

of civil war, or murdered their brothers, or killed their mothers, so the Roman writers report it as the first example, that Spurius Carvilius divorced his wife, being a case that never before happened, in the space of two hundred and thirty years from the foundation of the city; and that one Thalaëa, the wife of Pinarius, had a quarrel (the first instance of the kind) with her mother-in-law, Gegania, in the reign of Tarquinius Superbus; so successful was the legislator in securing order and good conduct in the marriage relation. Their respective regulations for marrying the young women are in accordance with those for their education. Lycurgus made them brides when they were of full age and inclination. Their bodies, also, would be better able to bear the trials of breeding and of bearing children, in his judgment the one end of marriage.

The Romans, on the other hand, gave their daughters in marriage as early as twelve years old, or even under; thus they thought their bodies alike and minds would be delivered to the future husband pure and undefiled. The way of Lycurgus seems the more natural with a view to the birth of children; the other, looking to a life to be spent together, is more moral. However, the rules which Lycurgus drew up for superintendence of children, their collection into companies, their discipline and association, as also his exact regulations for their meals, exercises, and sports, argue Numa no more than an ordinary lawgiver. Numa left the whole matter simply to be decided by the parent's wishes or necessities, uniting to act for the common good only in time of danger upon occasion of their private fears, in general looking simply to their own interest.

We may forbear, indeed, to blame common legislators, who may be deficient in power or knowledge. But when a wise man like Numa had received the sovereignty over a new and docile people, was there anything that would better deserve his attention than the education of children, not to contrariety and discordance of character, but to the unity of the common model of virtue, to which from their cradle they should have been formed and molded? One benefit among many that Lycurgus obtained by his course was the permanence which it secured to his laws. The obligation of oaths to preserve them would have availed but little, if he had not, by discipline and education, infused them into the children's characters, and imbued their whole early life with a love of his government. The result was that the fundamentals of his legislation continued for above five hundred years. But Numa's whole design and aim, the continuance of peace and goodwill, on his death vanished with him; no sooner did he expire his last breath than the gates of Janus's temple flew wide open; and thus that best fabric of things was of no long continuance, because it wanted that cement which should have kept all together, education. What, then, some may say, has not Rome been advanced and bettered by her wars? A question that will need a long answer, if it is to be one to satisfy men who take the better to consist in riches, luxury, and dominion, rather than in security, gentleness, and that independence which is accompanied by justice. However, it makes much for Lycurgus, that, after the Romans had deserted the doctrine and discipline of Numa, their empire grew and their power increased so much; whereas so soon as the Spartans fell from the institutions of Lycurgus, they sank from the highest to the lowest state, and, after forfeiting their supremacy over the rest of Greece, were themselves in danger of absolute extirpation. Thus much, was peculiarly signal and almost divine in the circumstances of Numa, that he accepted a kingdom, the frame of which though he entirely altered, yet he performed it by mere persuasion, and ruled a city that as yet had scarce become one city, without recurring to arms or any violence (such as Lycurgus used, supporting himself by the aid of the

nobler citizens against the commonalty), but, by mere force of wisdom and justice, established union and harmony amongst all.

38

Titus Livy, *Heroes of the Early Republic*

Titus Livy (59 B.C.—A.D. 17) gave the Western world a panorama of patriotic heroes with an inspirational force well beyond that given by essays in political philosophy. His *History from the Founding of the City* (Rome since 753 B.C.) is much more comprehensive than that of Polybius, beginning with the arrival of the fabled Trojan Prince Aeneas in Rome. It continues in 142 books, of which thirty-five survive, down to the time of Augustus Caesar, Livy's patron. In the absence of reliable written sources for the early part of his work, Livy was forced to use oral legends that had been recorded much later, but he gave his sketches of people and events in realistic detail.

