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The case for politics: a cross-generic study of Cicero's arguments for political engagement

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Dissertation

**THE CASE FOR POLITICS: A CROSS-GENERIC STUDY OF CICERO'S
ARGUMENTS FOR POLITICAL ENGAGEMENT**

by

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UXORI CARISSIMAE,
QUAE SAEPISSIME CURAM ET ANGOREM ANIMI MEI
SERMONE ET CONSILIO LEVASTI TUO,
QUAE MIHI ET IN PUBLICA RE SOCIA
ET IN PRIVATIS OMNIBUS CONSCIA
ET OMNIUM MEORUM SERMONUM ET CONSILIORUM
PARTICEPS ESSE SOLES

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ABSTRACT

This dissertation argues that in two different genres, oratory and political philosophy, Cicero presents to the Roman elite a variety of possible motives for pursuing a political career, and advances his vision of legitimate political engagement. It challenges recent interpretations, first, by demonstrating how Ciceronian forensic rhetoric transcends judicial goals in pursuit of broader cultural and political aims (Chapter 1); second, by demonstrating that Cicero's political philosophy advances a new form of elite engagement, informed by Greek ethical philosophy and contemplative pursuits (Chapters 2-4); and, third, by demonstrating that Cicero viewed philosophy as essential for rhetoric, not due to its instrumental value but as an ethical grounding for both personal behavior and public oratory (Chapter 4).

The first chapter argues that in the *Pro Sestio*, Cicero uses the prospect of civic glory to motivate his listeners to defend the republic. The second chapter, in contrast, shows how Cicero's first dialogue on political philosophy, the *De Re Publica*, downplays the motive of civic glory in favor of less mercenary motives drawn from Greek ethical philosophy, especially the attraction of virtue as its own reward. Cicero attempts to persuade his potentially resistant Roman audience, however, by adopting an initial pose

of hostility towards philosophy and by putting philosophical ideas in the mouths of his Roman dialogical personae. The third chapter, on the *Somnium Scipionis*, argues that Cicero concludes the *De Re Publica* by employing the authority of Scipio to inspire his audience to study cosmology in order to acquire knowledge of the motives, ends, and means of political engagement; Scipio qualifies Laelius's earlier argument about virtue, reevaluating it as a means to an eternal reward based on Platonic eschatology. The fourth chapter shows that in *De Legibus* 1, the character Marcus Cicero mounts two arguments for natural law in two different styles, one aimed at Atticus the intellectual and the other at Quintus the politician, suggesting two chief segments of his potential reading audience. Marcus concludes with an inspiring speech intended to show Atticus that philosophy demands engagement in politics and to convince Quintus that philosophic knowledge gives public oratory ethical grounding.

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Introduction

Cicero's exile and return (58-57 BCE) appears to have provoked a crisis in his thinking about motives for involvement in politics and about the particularly republican form of politics he had championed. The prominence of this theme in his literary oeuvre in the mid to late-50s BCE suggests that prior to his exile, he had lived more or less thoughtlessly in accordance with the ideals of traditional Roman political culture. He had played the part of a good Roman *vir*, pursuing a career in public life and relishing the rewards of status (*dignitas*) and glory from his fellow-citizens in recompense for public service, in keeping with what Robert Kaster has aptly termed "the contractualist premises of Roman republicanism."¹

It is true that Cicero's political activity before exile was already characterized by a certain eccentric Ciceronianism. Cicero relied more exclusively on the power of the spoken word and a comparative neglect of military feats to attain prominence,² and he pointed to literature and learning as an important inspiration for his own political career.³ And yet Cicero's motives were, at least insofar as he was willing to express them at the time, utterly traditional. Even in *Pro Archia*, where as he argued for a greater influence of liberal learning on oratory and political activity than was customary in ancient Rome, Cicero was nevertheless unambiguous in validating the traditional drive for glory as the proper motive for political engagement:

¹ 2006: 387.

² See Narducci 1997 and Dugan 2005.

³ See, for example, the preface of the youthful *De Inventione* (c. 88 BCE) and *Pro Archia* 12-14 (62 BCE).

For if I had not persuaded myself from the time I was young through many books and through the teachings of many writers that nothing in life should be eagerly sought except praise and honor... I never would have exposed myself, for the sake of your safety, to so many and such great struggles, and to these daily attacks of the degenerate.⁴ (14)

Thus in *Pro Archia*, Cicero suggested that immersion in humanistic learning had served to strengthen his commitment to the traditional Roman ideal of pursuing honor as a reward for one's sacrifices for the public good.

In his works after his return from exile, however, Cicero shows himself more ambiguous and more thoughtful on the issue of glory. In several seminal works written post-exile, and in multiple genres, Cicero asks the question: what if you don't get glory at all from engaging in politics, or what if you can lose it—as he himself had come to know all too well by dint of bitter, personal experience? Even if you won't get any glory and recognition, can other motives from the *mos maiorum* and from Greek philosophy still make it worthwhile to engage in politics, and in particular, in such a way as to fight for the republican form of government and the interests of citizens loyal to that government?

Indeed, another important aspect of Cicero's pursuit of this question of political engagement post-exile is his detailed promotion of the proper character of political engagement: namely the republican ends to which it should be directed, and the character it ought to have. Here, too, Cicero relied not only on the Roman tradition but also turned to Greek philosophy for answers. In short, the original impetus for Cicero's closer

⁴ *Nam nisi multorum praeceptis multisque litteris mihi ab adolescentia suasissem nihil esse in vita magno opera expetendum nisi laudem atque honestatem... numquam me pro salute vestra in tot ac tantas dimicationes atque in hos profligatorum hominum cotidianos impetus obiecissem.* Translations throughout this dissertation are my own.

consideration of these questions was the personal need to justify his way of life and his determination to continue pursuing that way of life in the face of adverse circumstances.

These adverse circumstances, moreover, suggest that Cicero's aim in discussing these questions was not merely personal. He was not merely thinking out loud about an issue that only concerned him personally.⁵ Cicero's justification of republican political engagement was also relevant to his contemporaries in the Roman elite in the mid to late 50s BCE. The power of the triumvirate and the potentially deterrent *exemplum* of Cicero's recent exile meant that there were good reasons for his contemporaries among the Roman elite either to avoid the trouble of defending the Republic or to join the triumvirs in undermining it. Given the circumstances, whether or not to be involved in politics, and how, were not questions that only concerned Cicero.

Cicero's discussion of political engagement, therefore, ought not to be seen as merely exploratory but as fundamentally rhetorical in character, even in his political philosophy. It is generally admitted that when Cicero speaks of himself or depicts himself in the dialogues, he has a rhetorical purpose. Little has been done, however, to analyze the rhetorical function of the arguments and ideas advanced within the dialogues in terms of audience, whether within the fictive world of the dialogue or in terms of Cicero's contemporary audience. