is difficult of performance not to approve of." The same pleonasm of the supine occurs in *Nat. Deor.*, iii., 1.—*Tum offensionum et repulsarum*, &c. "As well as a kind, as it were, of ignominy and obloquy arising from failures and repulses," i. e., in suing for office. *Offensio* properly means the act of striking against some impediment in our way, and hence arises the idea of stumbling, failing, &c.

§ 6, 7.

In rebus contrariis. "In opposite matters." Such as follow immediately after. Degen incorrectly explains this by *rebus adversis.*—*Parum sibi constent.* "Do not act consistently."—*Molliores.* "Too deficient in firmness."—*Frangantur.* "Are broken in spirit."—*Atque ea quidem*, &c. "And that, too, indeed, with no little inconsistency." *Ea* is governed by *faciunt* understood.—*Adjumenta rerum gerendarum.* "The aids and appliances requisite for the management of public affairs," i. e., the necessary physical and mental endowments.—*Adipiscendi.* "Are to be obtained," i. e., after previous suit. Taken passively.

§ 8, 9.

Haud scio an, &c. Compare xi., § 1.—*Magnificentia.* "Loftiness of spirit." The same as *animi magnitudo.*—*Adhibenda sit.* The

subjunctive here depends on *haud scio an.*—*Securitas.* "Calmness." —*Nec anxii.* For *et non anxii.*—*Et victuri.* "And are going to live," i. e., and wish to live.—*Quo minus.* Observe that *eo* is elegantly omitted in the previous clause.—*Patent.* "Lie exposed."—*Quæ fortuna feriat.* Their lives offer less for fortune to "smite," that is, are less exposed to the attacks of fortune.—*Tam graviter cadere.* "To fall so heavily." Because they do not fall from a high or exalted state.

§ 10, 11.

Efficiendi cura. "Anxious care about accomplishing," i. e., the objects which they have in view. Compare Zumpt's explanation: *Efficiendi cura est ingenii virium intentio conjuncta cum sollicita cogitatione.*" The common text has *majoraque efficienda.*—*Quietis.* Same as *otiosis.* So "*vita privata et quieta.*" (*Cat.*, *Maj.*, vii., 6.)—*His.* By those who conduct the affairs of the state.—*Ab angoribus.* "From all causes of disquiet."—*Ad rem gerendam autem*, &c. "Let him, however, who, &c., take care not merely to consider this, how honourable that thing may be, but let him also consider how he may have the means of accomplishing it." Observe that *ut* has here the force of *quomodo.*

§ 12, 13.

Ignaviam. "Want of spirit."—*Cupiditatem.* "Over-eagerness." —*Priusquam adgrediare.* "Before you undertake them." Supply *ea.*

CHAPTER XXII.

§ 1, 2, 3.

Urbanas. "Civil employments."—*Minuenda est.* "Must be restricted."—*Multi, sæpe.* "Many at one time or another." So in Greek, πολλοὶ πολλάκις.—*In magnis animis*, &c. "In men of high spirit and great natural ability." Men being implied, we have *apti et cupidi bellorum* by the figure synesis.—*Multæ res exstiterunt*, &c. "There have been many instances of civil employments of greater importance and higher renown than warlike exploits."

§ 4.

Citeturque Salamis, &c. "And though Salamis be cited as the evidence of a most brilliant victory, which is to be preferred to that design of Solon's by which he founded the Areopagus." More free-

ly, "Though Salamis, which witnessed his most brilliant victory, be quoted as evidence of an achievement to be thought more of than Solon's design in founding the Areopagus."—*Areopagitas.* Literally, "The members of the Areopagus." This council or court was originally designed to exercise supreme control over the laws and constitution of Athens, as well as to have the trial of capital offences. —*Quo primum constituit.* Solon was not really the original founder of the Areopagus, but he so far modified that body that he is spoken of as its founder. Consult *Aristot.*, *Polit.*, ii., 2.—*Hoc.* The act of Solon.—*Illud.* The victory at Salamis.

§ 5, 6.

Hoc consilio. This design of Solon's.—*Servantur.* Cicero himself was a witness of the benign influence of the laws of Solon. (*Pro Rosc. Am.*, c. 25.)—*Nihil dixerit, in quo,* &c. "Cannot easily mention any service of his in which," &c. The subjunctive has here the force of a softened indicative. (*Zumpt*, § 527.)—*At ille vere.* "But it might with truth have asserted." Supply *dixerit*, and observe that *ille* refers back to the Areopagus, as Zumpt correctly remarks, not to Solon.

§ 7.

Consilio senatus ejus. That is, of the same Areopagus, who, in the time of great dearth, subscribed to pay the seamen who were going to fight at Salamis. (*Plut.*, *Themist.*, c. 10.) — *Pausania.* The Spartan who overthrew Mardonius at Platææ. — *Lysandro.* The Spartan who took Athens and destroyed the Long Walls, B.C. 404.—*Imperium Lacedæmonis putatur.* The reading here given is that of Heusinger, though Zumpt pronounces it to be incorrect, since, he says, *putatur* cannot be used absolutely as *censetur* in the sense of "is estimated by." He adopts in his own edition the ordinary reading, *Lacedæmoniis dilatatum*, bracketing the last word as suspicious because it is not found in the best MSS.—*Conferendi sunt.* Pausanias and Lysander are here put for their achievements, which last are the proper subjects of comparison. Consult the examples of similar construction collected by Heusinger.—*Ob has ipsas causas.* Namely, the laws and discipline of Lycurgus.

§ 8.

Pueris nobis. "When I was a boy." Ablative absolute.—*M. Scaurus.* M. Æmilius Scaurus, who was consul B.C. 115. Cicero frequently speaks of him in terms of admiration in consequence of his being a supporter of the aristocratical party. Sallust draws his

character in a manner the very reverse of flattering.—*Q. Catulus.* Q. Lutatius Catulus, son of the Catulus who was associated with Marius as consul in the war with the Cimbri and Teutones. He opposed the Manilian law, which conferred extraordinary power on Pompey. During the conspiracy of Catiline he supported Cicero, and was the first to hail him *Pareus Patriæ.*—*Parvi enim foris,* &c. In some editions we have here a Trochaic tetrameter catalectic, the line reading as follows: *Parvi enim foris sunt arma, nisi sit consilium domi.*

§ 9.

Africanus. The younger, called also Æmilianus, as being the son of Paulus Æmilius Macedonicus, adopted into the Scipio family by his first cousin, P. Cornelius Scipio, the Augur, son of P. Cornelius Scipio Africanus, the elder.—*Numantia.* Compare xi., 5.—*P. Nasica.* P. Cornelius Scipio Nasica Serapio, the leader of the Senate in the murder of Tiberius Gracchus.—*Privatus.* "Though holding no public office." He was, however, Pontifex Maximus, as we are told in the first oration against Catiline (cap. i.).—*Ex domestica est ratione.* "Is of a domestic nature."—*Attingit enim bellicam.* "For it borders upon a warlike one."—*Consilio urbano.* "By civil policy."

§ 10.

Illud autem optimum est. "That maxim of mine, moreover, is altogether correct." Literally, "Is best." Observe that *autem* here has more of a copulative than an adversative force.—*Improbis.* "Unprincipled men." Such as Marc Antony and L. Calpurnius Piso.—*Cedant arma togæ,* &c. This line is an extract from a poem by Cicero on his own consulship.—*Concedat laurea linguæ.* "Let the bay-chaplet (the reward of military distinction) give way to the tongue (of the orator)." Another reading is *laurea laudi,* the reference to the latter being to "the praise of the statesman." But *laudi* does not mark the opposition to *laurea* with sufficient precision.

§ 11, 12, 13.

Nobis rem publicam, &c. "While I swayed the helm of state," i. e., while I was invested with the supreme power of the consulship.—*Arma.* Alluding to the conspiracy of Catiline.—*Periculum gravius.* Because of the number of distinguished men who were implicated in the conspiracy.—*Otium.* "Tranquillity." Opposed to *bellum.* Cicero boasts elsewhere of the rapidity with which the conspiracy was crushed, and the profound repose that ensued.—

Arma ipsa ceciderunt. Observe the force of *ipsa*, "Of themselves," i. e., without any fighting. Some read *impia.*—*Licet enim mihi.* The pronoun is incorrectly omitted in some editions.

§ 14, 15.

Mihi quidem . . . hoc tribuit ut diceret. "Did me, indeed, the honour to assert."—*Triumphum tertium.* When he triumphed over Mithridates and Tigranes, B.C. 61. His first triumph was in B.C. 81, over Hiarbas, King of Numidia, and Cn. Domitius Ahenobarbus. He was then only twenty-four, and obtained also the surname of *Magnus* from Sulla. His second triumph was over Sertorius, B.C. 71, still only a simple eques. He was the first that obtained a triumph before being invested with consular dignity.—*Domesticæ fortitudines.* "Instances of civil courage." Abstract nouns often become concrete in the plural, so that it marks cases or instances of what is denoted in the singular. (Compare *Zumpt*, § 92.)

CHAPTER XXIII.

§ 1, 2, 3.

Illud honestum. "That excellence."—*Et ita afficiendum est.* "And must be so disposed." *Afficere* is equivalent here to the Greek διατιθέναι.—*In animi cura et cogitatione.* "In the careful and thoughtful application of the mind."—*In quo.* "In which particular." Equivalent nearly to *quare* or *quamobrem.*—*Togati.* "In a civil capacity," i. e., as statesmen. Literally, "In the toga," the toga being the robe of peace.—*Ut M. Catonis*, &c. "Just as the third Punic war was by Marcus Cato's." The full expression would be, *Ut M. Catonis* consilio *bellum tertium Punicum* illatum est. This was M. Porcius Cato Censorius, one of the chief instigators of the third Punic war, in opposition to Nasica and others. Each time of giving his opinion in the Senate, no matter what was the subject of debate, his concluding words were, "*Delenda est Carthago.*" Its destruction, however, was not effected until about three years after his death. Hence Cicero says, *Etiam mortui valuit auctoritas.*

§ 4, 5.

Decernendi ratio. "Wisdom in determining."—*Decernendi . . . decertandi.* The Latins as well as the Greeks were fond of the figure *paronomasia*, or *annominatio.* Compare *De Orat.*, ii., 63; *Tusc. Disp.*, iii., 27, 64. Instances are of most common occurrence in Plautus and Terence.—*Quam utilitatis ratione.* "Than from a con-

sideration of public utility."—*Constantis.* "Resolute."—*Nec tumultuantem*, &c. "Nor to be driven in a flurry from his stand." *Gradus* is the posture of a man with his legs apart, the opposite of *status;* hence *de gradu dejici* means to be thrown from such a position, to be thrown off one's guard, and is said of gladiators. *Tumultuantem* is equivalent here to *trepidantem.*—*Prœsenti animo.* "With presence of mind." Compare the phrase *adesse animo*, "To be self-possessed."

§ 6.

Hoc animi, &c. "This is the province of the spirit, what follows, that of the understanding also, namely, to anticipate future events," &c. *Hoc* refers to what precedes, *non perturbari*, &c.; *illud* to what comes after.—*Prœcipere cogitatione futura.* More literally, "To grasp beforehand in thought future things."—*Aliquanto ante.* "Some considerable time previously."—*In utramque partem.* "Either way," i. e., either good or bad.—*Nec committere*, &c. "Nor to bring matters to such a pass as to have at some time or other to say, 'I should never have thought it.'" Literally, "I had not thought it." (*Zumpt*, § 518.) Scipio Africanus considered this most disgraceful in a military man. Compare *Val. Max.*, vii., 2, 2.—*Et prudentia consilioque fidentis.* "And which relies on its wisdom and judgment."

§ 7.

Temere autem, &c. He means with respect to generals, whose duty it is to command and direct the engagement.—*In acie.* "In the front of the battle."—*Immane quiddam.* "Is a savage kind of business."—*Sed cum tempus*, &c. "But when circumstances and the exigency of the occasion demand."—*Servituti turpitudinique.* The latter term refers to dishonourable flight.

CHAPTER XXIV.

§ 1, 2.

Valde considerandum est. "We must exercise great consideration."—*Nequid.* Supply *fiat.*—*Rebus agitatis.* "In a disturbed state of affairs," i. e., in revolutionary times. It is the opposite to *in tranquillo.* Heusinger is wrong in making the meaning to be, "After having weighed and considered all circumstances."—*Punire sontes*, &c. That is, to single out the guilty for punishment, to spare the many.—*Recta atque honesta retinere.* "To preserve an

upright and virtuous course of conduct," i. e., rectitude and honour.—*Supra dixi.* Compare xxii., I. — *Qui . . . . . anteponunt.* Here the indicative is correct, because *qui* refers to actual persons. Compare ii., 5.—*Sic reperias.* "So you may find," i. e., if you look. (*Madvig*, § 370.)—*Calida consilia.* "Hot-headed resolves," i. e., hot and adventurous, as opposed to *quieta et cogitata*, "cool and deliberate ones."—*Committendum est.* Compare xxiii., 6.

§ 3, 4, 5.

Sed fugiendum etiam illud, &c. But there is this error, on the other hand, to be avoided, namely, the error of exposing ourselves to dangers without a cause.—*Leniter.* "By a mild treatment."—*Curationes.* "Modes of cure." — *In tranquillo.* "In a calm." Supply *mari.*—*Tempestatem adversam.* *Tempestas* has here the general meaning of "weather," but in the next clause that of "a storm."—*Subvenire.* "To strive to weather." The proper meaning of this verb is "to come up to a thing" for the purpose of rendering assistance, and so of promoting what is good, and of obviating what is bad. Thus we can say both *subvenire saluti* and *subvenire morbo.* Compare the Greek *βοηθεῖν.*—*Si plus adipiscare*, &c. "If you are to derive more benefit from bringing the matter to a clear issue than evil from keeping it in suspense." With *addubitata* supply *re.* The verb *addubitare* is the same as *in dubitationem vocare.* Compare *Zumpt, ad loc.*

§ 6, 7.

Rerum actiones. "The conducting of enterprises."—*Alii de vita . . . . in discrimen vocantur.* "Some are brought into the hazard of their lives."—*Dimicare paratius.* "To contend more readily," i. e., more readily to encounter danger. The meaning which Cicero wishes to convey is this: The danger attending great undertakings falls sometimes upon the person that undertakes them, sometimes upon the state; and again, some are in danger of losing their lives, others their reputation and the good opinion of their fellow-citizens. It is our duty, then, in the former case (i. e., when the danger on the one hand concerns the state, on the other only the person himself), to be more forward to expose our own persons than the general interests to danger; and, in the latter (i. e., when the person himself only is concerned), to fight on behalf of honour and glory more readily than for any other advantages (i. e., than for any mercenary consideration). For *paratius* Heusinger reads *parcius*, "more sparingly," understanding the phrase *dimicare de honore et gloria* to mean "risking," "endangering one's honour," &c.

§ 8, 9.

Profundere. "To lavish."—*Parati essent.* On the subjunctive here consult *Zumpt*, § 563.—*Idem gloriæ*, &c. "Yet at the same time were unwilling to make even the smallest sacrifice of personal glory, even though the exigencies of the state demanded it." *Jacturam facere* is a metaphor from throwing part of a cargo overboard in a storm, in order to lighten the ship and save the rest.—*Ut.* "As, for instance."—*Callicratidas.* A Spartan admiral, who succeeded Lysander in the command of the fleet. He took Methymna and shut up Conon in Mytilene; but the Athenians sent out a fleet of 150 sail, and defeated him off the Arginussæ. Callicratidas fell in the battle.—*Dux esset.* He was then actually in command of the fleet; therefore Heusinger's reading *fuisset* cannot be correct.—*Vertit ad extremum omnia.* "Upset at last every thing." *Vertere* is frequently used for its compound *evertere*, "To turn topsy-turvy."

Arginussis. The Arginussæ were a cluster of small islands off the coast of Æolis, opposite Mytilene in Lesbos, where the Athenians gained a signal victory over the Lacedæmonians under Callicratidas, B.C. 406. Their name was derived from their white appearance, occasioned by the chalky nature of their soil. Thus, ἀργινόεις, "white," pl. fem. ἀργινόεσσαι, contracted ἀργινοῦσσαι, to agree with νῆσοι understood. The less correct form of the name is *Arginusæ.*—*Respondit.* His answer, as given by Xenophon (*Hellen.*, i., 6, 32) is not so strong: Καλλικρατίδας δὲ εἶπεν, ὅτι ἡ Σπάρτη οὐδὲν μὲν κάκιον οἰκεῖται αὐτοῦ ἀποθανόντος, φεύγειν δὲ αἰσχρὸν εἶναι ἔφη.

§ 10, 11, 12.

Plaga. "Blow."—*Pestifera.* "Was fraught with ruin."—*Cleombrotus.* He commanded the Spartan forces at the battle of Leuctra, B.C. 371. Having been suspected of being too friendly to the cause of the Thebans, and wishing to obviate this suspicion, he engaged with them rashly, in a very disadvantageous place, and was defeated and slain.—*Q. Maximus.* Quintus Fabius Maximus, surnamed *Cunctator*, because he refused to engage in action with Hannibal, but endeavoured to weary him out by delays.—*Unus homo*, &c. From the twelfth book of the Annals of Ennius. Virgil has borrowed the first line and applied it to Fabius in *Æn.*, vi., 846, improving upon it at the same time by making it move on more slowly.—*Rem.* "The state." For *rempublicam.*—*Postque magisque.* "Both after his death, and more than even while alive."—*Claret.*

"Shines bright and clear."—*Sentiunt.* The indicative, because *qui* refers to actual persons.

CHAPTER XXV.

§ 1, 2, 3.

Duo Platonis præcepta. Both occur in the *Republic*, the first in i., p. 343, A, and the second in iv., p. 420, B.—*Commodorum suorum.* "Of their own private interests."—*Tutela.* "The guardianship of wards."—*Qui commissi sunt.* "Who have been intrusted to their care."—*Populares.* "Favourers of the people," i. e., espouse their cause.—*Studiosi optimi cujusque.* "Partisans of the nobility." *Optimi cujusque* put for *optimatium*, i. e., *nobilium.* So in Greek, the high-born classes are called *ἀγαθοί.* Consult *Welcker, ad Theogn.*, p. 22.

§ 4, 5.

Hinc apud Athenienses. See the History of Athens, after the death of Pericles, during the latter part of the Peloponnesian war, and also after the war.—*Seditiones.* He refers in particular to the two Gracchi, B.C. 132 and 122.—*Bella civilia.* Such as the wars between Marius and Sulla, Cæsar and Pompey, also the civil wars after Cæsar's death between Brutus and Cassius on one side, and Antony and Octavianus on the other.—*Gravis.* "Influential."—*Principatu.* "Of the lead."—*Neque . . . . aut.* Observe that *aut* here does not answer to *neque*, but to an *aut* suppressed before *opes.*—*Opes.* "Riches."—*Criminibus.* "Charges."—*Ut, dum ea conservet*, &c. "As to encounter any loss, however heavy, provided he preserves these unsullied." Observe the force of the verb *offendere*, "To come into collision with any thing," "To suffer loss in some way." Observe, moreover, that *quamvis* is frequently found with adjectives and adverbs in the sense of "very," "as much as you like," &c.—*Illa, quæ dixi.* "Those principles which I have laid down."

§ 6, 7.

Ambitio. "Canvassing for office."—*Honorum contentio.* "Struggles for political preferment," i. e., magisterial stations.—*De qua præclare*, &c. "On which subject there is an excellent observation in Plato, to whom I referred before." Observe the force of *eundem.* With *præclare* supply *scriptum est.* The passage occurs in the *Republic*, vi., 488, B.—*Uter potius.* Used with respect to two; but

quis potissimum in speaking of three or more.—*Idemque præcipit.* The passages are probably *Repub.*, viii., p. 567, C., and *De Leg.*, ix., p. 856, B.—*P. Africanum.* The younger Africanus, otherwise called *Æmilianus.*—*Q. Metellum.* Metellus, surnamed *Macedonicus*, from his having subdued the impostor Andriscus (the pretended son of Perseus, who called himself Philip), and having recovered Macedonia. He and Africanus the younger were always political rivals, but never so as to become inveterate enemies.

§ 8, 9.

Inimicis irascendum. That is, in political life; for we must remember that Cicero is now speaking of what becomes a statesman. —*Juris æquabilitate.* "An equality of rights."—*Facilitas.* "Affability."—*Altitudo animi.* Heusinger considers this to mean "loftiness of soul," which regards itself as raised above all wrongs and resentments. Zumpt, however, remarks, and it would seem correctly, that the addition of *quæ dicitur* shows that we must look for some unusual meaning of the words in question. Accordingly, he considers that they must be taken in the sense of "depth of temper," that is, "*sang froid*," the art of concealing one's feelings," which Cicero elsewhere calls βαθύτης. (*Ep. ad Att.*, v. 10.) The phrase occurs in the same sense in the *De part. Orat.*, xxii., 77; *Sall.*, *Jugurth.*, xcv., 3; *Tac.*, *Ann.*, iii., 44.—*Morositatem.* "Peevishness of spirit."

§ 10, 11.

Et tamen, &c. "And yet mildness and clemency are to be approved of only so far as that severity may be employed for the sake of the public interests."—*Omnis autem*, &c. "Every kind, moreover, of both punishment and reproof ought to be free from an insulting tone." *Animadversio*, an euphemistic word denoting any kind of punishment, even capital, is stronger than *castigatio*, which, as it corresponds to *verbis castigat* below, we may here translate by "reproof" or "reprimand."—*Punitur.* Used as a deponent. The former, however, is less common than the active. It occurs also in *Tusc. Disp.*, i., 44; *Pro Milon.*, c. xiii.; *De Juvent.*, ii., 27, &c. —*Verbis castigat.* A much inferior reading is *fatigat.*

§ 12, 13, 14.

Plectantur. "Be punished severely." *Plector* is properly used of corporal punishment. Thus *Hor.*, *Sat.*, ii., 7, 104, "*Tergo plector.*" Compare the Greek πλήσσειν.—*Ne appellentur quidem.* "Be not even called to account."—*Iratus.* "In a passion."—*Mediocri-*

tatem illam, &c. "That mean between too much and too little." Compare *Hor.*, *Od.*, ii., 10, 5: *Auream quisquis mediocritatem*, &c. In Greek, *τὸ μέτριον, μεσότης*. — *Modo ne laudarent iracundiam.* "Provided only they did not commend the passion of anger." The imperfect is here employed, as though a past tense preceded, *placet* being the present used for the perfect or past. (*Zumpt*, § 501.)—*Illa vero omnibus*, &c. "In truth that passion ought on all occasions to be put away."

CHAPTER XXVI.

§ 1, 2.

Magno opere fugiamus. "Let us take great pains to eschew." *Magno opere* for *magnopere*, and thus frequently written in Cicero.—*Adversas res*, &c. The verb *ferre* is applied to both adversity and prosperity.—*Præclara est.* "Is a noble attribute."—*Vultus.* "Expression of countenance." Compare the remark of Heusinger: "Vultus *index est voluntatis animi*, frons *hilaritatis vel tristitiæ*."—*Socrate.* Compare *Tusc. Disp.*, iii., 15. — *C. Lælio.* C. Lælius *Sapiens*, or Lælius the younger, who was consul B.C. 140. He was an intimate friend of the younger Africanus, and the treatise *De Amicitia* is called after him, from his being one of the interlocutors in the dialogue.

§ 3, 4, 5.

Philippum. Philip II., son of Amyntas, and father of Alexander the Great.—*Humanitate.* "Goodness of disposition."—*Turpissimus.* Compare *Liv.*, ix., 18; *Curtius*, iv., 7, 25, *seqq.*; v., 7, 1; viii., 1, 22; and *Justin*, ix., 8.—*Summissius.* "The more moderately." — *Panætius.* A celebrated Stoic philosopher, a native of Rhodes, and the preceptor of the younger Africanus.—*Ferocitate exultantes.* "Rearing and plunging through wildness."—*Faciliori-bus.* "Rendered more gentle." — *Effrenatos.* "Become unbridled."—*In gyrum rationis.* "Into the ring of reason." *Gyrus* is the ring in which horses are made to step in training. The Greek form is *γῦρος*, whence the Latin term is derived. — *Varietatem.* "The fickleness."

§ 6, 7.

In secundissimis rebus maxime. The more usual form of expression would be *quo secundiores res erunt, eo magis*, &c.—*Adulari.* "To be wheedled." Taken passively. (*Zumpt*, § 389.) Heusin-

ger, however, prefers to regard it as a deponent, governing *nos* in the accusative.—*Ut jure laudemur.* "As to be entitled to praise." —*Ex quo nascuntur*, &c. The idea is borrowed from Plato, *Repub.*, v., p. 349.—*Inflati opinionibus.* "Puffed up with their own conceits."—*Versantur.* "Become entangled."—*Sed hæc quidem hactenus.* A formula used in dismissing one subject and passing to another—equivalent to our "so far on this subject," "so much for this branch."

§ 8, 9.

Illud autem, &c. We are now taken back to the subject of which he had been speaking in chapter xxi., namely, that the virtue of Fortitude is pre-eminently seen in public life.—*Et maximi animi.* "And those requiring the greatest intellect."—*In vita otiosa.* "In private life." Compare xxi., 1.—*Suarum rerum finibus.* "Within the limits of their own private affairs."—*Interjecti.* "Placed in a middle station between," &c., i. e., following a middle path, between philosophers on the one hand and statesmen on the other.—*Exaggerantes.* "Enlarging."—*Potiusque.* For *sed potius.* Compare note on vii., 5. — *Usus esset.* For *opus esset*, which last is more usual in Cicero.

§ 10.

Quæ primum bene parta sit. "Let this have been acquired in the first instance by fair means."—*Nullo neque.* Compare note on xx., 1.—*Quæstu.* "Source of gain."—*Servantem licet.* The more usual construction is with the dative. (*Zumpt*, § 601.) — *Graviter.* "With dignity." — *Animose.* "With spirit," i. e., fearlessly. — *Simpliciter.* "Openly," i. e., without disguise.—*Et vitæ hominum amice.* "And with a friendly feeling towards his fellow-men." Compare A. W. Zumpt's version: "*Und als Menschenfreund leben.*"

CHAPTER XXVII.

§ 1, 2.

Sequitur. "The next thing in order is."—*De una reliqua*, &c. "About the only remaining constituent of moral rectitude," i. e., of temperance, which alone remains to be discussed.—*Quasi quidam*, &c. "Which impart, as it were, a sort of lustre to life."—*Perturbationem.* Compare viii., 9.—*Rerum modus.* "A self-restraint in things."—*Hoc loco.* "Under this head."—*Hujus vis ea est.* "The nature and property of this is such." *Ea* for *talis.*

§ 3.

Intelligi. "Be conceived of."—*Cum antegressa est honestas.* "When rectitude is the antecedent," i. e., has *decorum* as its consequent. The corresponding Greek word to *antegressa* is προηγουμένη. As the nature of *honestas* consists in the conformity of our actions to right reason as the rule by which they should be squared, so the nature of *decorum* consists in our actions being conformable to the dignity of human nature and its superiority over that of the brute creation. Now nothing can be so except it be conformable to the dictates of reason, and whatever is conformable to the judgment of reason must be worthy of man. Hence it follows that *decorum* implies and presupposes *honestum* as the foundation upon which it is built.

§ 4, 5, 6.

In tribus superioribus. Wisdom, Justice, Fortitude.—*Et ratione uti*, &c. "To make a right use of both reason and speech." To this and all the other infinitives which follow Grotefend (*L. G.*, i., 8, 152) would supply *quemque.* Beier, however, considers each infinitive clause as a nominative.—*Tueri.* "To maintain."—*Falli, errare*, &c. Compare vi., 2. *Falli* and *errare* both apply to mistakes of judgment; *errare* is the stronger of the two. *Labi* is said of error of conduct.—*Delirare.* "To be deranged." Primarily, "To make a balk in ploughing," from *lira*, "the furrow made by the plough." Hence "to deviate from a straight line," and thus "to be crooked in understanding."—*Et justa omnia*, &c. "Moreover, all things that are just are becoming."—*Similis est ratio fortitudinis.* "The same principle applies to fortitude."

§ 7, 8, 9.

Et ita pertinet, ut, &c. "And belongs in such a way as not to be discerned by any abstruse process of reasoning, but to be obvious at once." Compare, as regards the expression *in promptu*, chap. ii., 7. —*Est enim quiddam*, &c. "For there is a certain something becoming, and this is conceived of in every virtue," i. e., is contained in the very notion and idea of all virtue. — *Quod cogitatione*, &c. "And this admits of being severed from virtue, rather in our conception than in the nature of the thing."—*Totum illud quidem*, &c. "Is entirely mixed up (i. e., practically) with virtue, it is true, but mentally and theoretically it is distinguished from it." Observe that *illud* is here pleonastic, and compare xviii., 4; xx., 2, &c.

§ 10, 11, 12.

Descriptio. "Division." — *Huic subjectum.* "Subordinate to this." The former kind of propriety consists, he proceeds to say, in not losing sight of our superiority as men over the brute creation. *In eo, in quo*, &c. "In that respect in which his nature differs," &c.—*Quæ autem pars*, &c. "The special, however, which is comprised under the general," &c.—*Moderatio et temperantia.* "Moderation and self-control." The former word applies to the regulation of the external conduct, the latter more to that of the principles.—*Cum specie quadam liberali.* "With a certain gentlemanlike appearance." *Liberali* is that which becomes a freeborn and educated man.

CHAPTER XXVIII.

§ 1, 2.

Hac ita intelligi, &c. "That these things are so understood (i. e., that such is the notion of these two parts of propriety) we may infer from that propriety which poets aim at." This poetical propriety is a topic on which Horace enlarges in his *Ars Poetica.* See especially ver. 112–118.—*Alio loco.* In works on Poetry and Rhetoric. Compare *Orat.*, c. 22. — *Quaque persona.* "Of each character." *Persona* is primarily "a mask," through which the actors spoke, the mouth being made large for the purpose. Hence it signifies "the character," or *rôle*, supported by any one.—*Æacus aut Minos.* Two of the sons of Jupiter, supposed to have been so just and good during their lives, that, after their deaths, they were made judges in the lower world.—*Oderint, dum metuant.* These words and those which follow are taken from some old tragedy, perhaps the Atreus of Accius.—*Sepulcro est.* "Serves for a sepulchre." The words of Atreus after the detestable feast alluded to in the succeeding note.

§ 3, 4.

Atreo. For he killed the children of his brother Thyestes, and served them up before him at a banquet.—*Nobis autem*, &c. "Nature herself, however, has stamped upon us a character of great excellence and superiority over that of the rest of animals." *Animantium* is the objective genitive.—*Et quid deceat.* "And what may suit their character." Equivalent here merely to *quid aptum sit.*—*Adversus.* "Towards." Compare xi., 1. — *Efficitur ut appareat.*

"It is brought to pass, that it is seen," i. e., it is hence clearly seen. Zumpt compares such expressions as *fecit ut dimitteret milites* for *dimisit milites.*

§ 5, 6.

Apta compositione. "By the symmetrical arrangement."—*Cum quodam lepore consentiunt.* "Harmonise with a certain graceful effect." — *Elucet.* "Manifests itself." — *Ordine et constantia*, &c. "By the order and consistency, as well as restraint, which it imposes on all our sayings and doings." A comparison between physical beauty and moral propriety has already been drawn in chapter iv., 8.—*Quædam reverentia.* "A degree of respect."—*Et optimi cujusque.* That is, *reverentia adversus homines, et reverentia optimi cujusque.* This variation of construction is not unusual with the best writers. Consult, *Drakenb. ad Liv.*, xxxviii., 39.—*Negligere.* "To disregard." — *Omnino dissoluti.* "Of one altogether freed from moral restraints."

§ 7, 8.

Est autem quod differat, &c. "In forming, however, an estimate of men, there is a difference (i. e., we are to make a difference) between justice and moral susceptibility." By *verecundia* is here meant, not bashfulness or modesty, but an inborn reverence for what is right, and which supplies the place of and sometimes controls the law. Many actions may be agreeable to law, and yet disagreeable to this inborn principle. (*Edmonds, ad loc.*)—*Non violare homines.* "Not to do wrong to men," i. e., either by violence or fraud.—*Non offendere.* "To give no offence," i. e., either by word or action.

§ 9.

Hanc vim. "This purport." The old reading *viam*, which occurs in most MSS., is adopted, however, by many editors.—*Deducit ad convenientiam*, &c. "Leads to an agreement with and an observance of the true views of our nature." Equivalent, in fact, to *efficit ut naturæ convenienter vivamus.*—*Assequemurque.* For *sed assequemur.*—*Id quod acutum*, &c. "That which is acute and sagacious in its essence," i. e., essentially acute, &c. He refers in this clause to the virtue of Wisdom, and in the two next to Justice and Courage respectively.

§ 10, 11.

In hac parte. Temperance.—*Probandi.* "Are to be approved

of."—*Duplex enim*, &c. Cicero is proceeding to show what is meant by making the operations of the mind follow Nature. *Vis* and *natura* are frequently joined in Cicero: they may together be rendered by our word "essence."—*Una pars.* "One power" or "faculty." So Aristotle speaks of the *μέρη ψυχῆς* (*De Anim.*, iii., 10). Elsewhere Cicero uses *partes animorum* to denote "the affections." (*Id.*)—*Ratione.* "The reason." The rational faculty.

CHAPTER XXIX.

§ 1, 2, 3.

Actio. Heusinger and others read *ratio*, "mental process," but the MSS. are in favour of *actio.*—*Cujus non possit.* The subject to *possit* is *is qui agit*, which is involved in the notion of *actio.*—*Descriptio.* "The definition." More literally, "The delineation."—*Neque præcurrant*, &c. "Neither get the start of it, nor from laziness or apathy lag behind it."—*Sintque.* For *sed sint.*—*Exultantes.* "Rearing and plunging." This term, like *præcurrant*, *deserant*, *evagantur*, *retinentur*, is borrowed from the language of the Circus. *Ratio* is represented as a charioteer, driving and guiding her coursers, which are the Appetites. Compare, as regards *exultantes*, the language of xxvi., 5.—*Finem et modum.* "Bounds and moderation."

§ 4, 5.

Ora. "The countenances."—*Commoti sunt.* "Are agitated." *Aut voluptate nimia gestiunt.* "Or through excess of pleasure show their delight openly."—*Officii formam.* "The outline of duty," i. e., its representation.—*Contrahendos sedandosque.* "Ought to be contracted and calmed."—*Animadversionem.* "Attention."—*Temere ac fortuito.* "Without premeditation and at random," i. e., and as chance may direct.

§ 6, 7, 8, 9.

Ad ludum et jocum facti esse. "To be formed for sport and merriment."—*Illo quidem.* The pronoun is again pleonastic. Compare xxvii., 8.—*Quietibus ceteris.* "The other kinds of repose." So we have the plural of *quies* in Sallust (*Cat.*, xv.), where, however, it is used for "sleep," as opposed to *vigiliis.*—*Tum.* "Only then."—*Profusum.* "Excessive."—*Ingenuum et facetum.* "Refined and polished." Compare *Horace*, *Sat.*, i., 10, 44; *Quintilian*, vi., 3, 20.—*Sed eam quæ.* "But such as."—*Aliquod probi in-*

genii, &c. "Some indication of a virtuous disposition should shine forth."

§ 10, 11.

Illiberale, petulans, flagitiosum. "Ill-bred, rude, scandalous."—*Urbanum, ingeniosum.* "Polite, clever." *Urbanum* is opposed to *illiberale.*—*Plautus.* T. Maccius Plautus, the celebrated dramatic poet, born at Sarsina in Umbria. Horace pronounces a different opinion upon him in his *Ars Poetica*, v. 270, *seqq.*—*Antiqua comœdia.* Of which Aristophanes is the only remaining representative. The old comedy held up living characters to the ridicule of the people.—*Philosophorum Socraticorum.* Especially Xenophon and Plato.—Ἀποφθέγματα. "Pithy sayings."

§ 12, 13, 14.

Tempore. "At the proper time."—*Remisso.* "When enjoying relaxation from business." Some editions unnecessarily read *libero* after *homine.* — *Ne libero quidem.* "Not even worthy of a free-spoken one." We have given *libero* here the meaning assigned to it by Gernhard and Beier.—*Si rerum turpitudini adhibetur.* "If any immorality in the subject be exhibited."—*Modus.* "Limit." —*Ut ne nimis*, &c. "That we may not lavish too profuse an attention upon every thing of the kind."—*Elati.* "Transported," i. e., carried too far.—*Turpitudinem.* "Impropriety."—*Campus.* The Campus Martius, close to the Tiber, and used among other things for an exercise-ground.—*Studia venandi.* "Pursuits of hunting."

CHAPTER XXX.

§ 1, 2, 3.

Officii quæstionem. "Inquiry about duty."—*In promptu.* "Before our eyes." Compare ii., 7; xxvii., 7.—*Pecudibus antecedat.* For *pecudum naturæ antecedat.*—*Omni impetu.* "By every impulse." — *Mens discendo alitur.* Compare iv., 5. — *Non re sed nomine.* "Not in reality, but in name merely." Compare the Greek form of expression, λόγῳ καὶ οὐκ ἐργῷ. — *Sed.* "But, however." In Greek, δ' οὖν. The particle is often thus used to resume a sentence which has been interrupted by a parenthesis. — *Paulo erectior.* "Ever so little elevated above instinct."—*Quamvis.* For *quantumvis.*—*Propter verecundiam.* "Through a sense of shame." *Verecundia* is seldom used in this sense.

§ 4, 5, 6.

Qui aliquid tribuat voluptati. "Who sets any value on sensual gratification." *Tribuere aliquid alicui* signifies "to attach importance to any thing," "to set a value upon it," &c.—*Ejus fruendæ.* On the passive construction of *fruor* consult *Zumpt*, § 637.—*Referatur.* The singular here is more in accordance with Ciceronian usage.—*Diffluere.* "To melt away."—*Delicate.* "Voluptuously."—*Severe.* "With strictness."