Livy's subsequent influence was immense. The realistic and cynical Machiavelli was moved by Livy's portrayal of the citizen-soldier-leader Cincinnatus (see Reading 94), and "Horatio at the Bridge" served as a model for patriotic fearlessness into the twentieth century. Almost every educated American of the seventeenth and eighteenth centuries knew Titus Livy stories. Thomas Jefferson thought he had wasted his time laboring through Plato's *Republic*, but he considered Titus Livy's work so valuable that he insisted that his daughter Martha learn to read it with ease enough not to have to ask her tutor for help with it. Livy's story of Tarquin and Lucretia articulated the Roman aversion to kings as potential tyrants and the need to have a government without them. Somewhat as Americans were to consider George III bad enough to make them swear off monarchy forever, many Romans believed that the Tarquins discredited kingship so thoroughly that likely claimants to a crown were public enemies, guilty of high treason and deserving death.

QUESTIONS TO CONSIDER

1. What sort of bet did Collatinus make with the younger Tarquin?
2. How does Lucretia embody a particular type of female virtue?
3. Why does Titus Livy assume that a republic has no place for monarchy in it? Does he differ with Polybius on that subject?
4. How did Horatio Cocles and Caius Mucius Scaevola contribute to the defense of Rome?
5. What made Porsena abandon his attempt to reestablish the Tarquins as kings of Rome?

While . . . the young princes . . . were drinking in the camp quarters of Sextus Tarquin, they began discussing their wives, with each one showering praise upon his

own. When the competitive praise really began to heat up, Collatinus said that there was no reason to settle for verbal displays and that in a few hours they could see how much better than the others his wife Lucretia was: "Why don't we—since we are young and full of energy—get on our horses and see for ourselves what our wives are doing? Let us all agree that the award of 'best wife' will be determined by what she does when her husband comes home unexpected."

"Agreed!" they all shouted, heated with wine, and soon they were urging their horses on towards Rome. It was just beginning to get dark when they arrived there. . . . [Later] they made their way to Collatia, where they discovered Lucretia occupied very differently from the daughters-in-law of the king: they had found them spending their time with their friends at a luxurious banquet. Lucretia, however, even though it was well into the night by then was busy working with her wool; her maids were working by lamplight around her as she sat in the great hall. There was no question then but what Lucretia won the "best wife" competition. The leading contenders were cordially received, and Collatinus, the victor, courteously offered refreshments to the young princes. Then and there wicked lust seized Sextus Tarquin: not only her beauty but her confirmed chastity lit flames of passion within him; however, for the time being they all treated what had happened as youthful sport and rode back to camp.

A few days later, Sextus Tarquin took one servant to Collatia without letting Collatinus know. He was graciously welcomed there, since no one knew what was on his mind. After dinner, he was led to a guest room. Burning with desire, he waited until he was sure that everyone around was asleep, and with sword drawn he entered the room of the sleeping Lucretia. He held her down with his left hand on her breast and told her: "Keep quiet, Lucretia. I am Sextus Tarquin; my sword is in my hand. One sound out of you, and you die!" The woman woke up with a start and saw no help at hand, only the threat of imminent death. Then Tarquin declared his love for her, pleading and threatening together, bringing pressure to bear from every angle on the woman's soul. When he saw she was stubborn and not going to be swayed by fear of death, he added the threat of shame. He said he would kill his slave and drag him naked to lie by her own corpse so that she could be reported killed in adultery with a low-born fellow. With this horrible threat, his lust finally overran her steadfast chastity, and Tarquin left in triumph over his conquest of her woman's honor.

Despairing at her fate, Lucretia sent the same message to her father at Rome and her husband at Ardea, asking each to come with a trustworthy friend and to come quickly for a terrible thing had happened. [With their friends, Valerius and Brutus] the men arrived and found Lucretia sitting sadly in her room. The presence of those dear to her brought tears to her eyes. When her husband asked, "Is everything all right?" she answered:

"Not by far. It can never be 'all right' for a woman whose honor has been stolen. The imprint of a stranger, Collatinus, is on your bed. To be sure, only my body has been violated, not my spirit. Death will be my witness for that. But raise your right hands and swear that the criminal will not escape punishment. It was Sextus Tarquin last night who repaid hospitality with the armed force of hostility to ruin me—and himself if you are men—with his perverted, fatal pleasure-taking."

