

On the Commonwealth

Marcus Tullius Cicero

51 B.C.

The cause of our uniting in society is not our weakness, but natural sociability. The three main forms of government are monarchy, aristocracy, and democracy. Each may be sufficient to the needs of the people, but each also has its defects and suffers corruption. The best government is a mixture of the three. The advocates of each defend what is best and overlook their defects, but the mixed form divides power among all parts of society and so produces the greatest justice and stability. In the mixed form, one person exercises the chief power, the noblemen possess a distinct political authority, and certain judgments are left in the hands of the people. There is an eternal law that rules over all.

Book I

Sections 24 – 35, 45

Scipio—I will do what you wish, as far as I can; and I shall enter into the discussion [of the commonwealth] under favour of that rule, which should be

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used by all in disputations of this kind, if they wish to avoid being misunderstood. When men have agreed respecting the proper name of the matter under discussion, it should be stated what that name exactly means, and what it legitimately includes. Thus our minds become fixed on the precise point of definition, and embrace the whole subject of investigation. It is impossible, without understanding the nature of the question at issue, to comprehend its scope and its diversified bearings. Since then, our investigations relate to the Commonwealth, we must first examine what this name properly signifies.

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

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

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

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

This intelligent authority should always refer itself to that grand first principle which constituted the

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

In a monarchy, the other members of the state are often too much deprived of public counsel and jurisdiction; and under the rule of an aristocracy, the multitude can hardly possess its due share of liberty, since it is allowed no public deliberation or influence. And when all things are carried by a democracy, although it be just and moderate, its very equality is a culpable levelling, since it allows no gradations of dignity.

Therefore, if Cyrus, that most righteous and wise king of the Persians, was our own monarch, I should insist on the interest of the people (properly

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so called)—for this is the same as the public welfare, and this, methinks, cannot be very effectually promoted, when all things depend on the beck and nod of one individual.

And though at present the people of Marseilles, our clients, are governed with the greatest justice by some of the principal aristocrats, there is always in this condition of the people a certain appearance of servitude; and when the Athenians, at a certain period, having demolished their Areopagus or senate, conducted all public affairs by the acts and decrees of the democracy, their state no longer containing a distinguished gradation of dignities, lost its fairest ornament.

I have reasoned thus on the three forms of government, not looking on them in their disorganized and confused conditions, but in their proper and regular administration. These three particular forms, however, contained in themselves from the first, the faults and defects I have mentioned, but they have still more dangerous vices, for there is not one of these three forms of government, which has not a precipitous and slippery passage down to some proximate abuse.

For after that king, whom I have called most admirable, or if you please most enduring—after the amiable Cyrus, we behold the barbarous Phalaris, that model of tyranny, to which the monarchical authority is easily abused by a facile and natural inclination. Alongside of the wise aristocracy of Marseilles, we might exhibit the oligarchical faction of the thirty

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despots, which once existed at Athens. And among the same Athenians, we can shew you, that when unlimited power was cast into the hands of the people, it inflamed the fury of the multitude, and aggravated that universal licence which ruined their state.

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

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

Lælius—I am not ignorant, Scipio, that such is your preference, for I have often heard you say so. But I do not the less desire, since we may not be able to at-

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tain this mixed government, if it is not giving you too much trouble, to hear your opinion as to the comparative value of the three particular forms of political constitutions.

Scipio—Why, as to that, the value of each form of government must be measured, partly by its own nature, partly by the will of the power which sways it. The advocates of democracy tell us, that no other constitution than that in which the people exercise sovereign power, can be the abode of liberty, which is certainly a most desirable blessing. Now that cannot be liberty, which is not equally established for all. And how can there be this character of equality, say they, under that monarchy where slavery is open and undisguised, or even in those constitutions in which the people seem free, but actually are so in words only?

They give their suffrages indeed, they delegate authorities, they dispose of magistracies; but yet they only grant those things which, *nolens volens*, they are obliged to grant; things that are not really in their free power, and which it is vain to expect from them. For they are not themselves admitted to the government, to the exercise of public authority, or to offices of magistrates, which are permitted to those only of ancient families and large fortunes. But in a democratical constitution, where all is free, as among the Rhodians and Athenians, every citizen may compass every thing.

According to these advocates of democracy, no sooner is one man, or several, elevated by wealth and

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power, which produce pomp and pride, than the idle and the timid give way, and bow down to the arrogance of riches. They add, on the contrary, that if the people knew how to maintain its rights, nothing could be more glorious and prosperous than democracy. They themselves would be the sovereign dispensers of laws, judgments, war, peace, public treaties, and finally, the fortune and life of each individual citizen; and this condition of things is the only one which, in their opinion, can be called a Commonwealth, that is to say, a constitution of the people.