§ 7, 8.

Personis. "Characters." Compare xxviii., 2.—*Ex eo.* "Arising from the fact."—*A qua omne*, &c. "From which (as its source) every part of moral rectitude and propriety is derived."—*Et ex qua ratio*, &c. Compare iv., 3, where Cicero explains that it is this prerogative of our nature which conducts in the discovery of our duty.—*Sic in animis*, &c. "So, in the case of dispositions, there exist still greater varieties." Compare *Persius, Sat.*, v. 56: "*Mille hominum species*," &c.

§ 9.

L. Crasso. M. Licinius Crassus the orator, not the triumvir. He is one of the interlocutors in Cicero's dialogue *De Oratore*, in which we find particular allusions to his character.—*L. Philippo.* L. Marcius Philippus, who was consul B.C. 91. He was also a distinguished orator. Horace alludes to him in *Epist.*, i., 7, 46.—*Multus lepos erat.* "There was much graceful wit." Observe here the employment of *erat.* Cicero thus usually speaks of the dead who had been living in his time.—*Magisque de industria.* "And more studied." Not natural, as in the case of Crassus and Philippus, but the result of his own study.—*C. Cæsare, Lucii filio.* C. Cæsar Strabo, son of Lucius Cæsar, who was brother to the dictator's grandfather. His life was forfeited when Marius and Cinna obtained possession of Rome, B.C. 87.

M. Scauro. M. Æmilius Scaurus, already mentioned in xxii., 8.—*M. Druso.* M. Livius Drusus, colleague of C. Gracchus, in his second tribunate, B.C. 122. He was consul B.C. 112. His political measures bore some resemblance to those of his son, who was killed, when tribune, thirty-one years afterwards. Hence it is doubtful sometimes whether passages refer to the father or the son. Unger supposes that the present passage relates to the son, because of *adolescente;* but this is not at all a legitimate inference, since *adolescente* is simply "when he was a young man," whichever of the two is meant.

C. Lælio. Compare xxvi., 2.—*Scipione.* The younger Africanus, who is several times referred to in this book.—*Ambitio major*, &c. "A more eager thirst for honour, a graver tone of life," i. e., less given to the pleasures of social intercourse, by reason of the more engrossing pursuits of ambition. Compare the version of A. W. Zumpt: "*Ehrgeiziger, daher im Leben minder aufgeräumt.*

§ 10.

Simulatorem. "A feigner of his sentiments," i. e., speaking otherwise than he thought. Some would read here *dissimulatorem*, but consult succeeding note.—*Quem εἴρωνα*, &c. By *εἴρων* is properly meant one who conceals what he thinks, and the term was applied to Socrates because he was so much in the habit of dissembling his real knowledge. Hence we should have expected *dissimulatorem* rather than *simulatorem*. But it is clear that every act of *dissimulatio* involves a corresponding *simulatio*. Thus Socrates, to use the words of Cicero (*Brut.*, 85), "*Omnium se rerum inscium fingebat et rudem*," and therefore was a *simulator* properly so called. Still *εἰρωνεία* corresponds in its literal meaning to *dissimulatio*, and it is so translated by Cicero, *Acad. Quæst.*, iv., 5, 15.—*Periclem.* Compare *Plutarch*, *Vit. Pericl.*, 5: *προσώπου σύστασις ἄθρυπτος εἰς γέλωτα.*

§ 11, 12.

Q. Maximum. Fabius Cunctator. Compare xxiv., 11.—*Præripere.* "Anticipated," i. e., and so frustrated.—*Pherœum Jasonem.* Jason, Prince of Pheræ in Thessaly. He was the first who planned an invasion of Persia by the combined forces of all the Hellenic states.—*Factum Solonis.* Alluding to the well-known story of the capture of Salamis.—*Tutior.* The Athenians, discouraged at the ill success of their attempts to make themselves masters of Salamis, made a law, that whoever proposed fighting for it any more should lose his life.—*Vita ejus.* A careless form of expression for *vita sua.* (*Madvig*, § 490, *Obs.* 3.)—*Plus aliquanto.* "Considerably more," i. e., than if he had not thus feigned insanity.

§ 13.

Simplices et aperti. "Sincere and candid."—*Nihil ex occulto*, &c. "That nothing should be done secretly, nothing by stratagem." Similar changes of the preposition occur frequently in Cicero.—*Cuivis deserviant.* "Stoop to any one."—*Sullam.* See, for instances, *Plutarch*, *Vit. Sull.*, c. 6, and compare *Sall.*, *Jugurth.*, xcv., *sq.*—*M. Crassum.* Plutarch (*Vit. Crass.*, c. 3) remarks, *οὐδένι γὰρ*

οὕτως ἀπήντησε Ῥωμαίων ἀδόξῳ καὶ ταπεινῷ Κράσσος, ὃν ἀσπασάμενος οὐκ ἀντιπροσηγόρευσεν ἐξ ὀνόματος.

§ 14, 15.

Quo in genere. "In which class," i. e., of this class of persons. —*Contra.* "Was the very reverse." Equivalent to *contrarium facere.* The straightforward honesty of Callicratidas formed a strong contrast with the artful diplomacy of his predecessor.—*Alium quem.* For *alium aliquem.*—*Efficere.* Depending on *accepimus* understood. — *Unus de multis.* "An ordinary person." Literally, "One of the many," i. e., one of those of whom there are many such. So the Greeks say, *εἷς τῶν πολλῶν.*—*In Catulo.* The elder Catulus was the Q. Lutatius Catulus who was colleague to Marius in his fourth consulship, and gained a victory with him over the Cimbri. His son has been already mentioned in xxii., 8.—*Q. Mucio Mancia.* Time has obliterated all knowledge of this person.

§ 16, 17.

P. Scipione Nasica. P. Cornelius Scipio Nasica was son-in-law of Metellus Macedonicus, and died in his consulship, B.C. 111, at the commencement of the Jugurthine war. Cicero says that in wit and humour he surpassed all his contemporaries.—*Patrem ejus.* P. Cornelius Scipio Nasica, called Serapio. Compare xxii., 9.—*Vindicavit.* In the sense of *punivit.* — *Comitatem.* "Affability." — *Xenocratem.* This philosopher, a native of Chalcedon, succeeded Speusippus as president of the Academy. His want of quick apprehension and grace was compensated by great industry, moral purity, and benevolence. — *Quidem.* After this supply *comitatem habuisse sermonis,* and take *severissimum philosophorum* as an apposition with *Xenocratem.* This will save the necessity of rejecting *ne,* as some editors do, or of regarding the whole passage, with Orelli, as spurious.—*Vituperandorum.* "Blameable."

CHAPTER XXXI.

§ 1, 2.

Admodum autem, &c. "Every one, however, ought carefully to keep to what is appropriate to his character." Elsewhere Cicero prefers *sua cujusque.*—*Propria.* "Peculiar." A man ought to remain true to his character, not to its faults, indeed, but to its peculiarities.—*Universam naturam.* The nature by which all are distinguished from the brutes. To this is opposed *propriam naturam,* i. e.,

"individual character."—*Tamen nos studia*, &c. "We still are to mark out our own pursuits by the rule of nature," i. e., are to be guided by our own natural bias.

§ 3, 4.

Neque enim attinet, &c. "For it does not belong to us to act repugnant to nature," i. e., it is in vain to oppose nature.—*Nec quicquam*, &c. Supply *attinet*.—*Ex quo magis emergit.* "Whence it is more apparent."—*Ideo.* "For this very reason."—*Invita Minerva.* "Against the grain." Compare the expression *Crassa Minerva.* Minerva being the goddess of wisdom, her name is often used in the sense of wisdom, intellect, &c., itself. Hence the proverbial expression in the text, which is explained by the words *adversante et repugnante natura.*—*Omnino si quicquam*, &c. "If there be any thing at all becoming, there is nothing surely more so than uniformity through the whole course of one's life, and also in each particular action of it," i. e., not only in the whole course of our life, but in each particular action of it.—*Omittas tuam.* "You neglect your own."

§ 5, 6.

Qui natus est nobis. "Which is born with us," i. e., *sermo nativus*, "Our native tongue."—*Inculcantes.* "Cramming in." *Inculcare* properly means "to tread in," "to ram down," and hence "to cram," "to stuff."—*Sic in actiones*, &c. "So we ought to bring no inconsistency to bear upon our actions," &c., i. e., so there ought to be no incongruity in our actions, and none in the whole tenor of our lives.—*Ut nonnunquam*, &c. Cicero speaks here according to the opinion of the Stoics. He inculcates a different doctrine elsewhere (*Somn. Scip.*, 3) in accordance with the Platonic view.

§ 7, 8.

Cato. Cato the younger, great grandson of the Censor, and who put an end to his existence at Utica. — *Vitio datum esset.* "It might have been imputed as a fault."—*Lenior.* "Less severe."—*Et mores faciliores.* "And their principles more pliable."—*Gravitatem.* "Firmness of character."—*Constantia.* "Consistency."—*In proposito susceptoque consilio.* "True to the purpose and resolution that had been once formed."—*Tyranni.* Cæsar, whom he frequently calls by this name in the present work.—*In omni sermone.* "In all he said."—*Contumelias servorum*, &c. The treatment he received from his own domestics arose from his having returned to his palace in Ithaca in the habit of a beggar.—*Ajax.* Son of Tela-

mon. The other and less celebrated one was the son of Oïleus.—*Quo animo traditur.* "With the haughty spirit he is represented as possessing," i. e., *eo animo quo animo traditur fuisse.—Potius maluisset.* A pleonasm, much used by the writers of this and the Augustan age.

§ 9, 10.

Expendere, quid quisque habeat sui, &c. "To weigh well what peculiar points of character each possesses, and to regulate these properly, and not to wish to try by experiment how far what belongs to others becomes him. For that is most becoming to each one which is most natural to each." The expression *quid sui* is like *quid illius* in Horace (*Od.*, iv., 13, 8), and *tui quicquam* in Terence (*Adelph.*, ii., 1, 24). Heusinger calls this an elegant Græcism.—*Suum quisque igitur,* &c. "Let every one, therefore, learn to know," &c. Observe here the peculiar force of *noscere.—Scenici.* "Stage-players." Actors, from *scena* (σκήνη), "the stage."

§ 11.

Fabulas. "Plays." Either tragedies or comedies.—*Epigonos.* "The Epigoni." A play of Attius, translated from the Greek of Sophocles or Euripides. The Ἐπίγονοι were "the descendants" of the seven chiefs who fought against Thebes, and perished there, with the exception of Adrastus. They avenged the death of their sires by a second war, in which Thebes was taken and plundered.—*Medumque.* "And Medus." A tragedy of Pacuvius, in which Medus, son of Ægeus and Medea, was represented as in danger of being put to death by Perses, the brother of his grandfather Acetes, who had seized upon the throne of Colchis. Medea, having arrived in Colchis disguised as a priestess of Diana, discovered her son, and commanded him to kill the usurper. He obeyed, whereupon Medea made herself known to him, and placed him on the throne of his grandfather.

Melanippam. A tragedy of Attius. Melanippe was sister of Antiope, Queen of the Amazons, taken prisoner by Hercules in his expedition against that celebrated nation. The queen ransomed her by giving Hercules her arms and belt.—*Clytæmnestram.* Another tragedy of the same poet, turning on the story of Agamemnon and his faithless queen.—*Rupilius.* An actor whom Cicero had seen in his boyhood. Some write the name *Rutilius.*—*Antiopam.* Both Pacuvius and Livius Andronicus wrote a tragedy of this name.

Æsopus. Claudius Æsopus, a famous Roman actor, the friend of Cicero, and the instructor of the orator in the art of elocution.

Being naturally grave and sedate in his actions, his talents were not fitted for the violent exertions required in representing the part of *Ajax Furens.* The Telamonian Ajax, driven to madness by the loss of the armour of Achilles, was the subject of a tragedy by Ennius or Livius Andronicus.

§ 12.

Ergo histrio, &c. "Shall a player, then, observe this on the stage?" &c.—*Detruserit.* "Shall have forced us."—*At.* "Yet at least." For *attamen.*—*Sequamur.* We have given this reading with Heusinger, instead of the more common *assequamur.*

CHAPTER XXXII.

§ 1, 2, 3.

Duabus his personis. Namely, the human character common to all, and the particular one distinct in each individual.—*Tertia.* The character dependent on fortune or circumstance. — *Quarta.* The character of choice. — *Nobilitates.* "Distinctions of rank." This word is used in the plural also in Tacitus (*Ann.*, xii., 20, 1). —*In casu sita.* "Since they are dependent upon chance." They are not in our power, but in that of fortune, and depend upon the uncertain mutability of circumstances. — *Jus civile.* "The civil law," i. e., not in the sense in which the words are ordinarily understood by us, but the law which regulates the rights of citizens.—*Ipsarumque virtutum.* Some endeavour to excel in wisdom, some in justice, some in fortitude, &c.

§ 4, 5.

Q. Mucius. This was the celebrated lawyer, surnamed *Scævola*, Cicero's instructor in the *Jus civile.* Cicero appends the letters P. F., i. e., *Publii Filius*, to his name, to distinguish him from the Augur of the same name, whom he designates by the initials Q. F., i. e., *Quinti Filius.*—*Pauli.* Paulus Æmilius, the conqueror of Macedonia. His son Æmilianus was adopted by the son of the elder Scipio, and is commonly known by the name of Scipio Africanus the younger. — *Eloquentia cumulavit*, &c. "Crowned his warlike glory with the practice of eloquence." Quintilian (xii., 10, 39) calls him *in eloquendo velut Atticum Romanorum.*—*Timotheus.* Son of the elder Conon, an eminent commander, not inferior in military talent to his father. Cicero (*De Orat.*, iii., 34, 139) calls him *summum imperatorem, hominemque doctissimum.*"

§ 6, 7, 8.

Suum quoddam, &c. "Follow some purpose of their own." *Consequantur* is put here for the simple *sequantur*, as in *De Leg.*, ii., 7, 18. — *Elaborant.* "Successfully labour." Cicero himself proved the truth of this remark by his own case.—*Quos et quales*, &c. By *quos* is meant "in what grade of life," by *quales* "what manner of men," i. e., in what sort of character, and by *quo in genere vitæ*, "in what sort of life," i. e., whether in public or in private.

§ 9, 10.

Ineunte adolescentia. "In the commencement of our youth," i. e., simultaneously with the assumption of the *toga virilis*, or about the beginning of the sixteenth year, when the young Romans were either introduced into the Forum (*in forum deducebantur*) and declared for civilians, or entered the army, or else devoted themselves to agricultural pursuits.—*Imbecillitas consilii.* "Feebleness of judgment."—*Herculem Prodicium.* "The Hercules of Prodicus," i. e., such as he is represented by Prodicus. So *Hercules Xenophonteus, Terentianus Phormio*, &c. The story is told in Xenophon's *Memorabilia*, ii., 1, 21.—*Prodicium.* Prodicus was a celebrated sophist, a native of Iulis in the island of Ceos. He lived in the time of the Peloponnesian war and subsequently. — *Exisse.* Infinitive after *dicunt.*

§ 11, 12, 13.

Jovis satu edito. "Sprung from the sowing of Jove." Heusinger supposes, from the use of *satus*, that these words are a quotation from some older poet who affected Greek modes of expression, since σπείρειν is often used for "to beget."—*Ad eorum studia institutaque.* "To the pursuits and purposes of these."—*Parentum.* Some editors give *parentium*, and refer to *Priscian*, viii., p. 772.—*Multitudinis judicio feruntur.* "Are swayed by the judgment of the multitude," i. e., by the general choice.—*Parentum disciplina.* "The training of their parents."

CHAPTER XXXIII.

§ 1, 2, 3.

Illud autem, &c. "The rarest class, however, is that of those." The same combination of *ille* and *is* occurs in the *De Fin.*, iii., 19, 64: "*Illa vox inhumana et scelerata dicitur eorum, qui negant,*" &c.—

Eruditione atque doctrina. "Education and acquirements."—*Etiam.* "Besides."—*Qua in deliberatione,* &c. "In which deliberation every plan of action must be referred to each one's natural bias," i. e., in settling which question each man's own natural bias ought to determine his plans.—*Ex eo, quo modo,* &c. "From the manner in which each is constituted by nature," i. e., from his natural qualities.—*Ei rei.* This refers to the words *ex eo, quo modo,* &c.—*Ut constare in vitæ,* &c. "That we may be able to be consistent with our own selves throughout the whole course of our life, and not to falter in the performance of any duty," i. e., to preserve an uninterrupted consistency, &c.—*Claudicare.* Literally, "To halt," "To go lame."

§ 4, 5.

Ad hanc rationem. "In this consideration," i. e., in deliberating upon and ordering the whole system of life.—*Utriusque omnino habenda ratio est.* "A regard should by all means be paid to both," i. e., both ought to be taken carefully into account.—*Mortalis cum immortali natura.* "As a mere mortal being with an immortal nature." Fortune is represented as light and mutable, Nature as firm and consistent. If, therefore, any contest arise between them, it may be compared to that of a mortal with an immortal. *Mortalis* agrees with *Fortuna.*

§ 6, 7, 8.

Qui igitur ad naturæ, &c. "Let him, therefore, who has adapted his whole system of life to the character of his undepraved nature maintain consistency," &c.—*Morum institutorumque.* "Of his habits and purposes."—*Si tempora adjuvabunt.* "If other circumstances shall concur."—*Sensim pedetentimque.* "Gradually and step by step."—*Dissuere.* This corresponds better with *præcidere* than the other reading, *diluere.*

§ 9, 10, 11, 12.

Bono consilio. "Upon good grounds."—*Vitia.* "Their faulty points." He means not only moral vices, but all faults of habit, gesture, &c.—*Non ferret ut.* "Will not bear that we should," i. e., "will not allow us to."—*Superioris Africani filius.* The son of the elder Scipio Africanus, who adopted Scipio Africanus the younger, the son of Paulus Æmilius. He was of an unhealthy and weak constitution, and had no children of his own.—*Hunc Paullo natum.* Cicero says *hunc* because he was nearer his own time than the elder Scipio.—*Quam ille fuerat sui.* "As he (Scipio the elder) had been

like to his father." His father was P. Cornelius Scipio, already mentioned together with his brother Cn. Cornelius Scipio. Compare xviii., 9.—*Defensitare.* The frequentative form, meaning "to defend causes from day to day," i. e., as a part of his profession.—*Populum tenere.* "To hold the people attentive."—*Quo minus ab eo,* &c. That is, in order that the want of those abilities in which he is deficient may be less regretted.—*Nefas et impium.* Unnatural because undutiful.

CHAPTER XXXIV.

§ 1, 2, 3.

Juvenum. The terms *juvenis* and *adolescens* are here used indiscriminately. The former, however, properly signifies one who is in his best years, from about twenty to forty-five; the latter a youth from about fourteen to twenty.—*Deligere.* It was customary for young men in Rome to be placed under the care and instruction of the most distinguished men of their time, that they might take them as their models.—*Ineuntis ætatis.* The same as *adolescentiæ.*—*Inscitia.* "The inexperience."—*Eorum.* This refers to *adolescentes* implied in *hæc ætas* by synesis.—*Vigeat.* "May have full play."

§ 4, 5, 6.

Et dare se jucunditati. "And to give themselves up to mirth."—*Verecundiæ.* "Modesty," i. e., morality. —*Interesse.* "To be present and take part." Stronger than *adesse,* which would denote simple presence merely. This rule was observed in the institutions of Lycurgus, and Plato also recommends its adoption.—*Consilio et prudentia.* "By their advice and their experience."—*Languori.* "To listlessness."

§ 7, 8, 9.

Quod et ipsa, &c. "Because old age both contracts disgrace itself, and makes the licentiousness of young men more shameless."—*Alienum.* "Foreign from the subject," i. e., irrelevant or improper.—*Proprium munus.* "The peculiar duty."—*Intelligere, se gerere,* &c. "To bear in mind that he is the representative of the state." More literally, "Sustains" or "supports the character of the state."—*Jura describere.* "To administer justice." More literally, "To distribute" or "mark out." Compare "*juris æqua descriptio,*" "the impartial *distribution* or administration of justice," iii., 4, 7.—*Ea fidei commissa.* That these are so many trusts.

§ 10, 11.

Privatum. "A private person," i. e., one not in office. The Greek ἰδιώτην.—*Se efferentem.* "Domineering."—*Peregrini atque incolæ.* "Of a foreigner and a resident sojourner." *Peregrinus* is a foreigner, one from another country who resides occasionally among us; whereas *incola* denotes a foreigner who has a fixed residence with us, but who does not enjoy the rights and privileges of a citizen.—*Nihil de alio anquirere.* "Not to pry into what concerns another." Literally, "Not to inquire busily about another."—*Curiosum.* "Meddlesome." Equivalent to the Greek πολυπράγμονα. —*Quid deceat.* The subjunctive is employed because there is an indirect question introduced by *quæretur.* The *deceat* immediately below is an indirect statement depending on *est.* — *Constantiam.* "Consistency."

CHAPTER XXXV.

§ 1, 2.

Formositate. "In comeliness." This is treated of in the present chapter. This *formositas* is observable, not in the features only, but also in the motion and appearance of the entire person. The opposites are *rusticitas, fœditas,* and *insuavitas.*—*Ordine.* "In the well-timing of our words and actions."—*Ornatu ad actionem apto.* "In an address suited to the business in hand."—*Difficilibus ad eloquendum.* "Things difficult to express in language." Not on account of the poverty of his language, but because the rules are matters of taste; not only differing in different countries and ages, but in every individual, each having his own standard. On certain points we may agree, on others dispute forever. (*Valpy, ad loc.*)—*Sed satis erit intelligi.* "But it will be enough for them to be understood."—*Quibuscum.* "With whom," i. e., in the same house with them.—*Apud quos.* "Among whom," i. e., in the same city with them.

§ 3.

Magnam habuisse rationem. "To have had a great regard for."—*Formam,* &c. "As regards our distinctive features," &c. *Forma* refers to the distinctive features; *figura* to the disposition of our members, or the whole external figure of the body. — *Posuit in promptu.* "Has placed before the eyes," i. e., has made visible. Compare xxvii., 7; xxx., 1.—*Deformem atque turpem.* "Plain and

ugly." *Turpis* being a stronger word than *deformis*, is connected to it by *atque* rather than *et*. *Deformis* is simply what deviates from *forma*, or the outline of beauty, and hence "plain;" whereas *turpis* means "ugly," "misshapen," in a physical, and thence in a moral sense. — *Contexit atque abdidit.* "Has completely covered over and put out of sight."

§ 4, 5.

Verecundia. "The modesty."—*Necessitati pareant.* "They may obey the calls of nature."—*Quorum usus sunt necessarii.* Namely, those parts of our body which only serve for necessity.—*Suis nominibus.* "By their proper names."—*Aperta actio.* "The open performance." — *Petulantia.* "From immodesty."—*Nec orationis obscœnitas.* Scil. *petulantia vacat.*

§ 6, 7.

Cynici. "The Cynics," a sect founded by Antisthenes. His mother having been a Thracian, he taught in the Cynosarges, a gymnasium for the use of Athenians born of foreign mothers, whence, probably, his followers were called Cynics (Κυνικοί), though others derive their name from their dog-like neglect of all the forms and usages of society. — *Stoici pœne Cynici.* Some of the Stoics liked to call every object by its proper name, as Cicero tells us (*Ep. ad Fam.*, ix., 22). In fact, Stoicism was an offshoot from Cynicism, Zeno having been a disciple of Crates the Cynic. — *Liberis dare operam.* "Not to let our race become extinct."—*In eam sententiam.* "To the same purpose."—*Contra verecundiam.* That is, in subversion of delicacy.

§ 8, 9, 10.

Ab omni fugiamus. Equivalent to *omnia fugiamus.* Cicero uses the phrase *ab aliquo fugere* elsewhere, as in *Nat. Deor.*, 13. It is, in fact, a Græcism.—*Status, incessus*, &c. "Let our mode of standing, of walking," &c. — *Accubitio.* "Our reclining at meals."—*Molle.* "Foppish."—*Durum.* "Coarse."—*Nobis dissoluta.* "Not binding for us."

§ 11, 12, 13.

Tantam habet, &c. "Possess so much decency from the morality of former days."—*Sine subligaculo.* "Without a covering around the waist." For a more particular description of this consult *Dict. Ant.*, *s. v.*—*Parentibus.* Equivalent here to *patribus.* — *Magistra.* "Our instructress."

CHAPTER XXXVI.

§ 1, 2, 3.

Venustas. "Loveliness." — *Dignitas.* "Nobleness of mien." Such as inspires awe and respect.—*Muliebrem.* "As characteristic of women." — *Omnis ornatus.* "All embellishment." — *Palæstrici motus*, &c. "Gymnastic movements are often somewhat disagreeable." Observe here the force of the comparative in denoting that the things complained of exist in a considerable or too high degree. (*Madvig*, § 308.) The *palæstrici motus* are those that are taught in the *palæstra*, or place of exercise, where people were instructed in callisthenics. Sometimes, however, persons learned to be affected and foppish in the palæstra, and therefore their movements appeared to be *odiosiores.*—*Recta.* "Unaffected."

§ 4, 5, 6.

Coloris bonitate. "By the freshness of the complexion." The result of out-door and athletic exercise. Paleness, on the other hand, the mark of a sedentary and inactive life, was regarded as a sign of sloth.—*Non odiosa*, &c. "Not disagreeably affected nor too much studied." — *Agrestem et inhumanam*, &c. "A clownish and ill-bred slovenliness."—*Eadem ratio est habenda.* "The same attention is to be paid."—*Mediocritas.* "A mean."

§ 7.

Tarditatibus mollioribus. "Movements too delicately slow."—*Pomparum ferculis.* "Pageants in procession." *Ferculum* properly means the frame or stand on which the images of the gods, the spoils, &c., used to be carried on solemn festivals and in triumphs, &c.—*Aut in festinationibus*, &c. "Or adopt too hurried movements in matters requiring despatch." A hurried gait was considered ungenteel. Compare *Plaut.*, *Pœn.*, iii., 1: "*Servile esse duco festinatior currere.*"—*Anhelitus.* "Shortness of breathing."—*Ora torquentur.* "The features are distorted." — *Constantiam.* "Sedateness of character."

§ 8, 9.

Perturbationes. "Sudden fits of passion." — *Exanimationes.* "Panic terrors."—*Alteri.* Compare xxi., 1.

CHAPTER XXXVII.

§ 1, 2, 3.

Orationis. "Of speech."—*Contentionis.* "That of argumentative speaking," i. e., oratory, as opposed to *sermo*, "ordinary discourse" or "conversation." The former (which is so called from its implying a striving on the part of the speaker to persuade or to arouse) is either judicial, demonstrative (*concionum*), or deliberative (*senatus*). —*Disceptationibus.* "Arguments." —*Circulis.* "Knots of people." —*Disputationibus.* "Dissensions," i. e., conversations on subjects of controversy.—*Contentionis præcepta*, &c. "There are precepts of rhetoricians respecting the argumentative style of speaking." Observe the double genitive, both depending on *præcepta.*—*Haud scio an*, &c. Compare xi., 1. —*Sed discentium studiis*, &c. He means that if there were persons desirous of receiving rules to enable them to excel in conversation, instructors would not be wanting.—*Rhetorum turba*, &c. "All places are filled with a crowd of rhetoricians," i. e., all the schools of the rhetoricians are crowded with hearers.—*Verborum sententiarumque.* "Respecting words and sentences," i. e., the choice of words and the structure of sentences. —*Pertinebunt.* "Will apply."

§ 4.

Sed cum orationis, &c. "But since we have a voice as the vehicle of speech." More literally, "The exponent of speech."—*Sequamur.* "Let us aim at."—*Presse loquentium et leniter.* "Of those who speak clearly and smoothly." The phrase *presse loquì* signifies "not to pronounce the letters too broadly, nor to open the mouth too widely in pronouncing them, and yet to express the full sound of each letter with a clear and distinct enunciation, not dropping any. Compare *Cic. de Orat.*, iii., 11.

§ 5, 6.

Nihil fuit in Catulis, &c. "There was nothing in the Catuli to make you think that they had a nice taste in literature, though they certainly were imbued with letters, but so were others also; and yet they were thought to use the Latin tongue with the greatest purity." Literally, "That they made use of a nice taste," &c. The Catuli, father and son, are mentioned in xxii., 8; xxx., 15.—*Litteræ neque*, &c. "The words were neither mouthed nor minced, that there might be neither obscurity nor affectation." *Expressæ* means literally "forced out," "pronounced too fully," i. e., mouth-

ed. *Oppressæ*, on the other hand, means "obscured," "pronounced indistinctly."—*Putidum.* Literally, "Offensive to the smell," hence "to the ear" or "taste."—*Sine contentione*, &c. "The voice, without any straining, was neither faint nor shrill," i. e., without being too much raised or strained.—*Canora.* "Shrill" or "loud-sounding."

§ 7, 8.

Uberior. "More copious."—*Crassi.* Compare xxx., 9.—*Faceta.* "Elegant" or "polished." As in xxix., 8.—*Sale et facetiis.* "In wit and humour."—*Cæsar.* Caius Cæsar Strabo, the orator, mentioned before in xxx., 9. He and the elder Catulus were half brothers. Their mother was Popilia, the first Roman female who had the honour of a funeral oration.—*Ut in ipso*, &c. "So that, even in the forensic style of speaking, he, with his conversational manner, surpassed the energetic eloquence of others." Compare *Brut.*, 9.

§ 10, 11.

Sit ergo hic sermo, &c. "Let, then, this our conversational style, in which the followers of Socrates particularly excel, be mild and by no means obstinate. Let there be pleasantry in it." The Socratic method of instruction was conducted in the manner of ordinary conversation. By *Socratici* are meant Plato, Xenophon, Æschines, &c.—*In possessionem suam.* "Into a possession of his own."—*Excludat alios.* "Debar others," i. e., from a share in the conversation.—*Vicissitudinem non iniquam*, &c. "Let him think alternate participation not unfair."

§ 12, 13, 14, &c.

Severitatem. "Gravity."—*Leporem.* "A pleasant manner."—*Studiose.* "Eagerly."—*Detrahendi.* "Of detracting from their characters."—*Per ridiculum.* "In ridicule."—*De re publica.* "On politics."—*Oratio.* "Our conversation."—*Utcunque aderunt.* Supply *homines.* Observe that *utcunque* has here the force of *prout*, or *perinde uti.* Our conversation must be adapted to the character of our hearers.—*Et ut incipiendi*, &c. "And, as there was a reason for its commencing, so let there be a limit for its conclusion."

CHAPTER XXXVIII.

§ 1, 2, 3, 4.

Quomodo. We find *quemadmodum* more usually employed when *sic* follows. — *Existat.* "Show itself." Literally, "Stand forth prominent."—*Pigritia.* Compare ix., 1.—*Vereri et diligere.* "To respect and esteem."—*Incidunt.* "Fall into the conversation."—*Contentione.* "Exertion." Literally, "Strain."—*Id agendum etiam*, &c. "We must even aim at seeming to do so angrily." A negative is not required here, as some suppose. Cicero means that we should assume the appearance of anger, but avoid being really angry.—*Ad urendum et secandum.* "To the using of the cautery and the knife."—*Castigatione.* "Reproof." Compare xxv., 11.—*Gravitate.* "A serious air."—*Contumelia repellatur.* "Insulting language be avoided."

§ 5, 6, 7.

Illud ipsum, &c. The grammatical order is *atque illud ipsum* (acerbitatis) *quod acerbitatis objurgatio habet.* "And as regards that very bitterness itself which our censure carries with it."—*Rectum est.* Construed with an infinitive. So likewise *verum est.*—*Constanter.* "Consistently." — *De se ipsum prædicare.* Compare *Zumpt*, § 696. — *Militem gloriosum.* "The swaggering captain." A favourite character in Comedy. There is a play of Plautus so called, to which some think that Cicero here alludes. Others think that the reference is to Thraso in the Eunuch of Terence.

CHAPTER XXXIX.

§ 1, 2.

Omnia. "Every thing bearing on the subject in hand," i. e., moral duty.—*Volumus quidem certe.* "At least, indeed, we wish to do so." This is said to avoid the appearance of arrogance.—*Placeat.* "Our opinion is." Literally, "It may please us." The opinions of philosophers are often called *placita.* — *Cujus finis est usus.* "The end of which is utility."—*Descriptio.* "The plan."—*Et tamen adhibenda diligentia.* "And yet at the same time diligent regard must be had," &c. The same as *diligens ratio est habenda.*—*Cn. Octavio.* Cneius Octavius, prætor B.C. 168, when he gained a naval victory over King Perses; and consul B.C. 165. He was the brother of Octavianus, the great grandfather of the Emperor Au-

gustus.—*In Palatio.* "On the Palatine." This quarter of the city was the most fashionable part of Rome for the residences of the aristocracy.—*Suffragata domino*, &c. "To have aided its owner, as he was the first of his family who bore a curule office towards obtaining the consulship." As regards the expression "*novo homini*," consult *Dict. Ant.*, *s. v. Nobiles.* The verb *suffragor* properly means "to vote for," and hence generally "to assist," "to be of use to another."

§ 3.

Scaurus. Son of the Scaurus mentioned in xxii., 8. He was curule ædile B.C. 58, and celebrated the public games with extraordinary splendour. The temporary theatre which he built accommodated 80,000 spectators, and was adorned in the most magnificent manner. In B.C. 56 he obtained the prætorship, and in the following year governed the province of Sardinia, which he plundered without mercy. On his return to Rome he was accused of the crime of *repetundæ*, but was defended by Cicero, Hortensius, and others, and was acquitted, notwithstanding his guilt. He was accused again in B.C. 52, under Pompey's new law against *ambitus*, and was condemned to ten years' banishment. A part of Cicero's speech for him was discovered in the Ambrosian Library at Milan, and edited by Cardinal Mai.

Accessionem adjunxit ædibus. "Made it an addition to his own house," i. e., by using the materials for enlarging the latter. The pulling down of Octavius's house and the magnificence of his own gave great offence to the common people. Compare *Plin.*, *H. N.*, xxxvi., 5.—*Ille.* Octavius.—*In domum multiplicatam.* "Into his enlarged abode."—*Repulsam.* Alluding to his repulse in seeking for the consulship. For the bribery of which he was guilty on this occasion he was condemned and banished as above mentioned. Hence the language of the text, *ignominiam et calamitatem*, "disgrace and ruin."

§ 4, 5, 6.

Tota. "Wholly."—*Honestanda.* For *nobilitanda.*—*Ratio sua.* "A regard for himself." The possessive pronoun here takes the place of the objective genitive (*sui*). Consult *Zumpt*, § 424. This, however, is a rare construction, as Madvig remarks (§ 297, *Obs.* 1).—*Adhibenda cura est laxitatis.* "Care must be taken for its being roomy." Literally, "Of spaciousness."—*Aliter.* That is, if there be no occasion for much form.—*Solitudo.* "An air of loneliness," i. e., no throng of guests and clients.—*Alio domino.* "When an-

other was its owner." Ablative absolute.—*Frequentari.* "To be thronged."

§ 7, 8.

Odiosum. "Unpleasant," i. e., mortifying.—*O domus antiqua,* &c. A quotation from some old poet, probably Ennius. The measure is uncertain. The first line is made by some an acephalous Iambic trimeter by reading *en eheu* in place of *heu;* the second is supposed to be the commencement of a regular trimeter, forming an Iambic penthemimeris.—*Dominare.* For *dominaris,* in a passive sense.—*In multis.* "In the case of many dwellings." A reflection upon some of Cæsar's party, who possessed the houses of Pompey's friends. Cicero elsewhere (*Philipp.*, ii., 41) applies a portion of the quotation just given to Antony's occupation of the house of Pompey, which was bestowed upon him by Cæsar.—*Extra prodeas.* For *excedas.*—*Quo in genere multum mali,* &c. He means that in extravagance of this kind there is a good deal of mischief done, if only in the example that is set.

§ 9, 10, 11.

Luculli. The conqueror of Mithradates. Pompey called him *Xerxes togatus.*—*Ad omnem usum,* &c. "To all our habits and all the means and appliances of life."—*In omni autem actione,* &c. This is not a recapitulation of the foregoing subject, but the commencement of a new one, namely, the consideration of what is becoming in our actions and undertakings, concerning which three rules are given.—*Tenenda.* "To be observed."—*Ut caveamus.* In the sense of *ut videamus.*—*Ut ea quæ pertinent,* &c. "That those things be properly regulated which pertain to gentlemanlike appearance and personal dignity.' —*Modus.* "Mode of regulating these."—*Decus ipsum.* "That same general propriety."

CHAPTER XL.

§ 1.

Ordine rerum. "Method." The proper order and arrangement of what we do. The doing of every thing in its proper place.—*Temporum opportunitate.* "Seasonableness." The doing of every thing at the proper time.—*Hæc autem scientia,* &c. "Now these (two) are comprehended under that knowing how to act, which the Greeks name *εὐταξία,*" i. e., good order. In the Stoic philosophy, the accurate knowledge and strict observance of the proper time

and place for speaking and acting.—*Non hanc*, &c. "Not this (εὐταξία) which we (Romans) explain by the term *modestia* (that is to say, moderation), in which word the keeping within bounds is implied, but that is εὐταξία (as here meant), in which the preservation of order is understood (to be involved)." Observe that *hanc* is here put in the accusative by a species of attraction to the accusative which precedes, where we would have expected the ablative *hac*. So, again, we have *illa est* εὐταξία farther on, for the sake of emphasis, where we would expect *illam* εὐταξίαν. Cicero alludes here to the two meanings which εὐταξία may have in Latin—one that of orderly and well-regulated behaviour, for which *modestia*, as derived from *modus*, and taken in its primitive sense, is the proper term; and the other implying the observance and due preservation of order. To express this latter idea, however, he can find no appropriate Latin term, and is therefore compelled to use *modestia* in this second sense also.