One after the other each takes a solemn oath. They try to console her, by coaxing the poisonous affliction out of her and onto the perpetrator, telling her that the mind sins but not the body, and where there is no consent there is no guilt. "You will

decide what is to happen to him. As for me, I absolve myself of sin but not of the need to suffer the fate which must follow. In time to come, let no defiled woman use Lucretia as an excuse to keep on living." Pulling out a knife she had concealed in her dress, she plunged it into her heart and fell forward upon her wound. . . .

While the others were still overcome by grief, Brutus pulled the knife from Lucretia's wound, and as the blood dripped from it spoke: "I swear by this blood—innocent until polluted by royalty—and you, O gods, I call to witness that I will use sword, fire and every other means of force I can apply to bring down Lucius Tarquin with his evil wife and all his children and that I will not allow any of them, nor anyone else, to rule as king in Rome!" The others swore as he told them to swear. Anger devoured their grief, and they followed Brutus as leader when he called upon them to get rid of the rule of kings. . . .

The reaction to this atrocity was every bit as furious in Rome as at Collatia. People streamed to the Forum from all parts of the city. . . . The city gates were closed to keep out Tarquin [who was at the campsite] and he was banished. . . . Rule by kings had lasted two hundred and forty years at Rome. . . . The new liberty was welcomed by the Romans so enthusiastically because of the wretched tyranny of the last king. . . . [A little later, as first consul] Brutus, for his first act of office, while the people were still jealous of their new freedom, required them to swear never to allow any man to be king in Rome. . . .

By that time the Tarquins had fled to Lars Porsena, King of Clusium, and appealed to him with both pleas and advice. Sometimes they would beg him not to permit them, his fellow Etruscans, who shared blood and family names with him, to languish in exile; sometimes they would warn him not to let this growing practice of expelling kings go unpunished. . . . Porsena, convinced that there was safety in having a king rule Rome, particularly an Etruscan king honoring his people, sent an invading army towards Rome.

Never before had such terror seized the Senators—so great was Clusium's reputation for power and Porsena's own prestige. They worried not only about the invaders but also about their own common people's being seized by such fear as to allow the royal forces into the city and accept servitude as the price of peace. To gain popular support, the Senate passed some measures favoring them: . . . the poor were excused from many obligations and taxes. These burdens were assumed by wealthier people who could afford them, and the Senate justified this with the thought that the poor paid enough by raising children for Rome. And so, with these concessions by the City Fathers, harmony within the city held firm under the suffering which was to come when the city was besieged and hunger reigned—so united were the upper and lower classes in rejecting the name of king in disgust. . . .

When the enemy approached, all the Romans left their farms for the city and surrounded it with armed men. Most of Rome seemed protected by the walls, the rest by the Tiber, but the river bridge almost furnished the enemy a roadway or lane into Rome and would, in fact, have done so had it not been for one man: Horatio Cocles. That day he protected the fortunes of Rome himself. He was on guard at the bridge when a sudden enemy assault overran Janiculum Hill [on the other side of the Tiber from the strongly defended parts of the city]. He saw the invaders coming down the hill from there, with his own people turning into a frightened mob, dropping their weapons behind them as they broke ranks and ran. Confronting them individually, blocking their way and making them listen to him, he told them in the name of gods