It is by this principle that, according to them, a people sometimes vindicates its liberty from the domination of kings and nobles, for kings are not requisite to free peoples, nor the power and wealth of aristocracies. They deny, moreover, that it is fair to reject this general constitution of freemen, on account of the vices of the unbridled populace. They say that if this democracy be united, and directs all its efforts to the safety and freedom of the community, nothing can be stronger or more durable.

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

“In kingdoms there’s no faith, and little love.”

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

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

As to aristocrats, Who will endure, say they, that men should distinguish themselves by such a title, and that not by the voice of the people, but by their own votes? Who indeed shall judge, who is the aristocrat, or best authority either in learning, sciences, or arts?

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These democratical pleaders do not understand the nature or importance of a well-constituted aristocracy. If the state chooses its ruler by haphazard, it will be as easily upset as a vessel, if you chose a pilot by lots from the passengers. If a people is free, it will choose those on whom it can rely, not by the accident of a die, but by the conviction of experience; and if it desires its own preservation, it will always choose the noblest.

It is in the counsel of the aristocracy that the safety of the state consists, especially as nature has not only appointed that these superior men should excel the weaker sort in high virtue and courage, but has inspired the people also with the desire of obedience towards these, their natural lords. But they say this aristocratical state is destroyed by the depraved opinions of men, who through ignorance of virtue, (which, as it belongs to few, can be discerned and appreciated by few), imagine that rich and powerful men, because they are nobly born, are necessarily the best.

When, through this popular error, the power, not the virtue of certain men, has taken possession of the state, these men obstinately retain the title of nobles though they want the essence of nobility. For riches, fame, and power, without wisdom, and a just method of regulating ourselves and commanding others, are full of discredit and insolent arrogance; nor is there any kind of government more deformed than that in which the wealthiest are regarded as the noblest.

But (say the advocates of kings and monarchies) when virtue governs the Commonwealth what can

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

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

As to that equality of rights which democracies so loudly boast of, it can never be maintained; for the people themselves, so dissolute and so unbridled, are always inclined to flatter a number of demagogues; and there is in them a very great partiality for certain men and dignities, so that their pretended equality becomes most unfair and iniquitous. For if the same

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honour is rendered to the most noble and the most infamous, the equity they eulogize becomes most inequitable,—an evil which can never happen in those states which are governed by aristocracies. These reasonings, my Lœlius, and some others of the same kind, are usually brought forward by those that so highly extol this form of political constitution.

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

Scipio—It is vain to ask me which of the three I most approve, for there is not one of them which I approve at all by itself, since, as I told you, I prefer that government which is mixed and composed of all these forms, to any one of them taken separately.

But if I must confine myself to one of these particular forms simply and exclusively, I must confess I prefer the royal or monarchical, and extol it as the first and best. In this, which I here choose to call the primitive form of government, I find the title of father attached to that of king, to express that he watches over the citizens as over his children, and endeavours rather to preserve them in freedom than reduce them to slavery. Hence the little and the weak are in a manner sustained by this protecting superintendence of a monarch so great and so beneficent.

But here we meet the noblemen who profess that they can do all this in much better style, for they say there is much more wisdom in many than in one, and at least as much faith and equity. And, last of all,

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

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

Scipio—Since these are the facts of experience, royalty is, in my opinion, very far preferable to the three other kinds of political constitutions. But it is itself inferior to that which is composed of an equal mixture of the three best forms of government, united, and modified by one another.

I wish to establish in a Commonwealth, a royal and pre-eminent chief. Another portion of power should be deposited in the hands of the aristocracy, and certain things should be reserved to the judgment and wish of the multitude. This constitution, in the first place, possesses that great equality, without which men cannot long maintain their freedom,—then it offers a great stability, while the particular separate and isolated forms, easily fall into their contraries; so that a king is succeeded by a despot—an aristocracy by a faction—a democracy by a mob and a hubbub; and all these forms are frequently sacrificed to new revolutions.

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In this united and mixed constitution, however, which I take the liberty of recommending, similar disasters cannot happen without the greatest vices in public men. For there can be little to occasion revolution in a state, in which every person is firmly established in his appropriate rank, and there are but few modes of corruption into which he can fall.

Book III Section 32

There is a true law, a right reason, conformable to nature, universal, unchangeable, eternal, whose commands urge us to duty, and whose prohibitions restrain us from evil. Whether it enjoins or forbids, the good respect its injunctions, and the wicked treat them with indifference.

This law cannot be contradicted by any other law, and is not liable either to derogation or abrogation. Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience.

It is not one thing at Rome and another at Athens; one thing to-day and another to-morrow; but in all times and nations this universal law must for ever reign, eternal and imperishable. It is the sovereign master and emperor of all beings.

God himself is its author,—its promulgator,—its enforcer. He who obeys it not, flies from himself, and

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does violence to the very nature of man. For his crime he must endure the severest penalties hereafter, even if he avoid the usual misfortunes of the present life.

[Translated by Francis Barham]