§ 2, 3.

Ut eandem nos, &c. "To call this same by the term *modestia*," i. e., for want of a more fitting Latin word to express it.—*Scientia earum rerum*, &c. "The knowledge of arranging in their proper place those things which," &c.—*Ita videtur eadem vis*, &c. We may render *vis* here "signification." The meaning of the whole passage is as follows: Thus the meaning of the words "order" or "regularity," and "arrangement" or "method," would appear to be identical. For Order also is defined to be the arrangement of things in their proper places. Now the place of an action is with them its fitness with regard to time, and the fitting time of an action is called in Greek εὐκαιρία, in Latin *occasio*, "season." That is, the word *ordo* is applied to things as well as to time, and *locus* may be transferred to time, and is then called *opportunitas*.

§ 4, 5.

Modestia hæc, &c. "This *modestia*, which we thus explain," i. e., in the sense of the word which we now assign to it, namely, regularity of behaviour, or the knowledge of arranging under their proper heads all that we have to say or do, or, in other words, of acting according to the fitness of a conjuncture. The other meaning of the term is "moderation," as already remarked.—*Principio*. Compare v., 6.—*Moderatione*. "Moderation," or self-control, before called *modestia*.—*Quæ autem*. Supply *propria erant*.

§ 6, 7.

In oratione constanti. "In a connected discourse," i. e., in a connected, coherent manner of speaking. There ought, says Cicero, to be the same kind of consistency in all our actions, as there is in a logical, connected manner of talking or expressing one's sentiments.—*Apta inter se.* "Fitted together." *Aptus* occurs frequently in this its participial signification.—*In re severa.* "When upon a serious subject."—*Convivii dicta.* "Conversation suited only to banquets." What we would call "after-dinner stories."—*Aut delicatum aliquem sermonem.* "Or any kind of language at all loose." For *convivii dicta* some read *convivio digna.*

§ 8.

Bene Pericles. Supply *respondit.*—*In prætura.* "In the command of the army." Pericles and Sophocles were fellow-commanders in the war against Samos. The Greek term, here rendered *prætura*, is στρατηγία. The generals of foreign nations, particularly of the Greeks, are often called *Prætores* by the Roman writers, who then employ the term *prætor* in its primitive sense of a leader or commander.—*Sophoclem.* In the spring of B.C. 440 Sophocles brought out the earliest of his extant dramas, the Antigone, a play which gave the Athenians so much satisfaction, especially on account of the political wisdom it displayed, that they appointed him one of their ten generals, of whom Pericles was chief, in the war against Samos, as above remarked. As Pericles, however, very justly observed, Sophocles understood well the making of poetry, but not the art of commanding an army.—*In athletarum probatione.* "On a trial of athletes," i. e., at an examination and admission of athletes. Compare the Greek, ἔγκρισις ἀθλητῶν.

§ 9, 10.

Ut. "As for instance."—*Meditetur.* "Practise." *Meditari* is "to practise and prepare one's self for any action, mental or bodily," not simply "to think attentively," or "to muse upon a thing." Thus, *meditatio campestris*, "military exercise."—*Inhumanus.* "Ill-bred," i. e., from his ignorance of the proper occasion. *Humanitas* denotes the conduct suitable to a well-bred man. Hence "Humanity" is the term frequently applied to Classical Literature, as, in the Scotch Universities, "Professor of *Humanity.*" — *Perversitas.* "Piece of absurdity."—*Facile apparent*, &c. The folly of such conduct is too apparent to need any great degree of reprehension or advice.

§ 11, 12.

Parva delicta. "Trifling improprieties."—*Diligentius.* "More carefully."—*Discrepent.* "They be out of tune."—*Sciente.* "A connoisseur." — *Videndum est.* For *cavendum est.* — *Concentus.* "Harmony."

CHAPTER XLI.

§ 1, 2, 3.

Minima. "The smallest faults," i. e., the least discord.—*Sæpe intelligemus*, &c. "Will often discover great faults from trifling circumstances," i. e., we will often, from those that are venial, discover those that are great.—*Oculorum obtutu.* "The cast of the eyes."—*Remissione aut contractione.* "The bending or unbending." —*Contentione vocis et submissione.* "The raising and lowering of the voice."—*Ab officio naturaque discrepet.* "May jar with propriety and with nature."—*Quo in genere*, &c. "And in this case it is not disadvantageous to judge from the conduct of others of what nature each of these particulars may be," i. e., whether becoming or otherwise; for we may observe our own habits in others, as in a mirror.

§ 4, 5, 6.

Nescio quo modo. "Somehow."—*Magis in aliis.* Compare Seneca, *De Ira*, ii., 28: "*Aliena vitia in oculis habemus; a tergo nostra sunt.*"—*Itaque facillime corriguntur*, &c. This, like many of the opinions of ingenious men who have never been themselves teachers, is abundantly plausible when it is found written in a book, but fails sadly when it comes to the test of experiment. (*M'Cartney, ad loc.*)—*Adhibere.* "To consult." Supply *in consilium.*

§ 7.

Major enim pars, &c. The connexion is: We cannot do wrong in consulting others, for the majority follow Nature's dictates. (But this is the case only in minor affairs, such as the courtesies of ordinary life.) Compare the common proverb, "*Vox populi, vox Dei.* —*Non modo quid quisque loquatur*, &c. That is, not only men's language, but their real sentiments, and the grounds for those sentiments. For many hold language which is not agreeable to their real feelings. Again: it is not enough to prove their sentiments, but we must ascertain whether these are themselves well founded.

§ 8, 9.

Ut enim pictores. He seems to allude to Apelles. Compare *Plin., H. N.*, xxx., 10.—*Fabricantur.* A deponent.—*Et vero etiam poetæ.* "And, indeed, poets too."—*A pluribus.* Compare Facciolati: "*Quia ex pluribus oritur commune judicium, veritatis et naturæ index.*"—*More.* "From national custom."—*Illa enim ipsa*, &c. "For those very institutions are precepts in themselves."

§ 10, 11.

Socrates. Socrates said and did many things contrary to the manners and customs of the Athenians. He had also his own peculiar views on religion. Aristippus, the founder of the Cyrenaic school, was a pupil of Socrates, but, in opposition to him, an advocate of sensual pleasures. He allowed himself great license in his opinions.—*Magnis et divinis bonis.* "By their great and superhuman endowments." We are not, says Cicero, to imitate the peculiarities of great men, for it was upon the strength of great and superhuman endowments that they acquired their right of independence.—*Cynicorum ratio tota.* "The whole system of the Cynics." Compare xxxv., 6.—*Inimica verecundiæ.* The Cynics held that the quality of an action could not be altered by time or place, and therefore regarded modesty as weak and criminal.

§ 12.

Quorum vita perspecta, &c. "Whose lives are conspicuous for honourable and lofty actions." Literally, "Whose life is clearly seen in the midst of honourable," &c.—*Bene de republica sentientes*, &c. He means good patriots, those who either have rendered or are now rendering service to their country. These we ought to honour and esteem as much as if they were invested with some civil office or military command.—*Tribuere multum.* "To pay great deference to."—*Cedere.* "To give place to."—*Habere delectum.* "To make a distinction between."—*Privatimne*, &c. "Whether he may have come on his own private account or as an ambassador." *Ad summam.* "In short."

CHAPTER XLII.

§ 1, 2.

De artificiis et quæstibus, &c. "Concerning trades and (other) sources of emolument, what are to be considered worthy of a gen-

tleman, what mean and below a gentleman, we have in general received the following rules (from our ancestors)." Supply *a majoribus.—Portitorum.* "Those of collectors of customs." By *portitores* are strictly meant collectors of harbour duties, custom-house officers, and then collectors of the revenue generally, whether arising from customs or from taxes. They were an inferior class of persons, answering to the τέλωναι, or "publicans," of the New Testament, who contracted with the *Publicani*, or Farmers General of the revenue (usually Roman knights), to collect the *portoria*, &c.

§ 3, 4.

Mercenariorum. "Of hired workmen." — *Quorum operæ*, &c. "Whose mere manual labour, not whose artistic skill, is purchased. For in their case the very wages they receive constitute an obligation to serve." Literally, "Are a contract of servitude."—*Quod statim vendant.* "What they may sell again as soon as they can." The *mercatores* are the wholesale traders, or, as we would term them, importers. Those who purchase from them to sell again are the retailers, called by the Romans *propolæ*, and by the Greeks κάπηλοι. All such were excluded, not only from all public offices, but also from serving in the army.—*Nihil enim proficiant*, &c. "For they would never get on in their business unless they lied enough." *Admodum* is properly "up to the full measure."—*Vanitate.* "Than insincerity," i. e., mendacity.

§ 5, 6.

Opifices. "Mechanics."—*Arte.* "Profession." Line of life.—*Quicquam ingenuum.* "Any thing genteel."—*Ministræ voluptatum.* "The handmaids of sensuality."—*Cetarii.* "Fishmongers," those who dealt in salt fish of the larger sort. The line is taken from the *Eunuchus* of Terence (ii., 2, 26), and is an Iambic tetrameter catalectic.—*Fartores.* "Poultry-fatteners." Literally, "Crammers." The *fartor*, according to Donatus, was a sausage-maker, but consult Becker, *Gallus*, vol. ii., p. 190. — *Piscatores.* "Fishermen." Dealers in fresh fish, as opposed to the *cetarii.—Terentius.* Terence, the celebrated Roman comic poet, originally a slave.—*Unguentarios.* "Perfumers." Manufacturers of unguents, oils, &c., for perfuming the person. — *Saltatores.* Dancing, not of a religious character, was considered very disreputable by the Romans, and confined to the stage. The reference here is to mimetic dancing of this sort.—*Totumque ludum talarium.* "And the entire gaming-table," i. e., the whole tribe of gamblers. *Ludus talarius* signifies properly "a game of dice." On the difference, however, between

the two kinds of dice, *tali* and *tesseræ*, and the modes of playing with them, consult *Dict. Ant.*, *s. v.*

§ 7, 8.

Prudentia. "Intelligence."—*Medicina.* The ablative, and so *architectura* and *doctrina.*—*Quorum ordini conveniunt.* "Whose rank in the state they suit." Cicero means that these arts or professions are suited for men of the rank of plebeians, or for knights, but not for senators. Consult chap. vi., 5, for specimens of arts considered respectable for men of high rank.—*Honestæ.* "Respectable."—*Tenuis.* "On a small scale."—*Copiosa.* "On a large scale."—*Vanitate.* Compare § 4.—*Non est admodum vituperanda.* "Is not so very discreditable." Cicero does not say *laudanda*, because he is not considering what is the least creditable occupation, but what is the best calculated for the development of the higher virtues.

§ 9, 10.

Atque etiam, &c. The meaning, freely given, is as follows: Nay it even challenges our highest regard if those who are concerned in it, sated, or rather contented, with the profits they have realised, do, instead of leaving the sea and making the harbour, as they have been in the habit of doing, leave the harbour and step into an estate and lands, or, in other words, invest their property in farming.—*Agri cultura.* Agriculture was always reckoned by the Romans the most gentlemanly employment. See the praises of it in the second book of the Georgics and in the second Epode of Horace. Compare also *Plin.*, *H. N.*, xvii., 3, 5.—*Catone majore.* Chap. xv.

CHAPTER XLIII.

§ 1, 2, 3.

Partibus. "Divisions." He refers to the four cardinal virtues which are the constituents of moral rectitude, namely, Wisdom, Justice, Fortitude, Temperance.—*Contentio et comparatio.* "A relative estimate and comparison." Not, as some render it, "A rivalry and competition between."—*Panœtio.* Compare ii., 11; iii., 6.—*Mānet.* Subjunctive of *māno*, *-are.* — *Cognitionis.* "Of wisdom."—*Communitatis.* "Of justice." That virtue which unites and maintains society.—*Magnanimitatis.* "Of fortitude."—*Moderationis.* "Of temperance." — *Comparentur.* The conjunction *ut* elegantly omitted.

§ 4, 5.

Placet igitur. "It is my opinion, therefore." Compare vii., 5. —*Si contigerit.* Observe that *si* has here the force of *etiamsi.*—*In affluentibus copiis.* "Amid a rich abundance."—*Omnia quæ.* The ordinary text places a comma after *copiis*, and reads *quamvis omnia quæ*, &c. But the presence of *quamvis* produces an awkward anacoluthon, and the word itself is evidently a mere marginal gloss on the preceding *si*, which has crept into the text. We have thrown it out, therefore, without any hesitation, as Heusinger and others have done.—*Excedat.* "He is to retire," i. e., he should retire. (*Zumpt*, § 524.) Cicero means that he should prefer death to such a life as this.

§ 6.

Princepsque omnium, &c. The sentence, to be regular, should have had the following words after *vocant*, namely, *continet deorum et hominum communitatem, et societatem inter ipsos.* The parenthesis, however, *prudentiam enim*, &c., intervenes to break this construction, and at the close of the parenthesis *autem* is brought in with its resumptive force in such cases, and a new nominative appears.—*Prudentiam*, &c. "For by the term *prudentia*, which the Greeks call φρόνησις, we understand a different kind of wisdom." The distinction drawn here between *sapientia* and *prudentia*, or "speculative" and "practical" wisdom, has already been referred to in the notes to v., 3.

§ 7.

Rerum divinarum, &c. By "divine things" the old philosophers meant God and his attributes, together with the world and the things in it, which are the work of God. By "things human," the nature of man, both as to his body and soul, together with the good or ill use he may make of either—that is, virtue or vice; as also the relation in which he stands towards God and his fellow-men, with the several duties resulting from it. (*Cockman, ad loc.*)—*Deorum et hominum communitas.* "The communion between gods and men." The Stoics regarded the world as the common city of gods and men, the gods being the rulers and men their subjects.—*Societas inter ipsos.* "The union subsisting among men themselves."—*Ea si maxima est.* Observe that *ea* refers to *sapientia*, not to *societas*, and also that *maxima* is here the same as *princeps virtutum.*

§ 8, 9.

Etenim. "Moreover." "And indeed."—*Manca atque inchoata.* "Lame and imperfect."—*Actio rerum.* "Active exertion," i. e., practical result.—*Hæc.* Supply *actio rerum.*

§ 10, 11.

Cupidus in perspicienda, &c. The usual construction would be *cupidus perspiciendæ*, &c., but *cupidus* has here the force of "zealous," "eager," "interested." Compare *De Inv.*, ii., 10, 33: "*Qui in illa re turpis aut cupidus* ("interested") *aut petulans fuerit,*" &c. —*Allatum.* Equivalent to *nuntiatum.* — *Atque hoc idem.* Observe that *ĭdem* is here the accusative. Some, but with much less propriety, make it the nominative, *īdem.*—*Antiquius.* "Of more primary importance." The old adjective *anticus*, afterwards written *antiquus* (compare *coquus* and *cocus*, *sequius* and *secius*), is derived from *ante*, as *posticus* from *post*, and is identical in meaning with *prior*, *anterior*—that is, it denotes simple priority; and, secondarily, priority of time.

CHAPTER XLIV.

§ 1, 2.

Atque. "And therefore." Placed emphatically at the commencement of the sentence, and equivalent in some degree to *itaque.* —*Tamen.* As if *etsi* or *quamquam eorum vita* had preceded.—*Lysis.* An eminent Pythagorean philosopher, a native of Tarentum, whence he fled to Thebes in the persecution of his sect, and became the teacher of Epaminondas. He is supposed by some to have been the author of the golden verses that are extant under the name of Pythagoras.—*Dionem.* Dion, a noble Syracusan, related by marriage to the family of the Dionysii.—*Multique.* Supply *alii.*—*Nosque ipsi.* Compare *De Nat. Deor.*, i., 3, 6. — *Doctoribus.* Cicero acknowledges his obligations to philosophers in many places. Compare *Orat. pro Arch.*, c. vi.; *Orator.*, c. iii., &c.—*Dŏctrina.* "By Learning herself." Observe the personification.

§ 3, 4, 5.

Monumentis literarum. "By literary records," or "by memorials in writing."—*Locus.* "Point." "Topic."—*Ut otium suum*, &c. "So that they seem to have devoted their leisure to our activity," i. e., so that they seem, while they themselves were living in retire-

ment, to have devoted all their leisure to others, to fit them for a life of activity.—*Studiis dediti*, &c. "While themselves given up to the zealous pursuit," &c.

§ 6, 7.

Modo. For *dummodo.* — *Cogitatio in se vertitur.* "Reflection turns to its own self," i. e., abstract speculation begins and ends with itself without benefiting others. Compare *De Fin.*, iii., 6: "*Sola enim sapientia in se tota conversa est.*"—*Communitate.* "In society."—*Atque ut*, &c. Having explained in the previous chapter how the best men prefer activity to mere speculative knowledge, and illustrated his point by examples, Cicero now enters on a new proof that an active performance of our social duties is of greater importance than solitary study, namely, because there is a natural tendency in men to form society. The argument is pointed against the Epicureans, who maintained that men formed themselves into society only for the purpose of mutual assistance and help.—*Congregabilia.* "Gregarious."

§ 8, 9.

Ea virtus. Justice.—*Attingat cognitionem rerum.* "Accompany the investigation of things."—*Solivaga et jejuna cognitio.* "A solitary and barren knowledge." *Solivaga* is properly "confined to itself alone," and *jejuna*, literally, "meagre," i. e., barren of results. —*Feritas quædam et immanitas.* "A kind of savageness and ferocity."—*Vincat cognitionis studium.* "Is preferable to the pursuit of mere speculative knowledge," i. e., has higher and stronger claims upon us.

§ 10.

Dicitur a quibusdam. He evades mentioning Plato, who says (*Repub.*, ii., 39), *Γίγνεται πόλις ἐπειδὴ τυγχάνει ἡμῶν ἕκαστος οὐκ αὐτάρκης, ἀλλὰ πολλῶν ἐνδεής, κ. τ. λ.* — *Quod dicitur.* The first *quod* is "which," the second "because."—*Initam esse.* Depending on *verum est.*—*Virgula divina.* "By some divine influence," i. e., by supernatural assistance without any trouble of our own. Literally, "By a divine wand." He alludes to the wand or *caduceus* of Mercury, which was said to have the power of transmuting any substance that its possessor pleased.—*Ut aiunt.* "As they say," i. e., as the proverb is. Compare the Greek *κατὰ τὸ λεγόμενον.*—*Se collocaret.* "Would occupy himself." Literally, "Would lay himself out in," &c. — *Cognitione et scientia.* "In speculation and knowledge."

§ 11, 12.

Socium studii. "A companion in his pursuits."—*Omne officium.* For *omnia officia.*

CHAPTER XLV.

§ 1, 2.

Hæc communitas. "This same society," i. e., the duties incumbent on a man living in society, and by which society is maintained. *Naturæ.* "To our nature."—*Non placet.* "I think not." Compare xliii., 4.—*Fœda.* "Atrocious," i. e., shameless.—*Flagitiosa.* "Infamous."—*Ea permulta.* For *talia permulta.*—*Posidonius.* A Stoic philosopher, a disciple of Panætius. He was born at Apamea in Syria, but lived and taught at Rhodes, whence he is commonly called the Rhodian. Pompey, on his return from the Asiatic war, went to Rhodes on purpose to hear him.—*Tœtra.* "Foul."

§ 3, 4, 5, 6.

Suscipiet. Supply *sapiens.*—*Hoc commodius.* For *eo* or *tanto commodius.*—*Accidere tempus.* Compare x., 3.—*Effectum sit.* "Be inferred" or "concluded." Equivalent to *conclusum sit*, or *ex argumentis colligatur.* Heusinger remarks that *confectum sit* would be more usual in this sense.—*Quod teneatur*, &c. "Which is contained in the maintenance of society," i. e., consists in, &c.—*Sequitur considerata actio.* "A well-considered action is the result of."

§ 7, 8.

Patefactus est locus ipse. "The main point has been laid open." Heusinger explains *locus ipse* here by *sedes ipsa officiorum*, "the point on which all duties turn." He means to refer to *communitas*, the keeping up of human society and intercourse, which is the duty of justice. *Locus* is defined in the *Top.*, ii., 8, to be the *argumenti sedes.*—*Gradus officiorum.* "Gradations of duties," i. e., of those duties we owe to society some are more important than others.—*Gradatim.* "Through different gradations."

§ 9, 10.

Honestumne. The subject is *id de quo deliberant* understood.—*Ut supra dixi.* Compare xxiii., 2.

BOOK II.

CHAPTER I.

§ 1, 2.

Quemadmodum, &c. Having in the previous book shown what are the duties required of us by Virtue and Moral Rectitude, and suitable to the dignity of human nature, he now proceeds to the description of those which are useful for the practical business of life. —*Ducerentur*. "Are derived." The imperfect is here the regular tense in Latin, the preceding verb, *explicatum* (*esse*), "was shown" or "unfolded," being in past time. But as the import of the proposition holds good of the present also, and, in fact, of all time, we may use in English the present tense.—*Ut persequar*. "To treat of."—*Vitæ cultum*. "The improvement of life."—*Ad earum rerum*, &c. "To the means of acquiring those things which men find useful for their wants."—*Opes*. "Political influence." Compare i., 3, § 7.—*In quo*. Referring back to *ut hæc officiorum genera persequar*, so that the clause may be completed, if necessary, by supplying *persequendo*. Some editors regard the whole sentence, from *In quo* down to *utile* inclusive, as a mere interpolation. One argument in favour of this is, that the first *tum* is transposed from its proper place, which is immediately before *quid utile*.—*Dixi*. Compare i., 3, § 7, 9.—*De instituto*, &c. "Concerning my design and the decision to which I have arrived," i. e., in vindication of my design of writing upon moral philosophy, and the opinion which I have formed of the merits of the different philosophical schools.

§ 3, 4, 5.

Complures. Among them may be mentioned Hortensius, Brutus, Varro. — *Bonis viris*. "Worthy men." A slightly contemptuous expression. The cultivation of philosophy was distasteful to the Romans, a people ambitious for the extension of empire, and it was reckoned less worthy of attention because it withdrew men from the care of public affairs. They looked upon it as the business of pedants, and abandoned it contemptuously to the Greeks. Hence Cicero was called *Græculus* ("a Greekling") by his enemies. See, moreover, Virgil's well-known lines in the VI. Æneid, and compare the language of Tacitus in speaking of the devotion of Agricola in early life to the study of philosophy (*Vit. Agr.*, c. 4).

Quibus se ipsa commisserat. That is, those to whom the highest magistracies and offices of state had been entrusted. — *Dominatu unius.* Julius Cæsar, and, upon his death, Antony.—*Socios tuendæ rei publicæ.* "My associates in the task of preserving order in the state." Among these he reckons (*Philipp.*, ii., 5, 12) Crassus, Lucullus, Hortensius, Cato, and Pompey. — *Quibus essem confectus.* "By which I was being worn out (and should have been worn out), had I not resisted them," i. e., had I given way to them. The indicative is used in such cases as this, instead of the subjunctive, when a part of the inference has already come to pass, and would have been completely realised if some obstacle had not been thrown in the way. (*Zumpt*, § 519, B.)—*Rursum.* "On the other hand." Compare *Tusc. Disp.*, i., 20.—*Indignis homine docto.* A tacit reproach upon Hortensius, Lucullus, and others, who retired to their country seats and amusements during the civil war and Cæsar's usurpation.

§ 6, 7, 8.

Quo cœperat statu. Referring to the state of things immediately after Cæsar's death.—*Homines non tam*, &c. Antony and his adherents are meant.—*Poneremus.* In the sense of *posuissemus.* So, again, *mandaremus*, a little farther on, for *mandassemus.* Consult *Zumpt*, § 525.—*Non ea, quæ nunc.* "Not these subjects which I now do," i. e., philosophical ones.—*Actiones nostras.* "My public pleadings," i. e., the speeches delivered by me in the forum or before the senate.—*Nulla esset omnino.* "Was no republic at all," i. e., had completely lost its existence.—*Illæ scilicet*, &c. "Those forensic and senatorial studies became, of course, completely silent." By the expression *litteræ forenses et senatoriæ* he means the *actiones* just mentioned.

§ 9, 10.

Nihil agere. "Remain inactive." — *Honoribus inservire.* "To bend the knee to preferment," i. e., to give myself up to the suing for and the discharging of the duties of the higher offices of the state.—*Tantum erat philosophiæ*, &c. "There was only so much room left for philosophy as there was remaining over and above from the time taken up by my friends and the republic." *Temporis* is the genitive after *quantum.* The sentence would have been clearer if he had written *quantum temporis superfuerat amicorum et rei publicæ temporibus.* Heusinger supposes an ellipse, and makes *amicorum* and *rei publicæ* to be governed by *tempori* understood. But they are better governed by *temporis* expressed. Cicero means that

the time taken up in defending the causes of his friends in the courts of law and in attending to public affairs left little room for the study of philosophy.

CHAPTER II.

§ 1, 2, 3, 4.

Nostris. "To my countrymen."—*Quid homini melius?* This clause savours of an interpolation.—*Hanc igitur*, &c. "They, therefore, who court her."—*Præter.* "But." In the sense of *nisi.*—*Studium.* "A striving after."—*Continentur.* "Are regulated."

§ 5, 6, 7, 8.

Oblectatio. "Recreation."—*Sive ratio constantiæ*, &c. "Or if any regard is felt for self-consistency and virtue." *Rationem ducere* is more intensive than *rationem habere.*—*Constantiæ.* Compare the explanation of Heusinger: "Constantia *est æquabilitas totius vitæ.*"—*Ars.* "Study." Equivalent to *mentis disciplina* or *discendi ratio.*—*Nullam artem.* "No mental process for attaining unto."—*Sine arte.* "Without it." Compare Heusinger: "*Cum ne minimæ quidem res sine præceptis discantur.*"—*Aliqua disciplina virtutis.* "Any school of virtue."—*Alio quodam libro.* In the *Hortensius*, to which he refers elsewhere (*De Div.*, ii., 1), but the work is lost, with the exception of a few fragments.

§ 10, 11.

Occurritur autem, &c. He now proceeds to the objection made against him by scholars and philosophers. How can you, it was urged, being an Academic, pretend to give rules of duty when it is a settled maxim of your sect "that nothing can be known with certainty?" Is not this a contradiction of your own principles? Or will you say that you do not know the truth of your own rules? (*Cockman, ad loc.*)—*Percipi posse.* "Can be known with certainty."—*Persequamur.* "Are investigating."—*Nostra sententia.* "Our actual opinion."—*Errore.* "In uncertainty." Not "in error."

Nec habeat unquam, &c. "And never has what to pursue," i. e., never knows what to pursue. *Nec habeat unquam quod sequatur* would mean, "And never has any fixed object of pursuit," *aliquid* being implied before *quod.* Cicero's answer to his objectors is this, that he is not one of the Sceptics or Pyrrhonists, who held that all things were equally probable, and that nothing could have so much said for it but that as much might be said against it, and who, ac-

cordingly, doubted about every thing. Cicero, on the contrary, was of a middle opinion between these and the dogmatics, who held some things to be certain and others uncertain; and he maintains, therefore, that some things are extremely probable (though not absolutely certain), and others highly improbable, which was, in fact, the doctrine of the New Academy, as distinguished from the Scepticism of the Middle Academy. Though, therefore, he does not say that his Rules are certain, yet he thinks them so very probable that no wise man can deny his assent to them. (*Cockman, ad loc.*)

§ 12, 13, 14.

Quæ enim esset, &c. "For (if we were such) what sort of reasoning faculty would that be?" *Istæ* is used contemptuously.—*Ratione.* "Every settled rule."—*Contra.* "The contrary." For *contra se habentia.*—*Affirmandi.* "Of being dogmatically positive."

§ 15, 16, 17.

A nostris. "By our sect." The Academics.—*Nisi ex utraque parte*, &c. "Unless a comparison of the arguments on each side should (previously) have been made." By *contentio* is here meant a thorough canvassing, a full comparative estimate. Instead of *esset*, the rule for the sequence of tenses would require properly *sit*, answering to the preceding *possit.*—*Academicis nostris.* "In my Academics," i. e., my work on the doctrines of the Academic Sect. —*Philosophia.* The peripatetic philosophy of Aristotle, which, as Cicero observes, differed but little from the Academic of Plato. To this sect his son's instructor, Cratippus, belonged, of whom Cicero says that he deserved to be classed with the illustrious founders of philosophy, Socrates and Plato.—*Iis simillimo.* He alludes to Socrates and Plato, as just remarked.—*Hæc nostra.* The Academic philosophy.—*Vestris.* The Peripatetic.

CHAPTER III.

§ 1, 2, 3.

Quinque. Compare i., 3, § 10.—*Rationibus officii persequendi.* "Methods of ascertaining our duty."—*Pertinerent.* Past time, as referring to *propositis*, the past participle, immediately preceding.—*Ducæ ad commoda vitæ.* Compare Facciolati: "*Sitne aliquid utile, atque ex duobus utilibus utrum utilius.*"—*Ad eligendi judicium.* "To the forming of a right judgment in choosing." Compare Facciolati: "*Quoties honestas cum utilitate pugnare videtur.*"—*In quo.*

"In the case of which." Some editions insert *verbo* after *quo*. "In the case of which term."—*Lapsa deflexit.* "Has slipped and deviated."

§ 4, 5, 6.

Summa quidem, &c. "Some philosophers, indeed, of the highest reputation, on strict and virtuous principles, it must be allowed, do distinguish in theory these three several kinds, which really are blended together." He means the Peripatetics. The three things referred to are the *justum*, the *honestum*, and the *utile*.—*Ex quo efficitur.* "Whence it follows." Literally, "Is made out."—*Quod.* "This distinction."—*Versutos.* "Adroit," i. e., shifty, quick at expedients.—*Callidos.* "Crafty." Literally, "cunning" or "skilful from practice."—*Malitiam.* "Roguery." Evil intention.

§ 7, 8, 9.

Opinioque omnis, &c. "And every such opinion must be led over to the hope," &c., i. e., and every one who entertains such an opinion must be led to entertain the hope, &c.—*Impetus.* "Impulses." "Instincts."—*Opere.* Some read *opera.*

§ 10, 11, 12.

Ponunt. In some editions *ponuntur*.—*Deos placatos*, &c. "Piety of heart and purity of life will make the gods propitious." As regards the distinction between *pietas* and *sanctitas*, compare the explanation of Zumpt: "*Animus et facta:* sanctitas *enim est, qua quis in vita agenda ab omni turpitudine sese purum servat.*" — *Proxime autem*, &c. "Next, however, and immediately after the gods," &c. Observe here the distinction between *proxime* and *secundum.* A thing may be said to be *proxime* when it is next in order after another, but with an interval either large or small, as the case may be; whereas *secundum* refers to immediate and close proximity, &c. —*Deos nocere non putant.* Compare iii., 28, § 4.

§ 13, 14.

Ea enim ipsa, &c. An explanation of the sentence *homines hominibus utiles esse possunt.* He proceeds to justify and confirm the next assertion, *homines hominibus plurimum obesse possunt*, at chap. v. —*Manus et ars.* "Industry and skill." The labour of men's hands, and skill in directing that labour.—*Administratione.* "The aid."—*Frugum fructuumque*, &c. "The gathering and preservation of the products of the soil and of the other kinds of fruits," i. e.,

the fruits of the soil and the fruits of trees.—*His muneribus.* "These necessary services."

Exciderentur. "Would be quarried."—*Nec ferrum*, &c. Gruter makes this line a Trochaic tetrameter catalectic; Zumpt, on the other hand, considers it an Iambic trimeter, having *effoderetur* inserted by Cicero without reference to the measure. His view is evidently the more correct one. For the sense of the passage, compare the language of Prometheus (*Æsch.*, *P. V.*, 580, *seqq.*).

CHAPTER IV.

§ 1, 2.

Molestiæ. "The inconveniences."—*Aut postea subveniri.* "Or whence could aid subsequently have been extended unto them," i. e., or how could they have afterwards been repaired. Supply *iis potuisset.* *Subvenire* takes the dative, and cannot, therefore, be used in the passive, except impersonally.—*Communis vita.* "Social life," i. e., men while living in society. — *Ductus aquarum.* "Aqueducts." — *Derivationes fluminum.* "Canals." — *Moles.* "Breakwaters." — *Portus manu factos.* "Artificial harbours." — *Opere.* Some read *opera.* Observe that *opus* is not only the thing done, but also the doing of it.

§ 3, 4, 5.

Eas. Referring to *utilitates.* Some read *ea* in the neuter on account of the two nouns, *fructus* and *utilitates*, denoting things, which precede. — *Qui denique ex bestiis fructus.* Translate *fructus* here "advantage." — *Nam et qui principes*, &c. "For both they who were foremost in discovering," i. e., the earliest discoverers. The common form of expression would have been, *qui primum invenerunt.* — *Tueri.* "Preserve." — *Tempestivos fructus.* "Advantages afforded at the right season." Compare the explanation of Zumpt, e. g., *lanam, quo tempore oves tondendæ essent.*

§ 6.

Sine quibus vita omnino, &c. "Without which there could be no real existence at all," i. e., no real enjoyment of life. Compare the Greek form of expression, *βίος ἀβίωτος.* — *Quid subveniret.* "What remedy would there be for?" A much better reading than *quis subveniret*, as given in the common text.—*Qui victus aut cultus.* "What kind of nourishment or mode of life would we have?"—*Ministrarent.* "Ministered." Taken intransitively. — *A victu et*

cultu bestiarum. "From the mode of feeding and of living peculiar to beasts." *Cultus* corresponds to the Greek term *δίαιτα, victus* to *βίοτος*. As regards the peculiar force of *cultus* here, compare the explanation of Heusinger: "*Intellige de ratione colendi sive habitandi.*"

§ 7, 8.

Frequentari. "Peopled."—*Sine hominum cœtu.* "Without a combination among men."—*Juris æqua descriptio.* "An impartial distribution of justice." Compare i., 34, § 9: "*Jura describere.*"—*Certaque vivendi disciplina.* "And a fixed and systematic mode of life."—*Verecundia.* "A respect for morality."—*Facultatibus.* "Our mutual resources."—*Commodandis.* In some editions *commodis*, arising probably from a *compendium scripturæ.*

CHAPTER V.

§ 1, 2, 3.

Longiores. "More prolix."—*Ducem belli.* Not *bello*, on account of the *domi* which follows. Compare *Zumpt*, § 400.—*Studiis.* "The zealous co-operation."—*Commemoratur.* "Are each mentioned." Observe the force of the singular.—*Atque at*, &c. The idea is, that as men are the instruments of the greatest good to one another, so, also, are they the instruments of the greatest mischief.

§ 4, 5.

Dicæarchi. Dicæarchus was a native of Messana in Sicily, and a scholar of Aristotle. He was also an eminent orator and geometrician. Of his numerous works only fragments are extant.—*Eluvionis*, &c. These four genitives are subjective: "Arising from inundation," &c. Cicero might have used *eluvionibus* in apposition with *causis*, or might have said, *quales sunt eluviones*, &c.—*Vastitatis.* "Desolation."—*Hominum genera.* "Races of men." Equivalent to *gentes.*—*Usus.* "Purposes."

§ 6.

Itaque. This serves to introduce the sentence *hominum studia;* the clause *quæ in rebus . . . . operosis* being parenthetical occasions the introduction of *autem.*—*Artibus operosis.* "By the industrial arts."—*Virorum præstantium sapientia.* Compare the explanation of Heusinger: "*Ut homines promti et parati sint ad nostras res amplificandas, id consequemur si sapientia et virtute aliis præstabimus.*"

§ 7, 8.

Etenim. This properly connects the preceding sentence immediately with *iis quibuscum congregamur, uti moderate et scienter.* It is the same, in fact, as saying, "Now it is the third property of virtue to win the affections, &c., the two former being," &c.—*Tribus in rebus,* &c. "In general turns on one of three things."—*Quid in quaque re verum,* &c. That is, the improvement of our reason and understanding, which is the work of wisdom and the intellectual virtues.—*Alterum, cohibere,* &c. To govern and restrain the passions, which temperance and the moral virtues do.—*Appetitiones.* Usually *appetitus.*—*Tertium, iis,* &c. To gain the affections of men, so as to make them promote our interests, which any of the former may help to do. Thus, Wisdom or Knowledge, for instance, perfect the understanding, and are proper to beget in men confidence or reliance on us. So justice and greatness of soul moderate the passions, and make men love, respect, and honour us. (*Cockman, ad loc.*)

Uti moderate et scienter. "To treat with moderation and prudence."—*Quorum studiis.* For *ut eorum studiis.*—*Per eosdemque.* For *et per quos item.*—*Quantam.* If *quanta,* the reading of some MSS., be taken, we must supply *afficere eos* after *patitur.*—*Patitur.* Some read *patiatur.*

CHAPTER VI.

§ 1, 2, 3.

Dicemus, &c. An objection may here be started, namely, that the good or ill success of our actions depends upon Fortune, and not men's assistance; which, therefore, why should we endeavour to procure? To obviate this, he observes that the most and greatest of what we call fortuitous accidents could never have fallen out without men's assistance, notwithstanding that they are said to come from Fortune: such are victories, overthrows, &c. (*Cockman, ad loc.*)—*In fortuna.* For the ordinary genitive *fortunæ.*—*Prospero flatu,* &c. The expressions here employed concerning fortune are borrowed from the picture of a ship at sea.—*Ad exitus optatos.* "To the wished-for landing-places."—*Et cum reflavit, affligimur.* "And when it has blown adverse we are dashed on the rocks."

§ 4, 5.