and men that if they deserted their posts there was no place left to flee to: if they gave up the bridge there would soon be more enemy forces on Palatine Hill and Capitol Hill than on Janiculum. Thus he warned them and ordered them to destroy the bridge with steel, fire or whatever they could find to work with and promised that he would hold back the enemy's charge to the extent that one man's body could block it. Then he walked to the far end of the bridge, his lone figure standing out against the sight of those fleeing from the fight. With his sword and shield ready for single combat, his daring made the invaders pause in amazement. Shame did keep two men from leaving him there alone. . . . With them he withstood the first, most violent onslaught but after a short time he made them retreat to safety, for little support remained under the bridge, and its demolishers were shouting for them to come back. Then, with threatening glances he looked around at the Etruscan elite. Challenging them individually to do combat with him and ridiculing them all as a group, he taunted them for accepting slavery under royal arrogance . . . while coming to take away the liberty of others. The Etruscans looked around at each other, each waiting for his comrade to start fighting with Horatio. Shame finally moved them to attack, and with a loud shout they hurled their spears against their lone enemy. He deflected all these with his shield and, determined as ever, planted his feet in the center of the far end of the bridge. The Etruscans began to advance with a charge to dislodge him, when the crash of falling bridge timbers and the simultaneous roar of joy from the Romans, who saw their work finished in time, stopped them fearfully in their tracks.

"Father Tiber," Horatio began, "I pray reverently that you will receive these arms and this soldier with a kindly current!" Then he jumped, fully armed, into the Tiber and with a shower of spears striking the water around him swam unhurt across the river to his people. . . .

Porsena responded to this defeat in his attempt to conquer Rome by ordering a siege. . . . [After the blockade had been in place for a while], grain supplies were depleted and what remained was selling at very high prices, so that Porsena began to hope that just by sitting still he could take the city. At that point Caius Mucius, a young noble, brooded over the fact that the Roman people had never been blockaded by enemies in the days of their servitude under kings, but now, when they were free, they were being blockaded by the same Etruscans whose armies they had so often defeated, and so he made up his mind to avenge this indignity with some great and daring deed. . . . [Letting the Senate know only that he was leaving], he set out with a dagger concealed in his clothing. Arriving at the Etruscan camp, he wedged himself into a dense crowd near the platform on which the king was sitting. It was payday for his soldiers and a paymaster was sitting by the king, dressed almost the same way as he, and very busy since most of the soldiers transacted their business with him. Mucius was afraid to ask which of the two was the king, lest his ignorance of who the king was give away who he was. Trusting to Fortune, he stabbed the paymaster instead of the king. As he tried to carve a path back through the crowd with his bloody blade, shouts resounded and royal bodyguards surrounded him and led him back to the platform. Yet completely alone and seemingly abandoned by Fortune, his face stayed grim and threatening as befit a man to be feared rather than one afraid: "I am a Roman citizen," he began, "named Caius Mucius. As your enemy, I wanted to kill you, but I am just as ready to die as I was to kill. It is the Roman way to act and to suffer bravely. Nor am I the only one determined to assassinate you. A long line of men behind me will seek the same honor. Get ready if you want for the

coming struggle in which you will try to save your life from hour to hour, having one enemy with a dagger after another on your doorstep. This is the kind of war we young men of Rome declare on you. You need fear neither marching ranks nor pitched battles: it will be all between your own self and us, one at a time."

The king, enraged but also very anxious about the danger to himself, ordered the prisoner to be burned alive unless he would give him the details of the plot he had just outlined. "So that you may see how cheap our men who have their eyes fixed on glory consider their bodies—" said Mucius, and with that he shoved his right hand into the altar-fire which had been lit for sacrificing. When he let his hand burn as if his spirit removed any sensation of pain, the king jumped from his seat in astonishment and ordered the young man removed from the altar. "Go free, you who dare injure yourself more than me! I would pray that your bravery be rewarded with success if it were bravery on behalf of my country; at least I am releasing you with no charges of crime and no painful penalties from me."

As if responding to the king's generosity, Mucius answered: "Since you honor bravery, I will give you information in gratitude which you could not have tortured out of me: three hundred young men from Rome's leading families are members of this conspiracy to finish you off by violent means. I drew the first lot. Whoever draws the next and the next after that will seek you out in turn, until Fortune gives one of us an opportunity to get you."