Ipsa. "Immediately and of herself."—*Casus.* Supply *secum conjunctos.*—*Ruinas.* "The falling of things." Compare Heusin-

ger: "*Ædificiorum ac montium.*"—*Ictus.* Scil. *scorpionum, phalangionum.*—*Impetus.* Scil. *elephantum, leonum, aprorum.*—*Rariora.* Supply *habet.*—*Ut proxime trium.* Meaning the defeat of Pompey at Pharsalia, of his sons at Munda in Spain, and of Juba and Scipio at Thapsus in Africa, all by Julius Cæsar.—*Sæpe multorum.* "Of many others at many different times." The full form of expression would have been *sæpe alias multorum aliorum.*—*Summi et singularis viri.* Pompey, who, after his defeat at Pharsalia, fled to Egypt, where he was treacherously murdered.—*Invidiæ.* "Instances of unpopularity."—*Fugæ.* Equivalent to *exilia,* but differing from *expulsiones* in being self-imposed.—*Honores, imperia.* "Magistracies, commands."—*In neutram partem.* "On neither side," i. e., neither for good nor for harm.

§ 6, 7, 8.

Quæ . . . . oratio. "A discussion of which points."—*Brevior.* "Shorter than it ought to have been."—*Benivolentiæ gratia.* "Through kind feeling." The same as *propter benevolentiam.*—*Honoris.* "To do him honour." Supply *causa.*—*Suspiciunt.* "They admire." Literally, "Look up to," i. e., from a lower position, as superior to themselves.—*Quemque.* For *et si quem.*—*Et bene.* For *et quem bene.*—*Populares.* "Who court the people." Compare the explanation of Heusinger: "*Qui multitudini placere volunt, ejusque studium quibuscunque artibus captant.*"—*Largitiones.* Such as Laws for the assignment of the *Ager publicus,* or *Leges Agrariæ;* Laws for the distribution of corn, or *Leges frumentariæ;* Laws for the abolition of debts, or *tabulæ novæ;* gladiatorial shows, public banquets, &c.

§ 9, 10, 11, 12.

Illa quidem. The pronoun is here again redundant. Compare i., 18, 4.—*Ratio.* "Mode of proceeding."—*Iis qui ea tenentur.* "To those who are influenced by it," i. e., who allow their favour to be won in this way.—*Subsidium.* "Resource."—*Iis rebus.* "Those means." *Rebus* has here, in reality, the force of *subsidiis.*—*Dignitatis præstantia.* "By transcendent worth."—*Sibi id utile futurum.* Namely, by the hope that this their submission will turn to their own advantage. *Id,* therefore, is equivalent to *subjicere se imperio.*—*Videmus.* Alluding to Antony's hiring the services of Cæsar's veterans and others at this time.

CHAPTER VII.

§ 1, 2, 3, 4, 5.

Ad opes tuendas ac tenendas. "For supporting and retaining our influence."—*Ennius.* Probably in his Thyestes. — *Quem metuunt*, &c. The metre is Trochaic tetrameter catalectic.—*Nuper est cognitum.* Alluding to the assassination of Julius Cæsar.—*Paretque cummaxime mortuo.* That is, by its adherence to Antony and others, who set up for avengers of his death, and not only procured the confirmation of his decrees (*acta*), but, under pretence of doing so, brought about the enactment of several pernicious laws.—*Ad pestem.* "For the destruction of an individual." Equivalent to *ad perniciem.*—*Malus enim custos*, &c. "For fear is a poor guardian to the permanency, while, on the other hand, affection is a trustworthy one even to the perpetuity of power."

§ 6, 7, 8, 9.

Teneri. "Be held in obedience." Equivalent to *contineri* or *coërceri.*—*Ita se instruunt.* "So array themselves." Compare the explanation of Heusinger: "*Opibus, armis, singularis potentiæ præsidiis.*"—*Quamvis enim*, &c. "For however much the laws may be sunk in authority through the power of any one individual; however much the spirit of freedom may be cowed," &c.—*Emergunt.* "Rise to the surface (and recover themselves)."—*Judiciis tacitis.* "By silent declarations of opinion." Instances of such *judicia* may be read in Cicero's epistle to Atticus, xi., 19. The act of the man who wrote under Brutus's bust "*utinam viveres*" would be a *judicium tacitum.*—*De honore.* "In relation to preferment." The allusion is to a secret vote (vote by ballot) given in favour of some individual for a public office who had incurred the displeasure of those in power.

Acriores autem morsus, &c. "For the sting is keener of freedom that has been interrupted than of that which has been long retained." The enthusiasm of freedom operates more powerfully upon the feelings, when that freedom has been suspended for a season, than when it has remained long undisturbed, since men only know how to prize a thing rightly after having lost it. In *morsus* we have a metaphor taken from things that occasion a painful feeling after having been handled, as, for instance, the nettle.

§ 10, 11, 12.

Ut metus absit. "That all fear on the part of others towards us

be absent."—*In re publica.* "In public life."—*Quid enim censemus,* &c. In the phrase *quid censes* (*censemus, censetis*), when another clause depends on it, *quid* often serves merely to introduce the interrogation. Hence, in the present instance, the language of the text, *quid enim censemus,* &c., is the same as *quo enim cruciatu censemus Dionysium angi solitum esse?*—*Superiorem illum,* &c. "That elder Dionysius."—*Adurebat.* "Used to singe."

§ 13.

Alexandrum Pherœum. Alexander, tyrant of Pheræ in Thessaly. He married Thebe, daughter of Jason, already mentioned in i., 30, 12.—*Compunctum notis Thraciis.* "Punctured with Thracian marks." The reference is to a species of tattooing practised by the Thracians, as well as by other barbarous nations of antiquity. The Thracians were employed, moreover, as a select guard by some of the Greek τύραννοι, just as the Swiss are in modern times.

§ 14, 15, 16, 17.

Stigmatiam. "A tattooed one also." *Stigmatias* is Greek, στιγματίας, from στίζω, "to puncture."—*Nec eum fefellit.* "Nor was he mistaken in her." Literally, "Nor did she deceive him," i. e., did her true character escape his observation.—*Pellicatus.* "Of an illicit connexion."—*Ab ea ipsa.* She was aided, according to Plutarch, by her brothers.—*Phalaris.* Tyrant of Agrigentum in Sicily, contemporary with Solon. The celebrated controversy between Bentley and Boyle turned on the authenticity of a volume of letters which are extant under his name. His name is associated with the apocryphal story of the brazen bull, said to have been employed by him as an instrument of torture, and to which Cicero here refers in the expression *nobilitata crudelitas.*—*Nobilitata.* "Was notorious."—*Ut hic noster.* Alluding to Julius Cæsar.—*Universa,* &c. He perished in a popular outbreak, having been stoned to death by his subjects, principally at the instigation of Zeno of Elea.

Demetrium. Demetrius Poliorcētes, King of Macedonia, son of Antigonus, one of Alexander's generals. Cicero refers to what took place towards the close of his career.—*Leuctricæ calamitatis.* Referring to the defeat sustained by the Spartans at Leuctra in Bœotia, in the memorable conflict with Epaminondas and the Thebans, B.C. 371.

CHAPTER VIII.

§ 1, 2, 3.

Externa. "Examples from foreign states."—*Verumtamen.* He means that, notwithstanding his reluctance to touch on Roman themes, he will "still, however," mention thus much, &c.—*Beneficiis tenebatur.* "Was supported by acts of gentleness." This sentence would have been more regular if the protasis *quamdiu . . . . tenebatur* had for its apodosis a sentence such as *tamdiu respublica stabat.* But Cicero, carried away by his feelings on this subject, while expatiating on the great evils arising from the altered course of Roman policy, has one long protasis, to which there is no apodosis until we come to § 9, *Itaque vexatis,* &c.—*Aut mites aut necessarii.* That is, were either characterised by leniency, or at least by no more rigour than was absolutely necessary.—*Populorum, nationum.* The latter word includes the former. For *populus* is applied to a collection of men living under the same laws and constitution, *natio* to a people using the same language. (*Heusinger, ad loc.*)—*Si defendissent.* The subjunctive is here employed to denote an act of repeated occurrence, where the Greek language would require the relative with the optative mood. (*Zumpt,* § 569; *Madvig,* § 359.)

§ 4, 5, 6, 7.

Itaque illud, &c. "That, therefore, might have been more truly called the patronage than the empire of the world." Alluding to the Roman usage of patron and client.—*Jam antea.* That is, before Sulla's time.—*Amisimus.* "We parted with it." We let it slip from us. In Greek, *ἀφήκαμεν.*—*Desitum est videri.* "There ceased to appear."—*In illo.* "In his case," i. e., in the case of Sulla, who was justified in taking up arms to restrain the excesses of the faction of Marius, but who dishonoured the cause by the cruel use which he made of his victory. Compare Sallust, *Cat.*, xi.: "*Postquam L. Sulla . . . . bonis initiis malos exitus habuit.*"—*Hasta posita.* That is, when the estates of the proscribed citizens were put up to auction by Sulla. Such sales always took place near a spear stuck in the ground, and hence property was said *hastæ subjici, sub hasta venire.*—*Prædam suam.* "His own booty." As if his conquered fellow-citizens had been so many public foes.

§ 8, 9.

Secutus est. "There followed one." Julius Cæsar.—*Causa impia.* Cicero's remarks upon the war between Cæsar and Pompey

must always be taken with a certain allowance for party prejudices. —*Non singulorum*, &c. Equivalent in effect to *non tam . . . quam.* "Not so much . . . as."—*Uno calamitatis jure.* "In one common rule of destruction." *Jus* is the condition imposed or rule prescribed by those who are in possession of power. Compare *Cic. pro Rull.*, 3, 2: "*Libera meliore sunt jure quam serva.*"—*Ad exemplum.* "As an example," i. e., serving to show that the Roman people had forfeited their empire, their allies being thus trampled upon by Cæsar.—*Portari in triumpho Massiliam.* Massilia, now *Marseilles*, had declared for Pompey and the Senate in the civil war, and shut its gates against Cæsar when marching into Spain. It was therefore besieged and taken by him. In the celebration of his *triumphus Gallicus* Cæsar had, according to usage in such cases, a model of this city borne in procession.—*Et ex ea urbe triumphari*, &c. The expression *triumphare ex urbe, gente, terra*, is usual for "to triumph over a city," &c.; but *triumphare ex bello* is very unusual, and can only mean "to triumph after a war." Some editors, therefore, throw out *bellis* from the text, and supply *gentibus* with *Transalpinis.* The MSS., however, are against this.

§ 10, 11, 12.

Jure igitur plectimur. "Justly, therefore, are we punished." As in Greek, *μαστιγούμεθα.*—*Multorum.* As Sulla, Clodius, Piso, Gabinius.—*A quo quidem*, &c. "From whom, indeed, the inheritance of his private estate descended to but a few; that of his ambitious views to many profligates."—*Paucos.* Compare Suetonius (*Cæs.*, 83): "*Tres instituit hæredes sororum nepotes, C. Octavium ex dodrante* (three fourths), *et L. Pinarium et Q. Pedium ex quadrante reliquo* (one fourth)."—*Improbos.* Alluding to Antony in particular.

Semen. "A seed-plot."—*Hastam illam cruentam.* He refers (compare § 7) to the sale of the property of the proscribed or of those who had fallen in the civil war.—*P. Sulla.* The nephew of L. Cornelius Sulla the Dictator, whom he had alluded to in the beginning of this chapter. The younger Sulla presided at the sale of confiscated property in his uncle's time (B.C. 82), and again when Cæsar was Dictator (B.C. 46).—*Alter.* Another Cornelius Sulla, brother of the Dictator, who was a secretary in L. Sulla's Dictatorship (*illa dictatura*), and quæstor in Cæsar's (*hac*).

§ 14, 15, 16, 17.

Parietes. "The dwellings.' *Paries* is the wall of a house, here taken for the entire building.—*Extrema scelera.* "The last acts of wickedness," i. e., such as must finally consign them to ruin.—

Propositum. "The point proposed for consideration."—*Quid debent putare singuli.* "What ought private individuals to think (may happen unto themselves)."—*Quod cum*, &c. Observe that *quod* is here the nominative of the pronoun, and that *benivolentiæ vim esse* is epexegetical to it.—*Ut disseramus.* "That we discuss." *Dissero* is frequently used of arguing connectedly on a subject.

§ 18.

Ad cujusque vitam, &c. "It is to be adapted to each man's settled plan of life." *Vitam institutam* is the same as *vitæ rationem.* It depends on the different purpose of life which each individual pursues, whether it be necessary for him to be beloved by many or by few. — *Certum.* "Taken for granted." Literally, "fixed" or "determined."—*Hæc enim est*, &c. "For this is the only thing in which there is decidedly no great difference between men of the highest rank and ordinary men." A circumlocutory expression for *hac una re non multum differt.* The more usual phraseology would have been, *Hæc una res est in qua*, &c. On the construction *est ut*, consult *Zumpt*, § 752. *Hæc res* refers to what was said in the sentence before on the necessity of gaining the affection and esteem of men. It is put first in the sentence for the sake of emphasis.—*Comparanda propemodum.* "To be procured almost in an equal degree," i. e., is almost equally indispensable to.

CHAPTER IX.

§ 1, 2, 3.

Lælius. The treatise *De Amicitia.*—*Libri.* They are both lost. —*Attingamus.* "Let us touch on the subject."—*Constat ex tribus his.* "Is made up of these three ingredients." Literally, "Consists of," &c.—*Si fidem habet.* "If they place confidence in us."—*Honore.* "Of preferment."—*Simpliciter.* "Plainly." The Greek ἁπλῶς.—*Sed est alius quidam aditus.* This he explains in § 5, from *Vehementer autem.*—*Tanquam influere.* "To insinuate ourselves, as it were."

§ 4, 5, 6.

De illis tribus. Mentioned above in § 2.—*Benivolentiæ præcepta.* "The rules about (obtaining) the good will (of others)." *Benivolentiæ* is the objective genitive.—*Capitur.* "Is secured."—*Voluntate.* "Intent."—*Res.* "The means (for carrying it out)."—*Ipsa fama et opinione*, &c. "By the mere character and a reputation

for," &c. By *opinio* is here meant the opinion of others respecting us. So *existimatio* is that which men think of us, i. e., character. —*Maximeque quasi perlucet*, &c. "And is chiefly resplendent, as it were, through the medium of those virtues," &c.

§ 7, 8, 9.

Gravissimæ. "The most powerful."—*Fides autem ut habeatur*, &c. "That confidence, however, may be reposed in us, can be brought about by two qualifications." These two qualifications are Justice and Wisdom. —*Nam et.* The *et* here corresponds to the *autem* in *justis autem et fidis.*—*Cum res agatur.* "When the matter is in hand," i. e., when the period for action has arrived.—*Expedire rem.* "To disembarrass the affair (of every difficulty)."—*Ex tempore.* "According to the emergency." In accordance with the circumstances of the case and the occasion that presents itself.—*Homines.* "The bulk of mankind."

§ 11, 12, 13.

Ad fidem faciendam. "For producing confidence." — *Detracta opinione probitatis.* "When our opinion of a man's probity is taken away," i. e., when we have no opinion of a man's probity. Or, in other words, unless a man has a character for high principle.—*Virium.* Governed by *quantum.*

CHAPTER X.

§ 1, 2, 3, 4.

Sit admiratus. "May perchance wonder."—*A meque ipso*, &c. Consult *Tusc. Disp.*, iii., 8, 17; iv., 11, 24; *De Fin.*, v., 23, 67; *Acad.*, i., 10, 38.—*Alia est illa*, &c. "That nicety of expression (which we employ), when abstract truth is accurately investigated in the course of disputation, is one thing, but quite another when our language is entirely adapted to popular opinion." Observe the force of *veritas ipsa*, "truth in itself," without reference to any external influence.—*Limatur.* A metaphor borrowed from the removal of superfluities by *filing*, polishing, &c.—*Bonos viros.* These two terms are to be closely united, and form one combined idea. *Vir bonus*, in fact, is the strict Roman expression for the *justus* of the philosophers.—*Popularibus enim*, &c. "For we must work with popular terms," i. e., we must employ words in their popular and ordinary sense.

§ 5, 6, 7, 8.

Quæ pertinerent. "Which pertained (as we said)." Some read *pertinent.*—*Cum admiratione hominum.* Because a person may be preferred to honour by less worthy means, or from less worthy motives, as by private interest or for want of a better candidate. Therefore he should be an object of general admiration.—*Communiter.* "In common." Opposed to *separatim*, "specially."—*Suspiciunt.* "They look up to with reverence."—*Despiciunt autem et contemnunt.* "They look down upon, however, and regard as of little worth." *Despicere* is properly to see an object as below us or beneath us, and is opposed to *suspicere*, which strictly means to see an object as superior to us or above us. *Contemnere* points more to the feeling or emotion that is engendered, and is equivalent in effect to *parvi ducere.*

§ 9, 10.

Contemnunt quidem neutiquam. Because they regard them as more or less mischievous, and likely to do harm unless watched.—*Nec sibi, nec alteri.* "Who are no good either to themselves or to another." Supply *prosunt.* The verb is often omitted in proverbial expressions. It is customary in all languages to indicate well-known sentences by only a few words, and to leave it to the hearer or reader to supply the rest. (*Zumpt*, § 759.)—*Admiratione afficiuntur.* "Are visited with admiration." So *honore, laude, præmiis affici.*

§ 11.

Majoris partis. "Of the greater part of mankind."—*Dolorum faces.* Compare the explanation of Heusinger: "*Cum dolores, quasi Furiæ, faces intentant.*"—*Cum aliqua his*, &c. An irregular change of construction, by which *ii*, which is understood as the antecedent of *qui*, becomes the nominative absolute.

CHAPTER XI.

§ 1, 2, 3.

Hæc animi despicientia. "This superiority of soul." Literally, "This looking down upon (the mere good and evil things of life) on the part of the soul."—*Admirabilitatem magnam facit.* "Gives rise to great admiration of its possessor." *Admirabilitas* is properly the quality exciting admiration.—*Viri boni appellantur.* "Good men

are so called." Compare x., § 3.—*Mirifica quædam.* "Something marvellous." The common text inserts *res.*—*Timet.* That is, and neglects duty in consequence of this fear.—*Igni spectatum.* "Tried by the fire." A metaphor borrowed apparently from Plato: ὥσπερ χρυσὸν πυρὶ βασανιζόμενον.

§ 4, 5, 6.

Quæ proposita sunt ad gloriam. "Which were set forth by me as necessary for the attainment of glory."—*Conficit.* "Produces."—*Omnis ratio atque institutio vitæ.* "Every mode and settled purpose of life," i. e., every kind of life, every kind of purpose or object in life.—*Ut habeat.* Supply *homo*, implied in *hominum.*—*Nisi speciem præ te*, &c. "Unless you are looked upon as an honest man," i. e., unless your life and actions openly show that you are influenced by virtuous principles.—*Opinio.* "The reputation."—*Injustique habebuntur*, &c. The solitary man and the man who lives a retired life, if they should not possess justice, but be regarded as unjust, will have no safeguards to protect them, and so be exposed to a variety of wrongs. The common text has *injusti habebuntur*, which makes an awkward asyndeton. Bonnell, whom we have followed, reads *injustique*, from one of the MSS. Unger encloses *injusti habebuntur* in brackets as a marginal gloss to *eam non habebunt.*

§ 7, 8, 9.

Contrahendisque negotiis implicantur. "And are involved in business transactions." — *Qui maleficio*, &c. Robbers, murderers, thieves, &c.—*Ulla.* With the force of *aliqua.*—*Is sibi ne in latrocinio*, &c. He is turned out of the gang.—*Interficiatur.* Zumpt calls this and *relinquatur*, farther on, "*conjunctivus in ficto exemplo.*" It resembles rather our own form of expression, "Stands a chance of being either murdered by his fellows or deserted."

§ 11.

Bardylis. An Illyrian chieftain (called by Cicero *latro*) carried on frequent wars with the Macedonians, but was at length defeated and slain in battle by Philip, the father of Alexander the Great (B.C. 359).—*Theopompum.* Theopompus the historian, a native of the island of Chios, and pupil of Isocrates. Only fragments of his writings remain.—*Viriathus.* A celebrated Lusitanian chieftain, regarded by the Romans as a robber, but who would be called in Spain at the present day a guerrilla chief. For several successive years he defeated one Roman army after another. He was finally taken off by assassination.—*C. Lælius.* The friend of Scipio Afri-

canus the younger. He was Prætor B.C. 145.—*Usurpatur.* For *vocari solet.—Ut facile bellum reliquis traderet.* This is altogether incorrect. Viriathus continued as powerful and successful as ever, and was only removed at length by assassination, having been murdered by three of his friends, whom Cæpio, the Roman commander, had bribed for the purpose.—*In constituta re publica.* "In a settled government."

CHAPTER XII.

§ 1, 2, 3.

Apud Medos. He alludes to the account given by Herodotus (i., 96, *seqq.*) of the mode in which Deioces became King of the Medes. *Fruendæ.* Compare i., 8, 1.—*Bene morati.* "Men of good principles."—*Confugiebant ad.* "They used to go for refuge to."—*Cum prohiberet,* &c. The verb here has the force of "shielding" or "defending." The more usual construction, however, would have been *quum prohiberet injuriam a tenuioribus,* in the sense of "warding off."—*Æquitate.* "An equitable system of government."—*Retinebat.* In the sense of *officio continebat.—Jus æquabile.* "Equality of rights."

§ 4, 5, 6, 7.

Cum id minus contingeret. "When it failed them."—*Adjuncto vero,* &c. "If it were added, however, unto this, that the same individuals were also deemed wise," &c., i. e., if, in addition, they were thought wise.—*His auctoribus.* "With such men as these as the originators," i. e., under the guidance of these; under their government.—*Cum ipsa per sese.* "Both of itself alone," i. e., for its own sake, without any expectation of advantage.—*Sed ut pecuniæ non quærendæ,* &c. "But as there is a system of not only acquiring money, but also of investing it, in order that it may supply ever-recurring expenses," &c. *Collocare pecuniam* is "to put money out at interest," "to invest." Hence *collocare* is used with other words, such as *gratiam, honorem, munus,* in the sense of "to bestow," similarly to the Greek καταθέσθαι, which is properly used of depositing money; and hence, with such words as χάριν, of "conferring," "bestowing," &c. *Collocanda,* farther on, means "to be maintained."—*Ratione.* "In a rational manner."

§ 8, 9, 10.

Præclare Socrates. See *Xen., Mem.,* ii., 5, 39.—*Proximam et*

quasi compendiariam. "The nearest, and, as it were, a short cut." *Via compendiaria* is "a short road," "a short cut to." The substantive *compendium*, from *con* and *pendo*, means properly "an abridgment or saving of expense."—*Simulatione.* "By assumption."—*Ficto.* "Made up."—*Radices agit.* "Takes deep root." More literally, "Strikes root."—*Propagatur.* "Spreads itself." Taken in a middle sense.

§ 11, 12.

In utramque partem. "On both sides."—*Tiberius Gracchus, Publii filius.* The father of the two Gracchi, Tiberius and Caius. After being twice consul (B.C. 177 and 163), he enjoyed two triumphs, and was elected censor and created augur. He was himself son-in-law to the elder Africanus, whose daughter Cornelia he married, and father-in-law to the younger.—*Numerum obtinent.* "Have their place among," i. e., rank among. *Numerus* has here the force of *locus.* Compare *Heusinger, ad Corn. Nep., Vit. Epam.*, c. 7, pr.

CHAPTER XIII.

§ 1, 2, 3.

Libro superiore. From chapter vii. to xviii. Observe the employment of the preposition in the text. *In libro* means "in part of the book," whereas *libro* without *in* would mean that the whole book had been taken up with the subject.—*Sed.* After the digression introduced by *quanquam* in § 8 of the previous chapter.—*Etsi in eo ipso*, &c. "Although, in bringing about this very result, the most effectual plan is."—*Causam celebritatis et nominis.* "A title to celebrity and a (distinguished) name," i. e., a title to a celebrated name. Heusinger gives *causam* here a different force, and explains the clause as follows: "*Incitamenta et stimulos inclarescendi.*" But this does not seem to harmonise with what immediately follows.—*In eum inquiritur.* "Enquiries are made into his case." The more usual form of expression would be *in eo*, "in his case."

§ 4, 5, 6.

Humilitatem. "Lowly rank."—*In hominum ignoratione versatur.* "Is passed unknown to men." *Hominum* is the objective genitive.—*Et ad ea rectis studiis contendere.* "And to strive after them with unswerving zeal." *Rectis* means properly "straightforward."—*In qua multi*, &c. "In the case of which many stood forth conspicuous

among our forefathers." With *in qua* supply mentally *gloria.—Id bellum.* The civil war between Cæsar and Pompey.—*Altera pars.* Cæsar's party, of whose *causa impia* he has spoken in chapters vii. and viii.—*Altera.* That of Pompey.

§ 7, 8, 9.

Alæ alteri. "Over the cavalry of one wing." In each wing of a Roman legion there was one squadron of cavalry (*ala*) consisting of auxiliaries, and commanded by a Roman *eques*. *Alteri* means here one of the two *alæ* in each legion. *Alter* simply signifies "one of two." But it more usually occurs in the sense of "the other," "the second of the two."—*Pariter cum republica cecidit.* That is, at the battle of Pharsalia. —*Hæc oratio.* "This discourse."—*De genere toto.* "The general subject of glory attainable in war."—*Graviores.* The common text has *gratiores*, which is less forcible.

§ 10, 11, 12.

Prima commendatio. Supply *adolescenti.* —*In optimam partem.* "Most advantageously." More literally, "On the best side."—*Ad claros et sapientes viros.* Compare i., 34, 2. —*Si frequentes sunt.* "If they are frequent in their intercourse." Equivalent to *si sæpe conversantur.—P. Rutilii.* P. Rutilius Rufus, a pupil of Panætius in philosophy, and of P. Mucius, the pontifex, in law. He was consul B.C. 105, with Manlius, and afterwards served as legatus to Q. Mucius, when proconsul in Asia. While acting in this latter capacity he displayed so much honesty and firmness in repressing the extortions of the *publicani*, that he became an object of fear and hatred to the whole body. Accordingly, on his return to Rome, he was impeached of malversation (*de repetundis*), found guilty, and compelled to withdraw into banishment.—*Ad opinionem et innocentiæ.* "To a reputation for both integrity."—*P. Mucii domus.* His frequenting the abode of this individual.

§ 13.

Nam L. quidem Crassus, &c. The general idea is: For as to Crassus, indeed, he was independent of extrinsic aid, &c. A common use of *nam*. Cicero alludes to Crassus, the celebrated orator, who, when only twenty-one years of age (*admodum adolescens*), attracted great notice by his accusation of C. Papirius Carbo, who, to escape condemnation, poisoned himself with cantharides.—*Gloriosa.* "Celebrated."—*Qui exercentur.* "They who exercise themselves in declaiming," i. e., practise declaiming in private as an exercise for speaking in public. —*Ut de Demosthene accepimus.* From the

position of these words, they can only refer to the early and arduous efforts of Demosthenes in counteracting the physical defects under which he laboured in his youth. Several eminent scholars, however, and among them Ruhnken and Wyttenbach, think that they should be put after *ea ætate*, and are intended to allude to the early and successful prosecution of his guardians by Demosthenes immediately after becoming of age.—*Meditari.* Consult note on i., 40, 9.

CHAPTER XIV.

§ 1, 2, 3.

Cum duplex ratio sit orationis. "As there are two methods of speaking." Compare i., 37, 1.—*Ad gloriam.* "For attaining unto fame."—*Philippi.* That of Philip of Macedon to his son Alexander the Great.—*Antipatri.* Antipater was one of Alexander's generals, left governor of Macedonia by Alexander. He was the father of Cassander.—*Antigoni.* Antigonus was one of Alexander's successors, and ruler of Asia. He had two sons, Demetrius, surnamed Poliorcetes, and Philippus, here mentioned, of whom little is known.—*Oratione benigna.* "By a kind manner of speaking."—*Blande appellando.* "By addressing them in a winning way," i. e., by a winning address.—*Universam excitat.* "Arouses them to a man," i. e., carries away a whole assembly at once.

§ 4, 5, 6, 7.

Intelligere. Referring to *copiose sapienterque dicentis*, and not, as Beier supposes, to *qui audiunt*, in which latter case *sese* would have to be supplied.—*Admirabilius.* "More calculated to excite wonder."—*Et apud judices*, &c. He refers to the three kinds of oratory, Judicial, Demonstrative, and Deliberative. Compare i., 37.—*Quorum ratio duplex.* "The nature of these is twofold, for it consists of accusation and of defence."—*Probata est.* As, for instance, in the case of some great public offender.

§ 8, 9.

M. Antonius. The orator, and grandfather of the triumvir. He accused Cn. Carbo, the consul, who was defeated by the Cimbri near Noreia.—*P. Sulpicii.* His cognomen was Rufus. He impeached C. Junius Norbanus, B.C. 94, for having, when tribune, the year before, created a political disturbance. Norbanus was defended by the orator Antonius. Sulpicius was a partisan of Mari-

us.—*Illustravit.* "Shed lustre upon."—*Seditiosum et inutilem civem.* "A factious and worthless citizen."—*Duo Luculli.* Marcus and Lucius. They accused Servilius, the augur, of embezzlement, to avenge their father, who had been convicted of extortion by Servilius. L. Lucullus is referred to, i., 39. Marcus was consul B.C. 73, one year after his brother.—*Nos pro Siculis.* In the prosecution of Verres, B.C. 70.—*Pro Sardis in Albucio.* This appears to be the true reading. *In Albucio* is "in the case of Albucius." Julius Cæsar Strabo accused Albucius for his misconduct as pro-prætor in Sardinia. He is referred to in i., 30. Cicero alludes to this case in the Verrine Orations.—*M'. Aquillio.* Manius Aquillius was the colleague of Marius in his fifth consulship, B.C. 101. He had obtained an ovation for his success in quelling an insurrection of slaves in Sicily, B.C. 99, but was the next year impeached for bribery by L. Fufius Calenus.

§ 10, 11.

Semel igitur. "For once, therefore, it may be done." Supply *faciendum sit.* The same as *semel igitur accusatio suscipienda sit.*—*Rei publicæ tribuat hoc muneris.* "Let him bestow this piece of service upon the republic," i. e., let him not perform this piece of service except for the sake of his country.—*Modus.* "A mean." "A limit."—*Periculum capitis inferre multis.* "To prefer a capital charge against many." *Caput* signifies not merely "life," but also "civil status," as in the expression *capitis minor* (ἄτιμος), *capitis deminutio* (ἀτιμία), "civil degradation." Hence *judicium capitis* is not only "a capital trial" in our sense of the word, but any trial which affects a man's standing as a citizen, and in which condemnation is attended by loss of privileges in the state.

§ 12, 13.

Ipsi. "To the accuser himself personally." *Id* refers to the words *periculum capitis inferre*, of which *committere ut accusator nominere* is epexegetical.—*Committere ut nominere.* "To allow yourself to be called."—*Contigit. Contingo* is here used of an unfortunate event, as in xix., § 5. This use of the word is not the ordinary one.—*M. Bruto.* The son of M. Junius, born about B.C. 150. He was a great enemy of L. Crassus. He refused to become a candidate for public offices, but made it his profession to accuse others. Compare *Cic. de Orat.*, ii., 55.—*Judicio capitis arcessas.* The same as *periculum capitis inferas.*

§ 15, 16, 18, 19.

Nec tamen, &c. "Nor yet, as on the one hand we must avoid doing this, so in like manner, on the other, must we regard it as a matter for scrupulousness to defend a criminal, provided only he be not depraved and wicked," i. e., so, in like manner, we must not be so scrupulous as not to defend, &c. *Non habendum est religioni* means "we are not to hold it a matter of scrupulousness," i. e., to have scruples about doing a thing. — *Fert.* "Prompts." — *Veri simile.* "The probable."—*Minus verum.* "Not entirely true."—*Urgeri.* "Pressed hard." — *Adolescentes.* Cicero was then only twenty-six years old.—*Extat.* "Is published."

CHAPTER XV.

§ 1, 2, 3.

Ratio. "The nature." — *Opera.* "By personal assistance."—*Lautior ac splendidior.* "Is nicer and more honourable." *Lautus* is a contraction of *lavatus*, and properly means "washed," "pure." —*Utroque.* We might have expected *utraque*, as it refers to *opera* and *pecunia.* But neuters referring to several preceding substantives not in the neuter are not uncommon. — *Gratificandi.* "To oblige." With the force of *gratificari.*—*Altera ex arca*, &c. "The one is taken from the coffer, the other emanates from virtue," i. e., the one is a draught on our purse, the other on our virtue. Observe the zeugma in *depromitur.* — *Qua quo in plures*, &c. "And the more you may have exercised it upon, the less will you be able to exercise it on many," i. e., the very activity of its exercise proves fatal to it.

§ 4, 5, 6, 7.

Virtute et industria. "By their virtue and their talents."—*Paratiores.* "More ready."—*Præclare accusat.* "Admirably reproves." —*Quæ te, malum*, &c. "Plague take it! he says, what consideration led you to entertain such a hope as that? as to think that," i. e., what the plague made you ever entertain? &c. *Malum* is here an exclamation of indignant surprise.—*An tu id agis*, &c. "Are you striving to bring this about, that the Macedonians shall expect?" &c., i. e., is it your object to make them regard you as, &c.—*Ministrum et præbitorem.* "Their servant and purveyor."—*Corruptelam.* "A source of corruption."

§ 8, 9, 10.

Hoc ille filio. Supply *præcepit.*—*Et latius pateat.* "And has a wider scope," i. e., is capable of a wider application.—*Nonnunquam tamen*, &c. The general idea is this: Notwithstanding what I have just said about personal assistance being better than pecuniary, we must nevertheless show bounty sometimes by giving money, but we must do this (*diligenter*) with discrimination (or with care), and to deserving persons also (*idoneis*) when they require our assistance.—*Multi enim patrimonia effuderunt.* Heusinger quotes the instances of Milo, Curio, and Cæsar.

§ 12, 13, 14, 15.

Studia. "Zealous feeling."—*Modus adhibeatur*, &c. "Let a limit be observed, and let this be referred to our means," i. e., be determined by them. Let our resources be the measure of our bounty.—*Fundum non habere.* "Has no bottom." An allusion to the fable of the Danaïdes, who were continually employed in pouring water into a perforated cask.—*Qui consuerunt.* "They who have been accustomed to receive." Supply *accipere.*

CHAPTER XVI.

§ 1, 2, 3.

Largorum. "Of men who give largely."—*Epulis.* "By public banquets." Such as were given to the Senate in the Capitol, and to the people in the Forum.—*Viscerationibus.* "Distributions of flesh," i. e., of flesh raw or cooked, among the people. After the funeral of great men there was, in addition to the feast for the friends of the deceased, a distribution of this kind to the people.—*Gladiatorum muneribus.* "Shows of gladiators." These were exhibited in the amphitheatre.—*Ludorum.* Games, especially plays, tragedies, comedies, and mimes.—*Venationum.* "Wild-beast hunts."—*Æs alienum suscipiunt*, &c. "Take upon themselves the debts of friends."—*Collocatione.* "The giving in marriage," i. e., aiding their friends in establishing their daughters.

§ 4, 5, 6.

Theophrasto. Compare i., 1, 6. Theophrastus, as we learn also from Diogenes Laertius (v., 47), wrote a treatise περὶ πλούτου, now lost.—*Illud.* "The following."—*Est multus.* "He is diffuse."—*Taliumque sumptuum*, &c. "And he regards the means of indulg-

ing in such expenses as the true advantage arising from riches."—*Ille fructus liberalitatis.* "That enjoyment of liberality."—*Aristo.* All the MSS. read *Aristoteles.* But as the sentiments here quoted do not appear in Aristotle's works, and do not agree with those which we find delivered by him in the *Eth. Nicom.*, iv., 1, 2, it has been conjectured that Aristo of Ceos is the philosopher referred to, of whom Plutarch says (*Vit. Cat. M.*, 18): ὃ καὶ μάλιστά φασι τὸν φιλόσοφον Ἀρίστωνα θαυμάζειν, ὅτι τοὺς τὰ περίττα κεκλημένους μᾶλλον ἡγοῦνται μακαρίους ἢ τοὺς τῶν ἀναγκαίων καὶ χρησίμων ἀποροῦντας.—*Admiremur.* Not "admire," but "wonder at." Observe the force of the subjunctive here with *qui*, as assigning a reason or cause.

§ 7, 8.

Emere aquæ, &c. "To buy a sextarius of water for a mina." The *sextarius*, as a liquid measure, was the sixth part of a *congius*, or rather more than a pint. The *mina* was not a coin, but a sum, equal in our currency to seventeen dollars sixty-one cents six mills. —*Videri.* The infinitives *videri*, *mirari*, *dare*, *mirari*, depend on *ait* understood after *at ii*, which is attracted into the same case with the relative, whereas we should have expected *eos.*—*Veniam necessitati dare.* "They extend an excuse to the necessity of the case," i. e., they excuse the act from its necessity.—*Immanibus jacturis.* "Enormous sacrifices."—*Cum præsertim*, &c. "(And he censures us), especially, since neither is relief afforded to necessity (by means of these), nor," &c. This clause must be referred back to *reprehendit*, at the commencement of § 7, and does not belong to *nihil nos magnopere mirari*, immediately preceding.—*Eaque a levissimo quoque.* "And arises from the most frivolous characters," i. e., is felt by them alone.—*In quo ipso.* For *in qua re ipsa.*

§ 9, 10, 11, 12.

Colligit. "Does he come to the following conclusion." *Colligo* is "to collect" from arguments, "to conclude," "to infer."—*Inveterasse.* "It had become a fixed custom."—*Et jam bonis temporibus.* "Even in the good old times," i. e., before the decay of public morals. *Jam* has properly the force here of "so far back as," or "already."—*Splendor ædilitatum.* "Magnificence in their ædileships." That is, in the games with which they entertained the people during their ædileships. This was considered to favour their advances to other offices.—*Ab optimis viris.* "On the part of the best of men."—*P. Crassus.* Father of the triumvir. He was consul B.C. 97.—*L. Crassus.* The celebrated orator, already mention-

ed, chap. xiii.—*Q. Mucio.* Scævola the pontifex. Compare i., 32, § 4. The profuse display which attended the ædileships of Crassus, Scævola, and Claudius, is mentioned in the Verrine Orations, iv., 59, 133.

C. Claudius. With the surname of *Pulcher*, consul B.C. 92. He was the first who gave an exhibition of an elephant-fight. The two Luculli (mentioned in chap. xiv.) exhibited an elephant-fight in B.C. 79. Hortensius, the celebrated orator, and Cicero's rival, was consul B.C. 69; Silanus in B.C. 62.—*P. Lentulus.* Surnamed *Spinther.* He was consul B.C. 57, six years after Cicero; ædile B.C. 63. There are several letters of Cicero addressed to him.—*Scaurus.* Already referred to in i., 39.—*Pompeii.* In his second consulship (B.C. 55) Pompey opened the magnificent stone theatre, built by himself, with an exhibition of games of unparalleled splendour. They lasted many days, and consisted of scenic representations, gymnastic contests, gladiatorial combats, and fights of wild beasts, in vast numbers.

CHAPTER XVII.

§ 1, 2, 3.

Mamerco. Mamercus was a common prænomen of the *Gens Æmilia*, a patrician house. It is uncertain who is meant here.—*Prætermissio ædilitatis.* "His passing by the ædileship," i. e., his declining the office. The people ascribed this to meanness on his part, and he lost the consulship in consequence.—*Pro facultatibus.* "In proportion to our means."—*Nos ipsi.* In B.C. 68, when, as ædile, Cicero gave an exhibition of three games. Compare *Or. in Verr. Act.*, ii., 5, 14; *Pro Mur.*, 19.—*Acquiritur.* "Is sought to be obtained."—*Oresti.* Orestes was a surname of the Aurelian gens. The person meant here was Cnæus Aufidius Orestes Aurelianus, so called because he was adopted by Cn. Aufidius. He was afterwards consul with Lentulus Sura, B.C. 71.

Decumæ nomine. "Under the name of a tithe-offering," i. e., under the pretext that he was merely fulfilling a vow of a tenth. Supply *partis* after *decumæ*. It was a Roman custom to offer a tenth of their property or gains upon any great undertaking or after any signal success (as Plutarch records of Sulla and Crassus), to be expended on a costly sacrifice, generally to Hercules. The public came in for a share of the remains used for such sacrifices. Orestes made his sacrifice to Hercules merely a pretence for giving such an entertainment, in order to make himself popular.

Seio. Seius was a rich Roman knight, quæstor along with Q. Hortensius in the year of Sulla's second consulship. In a time of great scarcity, during his ædileship (B.C. 74), he is said to have supplied the people with corn for a small sum, and the credit which he thus obtained served to retrieve the disgrace into which he had previously fallen by his condemnation for some unknown offence.—*In caritate.* "In a time of dearth." Supply *annonæ.*—*Asse modium.* "A peck (of corn) for an *as.*" We occasionally read in Livy of the ædiles selling corn as a sort of gratuity to the people at the rate of two or four *asses* the peck, which would be considered a very low price ordinarily even in Sicily, where corn grew in such abundance. Of course the price of corn would be much higher than this in the capital of the empire.—*Quando erat ædilis.* "Since he was ædile at the time." The ædiles had the regulation of the provision market. *Quando* in the sense of *quoniam.*

§ 4.

Miloni fuit. Supply *largitio talis.*—*Quæ salute nostra continebatur.* "Which was closely connected with my own safety." Not an idle boast by any means. Cicero was then in exile, and his restoration (*salus*) was certain if a settled order of things were allowed to prevail; but this was prevented by the violence and lawlessness of the opposite faction.—*P. Clodii conatus.* Clodius was the bitter enemy of Cicero, and procured his banishment during his tribuneship. Milo, being tribune the year following, endeavoured to obtain Cicero's recall, which Clodius violently opposed. Both parties collected a band of gladiators, and had recourse to arms. Milo was eventually brought to trial for the murder of Clodius, and defended by Cicero in the celebrated oration still extant.—*Utile.* Supply *ita facere,* i. *e., largiri.*

§ 6, 7.

L. Philippus. A celebrated orator, already mentioned. Compare i., 30, 9.—*Cotta.* Lucius Cotta, consul B.C. 65, and censor in the year in which Cicero became a candidate for the consulship. —*Curio.* Caius Curio, father of the Curio who took an active part in the civil war between Cæsar and Pompey, and to whom several of Cicero's letters are addressed.—*Quodam modo.* "To a certain extent." Because Cicero never arrived at the dignity of the censorship.—*Pro amplitudine honorum.* "Considering the amplitude of the honours."—*Nostro quidem anno.* "In my own year too." A man was said to be elected to an office *suo anno* when he gained it at the earliest period at which he was eligible by law. Thus Cicero

obtained the office of quæstor at the age of thirty-one, that of ædile at thirty-eight, of prætor at forty-one, and of consul at forty-four.—*Sane.* "It must be confessed."

§ 8, 9, 10.

Meliores. "Are more justifiable."—*Navalia.* "Dockyards" or "naval arsenals." The Greek νεώρια.—*Præsens.* "At present." For *in præsens tempus.*—*Propter Pompeium.* "On account of Pompey's memory." Pompey had erected a magnificent theatre. Compare xvi., § 12.—*Non interpretatus.* "Though not translated." Compare i., 2, 10.—*Phalereus Demetrius.* Compare i., 1, 6.—*Principem Græciæ.* "The first man in Greece."—*Quod tantam pecuniam,* &c. "Because he laid out so much money on that splendid vestibule (of the Parthenon)." The προπύλαια, or "vestibule," of the Parthenon on the Acropolis, upon which Pericles is said to have laid out 2012 talents.—*Ratio.* "System."—*Genere.* "In its nature."—*Tum ipsum.* "Even then." The common reading is *tum ipsa,* for which we have given *tum ipsum,* which occurs in a few MSS., with Zumpt. So *De Fin.,* ii., 20, 65: "*Tum ipsum, cum vigiliis cruciaretur.*" Compare *Zumpt,* § 270; *Madvig,* § 487, *Obs.* 1.—*Mediocritate moderanda.* "To be regulated by moderation."

CHAPTER XVIII.

§ 1, 2, 3.

In disparibus causis. "Where the cases are unlike." *In* means here literally, "in the case of."—*Res meliores quærit,* &c. "Seeks to better his condition, although none of his affairs are actually adverse," i. e., though he is not actually unfortunate.—*Ne affligantur.* "Lest they be ruined." Literally, "Lest they be dashed to the ground." Compare ii., 6, 3.—*Restricti omnino.* "Universally close." *Restrictus* has here the force of *parcus.*—*Benefacta male locata.* "Misplaced good deeds," i. e., kindnesses conferred upon the undeserving. The line is an Iambic trimeter.—*Malefacta.* "Evil deeds," i. e., positive misdeeds.

§ 4, 5, 6, 7.

Ex ceteris. The applause of others will be an additional recompense.—*Temeritate remota.* That is, when it is exercised with prudence and discrimination.—*Eam injuriam.* The wrong done by ingratitude.—*In deterrenda liberalitate.* "By its discouraging liberality."—*Tenuiorum.* "Of the poor."

§ 8, 9, 10.

Locupletari. "Be made more comfortable." *Locupletare* is not so much "to enrich" as "to provide with the necessaries and comforts of life."—*Ab ordine nostro.* The senatorial order.—*Largitioni munerum.* "To the profuse munificence of public shows."—*Quasi assentatorum.* The particle *quasi* is purposely introduced to soften down the force of *assentator*, and prevent any offence being given, since public exhibitions of this kind were sanctioned by Roman usage.—*Acerbum.* "Harsh."—*In omnique re contrahenda.* "And in every kind of transaction."—*Vicinitatibus et confiniis.* "In questions of neighbourhood and of common boundaries," i. e., of neighbourhood of either houses or estates. *Vicini* are those whose *houses* are connected by a party-wall; *confines*, those whose *estates* have a common boundary.

§ 11, 13, 14.

Liberale. "Worthy of a gentleman."—*Nimirum is.* The position of *is* here is meant to be emphatic.—*Theophrasto.* In his work περὶ πλούτου, already referred to.—*Cimonem.* Cimon, son of Miltiades.—*Athenis etiam in suos curiales*, &c. "Even when at Athens, was hospitable to the members of his borough, the Laciadæ," i. e., not merely when at his villa in the country, and surrounded by his *curiales*, but even when residing in the city. *Curiales* answers here to the Greek δημοταί (usually rendered by the Latin word *pagani*), i. e., members of a δῆμος, or "borough," of which there were 174 in Attica, distributed among the twelve φῦλαι, or tribes. The δῆμος Λακία was in the tribe Οἰνηΐς.—*In suam villam devertisset.* "Should have turned aside into his villa."

CHAPTER XIX.

§ 1, 2, 3.

Opera, non largitione. "By our personal assistance, not by any liberal expenditure of wealth."—*In jure cavere.* Supply *alicui.* "To guard a person's interests in a matter of law." Lawyers were said *in jure cavere* when they gave legal aid to any one in a case, and prescribed to him the proper forms of pleading.—*Hoc scientiæ genere.* "With this kind of knowledge."—*Cum multa præclara*, &c. Construe: *Cum multa* instituta *majorum* sunt *præclara, tum* hoc est præclarum *quod*, &c.—*Cognitio atque interpretatio.* "The knowledge and explanation." Heusinger refers to the *De Orat.*, i., 44, 45, for

a lengthened commendation of the study of the law. And yet in the oration for Muræna (c. 9–13), where Cicero has a particular object in view, he depreciates it in comparison with the military art.

§ 4, 5.

Ante hanc confusionem temporum. "Before this confusion of the times," i. e., before these times of public confusion. Cicero constantly laments over the diminished influence of the aristocracy; not very justly, however, for they grossly abused their power. None of his observations on this subject are more unjust than this particular one on the extended knowledge of the law.—*Principes.* "The leading men in the state." Especially the Patricians, in whose hands the knowledge of the *jus civile* was originally centred. A certain Cneius Flavius, a secretary of Appius Claudius Cæcus, first promulgated generally the legal *formulæ.* Compare *Liv.*, ix., 46; *Cic. de Orat.*, i., 41; *Pro Muræn.*, xi., 25.

Contigit. "Has happened."—*Cum is esset.* "When he was in existence." *Esset* for *viveret.* The allusion is to Servius Sulpicius Rufus, a friend and contemporary of Cicero's, to whom several of his letters are addressed, and from whom there are two to Cicero, one the well-known letter of consolation on occasion of his daughter Tullia's death. He was the most celebrated jurist of his time (Mucius Scævola was a little older), and his excellence as a lawyer is specially recorded by Cicero in a passage of the Brutus (c. 41). In B.C. 51 he was elected consul with Cl. Marcellus. When Cicero defended Muræna he was one of the prosecutors.

§ 6, 7, 8, 9.

Grata. Supply *est.*—*Gravior.* "More dignified." The common reading is *dicendi gravior facultas, et gratior et ornatior*, for which we have given the conjectural emendation of Gernhard and Beier, of which Zumpt approves.—*Admiratione.* "In the admiration."—*Gratia.* "In the gratitude."—*In toga dignitatis principatus.* "The first rank in point of dignity among civil professions." The chief rank among professions generally was assigned to the military art. —*Facile laborantis.* "Of one who willingly takes pains."—*Non gravate et gratuito.* "Without reluctance and with no remuneration." In the earlier times (*patriis moribus*) the *patroni* took no fees from their clients; but, as this custom fell into disuse, the *Lex Cincia* was passed, "*ne quis ob causam orandam pecuniam donumque acciperet.*" Compare *Tac.*, *Ann.*, ix., 5.—*Beneficia et patrocinia.* "The services and protecting aid."

§ 10, 11.

Admonebat me res, &c. "My subject was very nearly suggesting unto me . . . . did I not fear," &c., i. e., only I am afraid lest, &c. Observe the force of the mood and tense.—*Ne dicam interitum.* "Not to speak of it as the utter extinction."—*Quam in paucis spes.* "In how few there is any hope (to be placed)," i. e., how few there are of good promise.—*Audacia.* "Presumption," i. e., in undertaking what they are not competent to perform.—*Beneficia petentem.* "By asking favours for them," i. e., by canvassing for them in applications for office.—*Pro re alterius.* "For the interests of another."—*Rogantem.* "Soliciting in their behalf."—*Eos ipsos qui consuluntur.* Equivalent in effect to *jurisconsultos.*

§ 12, 13, 14.

Est enim in promptu. "For it is obvious."—*Ne quos offendant.* "Not to hurt the feelings of any."—*Imprudentes.* "Unwittingly."—*Adversus.* "Towards."—*Quare.* "How."—*Ceterisque operis et officiis*, &c. "And you must make compensation for whatever injury you have inflicted by other efforts in their behalf and good offices."

CHAPTER XX.

§ 1, 2, 3.

Dictu quidem est proclive. "It is easy to be said." Compare Heusinger: "*Dictu est facilius quam factu.*"—*Itaque.* "And so."—*Fortunam.* "Outward circumstances."—*Honesta oratio est.* "Their words are fair," i. e., it's all very fine to say so.—*Inopis et optimi.* Supply *tamen* after *et.*—*Gratiam.* "The thanks."—*Fere.* For *plerumque.*

§ 4, 5.

Quæ natura rerum sit. "What the true state of the case is."—*Referre gratiam.* "To return a favour," but *habere gratiam*, "to feel gratitude." Compare the Greek phrases, ἀποδοῦναι χάριν and ἔχειν χάριν.—*Commode autem*, &c. "Now he said well, whoever did say it," i. e., it was an apt saying, whoever was the author of it. Cicero has quoted the same saying in two other passages, *Pro Planc.*, c. 28, and *Ep. ad Quint.*, c. 9. Its author is not known. With *commode* supply *dixit.* The point of the saying consists in the play upon the meaning of *habere.* A man ceases to have possession

of money (*habere pecuniam*) as soon as he has repaid it (*reddidit*), whereas he still retains a sense of a favour (*habet gratiam*) after he has returned it (*retulerit*), and has repaid it in some sort if he do but retain a sense of it.

§ 6, 7.

Beatos. "Blessed with abundance."—*Quamvis magnum.* "However great."—*Aliquod.* Supply *beneficium.* —*Atque etiam.* "And what is more." — *Mortis instar.* "Like death," i. e., as good as death.—*At vero ille tenuis.* "The man, however, of slender means, of whom we spoke." Observe the force of the pronoun.—*Se spectatum.* "That he himself has been regarded," i. e., that it has been done out of regard to himself personally.—*Gratum se videri studet.* "Takes pains to appear grateful." Observe that *qui est meritus* is equivalent to *qui est bene de eo meritus.*—*Neque vero verbis,* &c. "Nor, indeed, does he magnify in words any favour of his own doing," &c.—*Extenuat.* "Seeks to undervalue it."

§ 8, 10.

Videndumque illud est, &c. "The following also is to be considered, that," &c.—*In uno illo,* &c. That is, the favour does not extend farther than the individual itself, or it may be (*si forte* "if it so happen") to his children.—*Quæ magna in populo,* &c. "And this is a large proportion among the people."—*Omni generi.* "Every description of people."—*In contentionem.* "To a comparison." If we shall be called upon to make a comparison between two parties, or to exercise any choice. — *Auctor.* "As an authority."—*Consuleretur.* Supply *ab aliquo,* the subject of *collocaret,* "should give in marriage."

§ 11, 12, 13, 14.

Quarum magnitudo, &c. What matters it to us how rich another is.—*Fac juvare.* "Assume that it does help him."—*Utentior sane sit,* &c. "To be sure he will have more money to spend, but how is he a better man?" The word *utentior* (comparative of *utens*) is uncommon. The participles in *ns* and *us* are compared when they take the complete signification of adjectives — that is, when they signify a property without reference to time. The verb *utor* is frequently used in the sense of spending money.—*Modo ne adjuvent.* "Only let them not help (in getting such aid)." Supply *ut juvetur.* The idea is: Let not his riches be a hindrance to his obtaining our aid; only I would not have them become a help or an inducement to his being aided.—*Sitque omne judicium.* "And let the whole

subject of consideration be."—*Ne quid contendas.* "That you strive to do nothing," i. e., be eager to do.

CHAPTER XXI.

§ 1, 2, 3.

Quæ spectant ad singulos. "Which have individuals for their object," i. e., are done to them.—*Ad universos.* "To the whole body of citizens." Among the ancients every public officer, as he was an unpaid functionary, was considered to be performing a *munus, officium*, or *beneficium* to the state.—*Partim . . . . . partim.* Equivalent to *alii . . . . . alii.*—*Ut attingant.* "As to affect."—*Danda opera est omnino*, &c. "We ought by all means to lend our endeavours to practise both kinds (of benefits), if it can be done, and that the interests of individuals also be provided for no less (than those of the community at large)." With *utrisque* (which depends on *danda opera est*) supply *beneficiis*, and after *nec minus* supply *quam universis.* The construction which we have adopted is much superior to Zumpt's, who makes *utrisque* refer to both individuals and the community at large, and to be governed by *consulatur.*

§ 4, 5.

C. Gracchi frumentaria, &c. "The grant of corn proposed by Caius Gracchus was a large one." Gracchus, when tribune (B.C. 122), proposed that some of the public revenue should be laid out in the purchase of corn, to be sold to the people at a reduced rate. viz., 6⅓ *asses*, when the market price was 12 *asses.* This law was violently opposed by the Patricians. Consult *Dict. Ant., s. v. Frumentariæ Leges.*—*Exhauriebat.* "It had a tendency to exhaust," i. e., it would have exhausted.—*M. Octavii.* Not the colleague of the elder Gracchus in the tribuneship, but the one who lived B.C. 120, after the time of the younger Gracchus. He brought forward the *Lex Octavia*, which modified the law of Gracchus to some extent, so that the public treasury did not suffer so much.—*Publice.* "By public authority." As, for instance, by such laws as the Agrarian.

§ 6.

Philippus. Tribune of the commons in B.C. 104. He has been already referred to in chap. xvii., § 6. — *Legem Agrariam.* An Agrarian law was an enactment for dividing among the Plebs a certain portion of the *Ager Publicus*, or State Domain, consisting

of land taken by conquest from the enemy at various times. These Agrarian laws, however, related only to the public land, occupied and rented by the Patricians, and had nothing to do with private property.—*Cum ferret.* "When he proposed," i. e., asked leave to bring in.

Antiquari. "To be rejected." On the *tabellæ*, or voting tablets, in the case of laws, were written either A., standing for *antiquo*, "I reject;" or U. R., standing for *uti rogas*, "I vote as you ask," "I vote for passing the law." These letters must not be confounded with those placed on the tablets used by the *Judices* at trials, namely, A. (i. e., *absolvo*, "I acquit"); C. (i. e., *condemno*, "I condemn"); N. L. (i. e., *non liquet*, "It is not clear," the matter requires farther deliberation). — *Vehementer se moderatum præbuit.* "Behaved with extreme moderation."—*Sed.* "But, to resume." The conjunction is here employed, as before, to resume a sentence which has been interrupted by a parenthesis.—*Populariter.* Supply *egit.*—*Tum illud male.* Supply *dixit.* — *Rem.* "Property." The same as *rem familiarem.*

§ 7, 8, 9, 10.

Capitalis. "Deserving the severest punishment."—*Et ad æquationem bonorum pertinens.* "And aiming at a levelling of property." For if so few held all property in their hands, the great body of the people would easily be induced to make an equalisation of that property.—*Duce natura.* Compare i., 44, 7.—*Ærarii tenuitatem.* "The poverty of the treasury."

Tributum sit conferendum. "A property-tax may have to be contributed," i. e., to be imposed. There had been no occasion for a property-tax to be levied at Rome, since the annexation to the Roman empire of the northern part of Greece, under the name of Macedonia, by Paulus Æmilius, B.C. 167, by which the treasury was well replenished. All tolls also (*portoria*) had been discontinued since Pompey's victory over Mithradates, B.C. 60, according to the provisions of the *Lex Cœcilia*, brought forward by Metellus. Cicero's presage, that there might be an occasion for renewing these burthens upon the citizens, was fulfilled the year following, when a war-tax was laid upon the people, the treasury having been exhausted by the frequent demands made upon it by Cæsar and Antony.

§ 11, 12, 13.

Sin quæ necessitas, &c. "If, however, any necessity for such a burthen as this shall befall any state." *Munus* means "a duty,"

"a burthen" imposed by the state. Hence *immunis* (the Greek ἀτέλης), "exempt from some public duty."—*Malo enim*, &c. "For I had rather say 'to any state' than forbode evils to our own commonwealth." *Ominari* is here equivalent to the Greek δυσφημεῖν. —*Comparatio*. "Means of procuring."—*Tantum locus*, &c. "The subject only needed to be touched upon," i. e., hinted at.

§ 14, 15, 16.

Caput. "The principal thing."—*C. Pontius*. Caius Pontius Herennius, the celebrated Samnite chieftain, who surprised a Roman army, and made them pass under the yoke at the *Furcæ Caudinæ*, or Caudine Forks. He was taken prisoner by Q. Fabius Maximus twenty-nine years afterwards, led in chains at his triumph, and then beheaded.—*Si quando*. "When once."—*Multa sæcula*. "Many generations." The *sæculum*, in this sense, would be about 33⅓ years, the average duration of human life. Only 144 years intervened between the execution of Pontius, B.C. 292, and the enactment of the *Lex Calpurnia de Repetundis*, B.C. 149.—*Siquidem in illo*, &c. "Since he was so powerful a person, as he is said to have been." Compare, on the force of *siquidem*, the remarks of *Zumpt*, § 346.

§ 17.

Nondum centum, &c. Lucius Calpurnius Piso, the Annalist, was the author of the law (*Lex Calpurnia*) which established a permanent court for the trial of provincial magistrates who had been guilty of such illegal acts as came under the denomination of *Repetundæ*. The law was carried when tribune of the commons, B.C. 149, so that the interval alluded to in the text, between the date of this enactment and the time when Cicero wrote the present work, was nearly 105 years.—*Proximæ quæque duriores*. "The later, in point of time, the more rigorous." The *Lex Calpurnia* was followed by other laws *de Repetundis*, as the *Lex Junia Servilia* (B.C. 106), which made all magistrates, provincial or not, liable to prosecution for malversation in office; the *Lex Acilia* (B.C. 101); the *Lex Cornelia*, enacted by Sulla the Dictator, B.C. 81; and, lastly, the *Lex Julia*, enacted in the first consulship of Julius Cæsar, B.C. 59.

Italicum bellum. Called also the "Social" war, and also *Marsicum bellum*, because the Marsi were one of the principal Italian nations engaged in it. This war was occasioned by the struggles of the Italian allies of the Republic (B.C. 100–88) to obtain for themselves admission to the privileges of Roman citizenship (*Romana civitas*). According to the statement of Appian (*Bell. Civ.*, i., 35),

Drusus had proposed a measure, recommending an enquiry into the corrupt practices in the courts of justice. This measure was extremely unpopular with the aristocratic party, and roused their indignation to such a degree that they determined to resist all other measures which Drusus brought forward, those, namely, for the admission of the Italian states to the privileges of citizenship. The death of Drusus, who perished by the hand of an assassin in the hall of his own house, destroyed the hopes of the Allies, and the Social war immediately ensued.

Sublatis legibus. In the dictatorships, first of Sulla, and then of Julius Cæsar.—*Expilatio.* "The pillaging." The primary meaning of the verb *expilare* is said to be "to pluck out the hair," from *ex* and *pilus.*

CHAPTER XXII.

§ 1, 2, 3, 4.

Africanum. Cicero always means Scipio Africanus the younger when he speaks of *Africanus.*—*Abstinens.* "Self-denying."—*Tantum in ærarium,* &c. According to Velleius Paterculus (i., 9, 6), "*Bis millies centies sestertiùm,*" that is, 200,000,000 sesterces. A million of sesterces in our currency would be $39,000, so that the amount here given would be $7,800,000.—*Patrem.* Africanus was the son of Paulus Æmilius, and the adopted son of Scipio Africanus, the elder Africanus's son. — *Carthagine eversa.* B.C. 147.—*Urbem.* Corinth, taken and destroyed B.C. 148.—*Italiam ornare.* "To embellish Italy," that is, with the Grecian works of art, which formed part of his booty. This praise was not at all deserved by Mummius. So unconscious was he of the real value of his prizes, that he sold the rarer works of painting, sculpture, and carving, to the King of Pergamus, and exacted securities from the masters of the vessels in which the remainder were conveyed to Italy to replace by equivalents any picture or statue lost or injured on the passage.

§ 5, 6, 7, 8.

Ut eo, unde egressa est, &c. "That my discourse may return to the point whence it digressed." Compare *Quintil., Or. Inst.*, iv., 3, 12: "*Hanc partem παρέκβασιν Græci vocant, Latini egressum vel egressionem.*"—*Habere quæstui rem publicam.* "To turn the state into a source of profit," i. e., to make money by the state.—*Oraculum.* This oracle was given to the Spartan kings, Alcamenes and Theopompus. The words of it, according to Plutarch, were as fol-

lows: Ἀ φιλοχρηματία Σπάρταν ὀλεῖ, ἄλλο δὲ οὐδέν. (*Inst. Lacon.*, p. 239.)—*Abstinentia et continentia.* "Refraining from the property of others and from your own." Compare the explanation of Heusinger: "*Ubi licet uti rebus tuis, sed tamen moderate uteris,* continens *es:* abstinens *vero, si non attigeris res alienas, etsi id fieri per te possit impune.*"

§ 9, 10.

Volunt. Supply *esse.*—*Agrariam rem temptant.* "Attempt an agrarian affair," i. e., meddle with questions concerning the public land.—*Possessores.* The holders of the *ager publicus* were called *possessores,* "state-tenants," to distinguish them from the proprietors of private estates. — *Creditas.* "Lent." — *Condonandas.* "Sould be remitted." He refers to laws for the total remission or the reduction of debts, σεισαχθεία or ἀποκοπὴ χρεῶν.—*Ut supra dixi.* Compare chap. xxi., § 8.—*Suæ rei cujusque.* The words are transposed: the proper order is *suæ cujusque rei.*

§ 11, 12, 13.

Atque. "And, what is more."—*In pecuniis creditis.* "In the case of money lent," the repayment of which has been excused to the debtor. — *Non fuisse solvendo.* "Not to have been solvent." The construction of *esse* here with the dative of the gerund is analogous to the expression *auxilio alicui esse.* Compare *Zumpt,* § 664, *Obs.* 1.—*Ille qui accipit injuriam.* The ejected occupant of land, or the creditor who has been deprived of his debt.—*Præ se fert.* "Openly shows."—*Non enim numero,* &c. "For these things are judged of, not by number, but by quality." That is, it is not merely the number of the persons benefited, as compared with that of those injured, which we have to consider, but the superior quality and influence of the latter, and the amount of their ill-will, to which the gratitude of the former will bear but a small proportion.

§ 14.

Quam autem habet æquitatem, &c. Having shown that such engines of popularity as measures for the distribution of the public land and the reduction of debts are (1). Destructive to the state, as subverting justice, &c.; (2). Foolish, as not procuring for the authors of them the popularity which they expected; he now adds that they are unjust and unreasonable, and then proceeds to give some examples of their unhappy consequences.—*Sæculis.* "Generations." As above, xxi., § 16.

CHAPTER XXIII.

§ 1, 2.

Hoc injuriæ genus. That is, the ejection of state-tenants and reduction of debts.—*Lysandrum.* Not Lysander, the celebrated commander, but the contemporary of King Agis, and his accomplice in the establishment and execution of Agrarian laws. Compare *Plut.*, *Vit. Ag.*, p. 798. —*Agin.* The third king of the name, who endeavoured, in conjunction with Lysander, to restore the old Spartan tenure of land, for which attempt he was beheaded B.C. 241.—*Tyranni.* Machanidas and Nabis.—*Exterminarentur.* "Were expatriated," not "exterminated," in our sense of the word. The verb is formed from *ex* and *terminus*, and is equivalent to the Greek ἐξορίζειν.—*Dilaberetur.* "Fell to pieces." There remained, however, the shadow of the Spartan constitution, till it was finally destroyed by the Romans.

§ 3, 4, 5.

Contagionibus. The term *contagio* is properly applied, in Latin, to diseases communicated by the touch; *infectio* to those given by tainted air. The plural here is intended to denote a succession of instances.—*Gracchos.* Tiberius and Caius Gracchus, already often referred to.—*Aratus.* The restorer of the Achæan League, B.C. 280. See his Life by Plutarch. He is not to be confounded with Aratus the astronomical poet, who lived a century earlier.—*Sicyonius.* So called from his native place Sicyon, the chief city of Sicyonia, a small district in the northeast of the Peloponnesus, to the west of Corinthia.—*Argis.* "From Argos." The capital of Argolis, and, next to Sparta, the most important place in the Peloponnesus.—*Nicoclem.* He had reigned only four months.

§ 6, 7, 8.

In bonis et possessionibus. "About the property and the estates." There is no hendiadys here, as Bonnell thinks; but *bonis* refers to personal property, *possessionibus* to landed.—*Possederant.* "Had become possessed of."—*Moveri.* "Should be disturbed."—*Non nimis æquum.* "Not over consistent with justice."—*Illis.* "Those who had become possessed of the property of the exiles."—*His.* Referring to the exiles who had returned with Aratus.—*Remque integram*, &c. "And ordered that things should remain as they were until his return."—*Ptolemæum.* Ptolemy Philadelphus, founder of the famous Alexandrian Library. He was the son of the first

Ptolemy, who succeeded Alexander. —*Alter*. "The second."—*Causamque docuisset*. "And had made him acquainted with the case."

§ 9.

Causas cognovit. "He took cognisance of the cases."—*Perfecitque æstimandis possessionibus*, &c. "And managed, by a valuation of the several estates, to persuade some (of the present incumbents) to prefer receiving a sum of money and resigning their estates; others (of those, namely, who had been ousted) to think it a more convenient plan that there should be paid down to them what was the price than to recover possession of their own." *Quod tanti esset* means their worth or the price assigned as an equivalent for them. Compare the expression *non est tanti*, "it is not worth while."

§ 10, 11.

Ut bis jam vidimus. First in Sulla's, and afterwards in Cæsar's dictatorship.—*Hastam in foro ponere*. Compare chap. viii., § 12.—*Summa ratio et sapientia*, &c. "The highest exercise of intellect and political wisdom on the part of a good citizen, not to separate the interests of his fellow-citizens," i. e., not to make partial differences between.

§ 12, 13.

Habitent gratis in alieno. "Let them dwell free of expense in another's abode." Quoted as Cæsar's edict, at which Cicero expresses his surprise in the exclamation *Quid ita?* The edict in question ordained a remission of house-rent for a certain period to the injury of the landlords. An attempt had been made on two former occasions, by M. Cælius Rufus (B.C., 48), and by Dolabella (B.C. 47), to benefit tenants in the same way, but they failed. We have removed the question after *alieno*, with Unger, as interfering with the spirit of the passage.—*Tuear*. The reference is to keeping in repair. — *Quid est aliud*. "What else is this but?" — *Tabulæ novæ, vero*, &c. "What, in fact, does an abolition of debts mean?" Compare the English expression, "a clean ledger." *Tabula* is the tablet on which they wrote. Hence *tabulæ accepti et expensi*, "accounts of debtor and creditor;" *referre in tabulas*, "to enter in one's accounts."

CHAPTER XXIV.

§ 1, 2.

Quam ob rem, &c. Since the design of making creditors remit their debts is so pernicious, it is one great business of a good ruler to prevent people from running too much into debt, which may be done in several ways. (*Cockman, ad loc.*)—*Non, si fuerit*, &c. We must supply at the beginning of the sentence some general expression like *faciendum*, as implied by the previous *providendum est.* After *fuerit* also supply *æs alienum.* "If a debt shall have been incurred, we are not to make the rich lose their property and debtors gain their neighbours'.—*Fides.* "Credit."—*Necessaria.* "Compulsory."

§ 3, 4, 5.

Nunquam vehementius, &c. Alluding to the movements of Catiline and his accomplices, the number of whom was swelled by the refusal of the Senate to entertain any proposals for Agrarian laws.—*Me consule.* B.C. 63.—*Ne solveretur.* "That there should not be a payment of debts."—*Dissolutum est.* More emphatic than *solutum est.*—*Tum quidem victus.* The allusion is to Julius Cæsar, who was supposed by many to be at least favourable to Catiline's designs, if not an accomplice in them. He is said by Cicero to have been *tum quidem victus*, in allusion to the defeat of the conspiracy; and then again he is called *victor nunc*, because of the observance paid to his laws and regulations after his death.

Cum ejus jam nihil interesset. "Although he had no longer any personal interest in it." For his conquests in Gaul and victory over the aristocratical party had freed him from debts and enriched him. A curious mode, on Cicero's part, of aggravating the charge against Cæsar, namely, that he had nothing to gain by it, as this fact evidently frees him from the imputation of personal motives.—*Tanta in eo*, &c. A very unfair remark. The measure alluded to was equally wise and just, being an equitable adjustment of claims between debtor and creditor, by making a proper allowance for the change which the value of money had undergone during the Civil Wars. Cæsar explains the scheme, *Bell. Civ.*, iii., 1.

§ 6, 7, 8, 9.

Aberunt. "Will keep aloof." — *Vel belli, vel domi.* "Either abroad or at home."—*Factitata.* "Were constantly done." Observe the force of the frequentative.—*Utilitatum.* "About things

useful."—*Antipater Tyrius.* A friend of Cato of Utica, and his instructor in ethics and politics. (*Plutarch, Vit. Cat.*, 4.)—*Faciles.* "Obvious to all."—*Notitia sui corporis.* "By an acquaintance with one's own constitution."—*Observatione, quæ res*, &c. For *observatione earum quæ*, &c.—*Arte eorum*, &c. "By the skill of those to whose profession these things belong."

§ 10, 11.

Turpitudo. "Whatever is disgraceful." He refers to low, vulgar, and sordid pursuits.—*Has res commodissime*, &c. "These matters Xenophon, the disciple of Socrates, has discussed most completely." The treatise on Economy is among the collected works of Xenophon.—*Latinum.* Supply *sermonem.* This work, of which we have only fragments remaining, was probably not so much a close translation as an adaptation of the treatise of Xenophon to the wants and habits of the Romans. It was composed in the year B.C. 80 or 79, and was divided into three books, the arguments of which have been preserved by Servius. The first detailed the duties of the mistress of a household at home; the second, the duties of the master of a household out of doors; the third was upon Agriculture. The most important fragments are contained in the 11th and 12th books of Columella.

CHAPTER XXV.

§ 1, 2, 3.

Utilitatum comparatio. "The comparison of two or more expedient things."—*Externis.* By *externa commoda*, or "outward advantages," are meant the gifts of fortune, riches, &c., as opposed to mental or bodily advantages.—*Cum corporis.* In Latin, the preceding substantive, if it can be conveniently omitted, is left to be supplied, and the pronoun, which would refer to it, is not expressed. (*Zumpt*, § 767.)—*Valere ut malis*, &c. "For instance, that you had rather be healthy than rich."—*Quam maximis*, &c. Supply *esse* after *viribus.* The ablative of quality. (*Zumpt*, § 471.)—*Sic.* Supply *comparari solent.*

§ 4, 5.

Externorum autem. "From among externals, however." Supply *e numero*, on which the genitive depends. The regular and full construction would have been: *Externa autem cum externis ita comparantur.*—*Vectigalia urbana rusticis.* "A city income to a country

one." The income derived from property in the city, such as slave manufactories, &c., was larger and more certain than that from estates in the country, but not considered so honourable.—*Bene pascere.* "Good grazing."—*Satis bene.* "Middling good."—*Male pascere.* "Poor grazing."—*Quid hominem occidere.* Meaning to imply that usurers were on a level with murderers.

§ 7.

Collocanda. "Investing."—*Optimis viris.* Heusinger rightly remarks that this expression is used with a slightly contemptuous tone. Compare *quibusdam bonis viris*, in chap. i., § 3.—*Ad Janum medium sedentibus.* "Accustomed to sit at the middle Janus." He refers to the money-lenders, or bankers. There was a small temple of Janus in the Forum, and by this were three arched passages, called *Jani*, where the usurers, &c., had their shops. Hence the expressions, *Janus summus*, *medius*, *imus*.—*Schola.* The Greek σχόλη is literally "leisure." Then "leisure for learned pursuits," and so "a learned discussion." The Latin *schola*, beginning with this last meaning, afterwards signifies "a place where there is time for learned pursuits" (compare *vacare studiis*), "a school," "a sect of philosophers," equivalent to *disciplina*, *familia*.

BOOK III.

CHAPTER I.

§ 1, 2.

Publium Scipionem. The grandfather of the younger Africanus. —*Appellatus sit.* As these are Cato's words, not Cicero's, the subjunctive is employed. — *Cato.* Cato Major, the Censor, whose name is prefixed to the Dialogue *De Senectute.* He served as quæstor under Scipio in Sicily and Africa.—*Ejus æqualis.* "Of the same age with him."—*Minus otiosum,* &c. "Less at leisure than when he was at leisure." *Otiosus* signifies one who enjoys abundance of *otium;* and *otium* has two meanings, (1). Freedom from public duties; (2). Freedom from occupation generally. *Otiosum* here has the latter sense, *otiosus* the former. — *Cessaret.* "Was idle," i. e., at leisure. Equivalent to *vacaret.* — *Illum acuebant.* "Whetted his energies."

§ 3, 4, 6.