Emissaries from Porsena arrived in Rome following the release of Mucius, who was afterwards known as "Scaevola" (Lefty) because of his missing right hand. . . . The king had been so disturbed . . . that he sent peace proposals to the Romans. . . .

Peace was concluded, but later Porsena sought to open negotiations for the restoration of the Tarquins, and the Romans sent their most distinguished Senators to reply, saying they were in hopes of closing discussion on that issue once and for all and that they wanted to remove any hindrance to mutually beneficial relations—the hindrance being royal requests for something incompatible with Roman liberty, asking them to give up something essential for the sake of being agreeable, requiring the Romans to keep on denying his request to a man to whom they did not wish to deny anything. Rome was not to be a kingdom but was to remain in freedom. The Romans were determined to open their gates to enemies sooner than to kings. The Romans were all united in a single prayer—that the city could come to an end when its liberty ended.

39

Polybius, "Why Romans and Not Greeks Govern the World"

The Romans sent men of prominence or from prominent families from those Greek city-states with a recent history of resistance off to Rome as hostages in order to ensure the good behavior of the Greek leaders now subject to Rome. In this role, Polybius (ca. 205–125 B.C.), who had been a cavalry general and ambassador to Egypt for the Achaean League (of Greek city-states), arrived in Rome around 170 B.C.

Polybius got along splendidly with the Roman leaders he met and seems to have noted a convergence in the

and evil men are held in equal estimation? The people judge cases punishable by a fine, especially when the accused have held high office. In capital cases they are the sole judges. It is the people who bestow office on the deserving, the noblest reward of virtue in a state; the people have the power of approving or rejecting laws, and what is most important of all, they deliberate on questions of war and peace. Further in the case of alliances, terms of peace, and treaties, it is the people who ratify all these. Thus one might plausibly say that the people's share in the government is the greatest, and that the constitution is a democratic one.

Having stated how political power is distributed among the three constitutional forms, I will now explain how each of the three parts is enabled, if they wish, to oppose or cooperate with the other parts. The Consul, when he leaves with his army, appears to have absolute authority in all matters necessary for carrying out his purpose; however, in fact he really requires the support of the people and the Senate. For the legions require constant supplies, and without the consent of the Senate, neither grain, clothing, nor pay can be provided; so that the commander's plans come to nothing, if the Senate chooses to impede them. As for the people it is indispensable for the Consuls to conciliate them, however far away from home they may be; for it is the people who ratify or annul treaties, and what is most important, the Consuls are obliged to account for their actions to the people. So it is not safe for the Consuls to underestimate the importance of the good will of either the Senate or the people.

The Senate, which possesses such great power, is obliged to respect the wishes of the people, and it cannot carry out inquiries into the most grave offenses against the state, unless confirmed by the people. The people alone have the power of passing or rejecting any law meant to deprive the Senate of some of its traditional authority. Therefore the Senate is afraid of the masses and must pay due attention to the popular will.

Similarly, the people are dependent on the Senate and must respect its members both in public and in private. Through the whole of Italy a vast number of contracts, which it would not be easy to enumerate, are given out by the Senate for the construction and repair of public buildings, and besides this there are many things which are farmed out, such as navigable rivers, harbors, gardens, mines, lands, in fact everything that forms part of the Roman domains. Now all these matters are undertaken by the people, and everyone is interested in these contracts and the work they involve. Certain people are the actual purchasers of the contracts, others are the partners of these first, others guarantee them, others pledge their own fortunes to the state for this purpose. In all these matters the Senate is supreme. It can grant extension of time; it can relieve the contractor if any accident occurs; and if the work proves to be absolutely impossible to carry out it can liberate him from his contract. There are many ways in which the Senate can either benefit or injure those who manage public property. What is even more important is that the judges in most civil trials are appointed from the Senate. As a result of the fact that all citizens are at the mercy of the Senate, and look forward with alarm to the uncertainty of litigation, they are very shy of obstructing or resisting its decisions. Similarly anyone is reluctant to oppose the projects of the Consuls as all are generally and individually under their authority when in the field.