Sed si minus, &c. The idea is, Though I cannot by imitation attain to that inimitable disposition, yet, so far as inclination goes, I come as near to it as is possible.—*Impiis armis vique.* Of Antony. —*Aliquando.* "For a season." For a definite time.—*Interdum.* "At intervals." *Sumebat* implies, took at his own convenience and independently of others.—*Frequentia.* "Crowd," "concourse."

§ 7, 8.

Constitutum est. "Is occasioned."—*Extincto enim senatu.* The Senate's political power and freedom of debate had been destroyed by Antony, the consul this year, who surrounded the senate-house with his armed followers.—*Deletis judiciis.* The law-courts were of necessity closed by the exile of the prætors, Brutus and Cassius. —*In foro.* He means in public trials. — *Qui vixerimus.* "After having lived." The subjunctive is employed to draw a stronger contrast between his former and present position. — *Celebritate.* "Publicity."—*Redundant.* Alluding to the number of Cæsar's veterans, as well as others whom Antony had collected to support his violent measures.

§ 9, 10.

Doctis. Philosophers are meant. — *Ex his ipsis.* Scil. *minimis malis.—Quo debeat is,* &c. "Which one ought, after having formerly procured repose for the state." Observe here the employment of the subjunctive in *peperisset*, as in *vixerimus* above, § 8. Cicero refers to his services in having crushed the conspiracy of Catiline, for which he received the title of *Pater patriæ.—Majorem laudem.* This is an affectation of modesty on the part of Cicero; for, throughout the chapter, he tacitly implies that his retirement was more praiseworthy than that of Scipio, who left behind him no literary records or work of his leisure.

§ 11, 12.

Munus. "Employment."—*Mentis agitatione.* "Through the activity of his mind."— *Quas cogitando consequebatur.* "Which he pursued in thought."—*Cogitatione tacita.* "By silent reflection," i. e., not uttered in the shape of some literary treatise, nor committed to writing.—*Plura brevi tempore,* &c. From B.C. 48 to B.C. 44, the year in which this work was written. During that period Cicero wrote most of his Rhetorical and Philosophical treatises.

CHAPTER II.

§ 1, 2.

Frugifera et fructuosa. "Fertile and profitable." *Fructuosus* implies more than *frugifer*, which means merely "fruit-bearing" or "fertile," whereas the former carries with it the idea of "teeming with fruit."—*Locus.* "Division" or "head."—*Feracior.* Observe that *feracior* corresponds to *frugifera*, and *uberior* to *fructuosa.* — *Hujus memoriæ.* "Of this age," i. e., within our remembrance. Cicero does not compare Cratippus with the old philosophers. Compare ii., 2, 17, where he calls him "very like" (*simillimus*), but not equal to (*par*) the old philosophers. — *Audire atque accipere.* Compare the remark of Zumpt: "*Plus est* accipere *quam* audire. Audiunt *omnes discipuli*, accipiunt *diligentes.*"

§ 4, 5, 6.

Sustines enim, &c. The idea is, You have no light burthen to sustain in the expectation which men form of your imitating my perseverance and industry. — *Grave onus et Athenarum,* &c. "A heavy responsibility from both Athens and Cratippus," i. e., im-

posed by them.—*Ad mercaturam*, &c. "For a purchasing of valuable branches of knowledge." Some translate *mercaturam* by "a mart," but the Latin term for "mart" is, as Zumpt remarks, *mercatus.—Est potius.* Supply *labor* after *est.*

§ 8, 9, 10.

Panætius. Compare i., 3, § 6. — *Tribus generibus.* "Three heads."—*Deinceps.* "In the course of his enquiry."—*Nec id exsolvit.* "And yet did not perform that." *Nec* for *nec tamen.*—*Posidonius.* Compare i., 45, § 2. — *Annis.* Zumpt remarks that *annos* is more usual in this sense.

§ 11, 12, 13, 14.

Prætermissum. "Has been passed over through carelessness."—*Relictum.* This infinitive depends on *aiunt*, to be supplied from *negant.—De quo.* "Now as regards that."—*Adhibendumne fuerit*, &c. "Whether this head ought to have been taken up."—*In extremo libro tertio.* "In the conclusion of his third book."—*Testis locuples.* "A sufficient witness."—*P. Rutilium.* Compare ii., 13, 12.—*In Coa Venere.* "In the case of the Coan Venus." A much better reading than *Cœa Veneris*, which the common text gives, and resting on good MS. authority. Apelles first painted his celebrated picture of Venus rising from the sea (*Venus Anadyomene*), which was placed in the temple of Æseulapius at Cos; and then he undertook to paint another picture of the same goddess, which should surpass the first. He died, however, before this second picture was completed, and no artist could be found to finish it. It is to this second painting that Cicero alludes. Compare *Plin., H. N.*, xxxv., 36.

Et non perfecisset. These words are enclosed in brackets by some editors as a marginal gloss on *prætermisisset.* Zumpt, however, defends them, and thinks that Cicero purposely employed them to show more clearly the existence of an intent on the part of Panætius which was not carried into effect.—*Persecutum, esse.* "Followed out," i. e., completed.

CHAPTER III.

§ 1, 2, 3.

Disputari. The verb *disputare* has two meanings: (1). "To speak at length upon," "discuss," or "examine into," where one person is engaged, as in ii., § 8, "*De officiis accuratissime disputa-*

vit;" (2). "To argue about," where several persons are engaged; in our sense of the word "dispute," as here.—*Ut Stoicis placet.* Consult note on i., 3, § 4.—*Ita . . . . . ut.* "So far . . . . . as that."—*Peripateticis vestris.* "To your and your master's Peripatetics." Observe the employment of *vester*, as referring to both young Cicero and his master Cratippus, who belonged to the Peripatetic sect.—*Collocata.* "Placed together," i. e., to counterbalance it.—*Vix minimi momenti*, &c. "Are scarcely of the slightest weight."—*Contendere.* "Compare," i. e., be put into competition with.—*Socratem.* Compare *De Leg.*, i., 12: "*Rècte Socrates exsecrari eum solebat, qui primus utilitatem a natura sejunxisset. Id enim querebatur caput esse exitiorum omnium.*"

§ 5.

Is esset . . . . qui diceret. "Were the sort of man to say."—*Propterea.* "On this account."—*Efficiens utilitatis.* "A means of procuring something advantageous." Equivalent to *efficeret utilitatem.*—*Qui res expetendas metiuntur.* "Who measure things to be sought after," i. e., who measure the desirableness of objects.—*Indolentia.* "By privation of pain." Corresponding to the Greek ἀναλγησία, and coined by Cicero for the purpose. (Compare *De Fin.*, ii., 4, and *Nonius*, ii., 453.) This was the doctrine of Hieronymus of Rhodes (B.C. 300), who reckoned the highest good to be ἀναλγησία. On the other hand, Aristippus, the founder of the Cyrenaic school, made it to be pleasure.—*Pugnare.* "Clashes with."

§ 6, 7.

Specie quadam utilitatis. "With some show of expediency."—*Compararetur.* "Should be brought into competition with."—*Convenienter naturæ.* "Conformably to nature." Compare the Greek, ὁμολογουμένως τῇ φύσει.—*Sententiam.* "Meaning."—*Cum virtute congruere semper.* So that, according to the Stoics, virtue and perfected nature were one. Compare *De Leg.*, i., 8, 25: "*Est autem virtus nihil aliud, quam in se perfecta et ad summum perducta natura.*"—*Cetera omnia.* "All other things," such as health, strength, mental abilities, riches, honours, prosperity, and, in general, *bona externa*, or *bona corporis.* All these things, which the Stoics considered to be "*secundum naturam*" (κατὰ φύσιν), as their opposites were *contra naturam*, they regarded as indifferent things in comparison with virtue, placing them in the category of neither good nor evil. Compare *Acad. Quæst.*, i., 10.

Ita legere si. "To choose on condition that," or "in so far as." On *legere* Heusinger remarks: "*Quæ* legenda *esse concedebant, ea*

præposita *vel* præcipua (Gr. *προηγμένα*) *dicebant: his contraria* rejectanea." The corresponding Greek term to *legenda* is *ληπτά*.

§ 8, 9, 10.

Putant quidam. The Stoics.—*Comparationem.* Between the *honestum* and *utile.*—*Proprie vereque.* Supply *honestum.*—*Nullo modo.* Supply *esse potest.*—*De quibus disputamus.* "Which we are discussing." Consult note on § 1.—*Media.* Because lying between the things *secundum naturam* and the things *contra naturam.*—*Quæ et ingenii bonitate*, &c. "Which many attain unto both by goodness of natural disposition and by progress in learning," i. e., by progressive improvement.

§ 11, 12.

Rectum. Compare i., 3, 4. — *Omnes numeros habet.* "Is complete." Some take this expression to be a metaphor borrowed from the Palæstra, by an analogy between graceful motions and poetic numbers. Ernesti, however, more correctly, it would seem, takes it to mean simply that which is complete in all its parts, like the Greek *τετράγωνος*, "square," i. e., perfect, with no inequality.—*Cadere in*, &c. "Can belong to any one." Literally, "Can fall in with." So *quadrare*, "to square with," "to agree with."—*Propterea quod vulgus*, &c. Because, to the popular apprehension, there is no distinction between the *media* and *perfecta officia*, the former fully answering their idea of perfection.

§ 13.

Poëmatis. Greek words in *-ma* prefer the termination *is* of the second declension to *ibus* in the dative and ablative plural. (*Zumpt*, § 67.)—*Usu venit.* "Happens," i. e., is a usual occurrence.—*Aliquid probi.* "Some merit."—*Capiat.* "Catches," i. e., arrests the attention of.—*Peritis.* "The experienced."—*Facile.* "Readily."

CHAPTER IV.

§ 1, 2, 3.

Secunda quædam honesta. "A sort of second-rate virtues."—*Indoles virtutis.* "A natural disposition towards virtue." — *Decii.* Consult note on i., 18, 9.—*Scipiones.* The elder and younger Africanus. — *Fabricius.* Consult note on i., 13, 7. — *Aristides.* Surnamed "the Just," the contemporary of Themistocles.—*Ut sapientem volumus intelligi.* That is, really wise, in the sense in which

philosophers would have the word used. — *M. Cato.* M. Porcius Cato, the censor, mentioned in chap. i. — *C. Lælius.* In the *De Amicitia* (ii., 6) Fannius says to Lælius: "*Existimare debes omnium oculos in te esse conjectos unum: te* sapientem *et appellant et existimant.*"—*Sapientes fuerunt.* He means truly wise, in the abstract sense in which philosophers use the word. — *Septem.* The seven wise men of Greece.—*Ex mediorum officiorum frequentia.* "From their constant practice of middle duties."

§ 4, 5, 6.

Quod vere honestum est. "What is right in the strictest sense of the term." Referring to the *rectum, perfectum officium*, spoken of in chapter iii., as distinguished from the *medium officium.* — *Cum utilitatis repugnantia.* "With seeming expediency when it is repugnant to rectitude."—*Quod communiter*, &c. What men in general —that is, philosophers, and also the unlearned—call right. The rectitude here spoken of is identical with the *media officia*, of which he says in chap. iii., "*Ea communia sunt.*"—*In nostram intelligentiam cadit.* "Falls within our comprehension," i. e., is on a level with the comprehension of all men.—*Nobis.* By us as men.—*Teneri.* "Be maintained," i. e., there can be no firm standing, there can be no hold. We have given here the explanation of Grævius, who makes *teneri non potest* to be an expression similar to *sisti non potest* (*Liv.*, iv., 12; *Plaut.*, *Trinum.*, iii., 11, 93). — *Conservatione officiorum.* "On account of their observance of duties."

§ 8, 10, 11.

Hoc ipsum sensisse, &c. "Meant the very thing which he said," i. e., his words are to be taken in their literal sense.—*Quale sit id.* "What is the true nature of that." — *Tempore.* "By particular circumstances." The plural is more common in this sense. Cases of this kind, where circumstances are to be taken into account, were said by the Stoics to happen *κατ' οἰκονομίαν.*

§ 12, 13.

Ponatur aliquid. "Let a particular case be supposed."—*Quod pateat latius.* "Which admits of a wider application," i. e., which may be applied to other similar cases.—*Si qui tyrannum*, &c. As Brutus, who killed Cæsar. *Si qui* for *si quis.*—*Familiarem.* Some of Cæsar's murderers were his intimate friends.

§ 14, 15, 16.

Quod honestum intelligimus. "Which we understand to be right."

—*Formula quædam.* "A certain rule," i. e., a prescribed general rule or criterion, to which particular cases may be referred.—*Rationi disciplinæque.* "To the system and method of instruction." *Ratio* is the Greek μέθοδος, "*via qua artes traduntur vel discuntur; Disciplina* is *artis vel doctrinæ alicujus σύστημα.*" (*Kühner, ad Tusc. Quæst.*, i., 1, 2.)—*Veteribus Academicis.* "The old Academics," i. e., the members of the Old Academy. There were also the Middle and the New Academy. — *Iidem erant.* Because Plato, the founder of the Academic sect, and Aristotle of the Peripatetic, both derived, in great measure, their doctrines from a common source, Socrates.—*Splendidius.* "More nobly."—*Licentiam dat . . . . . ut liceat.* A similar tautology to that in viii., 7: "*Hoc deliberantium genus, qui deliberant.*"

CHAPTER V.

§ 1.

Magis est contra naturam, &c. For nothing being so agreeable to nature as Society, whatever tends to the ruin and dissolution of this must needs be of all things most contrary to nature. Now the very end and design of Society is the mutual help and assistance of each other, without which it is impossible it should ever subsist. Those persons, therefore, who, instead of profiting, injure their fellows, do what directly tends to the ruin of Society, and consequently what of all things is most contrary to nature. (*Cockman, ad loc.*) —*Aut corpori accidere.* Consult note on ii., 25, § 2.

§ 2.

Nam principio, &c. "For, in the first place, it destroys human intercourse and society." The corresponding *deinde* occurs in § 13. —*Si enim sic erimus affecti.* "For if we are to be so disposed." *Affici* in this sense answers to διακεῖσθαι, "to be in such or such a disposition," as διατίθεναι means "to dispose so and so." Observe the future here: in Latin they say *faciam si potero,* not *faciam si possum.* "I will do it if I can."—*Dirumpi necesse est.* So just below *necesse* is followed by the infinitive. The subjunctive, however, with *ut* expressed or understood, is more common, as at the end of the next sentence, *evertatur necesse est.*

§ 3, 4, 5.

Sensum hunc haberet, ut putaret. "Had this feeling, as to think," i. e., were so disposed as to think. Equivalent to *sic animatum esset*

ut putaret.—Quod cuique possit. Supply *detrahere.—Illud.* "The following, however."—*Facultates*, &c. Consult note on i., 3, 7.—*Jure gentium.* On the nature of *Jus gentium* and its practical, not speculative origin, consult Long's Essay on *Edicta Magistratuum*, in his edition of the Verrine Orations, p. 160. Cicero considers the "law of nations" to be the same as the law of nature.—*Legibus populorum.* "By the laws of particular communities," differing in different countries according to circumstances. This is the *jus civile*, "common law of the land," "statute law," in contradistinction to *jus gentium*, "universal law."—*Quibus in singulis civitatibus*, &c. "By which government is supported in individual states." Literally, "is held" or "bound together."

§ 6, 7, 8.

Hoc enim spectant leges. "For this is what the laws regard."—*Damno.* "By pecuniary fine." Compare the Greek ζημίᾳ.—*Atque hoc multo magis*, &c. "And this conclusion natural reason proves much more," i. e., the light of nature.—*Lex divina et humana.* Because, in the view of the Stoics, the world of gods and men was governed by the same laws.—*Nunquam committet ut appetat.* "Will never allow himself to covet."—*Communitas.* "The desire of civil society." Observe that this word is used in two senses: (1). Objectively, "the social union;" (2). Subjectively, "the social virtues," as in i., 45, 1.—*Comparantem.* The accusative refers to the unexpressed subject of the infinitives *contemnere, ducere*, "that a man should." So below, *imitantem* and *abundantem.*

§ 10, 12.

Herculem illum. Observe the emphatic employment of the pronoun, answering to the Greek article, "the well-known," i. e., the often celebrated Hercules. Compare *Xen. Mem.*, ii., 1. — *Fama.* "The report."—*Ut excellas etiam.* "In such a manner, too, as to surpass."—*Efficitur.* "It is clearly shown."

§ 13.

Mortem, paupertatem, &c. Cicero descends from the greater evil to the less, and he does this in order to increase the force of the whole remark.—*Quid cum eo disseras.* "Why are you to argue with him?" i. e., What use is there of arguing with him?—*Hominem.* "All that is human."—*Errat in eo quod putat.* "He is mistaken in thinking." More literally, "He errs in what he thinks."—*Vitiis.* "Than the defects."

CHAPTER VI.

§ 1, 2.

Omnibus propositum. "Placed before their view by all men," i. e., held in view by all.—*Ut eadem sit utilitas*, &c. "That the interest of each separate individual, and that of all collectively, should be the same." This is a conclusion from the foregoing discourse. Since for one man to injure another is so pernicious to human society, it follows that no one should do any thing for his own interest as distinct from that of the whole community. (*Cockman, ad loc.*) —*Consortio.* "Society," "intercourse."—*Quicumque sit.* That is, even though he be a slave, a foreigner, or a barbarian.—*Consultum velit.* Equivalent to *consulere velit.*—*Omnium utilitatem esse communem.* "That the interest of all mankind is a common one," i. e., that we are all interested in each other's welfare.

§ 3, 4, 5.

Continemur omnes. "We are all included under."—*Verum autem primum*, &c. "But the first is true; therefore the last is true."—*Aliam rationem esse*, &c. "That the case is different with regard to," &c.—*Societatem.* "Bond of union."—*Quæ sententia*, &c. "An opinion which tears asunder the whole social tie of a state," i. e., every thing like social intercourse and union in a state.

§ 6, 7, 8.

Rationem habendam. "That regard is to be had to."—*Externorum negant.* For *qui externorum habendam negant.*—*Communem societatem.* "The common union."—*Funditus.* "From the very foundation."—*Constitutam inter homines societatem.* "The social intercourse established among men."—*Quæ vacent injustitia.* "So far forth as they are free from any violation of justice." There is great doubt about the true reading here. We have followed Zumpt, but many editors give *quæ vacent justitia.* The idea intended to be conveyed appears to be the following: To take away any thing from another, which is an act of injustice, is not only a greater evil than any of fortune or of person, but of mind too (i. e., than any other vice), except only those which are offences against justice as well as itself. (*Cockman, ad loc.*)—*Hæc enim virtus.* The reference is to *justitia*, the idea of which is easily implied from the preceding *injustitia.*—*Nonne igitur sapiens abstulerit.* "Will not, then, the wise man be likely to wrest?" Observe the force of the sub-

junctive.—*Homini ad nullam rem utili.* "Some good-for-nothing fellow."

§ 9, 10, 11, 13.

Affectio. "Disposition."—*Phalarim.* Compare ii., 7, 16.—*Ad nullam partem.* Just above it is *ad nullam rem*, "for nothing."—*Quid ejus modi.* Observe that *quid* is for *aliquid.*—*Communis utilitatis derelictio.* "The desertion of the common interest."

§ 14, 16, 17.

Conservat et continet. "Preserves and governs."—*Si occiderit.* "If he shall perish."—*Modo hoc faciat.* That is, provided he transfer to himself the necessaries of life from a worthless person.—*Ita . . . . ut ne*, &c. "In such a way that he do not, through thinking well of himself and loving himself, have this as an excuse for committing injustice," i. e., provided he do not make the love of himself and conceit of his own merits an occasion for injuring others. Observe that *ut ne* is for the simple *ne.*—*Et potius.* For *sed potius.*—*Summa distractio.* "The widest removal from them."—*Exterminandum est.* "Ought to be banished."

§ 18, 19.

Spiritu. In the sense of *vita.*—*In figura hominis.* "Under a human form."—*A communi tanquam*, &c. "From what may be called the common body of humanity," i. e., consisting of all mankind, of which individuals are the members.—*Ex tempore.* "From attendant circumstances."

CHAPTER VII.

§ 1, 2.

Persecuturum fuisse. "Would have pursued."—*Consilium ejus peremisset.* "Had put an end to his design." *Peremisset* in the sense of *sustulisset.* Hence, as Heusinger observes, *peremtorius* is *id quod perimit*, that which "puts an end to" a discussion and brings matters to a conclusion.—*Ad quas ipsas*, &c. Observe that *sunt* is here equivalent to *extant*, or *in promtu sunt.* The meaning is, There are, indeed, precepts sufficiently numerous out of his former books, relating to the above-mentioned doubts and scruples, from which it may be clearly ascertained what is to be avoided on account of its immorality; what, again, is not to be avoided because of its not being at all times and in all cases immoral.

§ 3, 4.

Fastigium. "The finishing hand." *Fastigium* (which here requires to be rendered freely) literally means the pediment, the top or crowning part formed by the two converging sides of the roof at the gable end of a building, &c.—*Prope tamen absoluto.* Observe the employment of *tamen* without any concessive conjunction preceding. (*Zumpt*, § 341, note.)—*Docere.* "To demonsrate."—*Postulare ut*, &c. That is, to make certain postulates.—*Expetendum.* "The Stoic doctrine."—*Sin non licet per Cratippum.* "But if Cratippus does not allow this," i. e., as being a Peripatetic.—*Illud certe dabis.* "This, at all events, you will grant."—*Maxime propter se.* The Peripatetic doctrine, as opposed to the Stoic.—*Utrumvis.* "Either of the two you please," i. e., as sufficient for my purpose. The Academics were tied to no particular set of opinions.—*Tum hoc.* The Peripatetic doctrine.—*Tum illud.* The Stoic, i. e., *sola honesta esse bona.*

§ 5, 6, 7.

Neque enim ei fas erat. For Panætius was a Stoic, and therefore held that Rectitude was not only the highest but the sole good.—*Viderentur.* "Merely seemed." Emphatic. So below.—*Distraxerint.* Compare chap. iii., § 3: "*Itaque accepimus Socratem exsecrari solitum,*" &c.—*Aliquando.* "Upon certain occasions."—*Si quando incidissent.* "If cases ever should occur." Literally, "If ever they should fall in."—*Repugnantiam.* "Inconsistency," i. e., between the *Honestum* and *Utile.*

§ 8, 9.

Marte nostro. "Through our own resources." A proverbial expression, borrowed from waging war without foreign aid.—*Quod quidem mihi probaretur.* "Which could be approved of by me," i. e., of such a nature as to meet with my approval. *Quod* with the subjunctive is here equivalent to *tale ut id.*—*De iis.* For *ex iis.* The meaning of the whole sentence is, "On this part of the subject, since Panætius, no explanation has been given, of a nature at least to give satisfaction to me, out of all the explanations which have come into my hands." This part of the subject, namely, on Rectitude and Expediency, when they seem to clash with one another, Panætius had left out.

CHAPTER VIII.

§ 1.

Cum igitur, &c. "When, therefore, any specious appearance of expediency is presented to you, you are necessarily affected by it." Cicero, having laid his postulate that Rectitude is the only, or, at least, chief good, proceeds to draw some conclusions from it; as, First, that however a thing may carry the appearance of advantage along with it, yet it is to be rejected if it have any dishonesty in it, because it would deprive us of our virtue and honesty, which is our greatest, if not our sole good; and, consequently, however it may bring us riches, pleasures, &c., must be really unprofitable. For it is impossible that there should be any real profit where the loss is honesty. (*Cockman, ad loc.*)—*Tum non utilitas relinquenda est*, &c. The idea is, Then it is not required that you should sacrifice the expediency, but that you should perceive, &c.

§ 2, 3, 4.

Recta, et convenientia, &c. "The upright, and the suitable, and the consistent."—*Honestatem.* "Moral rectitude."—*Zenoni.* Zeno, the founder of the Stoic sect, surnamed *Cittieus*, from Cittium, a town in Cyprus, where he was born. — *Omni pondere gravior.* "Weightier in its entire importance." Zumpt explains *omni pondere* as follows: "*Omni ratione, quocunque utaris pondere.*"—*Quare error hominum*, &c. "Wherefore it is a mistake in dishonest men that, when they have grasped at something which seems useful, they separate it immediately from virtue." Literally, "Wherefore the error of dishonest men, when it has grasped at, &c., separates it," &c. Abstract for concrete.

§ 5, 6, 7.

Falsa testamenta. "Forged wills." — *Peculatus.* "Embezzlement of public moneys."—*Opum nimiarum*, &c. "The intolerable influence of too great power."—*Cupiditates.* "Ambitious desires." —*Emolumenta enim rerum*, &c. "For men view the advantages resulting from things with fallacious judgments; the punishment, &c., they do not see."—*Qui deliberant*, &c. A repetition from the participle *deliberantium*, occasioned by the parenthesis.—*In ipsa enim dubitatione*, &c. "For there is guilt in the very hesitation."—*Ad id non pervenerint.* "They may not have arrived at the execution of it," i. e., may not have carried it out into action.

§ 8.

Celandi et occultandi. Of doing a thing in secret, and of subsequently denying having done it.—*Opinio.* "Idea."—*Incontinenter.* "With a want of self-restraint." The Greek ἀκρατῶς.

CHAPTER IX.

§ 1, 2.

Hinc. "To illustrate this truth."—*Ille Gyges.* "The well-known Gyges," i. e., the well-known story of Gyges. He put to death Candaules, and seized upon the crown of Lydia. Cicero's version of the story is taken from Plato (*Repub.*, ii., p. 359). Herodotus gives a very different account (i., 8, *seqq.*).—*Ut ferunt fabulæ.* Plato has ἃ μυθολογοῦσι.—*Essent.* Mood of quotation.—*Magnitudine inusitata.* Plato: μείζω ἢ κατ' ἄνθρωπον.—*Cum palam ejus anuli*, &c. "Whenever he turned the bezel of his ring towards the palm of his hand." *Pala* is the part of the ring in which the stone is set. The Greek term is σφενδόνη, because the stone rested in it, like the stone in a sling.—*In locum.* "Into its proper place."

§ 3, 4, 5.

Hac opportunitate anuli usus. "Having availed himself of this power opportunely possessed by the ring."—*Obstare.* "Stood in his way."—*Beneficio.* "Through the aid."—*Bonis viris.* The dative, instead of *ab* with the ablative. (*Zumpt*, § 419, note.)—*Minime mali.* That is, *boni homines*, in the sense in which they are spoken of in Book ii., 1, § 3.—*Illi quidem.* Observe that *illi* is again pleonastic. —*Commenticiam.* "Imaginary."—*Quasi vero ille defendat.* "As though, forsooth, he maintains." The particles *quasi vero* are here employed ironically.

§ 6, 7, 8.

Vis. "The true import."—*Sciturus (sit).* "Be going to know." *Sisne facturus.* "Will you be likely to do it?"—*Quamquam potest id quidem.* "Though it is not so impossible neither." Doubt seems expressed here of the Divine Providence, in accordance with the view of the Academics.—*Urgent rustice sane.* "They persevere in their denial of the possibility of it, with right vulgar obstinacy." *Rustice* (the same as the Greek ἀγροίκως) means "awkwardly," "illiterately."

§ 9.

Hoc verbum quid valeat. "What is the force of this word 'possibility?'"—*Sed tamquam tormenta quædam adhibemus.* "But we, as it were, bring certain tortures to bear upon them," i. e., we, as it were, put them to the torture. We apply a sort of test to extract their real sentiments.

CHAPTER X.

§ 1, 2.

Incidunt multæ, &c. "Many cases often occur of a nature to disturb," &c. Observe that *quæ* is here equivalent to *tales ut*, and hence takes the subjunctive.—*Relinquenda sit.* "Is to be sacrificed."—*Utilitatis.* "Of the advantage that will accrue."—*Collatino.* L. Tarquinius Collatinus, the husband of Lucretia, one of the two first consuls, Brutus being the other, afterwards exiled on account of his relationship to the Tarquins. Compare *Liv.*, ii., 2.—*Brutus.* L. Junius Brutus, consul first with Collatinus, afterwards with Valerius Poplicola,—*Imperium abrogabat.* "Abrogated his consular command," i. e., deposed him from his office of consul.—*Poterat videri*, &c. "He might seem to have acted with injustice."—*Principes.* "The leading men in the state."—*Regibus.* "The royal family."

§ 3, 4, 5.

Sine qua, &c. "Without which there could not have been any expediency at all."—*In eo rege.* "In the case of that king," i. e., Romulus.—*Non item.* "Not so." That is, "*Non item valuit utilitas propter honestatem.*"—*Animum pepulit ejus.* "Influenced his mind."—*Omisit.* "Disregarded."—*Neque erat.* "And yet was not so."—*Muri causam.* "The excuse about the wall." The allusion is to the story of Romulus killing his brother Remus for leaping over the newly-built wall of Rome. (*Liv.*, i., 1.)—*Opposuit.* "He opposed (to his accusers)," i. e., alleged in his defence.—*Nec sane idoneam.* "Nor, it must be confessed, sufficient (to serve his purpose)."—*Pace vel Quirini vel Romuli dixerim.* "I would say it with his leave, whether we are to call him Quirinus or Romulus," i. e., a god or a man. *Quirinus* is a term of Sabine origin, and was given to Romulus after being deified. Cicero is speaking ironically.

§ 6, 7.

Quod fiat. "As far as it can be done." *Quod* is equivalent to *quantum.* — *Chrysippus.* One of the heads of the Stoic school, a scholar of Cleanthes, born B.C. 276. He was in great repute for his logic.—*Stadium.* "The foot-race." Literally, "The stadium." This was a Grecian measure of length, containing 125 paces, or 625 Roman feet (600 Greek feet), equal to 606 feet 9 inches English. It was the ordinary measure of the foot-race.—*Supplantare.* "To trip up."—*Manu depellere.* "To push back with his hand."

§ 8, 10, 11.

Perturbantur. "Suffer from disturbing causes."—*Ne si.* "Not even if." — *Ponit enim personam amici.* "For he lays aside the character of a friend."—*Veram.* In the sense of *justam.*—*Ut orandæ litis tempus accommodet.* "That he make the time for pleading his cause a convenient one for his friend." Supply *amico.* The reference is to a particular day, not, as some suppose, to the amount of time to be allowed for pleading the case. This last was regulated generally by the *clepsydra.*

§ 12, 13, 14.

Cum vero jurato, &c. "Inasmuch, however, as a decision is to be pronounced by him under oath." — *Deum se adhibere testem.* "That he calls the Deity to witness."—*Id est . . . . mentem suam.* Heusinger quotes *De Repub.*, viii., 4: "*Mens cujusque, is est quisque; Deum te igitur scito esse.*" Also Plato, *De Leg.*, 10, p. 91: ψύχη . . . νοῦν μὲν προσλαμβάνουσα, ἀεὶ θεόν, θεὸς οὖσα.—*Rogandi judicis.* "Of entreating the judge (to do)." Supply *ut faciat.*—*Si eum teneremus.* "If we would only hold it fast," i. e., adhere to it. *Eum.* Scil. *morem.*—*Salva fide.* "With a safe conscience." —*Non amicitiæ tales*, &c. "Such (intimacies) are not to be considered friendships," &c.

§ 16.

Phintiam. Generally called Pythias. The names Damon and Phintias (Pythias) are coupled together, as those of Theseus and Pirithous, &c., to indicate remarkable instances of great friendship. —*Dionysius.* The elder, ruler of Syracuse.—*Commendandorum suorum.* "Of recommending his family to the protection of others." *Vas factus est*, &c. "The other became bail for his appearance." The singular *vas* is generally used of the person; the plural *vades* of the thing. The verb is *vadari*, "to take bail from," hence "to

summon." *Sistere*, "to appear in court," is a legal term. For *factus est* we should have expected *factus sit* after *ut*, but after the parenthesis the preceding *ut* appears to have been lost sight of.—*Ut.* "So that."

§ 17, 18, 19.

Ad diem. "At the day appointed." More usually, *ipso die.*—*Jaceat utilitatis species*, &c. "Let all appearance of expediency lie neglected," i. e., be disregarded.—*Valeat honestas.* "Let rectitude prevail."—*Religio.* "A scrupulous regard to duty."—*Delectus officii.* "Distinction of duty."

CHAPTER XI.

§ 1, 2.

In re publica. "In state affairs."—*Specie.* "Under the specious pretext."—*Ut in Corinthi*, &c. "As our countrymen did in the demolition of Corinth." We may supply *peccaverunt* after *nostri* from the preceding *peccatur.*—*Durius etiam Athenienses.* Supply *fecerunt.*—*Sciverunt.* "Decreed." From *scisco.*—*Pollices præciderentur.* Compare *Ælian, V. H.*, ii., 9: ἵνα δόρυ μὲν βαστάζειν μὴ δύνωνται, κώπην δὲ ἐλαύνειν δύνωνται, i. e., to pull an oar as slaves.—*Æginetis.* Ægina was an island in the Sinus Saronicus, the modern Gulf of *Engia*, and close to the Piræeus. Hence Pericles said that it must be destroyed because it was λήμη τοῦ Πειραιῶς, "an eye-sore to the Piræeus." Its inhabitants were ultimately reduced to slavery by the Athenians, and the island portioned out into κληρουχίαι.—*Nimis imminebat Piræeo.* "Occupied too threatening a position for the Piræeus."

§ 3.

Male etiam. Supply *faciunt.*—*Urbibus uti.* "To make use of their cities," i. e., to settle in them, and carry on business there as in a fixed home. The practice of ξενηλασία, or "alien-acts," was generally condemned among the ancients. The Spartans were very exclusive in this respect. See *Thucyd.*, i., 144, and consult Arnold's note upon the passage. Compare also *Liv.*, xli., 24, where the decree of the Achæans excluding the Macedonians is called "*execrabilis desertio juris humani.*"—*Prohibent.* The more usual construction of verbs like *prohibeo* is with *quin* or *quominus*, followed by the subjunctive.—*Eosque exterminant.* "And drive them beyond their borders."—*Pennus.* M. Julius Pennus, tribune of the com-

mons B.C. 126. Respecting the laws of Pennus and Papius, consult *Dict. Ant., s. v. Lex Junia de Peregrinis.—Papius nuper.* That is, twenty years previously. He was tribune B.C. 65, two years before Cicero's consulship.

§ 4, 5.

Nam esse pro cive, &c. "For it is right that it should not be allowed one to be in the position of a citizen who is not actually a citizen," i. e., to allow him to have the *jus civitatis* and *suffragii*, to be eligible to office, and to inherit property—privileges denied to a *peregrinus.* At Athens a foreigner (ξένος) who fraudulently assumed the rights of a citizen was liable to a ξενίας γραφή, and, if convicted, sold into slavery. — *Quam legem.* "The law about which." Attraction for *de qua re legem.—Crassus et Scævola.* They had the law passed conjointly. They were colleagues in every office except the consulship. The law in question was entitled the *Lex Licinia Mucia de civibus regundis* (probably *redigundis*), and was passed B.C. 95. Its enactment was the cause of great grievances to the Italian allies, and partly led to the Social war, which broke out three years afterwards.—*Illa præclara.* Supply *sunt.*

§ 6, 7.

Cum sæpe. For *cum sæpe alias.—Quæ.* "When she."—*Majores animos habuit.* "Exhibited greater spirit." After the battle of Cannæ the consul Varro received the thanks of the Senate for not having despaired of his country. Later in the war, when Hannibal came nearly to the gates of Rome, the ground on which he pitched his camp was sold at auction for its full value. — *Significatio.* "Symptom." Not so strong a word as *declaratio.*

§ 8, 9.

Athenienses. In the second Persian invasion, B.C. 480.—*Sustinere.* "To bear up against."—*Statuerentque ut.* This is an unusual construction, *statuo* being generally followed by the infinitive.—*Trœzene.* An ancient city of Argolis, situate on the coast of the Sinus Saronicus opposite to Athens. Theseus was born here.—*Cyrsilum.* He is referred to in Demosthenes *de Corona*, p. 296. In the first Persian war, under Darius, B.C. 490, Lycidas met with the same fate. (*Herod.*, ix., 5.)—*Nulla erat.* "Was a mere nullity," i. e., had no real existence.

§ 10, 11.

Victoriam. The victory at Salamis.—*In contione.* "In the pub-

lic assembly." That is, in the ἐκκλησία.—*Opus non esse.* "That it was inexpedient."—*Communicaret.* Supply *consilium suum.*—*Quæ subducta esset ad Gytheum.* "Which had been drawn upon shore at Gytheum." The vessels of the ancients, after the completion of a voyage, were usually drawn ashore and propped up. Gytheum was the harbour of Sparta, from which it was 240 stadia distant, and was situate near the head of the Sinus Laconicus. It was originally an old Achæan town.

§ 12, 13.

Magna expectatione. "Amid great expectation (on the part of all)."—*Auctore Aristide.* "At the advice of Aristides."—*Immunes.* "Free to do just as they like." *Immunis* literally means "free from some duty" or "burthen," as, for instance, from taxes. The allusion here is to the Cilician pirates, who had been put down by Pompey, but who had again increased in number during the civil wars. Antony is said to have even made an alliance with some of them to carry on the war with Brutus and Cassius.—*Vectigales.* For instance, the inhabitants of Massilia (alluded to in ii., 8, § 9); King Deiotarus, and others who had supported Pompey, and were made, in consequence, by Cæsar's party, to contribute to the Roman *vectigalia.*

CHAPTER XII.

§ 1, 2.

Maneat ergo. "Let it, then, remain a settled point."—*Hoc enim ipsum,* &c. "For the very fact of thinking." *Hoc ipsum* is in apposition with *putare.* Literally, "This very thing, namely, to think," &c.—*Ut.* For *tales ut.*

§ 3.

Alexandrea. This celebrated port was the great grain outlet for the Nile valley.—*Magnum numerum.* "A great quantity." *Numerus* is said of things measured as well as counted. Some supply here *modiorum,* without any necessity.—*In inopia.* "Amid a dearth." The case here mentioned is discussed by Grotius (ii., 12, 9), who decides differently from Cicero, and in favour of Diogenes. Consult also *Whewell, Elem. Mor.,* art. 716.—*Solvisse.* "Had set sail." For a literal translation supply *navem,* the reference being properly to the loosening of the cable from the strand.