Such being the power that each part has of hampering the others or cooperating with them, their union is adequate to all emergencies, so that it is impossible to

find a better political system than this. Whenever the menace of some common danger from abroad compels them to act in concord and support each other, the strength of the state becomes great, as all are zealously competing in devising means of meeting the need of the hour. Consequently, this peculiar form of constitution possesses an irresistible power of attaining every object upon which it is resolved. When they are freed from external menace, and reap the harvest of good fortune and affluence which is the result of their success, and in the enjoyment of this prosperity are corrupted by flattery and idleness and become insolent and overbearing, as indeed happens often enough, it is then especially that we see the state providing itself a remedy for the evil from which it suffers. For when one part having grown out of proportion to the others aims at supremacy and tends to become too predominant, it is evident that none of the three is absolute. The purpose of one can be offset and resisted by the others, and none of them will excessively outgrow the others or treat them with contempt. All parts abide by the traditional constitutional practices because any aggressive impulse is sure to be checked and because they fear from the outset the possibility of being interfered with by the others.

40

Marcus Tullius Cicero, *The Laws*

The idea of a higher law than men could make had been a familiar one to the Greeks of the Classical Age. It had been well articulated by Sophocles in *Antigone* (see Reading 33). Consequently, it is a matter of some debate how original the Stoics of the Hellenistic Age were in stressing Natural Law as the body of (obviously unwritten) laws governing both the world of nature and the proper conduct of humankind. Be that as it may, the idea of a law based on nature as the proper model for human law appealed to many Roman commentators on law: Ideally man-made law, called *lex positiva* or "positive law" ¹⁵ by the Romans, was to reflect and implement the *lex naturalis* or "law of nature." If it did not, it did not deserve to be called "law." In the following selection, Marcus Tullius Cicero (106–43 B.C.), the Roman orator and political ideologue of the Republic, defends this relationship.

Placing higher value on Greek authority than on a claim to originality, Cicero used Plato's titles *The Republic* and *The Laws* to present his political ideas. In his *Republic*, he gives a short summary of the relationship between natural and positive law:

"There is in fact a true law—namely, right reason—which is in accordance with nature, applies to all men, and is unchangeable and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong. Its commands and prohibitions always influence good men, but are without effect upon the bad. To invalidate this law by human legislation is never morally right, nor is it

¹⁵This was not in the sense of "positive" versus "negative," but rather in the no longer common usage of "set down" or "recorded," as in our common words: "deposit" and "repository."

permissible ever to restrict its operation, and to annul it wholly is impossible. Neither the Senate nor the people can absolve us from our obligation to obey this law. . . . It will not lay down one rule at Rome and another at Athens, nor will it be one rule today and another tomorrow. But there will be one law, eternal and unchangeable, binding at all times upon all peoples; and there will be, as it were, one common master and ruler of men, namely God, who is the author of this law, its interpreter, and its sponsor. The man who will not obey it will abandon his better self, and, in denying the true nature of a man, will thereby suffer the severest of penalties, though he has escaped all the other consequences which men call punishment."¹⁶

In his *Laws*, this connection is defended at much greater length.

QUESTIONS TO CONSIDER

1. Why does Cicero consider Natural Law to have greater power than man-made law? Do you? Why?
2. Why do you suppose that most twentieth-century lawyers prefer not to argue their cases in terms of Natural Law? Can you think of some cases in which Natural Law argumentation has won out?