§ 4.

Fingimus. "We are imagining the case of."—*Sed dubitet an turpe non sit.* "But is in doubt whether it be dishonourable," i. e., is inclined to believe that it is not dishonourable. *An* with *dubito* denotes uncertainty, but with an inclination in favour of the affirmative. So that *dubitet an* is almost equivalent to *putet*, and the whole clause would approximate to *putet non esse turpe.* Consult *Zumpt*, § 354.

§ 5.

Diogeni. A Stoic philosopher, scholar of Chrysippus, and præceptor of Panætius. He was a native of Seleucia in Babylonia. Diogenes was sent by the Athenians on an embassy to Rome with Carneades and Critolaus. (*Cic. de Orat.*, ii., 37.)—*Antipatro.* Antipater of Tarsus, prior in age to Antipater of Tyre, mentioned in ii., 24, § 8.—*Omnia patefacienda.* Supply *videntur.*—*Quatenus jure civili*, &c. "As far as it has been appointed by the common law of the land." *Jure civili* may be compared with *legibus populorum*, in chap. v., § 5.—*Quam optime.* "To the best advantage."

§ 6, 7.

Advexi. The merchant is supposed to be speaking.—*Cum major est copia.* "Since I have a larger supply than they," and therefore can afford to put it at a lower price, so as not to be extortionate. The full expression would be *cum major est copia frumenti mei quam ceterorum.*—*Ratio.* "The argument."—*Et ea habeas principia naturæ*, &c. That is, such innate, natural principles, as it is your duty to obey. *Ea quibus* is equivalent to *talia ut iis.* Hence the subjunctive. *Principia* is the Greek ἀρχαί.—*Adsit.* "May be at hand."

§ 8, 9, 10.

Aliud est celare, &c. "It is one thing to conceal, another not to tell." He makes a distinction between positive concealment of a fact when questions are asked, and keeping silence on a matter on which no questions are asked.—*Si tibi non dico*, &c. An evident fallacy, and mere sophism.—*Vilitas.* "The cheapness."—*Ut nihil suum cujusquam sit.* "That each one is to have nothing of his own."

CHAPTER XIII.

§ 1, 2.

Sed ita expedire ut, &c. "But that it is profitable in so far as it is not base."—*Ea re.* For *eam ob rem.*—*Vendat vir bonus.* "Suppose a good man to sell." Equivalent to *fac bonum virum vendere.* So also *sint, habeantur, ignoretur, sint*, and *sciat*, which follow.—*Pestilentes.* "Unhealthy."—*Apparere.* "Are to be seen."—*Male materiatæ.* "Built of bad materials."—*Ruinosæ.* "In a tumble-down condition," i. e., ready to fall.—*Dominum.* "The owner."

§ 4, 5, 6.

Ille vero. "Indeed he would." Supply *improbe fecerit*, and consult *Zumpt*, § 716.—*Sanctum est.* "Was forbidden." *Sancire* is "to enact," with the addition of a penalty in case of disobedience. Hence "to prohibit" or "forbid" under a penalty.—*Ruere.* "To be over-hasty" in making the bargain.—*Fraudem.* "Harm."—*Nam est scientem*, &c. "For this is knowingly to lead another into error."—*Proscripsit.* "Advertised for sale." *Proscribere* is "to write down the name of a person or thing on a tablet and placard it."

§ 7, 8, 9, 10.

Villam bonam, &c. The words of the advertisement. Supply *vendo.* "I offer for sale."—*Ædificata ratione.* "Well built." *Ratione* is equivalent here to *sic ut vera ratio postulat.*—*Judicium emptoris.* "An exercise of judgment on the part of the buyer," i. e., where the buyer can exercise his own judgment.—*Dictum non omne*, &c. "Every thing said (in praise of an article for sale) is not to be made good." So *præstare fidem*, "to make good (i. e., keep) one's word."—*Quæ dijudicanda sunt.* "These cases must be decided by us," i. e., I must now decide these cases.—*Non enim ut*, &c. "For we stated these cases, not merely to raise an enquiry about them, but to give their solution."

§ 11, 12.

Neque enim id est celare, &c. The idea is this: For this does not constitute concealment, namely, reticence with respect to any matter, whatever it is, but concealment consists in hiding something you know from others, for the sake of your own advantage, when it is for their interest to know it. Grotius (ii., 12, 9) decides that Cicero's rule holds good with regard only to points which affect the

thing itself, as if a house which is to be sold is unhealthy.—*Simplicis.* "Candid."—*Ingenui.* "Frank."

Versuti. "Of one who twists and turns."—*Obscuri.* "Of one who is dark and mysterious."—*Malitiosi.* "Ill designing."—*Veteratoris.* "A veteran in roguery."—*Vafri.* "A sly one."

CHAPTER XIV.

§ 1, 2, 3.

Orationis vanitatem. "Untruth in language," i. e., positive falsehood.—*Nec infacetus.* "Not without humour."—*Satis litteratus.* "Tolerably versed in literature."—*Hortulos.* "Pleasure-grounds."—*Interpellatoribus.* "Intruders."—*Qui argentariam faceret.* Supply *rem.* "Who carried on a banking business." The subjunctive here, according to Unger, shows the reason why one would expect in his case some sharp practice as to money matters.

§ 4, 5, 6, 7.

Qui esset. "Since he was."—*Argentarius.* The corresponding Greek term is τραπεζίτης.—*Gratiosus.* "A man of much influence."—*Tempore.* "At the appointed time."—*Hoc loco est.* "Are taken in this place."—*Aquatio.* "A spot to get good water from."—*Carere.* "Be without." *Carere* denotes privation merely, whether voluntary or not; *egere* implies actual want.—*Contendit.* "Earnestly begged."—*Gravate ille primo.* "The other at first was reluctant to sell." Supply *vendebat.*—*Instructos.* "Ready furnished." Supply *hortulos.* The reference, in fact, is to a villa with all its appurtenances complete, both within doors and without.

§ 8, 9.

Nomina facit. "Pythius makes an entry of the debt." The reference is to Pythius, not, as some think, to Canius. *Nomen* is often used to signify "a head" or "entry" in a ledger; hence *nomina facere,* "to make such entries," as Creditor. The Debtor was said *nomina locare.* So a man is said to have money *in nominibus* when it is owed to him, and *exigere nomina* when he calls in his debts; and a debtor is said *nomina dissolvere,* or *expedire,* when he pays them off.—*Scalmum nullum.* "Not a vestige of a boat." *Scalmus* is properly the peg to which the oar is fastened, or what is termed the *thowl.* The oar was attached to it by means of a thong, to keep it firm and steady in rowing.—*Quod sciam.* "That I know

of."—*Stomachari.* Historical infinitive, to impart more animation to the narrative.—*Quid faceret.* "What was he to do?"

Aquillius. C. Aquillius Gallus, one of the most distinguished of the early Roman jurists, disciple of Q. Mucius Scævola, and Cicero's colleague in the prætorship, B.C. 66. He greatly signalised himself by legal reforms. —*Nondum protulerat,* &c. "Had not yet brought forward his forms of action in the case of fraud." *Dolus malus* is the legal expression for "fraud," and has special reference to the evil design with which an act is accomplished to the injury of another. Hence the addition of the epithet *malus.* Compare the remark of Festus, *s. v.:* "Doli *vocabulum nunc tantum in malis utimur; apud antiquos etiam in bonis rebus utebatur. Unde adhuc dicimus* sine dolo malo, *nimirum quia solebat dici et* bonus."—*Formulas.* General forms of legal action, to which particular cases of law are referred. At Rome no action at law could be instituted unless some legal form had been provided. Hence the expression *formula excidere,* "to lose an action," used by Suetonius. (*Vit. Claud.*, 14.)

§ 10, 11.

In quibus ipsis. Scil. *formulis proferendis.—Luculente.* "Clearly," i. e., to the point.—*Perito definiendi.* As being a *jurisconsultus,* and trained in the logic of the Stoic school.—*Malitiosi.* Supply *sunt.*

CHAPTER XV.

§ 1, 2.

Definitio. Of *dolus malus.—Legibus.* By both the Laws of the Twelve Tables, and other statutes before the time of Aquillius.—*Tutela.* "Guardianship," i. e., breach of guardianship.—*Circumscriptio adolescentium.* "The defrauding of minors."—*Lege Plœtoria.* Called also *Lœtoria,* passed B.C. 260, for the purpose of preventing fraud against young men under twenty-five years of age. —*Et sine lege judiciis.* "And by legal decisions without any positive enactment." That is, edicts of the prætor, decisions in equity, called *bonæ fidei.* They constituted the *æquum,* or *jus honorarium,* as opposed to the *jus civile,* and corresponded to our "equity law."—*Ex fide bona.* "According to good faith." We may supply *agitur.* Heusinger compares Cicero, *Top.*, 17: "*In omnibus igitur iis judiciis, in quibus* ex fide bona *est additum.*" The *judicia bonæ fidei* concerned cases of wardship, partnership, buying and selling, letting and hiring, trusts, &c., i. e., *tutela, societas, emptio, venditio, locatio, conductio, fiduciæ.* (*Long's Cic.*, i., p. 47.)

§ 3.

Reliquorum autem judiciorum, &c. "In the case of other decisions, moreover, the following forms of expression are especially noteworthy."—*In arbitrio rei uxoriæ*, &c. "In an arbitration about a wife's property (the expression) the Fairer the Better." *Res uxoria* is "a wife's fortune," which at marriage became the property of the husband, but which had to be returned in case of divorce, if occasioned by the husband's misconduct; but if by her own, it was forfeited by her. This kind of question was decided by arbiters, and not by *judices*, according to a form given by the prætor, "*Melius* (*est quidquid*) *æquius* (*est*)." These words were used in all cases of arbitration. In trials before *judices* the demand was for a certain sum or definite amount, but in an arbitration the amount was not determined. In the former case the plaintiff obtained all that he claimed, or nothing; but in an arbitration the amount was left to be determined by what was fair and equitable. Hence, in trials before the prætor and *judices*, the party that claimed too much was nonsuited, but in cases of arbitration the sum demanded always exceeded the sum given. (*Dict. Ant.*, *s. v. Judex.*)

In fiducia, &c. "In a case of trust (the expression), as ought to be done between honest men." *Agier* is the older form of *agi*. Supply *oportet*. If a man transferred his property to another on condition that it should be restored to him, this contract was called *Fiducia*. A man might transfer his property to another for the sake of greater security in time of danger, or as a pledge (*pignus*), or for any other sufficient reason. The trustee was bound to discharge his trust by restoring the thing; if he did not he was liable to an action, and if condemned in this the consequence was *infamia*. (*Dict. Ant.*, *s. v. Fiducia.*)

§ 4, 5, 6.

Quod melius æquius. "Which the fairer it is decided the better." Supply *agitur*.—*Malitiose*. "With evil intent."—*Rebus contrahendis*. "Contracts."—*Omne mendacium*. "Every kind of falsehood." —*Inlicitatorem*. "A sham-*purchaser*." A person put up to bid against others and enhance the price of articles at a sale by auction. —*Qui contra se liceatur*. We have retained here the ordinary reading, which is well explained by Holden and Unger. The words of the text are used of the first bidder bidding *nominally* against his friend, with so small an offer that the real purchaser gets off with a cheaper bargain by depreciating the article in the eyes of the seller. Many editors, however, pronounce this reading devoid of sense, and

some suggest *contra a se liceatur*, making *a se* mean "to his own interest." Zumpt, on the authority of the *Codex Bernensis*, has introduced the word *reliceatur*, which is not found elsewhere. According to Zumpt, *qui contra reliceatur* will mean "a person to bid back" under the value, and so beat down lower the article which the purchaser wishes to procure.

Uterque, si ad eloquendum venerit, &c. "Each of the two, if he shall have come to declare (a price), should not name (a price) more than once," i. e., the price they (the seller and purchaser) ask and are willing to give respectively.

§ 7, 8, 9.

Q. Scævola. Quintus Mucius Scævola. Compare i., 32, § 4.—*Semel indicaretur.* "Should have the price stated once for all." The seller *pretium rei indicat*, the buyer *licetur.*—*Ita.* "Accordingly."—*Addidit centum milia.* "He added (to the price so stated) 100,000 sesterces." Supply *sestertiorum.* Scævola gave him over and above what he asked a sum that would amount in our currency to $3,900.—*Ut si.* "Just as if." Same as *veluti si.*—*Hæc igitur est illa pernicies*, &c. "This, then, is that pernicious doctrine, that men think," &c., i. e., which leads men to think.—*Ennius.* The original line is in his Medea, and is a Trochaic tetrameter catalectic, running as follows: "*Qui ipse sibi sapiens prodesse non quit, nequicquam sapit.*" The corresponding Greek line is quoted also in *Ep. ad Fam.*, xiii., 15, and is supposed to be taken from the second edition of the Medea of Euripides, since it is not found in the play which is extant: Μισῶ σοφιστήν, ὅστις οὐχ αὑτῷ σόφος.—*Si mihi cum Ennio*, &c. "If it were agreed upon between me and Ennius," what the expression *prodesse* meant.

§ 10, 11.

Hecatonem. All we know of this philosopher is contained in this passage. Of his somewhat voluminous writings nothing now remains. He is frequently mentioned by Seneca in his treatise *De Beneficiis.* — *Tuberoni.* Quintus Ælius Tubero, grandson to L. Æmilius Paullus, and nephew to the younger Africanus. By his attachment to the Stoic philosophy he lost the prætorship. Compare *Pro Murœn.*, xxxv., § 75. — *Habere rationem rei familiaris.* "To have regard to the improving of his private property."—*Volumus.* In stating the opinion of Hecato, Cicero changes here from the oblique to the direct mode of speaking.

§ 12, 13.

Huic. Referring to Hecato.—*Factum.* "The conduct."—*Etenim omnino tantum.* "For he professes that he will not do for the sake of his own gain, only so much as may be not lawful," i. e., he will do every thing not positively forbidden by law or custom.—*Sed sive simulatio*, &c. The connexion between this and the following sentence, as regards meaning, is not so obvious. Heusinger gives it thus: "*Si quis fatetur, se compendii sui causa facturum, quicquid per mores, leges, atque instituta civitatis liceat; tantum abest, ut ei magna laus aut gratia tribuenda sit; ut in omnium ejusmodi hominum dictis factisque dolus malus versetur, nec ipsi virorum bonorum nomina tueri possint. Hoc quia turpe est, utile esse non potest.*"

CHAPTER XVI.

§ 1.

Ac de jure prædiorum, &c. "Now concerning the rights appertaining to estates, it has been enacted," &c.—*Vitia.* "Defects," "blemishes."—*Ex duodecim tabulis.* "According to the Twelve Tables."—*Præstari.* "To be made good." A man is said *præstare vitia* when he is responsible for them, when he remedies them by securing the buyer from loss. — *Quæ essent lingua nuncupata.* "Which were mentioned by word of mouth," i. e., were expressly mentioned. The language of the Tables, as quoted by Festus (*s. v. Nuncupata*), was as follows: "*Quum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus esto.*"—*Quæ qui infitiatus esset.* "And he who did not own these (defects)," i. e., when asked by the purchaser.—*Dupli pœnam.* "A penalty of double the value."

A jure consultis. "By the lawyers," i. e., persons learned in the law. For although the Twelve Tables were the foundation of Roman jurisprudence, yet the learned, by their interpretations, inferences, by their formulæ applied to particular cases, &c., added a great many new things to them, which passed for rules in deciding as well as the Tables themselves. (*Cockman, ad loc.*)—*Reticentiæ.* "Reticence," i. e., the saying nothing about defects, the holding one's tongue in relation to them, no questions having been asked by the purchaser.

§ 3, 4.

Nominatim. "Expressly."—*In arce.* "On the Capitoline hill." Supply *Capitolina.* The Capitol was used as a place of observation

by the augurs.—*Augurium acturi essent.* "Were going to take an augury." — *Demoliri ea*, &c. "To pull down those parts of the building, the height of which might obstruct the auspices," i. e., the augur's observations.—*Proscripsit insulam.* "Advertised for sale his tenement-house." *Insula* originally meant a house not joined to the neighbouring houses by a common wall, but detached and standing apart. These buildings were generally let out to several families, story by story, like our modern tenement-houses, and of course were of considerable height, like the one which on the present occasion obstructed by its height the view of the augurs.

§ 5.

Illud idem denuntiatum est. "That same notice was given," i. e., which had been given to Centumalus, namely, to pull down.—*Arbitrum illum adegit.* "Compelled him to go before an arbitrator," or, to adopt a more modern phraseology, brought the matter into a court of equity. The *arbiter* decided differences upon the principles of equity. Observe that *arbitrum adegit* is for *egit ad arbitrum.*—*Quidquid sibi dare*, &c. "(Under the formula that the other should give and should do) whatever he ought to give and to do to him according to good faith." The full form of expression will require us to supply *id ut daret faceret*, and we must also supply *et* between *dare* and *facere* and *daret* and *faceret.* In making a bargain, the purchaser asked "*Promittisne quidquid te dare facere oportet?*" The other replied "*Promitto.*"

§ 6, 7.

Sententiam dixit. "Pronounced a decision," i. e., as *arbiter.* A little farther on the *arbiter* is negligently called *judex.*—*Catonis.* Cato of Utica.—*Eam rem.* "That matter."—*Pronuntiasset.* Same as *nuncupasset.* — *Notum esse emptori vitium.* "That any defect should be made known to a purchaser."

§ 8, 9.

Frumentarius. See above, chap. xii. — *Venditor.* See above, chap. xiii. — *Sed hujusmodi reticentiæ*, &c. "Cases of reticence, however, of this kind cannot all be embraced in the law of the land." — *Diligenter tenentur.* "Are carefully laid hold of," i. e., checked and punished.—*Gratidianus.* Son of one M. Gratidius of Arpinum (*Brut.*, c. 45), whose sister was married to Cicero's grandfather (*De Leg.*, iii., 16), and hence he calls him *propinquus*, "kinsman." He was adopted by M. Marius, a brother of the celebrated general of that name.—*Oratæ.* C. Sergius Silus is meant, who was

prætor B.C. 67. The name *Orata* (same as *Aurata*) was given him because of his fondness for gold fish. (*Macrob. Sat.*, iii., 15, 3.) Heusinger observes that the vulgar pronunciation of *aurum*, *auricilla*, &c., was *orum*, *oricilla*.

Eæ serviebant. "This house was under a servitude," i. e., a liability or service. A house or estate was said *servire*, on which there was a claim on the part of a neighbour, as, for instance, to insert a beam in the wall, to prevent any thing being built which would obstruct his light, to run a water-course through the estate, to have a right of way, &c. Consult *Smith, Dict. Ant., s. v. Servitus.* — *In mancipio.* "On the sale," i. e., in the transfer of the property. *Mancipium* is properly the "purchasing" of a thing with all the formalities of a legal sale; and then it is taken to denote a thing which in this manner becomes the absolute property of another.

§ 10, 11.

Crassus. Compare i., 30, § 9.—*Antonius.* Compare ii., 14, 8. *Jus.* "The letter of the law," i. e., the "law" as opposed to "equity."—*Quod vitii.* "Whatever defect."—*Sciens.* "Though aware of it."—*Æquitatem.* "The equity of the case." Equity is defined by Aristotle to be the supplying of that wherein the law is deficient, owing to its generality.—*Qui vendidisset.* "Since he had (formerly) sold." Observe the force of *qui* with the subjunctive.—*Qui id quod emerat*, &c. "Since he knew under what liability was that which he had purchased." — *Quorsus hæc?* Supply *dico.* "What is the drift of my remarks?"—*Non placuisse*, &c. That is, that our ancestors did not like sharp practitioners.

CHAPTER XVII.

§ 1, 2.

Tollunt. "Do away with."—*Quatenus manu tenere possunt.* "So far as they can actually lay hold of them," i. e., actual offences. But moral philosophy investigates the motives also and intentions, not merely the actions themselves, and by informing the judgment and improving the reason can prevent their commission.—*Suntne igitur insidiæ.* "Is it not, then, an ensnaring?" For *Nonne igitur sunt insidiæ?*—*Excitaturus.* Scil. *feras.* *Excitare feras* is "to start animals from their lair;" *agitare*, "to hunt them."—*Tu proscribas.* "Are you to advertise?" Similarly, *ponas, vendas, incurrat.*—*Tabulam.* "A bill."—*In eam.* Observe that though *eam* refers gram-

matically to *domum*, yet the writer, by the employment of *incurrat*, shows clearly that the mental reference is to the net.

§ 3, 4.

Depravationem consuetudinis. "The corruption of manners."—*More.* "In morals."—*Lege.* "By positive statute."—*Jure civili.* "The law of the land." The *jus civile*, i. e., *jus inter cives ejusdem civitatis*, is opposed to the *jus gentium*, "the law of nations," identical here with the *lex naturæ.*—*Sancitum est.* "It is forbidden."—*Societas est enim*, &c. "For there is a social tie, &c., of such a nature as to extend," &c. Observe that *quæ* with the subjunctive has here the force of *talis ut ea.* The idea is, For there is such a thing as a natural society between man and man of a very wide scope.—*Interior eorum.* "A closer one between those."—*Propior.* "A nearer still."

§ 5.

Quod civile, &c. "Whatever is civil law ought not also necessarily to be the law of nations," i. e., it does not follow as a necessary consequence that it is. Because the civil law may add, though it can add nothing contrary to that fundamental law of nations, which is of universal applicability, and is independent of and superior to the law of any particular country.—*Quod autem gentium*, &c. Because that of nations is still in force and obliges, notwithstanding what the civil law may have added to it. The building upon a foundation does not take away the foundation itself. (*Cockman, ad loc.*)

§ 6.

Sed nos veri juris, &c. "We, however, possess no real and lifelike figure of the true Law and of genuine Justice. We make use merely of delineations and sketches. I wish we could follow even these (such as they are), for they are derived from the excellent copies that were drawn by Nature and Truth." The same metaphor, taken partly from sculpture, partly from painting, is employed in *Tusc. Quæst.*, iii., 2, § 3. By *effigies* is here meant "the moulded form;" by *solidus*, what is "substantial," "tangible;" by *expressus*, "that which is sharply delineated" or "clearly imaged on the canvas," so as to represent the original perfectly; and by *adumbrata imago*, the "imperfect outline" of the future statue, answering to the Greek σκιαγράφημα.—*Exemplis.* Original patterns, models, corresponding to Plato's εἴδη or ἀρχέτυπα, "ideas," "archetypal forms," in the mind of the Creator, the prototypes from which ev-

ery thing in the universe is modelled. *Exemplum*, however, generally means "a copy," opposed to the original.

§ 7, 8.

Quanti. "Of how much value (are)," i. e., how admirable are. —*Uti ne propter te*, &c. "That I be not cozened or defrauded by trusting to you or your honour." A form used in contracts. *Fidem tuam* is "trust in you." *Siem.* Old form for *sim.*—*Inter bonos*, &c. The formula of law in cases of trust.—*Scævola.* Compare chap. xv., § 7. — *Summam vim esse*, &c. "That there was very great force in all those cases of arbitration, in which," &c.—*Idque versari*, &c. "And that this expression was employed in cases of wardship, partnerships, trusts, commissions," &c. — *Quibus vitæ societas contineretur.* "By which the intercourse of life was held together," i. e., was supported. Observe the force of the subjunctive, "Was, as he said, held together."—*Magni judicis.* "Of a high-minded judge."—*Judicia contraria.* "Cross claims to be decided." The allusion is to suits in which there is a certain claim on both parties, and the defendant may put in a counter plea that the plaintiff has not fulfilled his part of the obligation, as we say, "a plea in bar."

§ 9, 10, 11.

Astutiæ. "Practices of chicanery." — *Malitia.* "Sharp practice." He means any legal trick by which the ends of justice were frustrated, though the letter of the law remained inviolate.—*Illa quidem.* The pronoun again superfluous.—*Est locata.* "Has its proper place."—*Ponit ante.* Anastrophe, for *anteponit.*—*Ductum a natura.* Compare notes on § 3.—*Vindicat.* "Punishes."—*Mancipiorum.* "Of slaves."—*Excluditur.* "Is prevented," i. e., disallowed.

§ 12, 13.

De sanitate, &c. "Of the physical condition (of the slaves), of their inclination to run away, of their propensity to acts of theft."—*Præstat edicto ædilium.* "Is accountable by the edict of the ædiles." Literally, "Makes reparation." Compare *Aul. Gell., N. A.*, iv., 2, where the form of the edict is given. — *Heredum alia causa est.* "With heirs the case is different." Heirs, upon succeeding to an estate, were not obliged to declare the faults of their slaves, not being presumed to be acquainted with their dispositions. — *Juris.* "Of law in general." — *Neminem id agere*, &c. "That no one should make it his business to prey upon the ignorance of another."

§ 14.

Intelligentiæ. Same as *prudentiæ.* Having shown by a number of instances that no action can be expedient which is contrary to strict justice, he now proceeds to those actions which are done under pretence of wisdom and prudence, but indeed are quite contrary to it, and shows these also to be unprofitable. — *Quotus quisque.* "How few." How small a part of a multitude is each.—*Impunitate et ignoratione*, &c. "If impunity and an ignorance of it on the part of all were offered to him," i. e., impunity and the power to hide it from every one.

CHAPTER XVIII.

§ 1, 2.

Periclitemur, si placet, &c. "Let us make trial, if you please (of the truth of our observations), in those (cases put as) examples."—*Testamentariis.* "Forgers of wills."—*Fatigandi.* "To be brought under," i. e., checked and punished. An elegant use of the word.

§ 4, 5.

Obtinerent. "They might hold the property as their own." The strict and true force of *obtinere.* So *obtinere urbem*, "to keep possession of a town."—*M. Crassum.* The triumvir. — *Hortensium.* The celebrated orator. Cicero's rival.—*Ejusdem ætatis.* At the time this was written they were dead.—*Cum suspicarentur.* "Although they suspected."—*Alieni facinoris munusculum.* "The paltry present procured by another's guilt."—*Satin' est hoc, ut*, &c. *Hoc* refers to the fact of their not having had any share in forging the will.—*Alterum non odi mortuum.* He refers to Crassus.

§ 6.

M. Satrium. After his adoption he was called L. Minucius Basilus Satrianus. He was one of Cæsar's lieutenants in his Gallic campaigns (*B. G.*, vi., 29), and subsequently one of his devoted adherents, and, in consequence, obtained the prætorship of the Picene and Sabine districts.—*O turpem notam*, &c. "Oh! disgraceful stigma on those times." In allusion to the state of the provinces at the time, when they were obliged to take as protectors such men as Antony, Basilus, and others of Cæsar's party. Compare *Phil.*, ii., 41. — *Principes cives rem habere.* "That citizens of the first rank

should have the property." The common reading is *civis* in the genitive, depending on *rem*.

§ 7, 8, 11.

Defendit. In the sense of warding off or resisting.—*Neque propulsat.* "Nor repels it from another."—*Primo libro.* Chapter vii., § 7, *seqq.*—*Veræ.* "Real," i. e., not gained by forgery of wills.—*Malitiosis blanditiis.* "By deceitful flatteries."—*Veritate.* "The reality."—*Istuc.* "What you say." For *istud.*

CHAPTER XIX.

§ 1, 2, 3.

Si digitis concrepuerit. "If he shall only have snapped with his fingers," i. e., by snapping his fingers merely. A proverbial expression for doing a thing quickly and easily.—*Irrepere.* "Creep in," i. e., slip in surreptitiously.—*Ne si.* "Not even if."—*At dares.* "But were you to give." For *at si dares.* (*Zumpt*, § 780.)—*M. Crasso.* The triumvir, noted for his wealth and his rapacity.—*Qui re vera non esset heres.* "Although in reality he was not heir."—*In foro, crede mihi, saltaret.* "He would, I warrant you, dance in the forum," i. e., he would be guilty of any extravagant and outrageous conduct could he but fill his coffers. The Romans looked upon dancing (except in certain religious ceremonies) as unworthy a gentleman, and to be practised only by players. Compare *Pro Murœn.*, 6.—*Hoc qui admiratur.* "Let him who is surprised at this." The reference in *hoc* is to the appropriating to one's self of the property of others.

§ 4.

Animi sui complicatam, &c. "To unfold the idea (of a good man) which is wrapt up in his mind." Alluding to the doctrine of innate ideas held by Socrates and Plato. This idea (*notio*), originally formed by nature in the mind, previous to knowledge and experience, requires to be *evolved* by education and training, in order to bring forth that which is already latent in the mind.—*Jam se ipse doceat.* "He will at once convince himself." Observe the elegant employment of *jam* in the sense of *statim.*

§ 5, 6.

Hic non noceat. "Would he not be guilty of harm?"—*Quodam quasi veneno.* "By a kind of magic, as it were." *Venenum* is here

used in the sense of a magic potion or preparation, like *veneficium.* —*Moveat.* In the sense of "to oust." Supply *loco suo.* —*Immo.* "Nay, rather."

§ 7.

Fimbriam. C. Flavius Fimbria, colleague of Marius in his second consulship, B.C. 104. He was killed in the civil wars between Marius and Sulla. He is called *consularis* here to distinguish him from C. Fimbria, lieutenant to Flaccus, proconsul of Asia, whom he killed B.C. 85, and a year afterwards committed suicide.—*De patre meo.* "From my father." *De* for *a.* (*Zumpt,* § 308.)—*Sponsionem fecisset,* &c. "After he had made a deposit (which he was to forfeit), if he were not a good man," i. e., if he did not prove that he was a good man by gaining his case. The usual formula was *ni veram causam haberet,* "unless he gained his cause." *Ni* appears to have been used in the indirect form of the *sponsio.* See *Long's Cicero,* vol. i., p. 560.

Aut statuisse videretur, &c. "Or should seem to have established that any one was a good man," &c., i. e., should seem to have pronounced a given man to be a good man, considering that such a character was made up of such an infinity of duties and praiseworthy qualities.

§ 8, 9.

Fimbria etiam. That is, even a man of the world, like Fimbria, and not a philosopher.—*Non modo facere,* &c. "Will not dare not only to do, but even to think," &c. The negative in *ne quidem,* when followed by a common predicate, often extends its influence over a preceding clause, beginning with *non modo.* (*Key, L. G.,* § 4, 5.)

§ 10.

Hæc non turpe est, &c. "Is it not scandalous that philosophers should be in doubt about these things, which even peasants admit?" Observe the construction of *dubitare hæc* for *dubitare de his rebus.*—*Natum est.* "Has taken its origin." — *Quicum mices.* "With whom you may play at odd and even." Supply *digitis.* The verb *micare,* like *coruscare,* is properly "to move quickly." The game consisted in two persons rapidly holding out their fingers, and then each guessing at the number held out by the other. As each might hold up more or fewer fingers before the other could see, hence to play with a man in the dark implied full confidence in him. The game is called now in Italy *la morra.*

§ 11, 12.

Etiam si id possis, &c. "Even though you may be able to hold it as your own, without any one proving it to be not so," i. e., no one being able to prove the fraud against you.—*Gygi illi.* Compare chap. ix., § 1.—*Converrere.* "To sweep together unto himself."—*Adversante et repugnante natura.* That is, against the dictates of nature, meaning by nature what is naturally right.

CHAPTER XX.

§ 1.

At enim, &c. "But (some one may here say an allowance ought to be made), for where the prizes are very great, there is a motive to do wrong." Supply *dixerit quis*, &c.—*Jaceret.* "Remained unnoticed." *Jacere* is here employed, like κεῖσθαι in Greek, in speaking of one who was living unnoticed and in comparative obscurity. Whoever did not succeed in obtaining the consulship, after an interval of two years (the regular period) from the prætorship, was considered to have a very limited chance of subsequently attaining to it.—*Petiturus.* "Likely to stand candidate for."—*Q. Metellum.* He received the cognomen of *Numidicus* from his successes over Jugurtha. —*Illum ducere.* "That he was protracting." Compare Sallust's account (*B. J.*, 64). *Illum* refers, of course, to Metellus, although the simple pronoun of reference, *eum*, had been used in speaking of him before in the same sentence. The reason is, that another subject intervenes, namely, *populum Romanum*, and hence the necessity for a more distinct reference in mentioning *Metellus.*

§ 2, 3.

Qui in invidiam, &c. "In that he involved in odium," &c., i. e., brought odium upon. Observe that *qui* is causative.—*Cujus legatus esset*, &c. "Although he was his lieutenant, and had been sent by him (to Rome)," i. e., and had been allowed a furlough by him. But compare the account of Sallust (*l. c.*).—*Noster.* "Our relative." Compare chap. xvi., § 9.—*Adhibuissent.* "Had called into consultation." Supply *in consilium.*—*Ut res nummaria*, &c. "That the coinage might be settled by a joint resolution," i. e., that the currency might have its value defined and settled, that its standard might be fixed. So *res frumentaria, res pecuaria.*—*Jactabatur enim*, &c. "For the currency was in a very unsettled state in those

times," i. e., the relative value of gold and silver coinage varied greatly.—*Quid haberet.* "How much he was worth."

§ 4, 5.

Communiter. "By common consent."—*Cum pœna atque judicio.* "With a penalty in case of conviction." Literally, "With a penalty and trial."—*Alius alio.* "Departed, one to one quarter, another to another."—*Subselliis.* The Tribunes of the commons sat on *subsellia*, "benches," not on curule chairs, or tribunals, not being curule magistrates. — *Compositum fuerat.* "Had been drawn up."—*Solus edixit.* Without waiting for the hour appointed to publish the welcome intelligence. — *Si quæris.* "If you ask me." Equivalent to *ut verum dicam.*—*Ad eas tus, cerei.* "At them frankincense, tapers, were burned." *Cerei* ("wax-lights") were frequently sent as presents on the saturnalia by the poorer clients to their patrons.

§ 6, 7, 8.

Conturbant. "Perplex us."—*Non ita magnum.* "Is not so very great."—*Præripere.* "To snatch away."—*Consulem.* But he was put to death by Sulla before he attained the object of his ambition. —*Illud.* "Let that."—*Excute.* "Sift," "examine." A metaphor taken from shaking out a bag.—*Illum.* Caius Marius. *Hunc* refers to Marcus Marius just mentioned.—*Species, forma et notio.* "Idea, outline, and conception."

§ 9, 10, 11.

Cadit ergo, &c. "Does it fall in, then, with the character of," &c., i. e., does it suit.—*Mentiri*, &c. Observe that *mentiri* and *criminari* refer to Caius Marius; *præcipere* and *fallere* to Gratidianus. —*Ut amittas.* "That you are to part with," i. e., to make it worth your while to part with. — *Fidem justitiamque detraxerit.* "If it take away from you your reputation for good faith and justice."—*Conferat.* "Transform." Literally, "Betake."—*Hominis figura.* Heusinger takes *figura* here to be the nominative; but it seems better to make it the ablative, "under the form of a human being." —*Immanitatem.* "The monstrous nature," i. e., the savage, rapacious, and unfeeling nature.

CHAPTER XXI.

§ 1, 2.

Quid? qui, &c. "What shall I say of those who are indifferent to," &c.—*Is, qui*, &c. Alluding to Pompey, who (B.C. 60) married Cæsar's daughter Julia, when she was engaged to Cæpio. Cæsar incurred much of the odium of Pompey's acts as member of the triumvirate.—*Eum, cujus . . . . esset.* For *talem ut ejus . . . esset.*—*Inutile.* "Harmful."

§ 3, 4.

Græcos versus, &c. "Certain Greek verses from the Phœnissæ," i. e., from the play of Euripides, so called. Observe the employment of *de* for *ex*. (*Zumpt*, § 308.) The original lines of Euripides occur at v. 534, *seqq.*—*Dicam ut potero*, &c. "I will express as well as I shall be able; awkwardly, perhaps, but still in such a way that the meaning can be understood."—*Nam si violandum*, &c. These two lines are Iambic trimeters, like the original.—*Capitalis.* "Deserved capital punishment." Supply *erat*. Eteocles and Polynices were sons of Œdipus and Jocasta, and agreed to reign by turns over Thebes, year after year. Eteocles began first, but when his year was out would not resign to Polynices. Hence arose a war, in which the two brothers killed one another.—*Qui exceperit.* "For having excepted."—*Sceleratissimum.* Namely, to enslave his native country.—*Minuta.* "Instances on a small scale."

§ 5, 6, 7, 8.

Ecce tibi. "Here is a man for you." Alluding to Julius Cæsar. —*Dominus.* In republican times this term had properly a force analogous to the Greek δεσπότης or τύραννος. — *Oppressionem.* "Crushing."—*Qui facere possit.* "For him who can do so," i. e., can usurp kingly power.—*Parens.* Cæsar had the title of *Pater Patriæ* bestowed upon him before as well as after his death. Compare Suetonius (*Vit. Cæs.*, 76, 85).

§ 9, 10, 11, 12.

Dirigenda est. "Is to be measured by," i. e., ought to have for its standard.—*Unum sonare.* "To have the same sound," i. e., to signify the same thing. —*Non habeo*, &c. "I cannot tell what greater advantage there can be, according to the vulgar standard of thinking," &c.—*Ad veritatem revocare rationem.* "To recall reason to the standard of truth," i. e., to call it away from the popular

standard to that of truth. — *Angores, sollicitudines.* "Torments, anxious cares."—*Multi iniqui*, &c. A Trochaic tetrameter catalectic line. — *Pauci sunt boni.* "Its friends are few." *Boni* is for *amici* or *propitii.*—*Attius.* Called also *Accius* and *Actius.* A tragic poet, twenty-two years younger than Terence. The quotation is taken from the Atreus, a play which has been already quoted, i., 28, § 2. — *At cui regno?* "But to what kingdom (are they so)? why, to that which, having been transmitted from Tantalus and Pelops, was held by right." Supply after *regno*, mentally, *iniqui atque infideles sunt.*

§ 13.

Nam quanto plures, &c. He is now alluding to Julius Cæsar. *Nam* is frequently thus used, in an elliptical sentence, where the statement, for which a reason is given, is to be supplied mentally. The allusion is to Cæsar's having employed the army intended for the subjugation of Gaul against his own country.—*Conscientiæ labes.* "Compunctions of conscience." — *Cujus autem vita*, &c. "Now, whose life can be beneficial to himself when the condition on which that life is held is such," &c., i. e., when he holds it upon such terms that whoever takes it away will rise to the greatest favour and glory? as was the case with Harmodius and Aristogiton, the slayers of Hipparchus, son of Pisistratus, to whom statues and honours were decreed, as to public benefactors.—*Quæ maxime videntur.* He means absolute power.

CHAPTER XXII.

§ 1, 2, 3.

Quanquam id quidem. The pronoun *id* refers to *nihil esse utile, quod non honestum.*—*Pyrrhi bello.* Compare i., 12.—*Judicatum est.* "Was decided." — *Ultro.* He came in to aid the Tarentines.—*Perfuga.* According to some authorities, the king's physician.—*Proposuisset.* In the sense of *promisisset.* Some read *posuisset*, on the authority of a single MS. — *Laudatum.* On the ground that whatever it is not lawful for another to do, it is not lawful for us to impel or solicit him to do. — *Sed magnum dedecus*, &c. "But it would have been a lasting disgrace and a crime for him with whom there had been a struggle for glory to have been overcome, not by valour, but by wickedness."

§ 5, 6, 7.

Quoquo modo. "In whatever way it is possible." Supply *fieri potest.* For *quisquis* cannot be used independently, as *quivis* or *quicunque.*—*L. Philippi.* Compare ii., 21, § 6. Observe that *Q. F.* stands for *Quinti filii.*—*Civitates.* These were probably some Asiatic states, which, after being wrested from Mithradates, subsequently purchased immunity from taxation from Sulla, who, probably being in want of money for his soldiers, sold the privilege for too small a sum.—*Liberavisset.* "Had freed from tribute." Supply *vectigalibus.*—*Turpe imperio.* Supply *hoc fuit Romano.*—*Piratarum melior fides.* Because pirates release their captives when ransomed, without any farther claims.

Vectigalia. The *vectigalia* which were laid upon the provincials were either *certa* or *incerta*, i. e., dependent upon the season. The former were called *stipendia;* the latter were of three kinds, namely, the tithes on the produce of the land (*decumæ frumentariæ*); the customs, duties on exports and imports (*portoria*); and the rent paid for the public land let out as pasture (*scriptura*).

§ 8, 9.

Quousque audebunt. "How long will people be rash enough?"—*Nimis præfracte defendere.* "To advocate too obstinately."—*Publicanis.* The farmers general of the revenue, consisting of Roman knights. They underlet them to the collectors, called *Decumani, Portitores,* and *Pecuarii,* according to the different kinds which they collected. — *Ordinum conjunctio.* The orders here meant are the senatorian and the equestrian. The latter sometimes, when they had purchased the farming of the revenues at too high a rate, petitioned the Senate to be let off their contract, or to have some reduction made in the terms, as on the occasion alluded to here. Cato, in the present instance, opposed them strenuously, insisting that they should be kept to their bargain. Thereupon many of the equites became alienated from the Senate, and supported Cæsar. Cicero refers to this circumstance in several places. Compare *Pro Murœn.*, c. 30; *Ep. ad Att.*, i., 17, &c.

§ 10, 11.

Curio. Caius Scribonius Curio, the father of the more celebrated Curio, consul thirteen years before Cicero.—*Transpadanorum.* The people of that part of Cisalpine Gaul which lay north of the Padus, or *Po.* They claimed, but were refused, the *jus civitatis,* which had been granted to the *Cispadani,* and which they after-

ward obtained from Cæsar when dictator. —*Potius diceret.* "He should rather have said."

CHAPTER XXIII.

§ 1, 2.

Hecatonis. Compare chap. xv., 10.—*Sitne boni viri.* "Whether it be the part of a good man."—*Familiam.* "His household of slaves."—*Officium dirigit.* "He guides our duty."—*Humanitate.* "By feelings of humanity."—*Jactura.* "A throwing overboard." —*Servuli.* The diminutive form is used to express more foreibly the comparatively small value of the slave.—*Res familiaris.* "Pecuniary interest."

§ 3, 4, 5, 6.

Tabulam. "A plank." — *In alto.* "On the deep." Supply *mari.*—*Quo sumpta navis est.* "Whither it was engaged to sail," i. e., by the *navigantes* from the *dominus.* *Sumpta* is here employed in the sense of *conducta.* Our expression "taken up" is exaetly similar.—*Cedat vero*, &e. "Yes, let one yield it up to the other, but unto him," &e., i. e., but let that other be the one, &e.—*Si hæc paria.* "If these eonsiderations be equal." — *Micando.* "By playing at odd and even." Consult note on chap. xix., 10.

§ 7, 8.

Cuniculos agat. "Work a mine," i. e., earry a subterraneous passage.—*Si arguatur.* "If he be aecused."—*Non igitur*, &e. *Non* for *nonne.*—*Immo vero.* "Yes indeed." So *minime vero*, in an answer, means "no indeed."—*Ne id faciat.* That is, ne *patriam prodere conetur.*—*Accusabit.* "He will rebuke," i. e., in private, not publicly. *Accusabit* in the sense of *incusabit.*

§ 9, 10, 11.

Adulterinos. "Counterfeit."—*Imprudens.* "By an oversight." — *Diogenes* . . . . . *Antipater.* Compare ehap. xii., 5. — *Ait.* "Says, yes."—*Vinum fugiens.* "Wine that will not keep," i. e., of whieh the aroma evaporates.—*Viri boni.* "To be the part of an honest man (to mention it)."—*Hæc.* Referring to what follows.—*Sunt quasi controversa*, &e. "Are like so many eontroverted points of law to the Stoics."—*Redhibeatur.* "Will have to be returned." — *Furacem.* "Thievish," i. e., apt to thieve. Not so strong a word as *furem*, whieh would imply that the slave had been tried for theft, and therefore could not be warranted by the seller.

§ 12.

Orichalcum. "Orichalcum." A metallic compound, akin to copper and bronze, and highly prized by the ancients. The word has given rise to much doubt, but the truth seems to be that it denotes *brass*, with which the ancients became acquainted by fusing zinc ore (*cadmium*, calamine) with copper, although they appear to have had scarcely any knowledge of zinc as a metal. They appear to have regarded orichalcum as a sort of bronze. How little acquainted they were with its true formation is shown by the fact that, deceived by its colour, they supposed gold to be one of its constituents, and then perpetuated their error by a false orthography, *aurichalcum.* The true derivation is no doubt from ὄρος and χαλκός—that is, mountain bronze, so called probably because it was obtained by fusing copper with an ore (metal as found in the mountain), and not with an already reduced metal. (*Dict. Ant., s. v.*)—*Perspicuum est jam.* "It is plain enough by this time," i. e., we have now said enough to make it clear.

CHAPTER XXIV.

§ 1, 2.

Semperne servanda sint. Supply *quæritur*, *sint* being the subjunctive of indirect question.—*Dolo malo.* Consult note on chap. xv., 9.—*Ut prætores solent.* Supply *edicere.* That is, to borrow the prætor's language.—*Ad aquam intercutem.* "For the dropsy." Observe the force of *ad.* (*Zumpt*, § 296.)—*Pepigeritque.* "And shall have made an agreement (with him)."—*Qui non concedat.* "For not granting him his request, and yet no harm is done him (by using it)."

§ 3, 4.

Sestertiùm millies. "One hundred millions of sesterces." For *sestertiorum millies centena millia.* The termination in *ies*, when speaking of sums of money, requires 100,000 to be supplied. The sum here given will amount in our currency to $3,900,000—*Adeat.* "He enter upon."—*Saltet.* Consult note on chap. xviii., 12.—*Et id arbitror*, &c. "And that, I think, would have been consistent with his dignity." More literally, "And I think that that would have been the part of his dignity."—*Tempus.* "Occasion."

CHAPTER XXV.

§ 1, 2, 3, 4.

Ac ne illa quidem, &c. Compare i., 10. — *Sol Phaëthonti filio.* Compare *Ovid, Met.*, xi., *init.—Atque is antequam constitit.* "Accordingly, before he had well settled himself." Compare the explanation of Gronovius: "*Antequam se colligeret et sic componeret ut stare posset.*"—*In hoc.* "In this case."—*Quid quod*, &c. "What shall I say of the legend, how that Theseus?" &c. Compare i., 10, § 4. — *Noverca.* Phædra, who had brought a false charge against her stepson Hippolytus, before his father Theseus.—*Quid?* "Still farther." Literally, "What shall I say of the following?" i. e., *Quid dicam de hoc?—Cum devovisset*, &c. Cicero gives here a different account from the common one, which makes the monarch to have killed a favourite stag of Diana's, or to have killed a stag in the grove of the goddess.

Non faciendum. The rule in such cases is well laid down by Cockman. Unlawful oaths, vows, or promises, are not to be kept, because no man can ever oblige himself to that which is contrary to a former and superior obligation. We are all obliged by our Maker to the performance of such and such duties; therefore we cannot be obliged to the contrary by any act of our own.

§ 7, 8, 9.

Reddasne depositum. "Are you to restore the deposit?" Oaths, &c., do not bind, say the moralists, when the keeping of them will hinder some greater good, or bring some greater evil. (*Cockman, ad loc.*)—*Temporibus.* "On particular occasions."—*Stare conventis.* "To stand to one's agreements."—*Commutata utilitate.* "When the purposes they were intended to serve are reversed."—*Quæ videntur esse*, &c. "Which appear to be sources of advantage, contrary to justice, under the mask of wisdom," i. e., which appear to be expedient, under a mask of wisdom, but are really opposed to justice.

§ 10, 12.

In eisdem versemur. "Let us (now also) confine ourselves to these same."—*De prudentia.* From chap. xvii. to chap. xxv.—*De justitia.* From chap. x. to chap. xvii.—*In conformatione*, &c. "In the shaping and governing of it (i. e., the mind) by continence and temperance." *Continentia* denotes rather the restraint imposed upon our outward conduct; *temperantia*, habitual self-command.

The latter term expresses, though imperfectly, what is understood by the Greek σωφροσύνη.

CHAPTER XXVI.

§ 1, 2, 3.

Tragici. No tragedy is extant on this subject, but Hesychius cites a play of Sophocles called Ὀδυσσεὺς μαινόμενος.—*Auctorem.* "Authority."—*Sed.* "But be that as it may."—*Ithacæ.* Ithaca was a small island in the Ionian Sea, celebrated as the birth-place of Ulysses. It lay off the coast of Epirus.—*Istam.* Denoting contempt.

§ 4.

Ab Ajace. In the play, supposed to be by Pacuvius, called the *Armorum Judicium*, or "the Adjudging of the arms (of Achilles)," from which the lines here quoted are taken. The person spoken of in them is Ulysses, and the speaker Ajax.—*Cujus ipse princeps*, &c. "He alone neglected the obligation of the oath which he was the first himself to take, a circumstance which you all know." The measure is Iambic trimeter.—*Ne coiret institit.* "He persevered (in this course of conduct) that he might not join the expedition." Literally, "Might not go along with (the rest)."—*Palamedis.* Palamedes is mentioned in the Æneid, ii., 82, *seqq.*, as having fallen a victim to the hatred of Ulysses. — *Percepset.* For *percepisset*, by syncope.—*Malitiosam audaciam.* "The knavish audacity."—*Fide sacratæ jus*, &c. "He would forever have evaded the obligation of his solemnly-plighted word," i. e., of his oath. *Fide* is the old genitive for *fidei*. Some read *fide sacratum.*

§ 5, 6, 7, 8.

Cum fluctibus. In his wanderings for ten years before he reached home.—*Barbaris.* The Greeks called all beside themselves βάρβαροι.—*Externa.* "Foreign examples," i. e., borrowed from foreign nations.—*Regulus.* Compare i., 13.—*Consul iterum.* He was consul B.C. 267, and B.C. 256, seven years after the beginning of the First Punic war. —*Imperatore.* "Being commander-in-chief."—*Utilitatis speciem.* "The semblance of advantage." — *Communem fortunæ bellicæ.* "To be common to the fortune of war," i. e., to be a common incident in war.—*Negat.* "Deny them to be such."

CHAPTER XXVII.

§ 1, 2.

Num locupletiores, &c. "Do you require more reliable authorities," i. e., than the virtues just mentioned.—*Quod homini accidere possit.* "Of a kind that can happen to man." Observe the force of *quod* with the subjunctive, being equivalent to *tale ut.*—*Exposuit.* "He laid before them."—*Sententiam ne diceret*, &c. "He refused to give his own opinion in the case." Cicero might have used the infinitive *dicere*, but *ne* with the subjunctive is equally common in prose. *Recusare* means properly "to allege a plea (*causa*) for not doing a thing," "to find reasons against it."—*Jurejurando hostium.* "By the oath sworn to his enemies."

§ 3, 4, 5.

Reddi captivos. Compare Horace, *Od.*, iii., 5, 13. — *Cujus cum valuisset auctoritas.* Though he had not given his suffrage as a senator, because a prisoner of war, and therefore for the time disfranchised.—*Neque eum caritas*, &c. Compare Horace again, *Ib.*, v., 41, *seqq.*; "*Fertur pudicæ conjugis osculum*," &c.

§ 6, 7.

Vigilando. "By want of sleep." The Carthaginians are said to have inflicted horrible tortures on Regulus. But the whole story is probably a fiction. Consult *Arnold's History of Rome*, vol. ii., chap. 40, p. 601.—*At stulte.* "But (it may be said) he acted like a fool." Supply *fecit.*—*Etiamne si.* Supply *stulte fecit* after *etiamne.*

CHAPTER XXVIII.

§ 1, 3.

Fundamenta naturæ. Compare the explanation of Beier: "*Originariam naturæ rationem, qua utilitas sic cum honestate cohæret, ut sejungi nequeant.*"—*In laude.* "In good report."—*Propterea illa*, &c. "On this very account we regard those same things as first and chief." *Illa* refers to *laude*, *decore*, and *honestate.*—*Utilitatis nomen*, &c. That is, we associate with the name of utility, not the idea of what is noble and conspicuous, but of what is necessary and indispensable.

§ 4, 5.

Quid est igitur. Supply *timeamus.—Deum nihil habere,* &c. The doctrine of the Epicureans. Compare *Diog. Laert.*, x., 139.—*Nihil exhibere alteri.* "That he assigns none to another," i. e., to any one else.—*Deum semper agere aliquid.* The doctrine of the Stoics, Peripatetics, and Academics, who believed in Divine Providence and God's moral government of the world.—*Nec irasci deum.* In this the Epicurean and Stoic doctrines agreed.—*Religionis.* "Of the religious obligation of an oath."—*Quæ perverteret.* "That it should overturn." *Quæ* is equivalent here to *ut ea,* and the subjunctive denotes a consequence.—*An ne turpiter faceret.* "Or was it lest he might act basely (that he kept his oath)? In the first place, the least among evils (are always to be chosen)." Supply "*semper eligenda sunt.*" Compare *Aristot.*, *Nich. Eth.*, ii., 9, 12: *τὰ ἐλάχιστα ληπτέον τῶν κακῶν.*

§ 6, 7.

Turpitudo ista. "That baseness you speak of," i. e., of Regulus breaking his oath.—*Quantum ille cruciatus.* Supply *habebat mali.* Was there any evil so great in breaking his oath as that of the tortures which he had to endure?—*Deinde illud etiam apud Attium.* "Then, again, the following sentiment also in Attius." The passage is in the play called Atreus, quoted at chap. xxi., 12. Thyestes says to Atreus, "Have you not broken your word?" to which Atreus replies, *Neque dedi,* &c. The force of the argument is, that men are not obliged to keep their word or oaths to treacherous people, and such as the Carthaginians were. Therefore Regulus needed not to have kept his oath to them. (*Cockman, ad loc.*)—*Neque dedi,* &c. This is the first part of a trochaic tetrameter catalectic.—*Impio rege.* Atreus.—*Luculente.* "Strikingly."

§ 8, 9, 10.

Videtur. We should have expected *videatur, fieri, debuerit,* in the *oratio obliqua;* but the construction is varied, and changed to the *oratio recta.*—*Fit.* As opposed to *videtur.*—*Per vim hostium.* These words, as Cockman remarks, contain two arguments, which are afterwards distinctly answered. First, it was made to an enemy; secondly, it was extorted by force.—*Hæc fere,* &c. "These are about the arguments urged against Regulus." *Fere* is equivalent here to the Greek *σχέδον.*—*Sed prima videamus.* "But let us see to the first of them," i. e., consider, &c.

CHAPTER XXIX.

§ 1, 2, 3, 4.

Non fuit Jupiter metuendus. That is, by Regulus, if he had broken his oath.—*Ratio.* "Argument."—*Valet.* That is, if true, it destroys at once the sacred character and the obligation of an oath.—*Non qui metus*, &c. "Not what is the fear, but what is the force." That is, in the case of an oath, it is not the evil consequences to be feared from breaking it, but the nature and obligation of the oath, which we ought clearly to understand.—*Religiosa.* That is, made binding by an appeal to heaven. — *Affirmate.* "Affirmatively," i. e., solemnly.—*Jam enim non ad*, &c. The question does not now relate to the resentment of the gods (that is, as to whether the gods do or do not punish perjury, &c.), but to the obligations of justice and truth (that is, as to whether a man who has committed a breach of promise can be considered just or not).—*Quæ nulla est.* "Which has no existence."

§ 5.

O Fides, &c. A Trochaic tetrameter catalectic. — *Apta pinnis.* "Fitted with pinions." *Pinnis*, old form for *pennis.* Observe the participial force of *apta*, which comes properly from an old verb, *apere* (whence *apiscor*), "to fasten," "to fit," and connected with the Greek ἅπτειν.—*Jusjurandum Jovis.* Jove was regarded as the guardian of oaths and the punisher of their violation. Compare the Greek, Ζεὺς ὅρκιος.—*In Capitolio vicinam Jovis*, &c. Compare *Cic., N. D.*, ii., 23: "*Ut Fides, ut Mens: quas in Capitolio dedicatas videmus proxime a M. Æmilio Scauro, ante autem ab Atilio Calatino erat Fides consecrata.*"—*Catonis.* Cato the elder is meant.

§ 6, 7, 8, 9.

At enim, &c. "But (an objection is here raised), for, (as they argue), not even angry Jupiter," &c. Observe the elliptical form of *at enim*, and compare the Greek ἀλλὰ γάρ.—*Certè, si nihil malum*, &c. "Certainly not, if nothing were an evil save the suffering of pain."—*Non modo.* For *non modo non.* Consult note on chap. xix., 9. — *Testem.* Regulus, by his actions, was a voucher for, a witness to the truth of the philosopher's doctrines.—*Locupletiorem.* "More reliable." Compare chap. xxvii., 1: "*Locupletiores auctores.*"—*Principem.* "A leading man."

§ 10, 11.

Id est, ut turpiter potius, &c. "This means that we ought rather to live disgracefully than disastrously." Supply *vitam agamus.*—*Quæ si in deformitate corporis*, &c. "And if this implies something disgusting in the case of bodily deformity, how great ought to appear the depravity and the foulness of a debased mind?"—*Nervosius.* "With more nerve," i. e., more boldly and decidedly. The Stoics are meant.—*Remissius.* "More laxly," i. e., more timidly. He alludes to the Peripatetics and Academics.

§ 12, 13.

Illud quidem. Compare chap. xxviii., 7. Grotius (vol. ii., p. 101, *ed. Whewell*) says that oaths to a faithless person are not to be kept if the sworn promise had evidently respect to another promise, which was a sort of implied condition; but they are to be kept if the promises are of a diverse kind and without mutual reference, for then each must observe what he has sworn. — *Tractaretur.* "Was delineated." Literally, "was handled" or "treated of."—*Personæ serviendum fuit.* "He had to support the character (of the person introduced)." Literally, "To be a slave to it."—*Latebra.* "A subterfuge."

§ 15.

Ut mens conciperet, &c. "That the mind (of the swearer of that oath) conceived that it ought to be performed," i. e., that in the mind of the swearer there was an idea present that it ought to be performed.—*Quod aliter.* "What is otherwise," i. e., in the case of an oath in which you did not think at the time you swore it that it ought to be performed. Grotius misunderstood this passage from supposing that Cicero was speaking of the intention of the person who administers the oath. He was misled by a false reading *mens deferentis.*

§ 16, 17.

Ut. "As for instance."—*Id non feceris.* That is, *pretium non attuleris.*—*Non est perduellium numero definitus.* "Is not comprehended in the number of fair enemies." Grotius refutes this position of Cicero, after approving of the conduct of Pomponius, Regulus, and other instances adduced by Cicero. He says that oaths may be exchanged *inter quosvis.* The reason is, that we are not to have respect to the person to whom the oath is made, but to God, by whom we swear; and this is sufficient to produce an obligation.

He then proceeds to say that, though the Law of Nations recognizes a distinction between an enemy and a robber, yet this difference cannot hold when, though the right of the person fail, our business is with the Deity. (*Grotius*, vol. ii., p. 100, *ed. Whewell.*)

§ 18, 19, 20.

Non enim, &c. "For to swear what is false is not always perjury, but not to do that which you may have sworn upon your conscience, as is expressed in words in our law form, is perjury." The expression *ex animi sententia* in the formula of an oath is equivalent to our mode of speaking, "to the best of one's knowledge and belief." Otherwise it means "to one's liking." — *Scite.* "Shrewdly."—*Juravi lingua*, &c. An iambic trimeter, translated from the Greek of Euripides. The Greek line occurs in the Hippolytus, v. 611: *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος.* — *Perturbare.* "To break through." Equivalent here to *violare.* — *Justo.* "Regular." A declared enemy.—*Jus fetiale.* Compare i., 11, 9.

CHAPTER XXX.

§ 1.

Apud Caudium. A town of Samnium, on the road from Beneventum to Capua, and which gave name to the famous Caudine Pass (*Furcæ Caudinæ*) in its immediate neighbourhood. The Romans were defeated here by Pontius, the Samnite general, in the second Samnite war, B.C. 321, and made to pass under the yoke. The Senate refused to ratify the treaty made with Pontius, and the defeated consuls themselves, Postumius and Veturius, voted against the ratification of it. The story is told in Livy, ix., 2, 5, *seqq.*—*Injussu enim*, &c. The Senate considered it in the light of a *sponsio*, "a convention made on personal responsibility," rather than a *pactio* or *fœdus*, "public treaty." See, for the distinction, Grotius, vol. ii., p. 128, *ed. Whewell*, where the validity of the Caudine and Numantine conventions is examined into.

§ 2, 3, 4.

Tribuni plebis. They were probably at this time tribunes of the commons elect, and had been *tribuni militum* when they took part in making the Caudine peace.—*Hujus deditionis suasor et auctor fuit.* "Was the adviser and supporter of this rendition."—*Multis annis post.* That is, 184 years after, or B.C. 137. — *Rogationem suasit eam.* "Advocated that bill." — *Ferebant.* "Brought in." — *Q.*

Pompeius. Consul B.C. 141, with Cn. Servilius Cæpio, the year before Mancinus. After making a dishonourable treaty with the Numantines, he escaped by his interest and entreaties being delivered up to them.—*Cum in eadem causa esset.* "Although he was in the same case," i. e., as Mancinus having made a degrading peace with the Numantines.—*Deprecante.* "Begging to be let off."—*Accepta lex non est.* That is, the law for delivering him up to the enemy.

§ 5, 6, 7, 8.

Hic. "In this case," i. e., that of Pompeius.—*Superiores.* Veturius, Postumius, and Mancinus. —*At.* For *at enim.* Consult note on chap. xxix., 6. The argument against Regulus is resumed and answered.—*Cur igitur*, &c. The words of the objector to Regulus, met by Cicero in the next sentence.—*Non enim*, &c. "For he did not rely on his own judgment, but undertook the cause (i. e., pleaded it like an advocate in a court of law) in order that the decision might be that of the Senate," i. e., leaving the decision of the measure to the Senate.—*Cui nisi ipse auctor fuisset.* "And had he himself not advocated this side." *Cui* refers back to *causam*, not to *senatus*.

§ 9, 10, 11.

Sentire illa. "To entertain those sentiments."—*Nam quod aiunt.* "For as to what they say."—*Immo vero esse*, &c. "I say nay, that it is so really, and does not merely become so." Cicero here says that a thing cannot be made right by its being expedient, if it were otherwise wrong; for, as he has already shown in this Book, Rectitude and Expediency coincide.—*Hoc exemplo.* That of Regulus.

CHAPTER XXXI.

§ 1, 2, 3, 4.

Sed ex tota hac laude Reguli. "But of all this merit in the conduct of Regulus."—*Quod censuit.* "That he gave his opinion in open Senate." *Censere* is the technical term for giving an opinion on such occasions.—*Vinculum.* "Tie."—*Sacratæ.* "The sacred laws." Supply *leges*. Certain laws, such as the law concerning the right of appeal, and that respecting the tribunician power, were called "*Sacratæ*," because he who violated them was to be held devoted (*sacer*) to the resentment of the deity.—*Devincitur.* "Is firmly pledged."—*Notiones animadversionesque censorum.* "The decisions of and punishments inflicted by the censors." The censors

had the power of attaching certain penalties to certain moral offences. This was called the *censoria notatio*, or *notio cum jurisdictione*, and the mark of degradation was called *nota*. The phrase *noscere causam* means "to take cognisance of a cause," as in *De Leg.*, i., 4, and hence *notio* means "cognisance." — *Judicabant.* "Used to judge." Implying that their power had perished with the commonwealth.

§ 5, 6.

L. Manlio, A. F., &c. "Fixed a day for Lucius Manlius, the son of Aulus." This was L. Manlius, surnamed *Imperiosus.* He was dictator B.C. 363. The expression *diem dixit* means "fixed a day for his appearance in court," i. e., accused or impeached. Observe that A. F. stands for *Auli filio.*—*Paucos sibi dies*, &c. He had been induced to do this by an opportunity which presented itself of successfully terminating a war against the Hernici. Compare *Val. Max.*, v., 4, 3.—*Relegasset.* The son is said to have been dull of mind in his youth, and was, in consequence, brought up by his father in the closest retirement in the country. He afterwards became famous in Roman story. — *Torquatus.* From his having slain in single combat a gigantic Gaul, and having taken the chain (*torques*) which had adorned his foe and placed it around his own neck. Compare § 11.

§ 7, 8, 9, 10.

Negotium exhiberi. "That trouble was being brought." This is merely epexegetical of *quod.*—*Qui arbitraretur.* "Inasmuch as he thought." Observe the causative force of *qui* with the subjunctive. —*Arbitris.* "Witnesses." — *Dedisset.* Pluperfect subjunctive in the *oratio obliqua.*—*Causa desistere.* "To drop the prosecution." The people were so delighted with the filial affection of young Manlius that they not only forgave his violence to the tribune, but elected him one of the tribunes of the soldiers in the course of the same year.

§ 11.

Anienem. The modern name of the Anio is the *Teverone.* It flowed between Latium and Samnium, and fell into the Tiber a few miles above Rome. — *Veserim.* The Veseris was a river of Campania, near Mount Vesuvius. The battle is commonly called "the battle of Vesuvius." It was in the Latin war, and is celebrated for the devotion to death of Manlius's colleague, Decius. (*Liv.*, viii., 10.)—*In filium.* He ordered his own son to be beheaded for

fighting contrary to orders, although successfully, thereby exhibiting an extraordinary example of discipline. This was just before the battle of Vesuvius. Hence the expression *Manliana imperia* is used to signify any unnatural rigour.

CHAPTER XXXII.

§ 1.

Decem illi. In the second Punic war, after the battle of Cannæ. This same circumstance is mentioned by Cicero in i., 13, where the passage is supposed by some to be misplaced and taken from this. —*Juratos.* Equivalent to *cum jurassent.*—*In castra ea*, &c. These words are added to make the obligation to return more specific, since there was another and larger Roman camp in this quarter, of which Hannibal was not then in possession, but which afterwards surrendered to him. Compare *Liv.*, xxii., 52.—*Si non redierunt.* Cicero adds these words because accounts differed as to whether they returned or not. In the passage which occurs at i., 13, nothing is said of Polybius's account.

§ 2.

Polybius. An eminent historian, native of Megalopolis in Arcadia. He was one of the 1000 Achæans sent to Rome to answer the charge of not having assisted the Romans against Perseus. He remained at Rome seventeen years, and became a friend of the younger Scipio, whose companion he was ever afterwards. His history, consisting of forty books, was divided into two parts. The first part comprises a period of fifty-three years, beginning with the second Punic war, and ending with the conquest of Macedonia, B.C. 168. The second comprised the period from the overthrow of Perseus to the fall of Corinth, B.C. 146. The greater part of the work has perished. The passage referred to in the text occurs in the Sixth Book, chap. lvi., *seqq.*

Bonus auctor in primis. "A highly-trustworthy authority." Some editions add *scribit* after *in primis*, but this is condemned by Zumpt and others as a mere gloss. So, again, some MSS. have *dicit* after *revertisse*, which must be regarded in the same light as *scribit.*—*Unum.* We have thrown out of the text the words *ex decem*, which appear in most editions, but which Ernesti justly suspects of being an interpolation.

§ 3, 4.

Reditu enim, &c. "For he put this construction upon the matter, that he was freed from his oath by his mere return into the camp."—*Destringit, non dissolvit.* "Exposes, does not undo perjury." *Destringit* is a metaphor taken from the drawing of a sword out of its sheath. Another, but inferior reading, *astringit* ("binds more closely," i. e., adds to the force of), is found in a few MSS. —*Perverse imitata prudentiam.* "Which perversely pretended to pass for wisdom."—*Veterator.* Compare chap. xiii., 12.

§ 5, 6, 7.

Octo milia. Compare *Liv.*, xxii., 58.—*Tenebat.* "Was holding captive." —*Paulo et Varrone.* In the second Punic war. They were the consuls who lost the battle of Cannæ, and these eight thousand fell into the hands of Hannibal by surrender after that conflict. Consult note on § 1.—*Cum id fieri posset.* "Although it might have been done."—*Parva pecunia.* For three minæ apiece, according to Polybius. The mina is equivalent in our currency to $17 60.—*Idem.* Polybius. The passage occurs in vi., 56.

§ 8, 9, 10.

Honestatis comparatione. "By a comparison of Rectitude with them," i. e., by their being brought into comparison with rectitude. —*Vincuntur.* "Are overpowered," i. e., prove inferior, sink into nothing.—*Acilius.* He was probably a Greek by birth, and not a Roman, since he is not mentioned by Cicero in his Brutus among the Romans who wrote history in Greek. His Annals, which were written in Greek, were translated into Latin by a certain Claudius Quadrigarius. —*Eadem fraude.* "With the same fraudulent design."—*Notatos.* "Were branded." Consult note on chap. xxxi., 4.—*Loci.* "Division of the subject." —*Ipsi opus esse.* For *sibi utile esse.*—*Non esse utilia.* "Are inexpedient."

CHAPTER XXXIII.

§ 1, 3.

Quarta pars. Compare i., 27, § 1. —*Ab Aristippo Cyrenaici.* "The Cyrenaics originating from Aristippus." Observe that *ab Aristippo* is not to be taken in construction with *nominati.* Aristippus of Cyrene, a pupil of Socrates, was the founder of the Cyrenaic school. He wandered, however, both in principles and practice,

very far from the teaching and example of his great master.—*Anniceri philosophi nominati.* "The so-called Annicerian philosophers." Anniceris (*Ἀννίκερις*) was probably a contemporary of Alexander the Great, and forms a link between the Cyrenaic and Epicurean schools.—*Efficiens.* "Productive."—*Obsoletis.* "Having become antiquated."—*Epicurus.* According to this philosopher, pleasure constitutes the highest happiness, and consequently must be the end of all human exertions. But pleasure with him consisted in freedom from pain and disturbing influences (*ἀταραξία* and *ἀπονία*), based upon *φρόνησις*.

§ 4, 5, 6.

Viris equisque. "With all our might." Compare the similar expressions, *manibus pedibusque* (*Ter., And.*, i., 1, 34); *velis remisque* (*Tusc. Quæst.*, iii., 12, 26); *remigio veloque* (*Plaut., Asin.*, i., 3, 5), &c.—*Ut dicitur.* "As the saying is."—*Vita omnis beata.* "All the requisites of a happy life."—*Corporis constitutione.* "Bodily constitution." *Habitus corporis* is more common in this sense.—*Explorata.* In the sense of *certa.* The original Greek, to which Cicero refers in this passage, is preserved in *Clem. Alex.* (*Strom.*, ii., p. 498): *ἀγαθόν, φησὶ ὁ Μητρόδωρος, ψυχῆς τί ἄλλο ἢ τὸ σαρκὸς εὐσταθὲς κατάστημα, καὶ τὸ περὶ ταύτης πιστὸν ἐλπισμα.*—*Metrodoro.* Metrodorus was the favourite pupil of Epicurus, and was a native of Lampsacus, or, according to some, of Athens. Cicero calls him (*De Fin.*, ii., 28, 95) "*alter pœne Epicurus.*"

§ 7, 8.

Quam miser virtutis famulatus, &c. "How miserable the servitude of virtue when the slave of pleasure."—*Intelligenter.* Compare the explanation of Heusinger: "*Intelligenter legit voluptates, qui a salutaribus noxias, a magnis parvas, a diuturnis breves secernit.*"—*Fac nihil esse.* "Suppose that there is nothing."—*Jam.* "And then again."—*Dicat.* The subjunctive, because the speaker is indefinite.

§ 9.

Sicuti dicit. "As, in fact, he does speak."—*Tamen non id spectandum est.* The *id* is here superfluously used, as a sort of preliminary announcement of what follows. (*Zumpt*, § 748.)—*Qui terminaverit.* "Since he has limited," i. e., since he has confined good to pleasure (made the *summum bonum* consist in pleasure), evil to pain (made the *summum malum* consist in pain).—*Ut.* "As for instance."—*Sed aqua hæret.* "But the stream becomes obstructed," i. e., there is an impediment in the flow of his remarks. He means

that the system of Epicurus presents impediments to the flow of the virtues, like obstructions in a water-course. Some think that the metaphor is taken from a *clepsydra*, or water-clock, and that the idea is, "he comes to a stand-still," "he gets stuck fast." This, however, is decidedly inferior.

§ 10, 11, 12.

Inimica. Taken substantively. — *In his tribus.* Namely, Wisdom, Fortitude, Temperance.—*Tergiversantur.* "They shift and turn," i. e., so as to suit their own purposes and make their doctrines square with the truth. Heusinger refers to the *De Fin.*, i., 9, for an example, where Torquatus, an Epicurean, is introduced attempting to reconcile the pursuit of pleasure with virtue.—*Scientiam suppeditantem.* "As the science which supplies."—*Expediunt.* "They explain," i. e., so as to reconcile it with their notions. Literally, "They free from difficulty."—*Cum tradunt.* "When they teach that it is."

§ 13, 14.

Voluptatis magnitudinem, &c. "That the height of pleasure is limited to the removal of pain." That is, pleasure is confined to the removal of pain; it does not go any farther, or admit of any increase; it is only susceptible of variety.—*Vacillat, vel jacet potius.* "Reels, or, rather, lies prostrate."—*Eæ virtutes.* Namely, those appertaining to justice.—*Communitate.* "The common intercourse."—*Per se.* "For their own sakes."

§ 15, 16, 17.

Conferamus igitur in pauca. "Let us therefore sum up (what we have said) in a few words." Literally, "Bring together into a few words."—*Calliphonem et Dinomachum.* These philosophers tried to follow a middle course between the Stoics and Epicureans, and made the chief good consist in the union of virtue and pleasure.—*Non recipit.* "Does not admit."—*Finis bonorum.* "The limit of good and evil," i. e., the chief good and evil. Equivalent to *summum bonum et malum.* Heusinger and Muretus strike out the words *et malorum*, which are inserted after *bonorum* in the common text, observing that Cicero, when speaking of both, uses *fines bonorum et malorum.*—*Misceri.* That is, be a compound and mixture of contradictory qualities.

§ 18.

Alio loco. That is, in the *De Finibus.* Supply *diximus.*—*Supra.*

That is, in the previous part of this Third Book.—*Speciem.* "The semblance."—*Ut tribuamus.* "That we may concede."—*Condimenti non nihil.* "Something of a relish."

CHAPTER XXXIV.

§ 1.

Sed perinde erit, &c. "But that will be just as you may have received it," i. e., according to the use you shall make of it.—*Commentarios.* "The lectures," i. e., with which Cratippus instructed his pupils. The son writes to his father, "*Multum mihi operæ eripitur in hypomnematis exscribendis*" (*Ep. ad Fam.*, xvi., 21), where, by *hypomnemata*, he means the "notes" taken down by himself from Cratippus's lectures.—*Tanquam hospites.* "As guests." That is, with the courtesy due to strangers.

§ 2, 3.

Patria revocasset. This was six months after Cæsar's assassination on the 15th of March. Cicero had left Rome the following April, soon after Brutus and Cassius, and was on his way to Greece, intending to return to Rome in the following January, when Hirtius and Pansa were to enter on their consulship. At Rhegium he was recalled to Rome by a report that Antony was about to leave the city, and Brutus and Cassius to return. He accordingly came back on the 31st of August. The treatise *De Officiis* was probably finished about the end of September.—*Ut spero.* A hope never realised. The son followed the standard of Brutus, and the father perished by the proscription the ensuing year.—*Monumentis.* The *monumenta* are the father's writings, especially the present work. The *præcepta* are the precepts and rules contained in them.

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