Those learned men appear to be right who say that law is the highest reason implanted in Nature, which commands what should be done and prohibits what should not be: when this same reason takes root and develops in the human mind it is law. Thus they consider law to be intelligence which has the power to command people to do what is right and to refrain from what is wrong. . . . The way Nature has made us lets us share the concept of justice with each other and pass it on to all men. . . . Those human beings to whom Nature gave reason were also given *right* reason in matters of command and prohibition. . . .

From the time we were children, we have been calling rules that begin: "If a man makes a complaint in court" and similar things by the name "laws." It would be good now if we could establish that with commands to do things or refrain from doing them nations apply the power to steer people towards doing the right things and away from committing crimes; however, this power is not only older than peoples and governments but is of the same age as the God who protects and rules both Heaven and earth. You see, the divine mind cannot exist without reason, and divine reason must have the power to sanction what is right and wrong.

Nothing was ever written to say that one man alone on a bridge should face massed, armed forces of enemies and command the bridge behind him to be destroyed, but that fact should not mislead us into thinking that [Horatio] Cocles was not following to the utmost the law which summons us to deeds of bravery. If there has been no written law in Rome against rape back when Lucius Tarquin ruled as king, that would not mean that Sextus Tarquin was not breaking that eternal law when he took Lucretia by force. . . . The fact is that reason did exist, a gift of Nature,

¹⁶Marcus Tullius Cicero, *On the Commonwealth*, ed. and trans. George H. Sabine and Stanley B. Smith (Columbus: Ohio State University Press, 1929), III, xxii, pp. 215–16.

From Marcus Tullius Cicero, *De legibus libri*, ed. J. Vahlen (Berlin: F. Vahlenum, 1883), I, vi, 18–19; I, xi, 33; II, iv, 9–v, 13). Trans. Henry A. Myers. Dialogue-personage names omitted.

calling upon man to do right and abstain from wrong. It did not begin to be law when it first came into being, which it did at the same time as the divine mind. . . . The varied ordinances formulated for momentary needs of the peoples bear the name "laws" through being so favored by conventional usage rather than because they are really laws. . . . Men introduced such laws to insure the protection of citizens and states, as well as the peaceful and happy lot of mankind. Those who originated these sanctions persuaded their people that what they were writing down and putting into effect would—if the people lived by them—give them happiness and honor. When these sanctions were formulated and went into effect they were indeed called "laws."

How about all the pernicious and pestilential bits of legislation which nations have been known to enact? These no more deserve the name "laws" than the agreements that gangs of robbers might make among themselves. We know that if ignorant and inexperienced men should recommend poisons instead of medicines with the power to heal these would not be called "physicians' prescriptions." In the same way, nothing causing injury should be called a "law," no matter how it may have been enacted by a state or how the people may accept it. Thus we find that law reflects justice, distinct from injustice, and comes from that most ancient and rightfully dominant of all things: Nature, which all human laws reflect when they punish evildoers while defending and protecting good people.

Science in the Greco-Roman and Chinese Worlds

Greeks and Romans made strides toward a comprehensive philosophy of science with their understanding of cause and effect in the world of nature as a system of regularities functioning without any supernatural causes needed to make things happen. This served them well in medicine as in engineering. They prayed, of course, for divine intervention to ward off and cure diseases and occasionally were not above invoking supernatural aid to curse individuals, families, or projects, but in general they separated their study of the workings of nature from theology.

In astronomy, they inherited considerable data, particularly information related to devising calendars, from Egyptian and Babylonian predecessors and went on to observe with increasing exactness regularities with which planets and stars appeared in the sky, collating the patterns into a basis for more accurately predicting their reoccurrence. With few exceptions, their observations led them to confirm the geocentric theory, according to which the heavenly bodies revolved around the earth, which remained the focal point of the universe in their cosmography.

In general, it was the judgment of the educated Greek, Hellenistic, and Roman worlds that the study of nature should be pursued by observing natural phenomena through sense perception and reflecting upon the data so obtained through reason. This mindset was to surface much later as the formula for scientific—and consequently human—progress sporadically in the Western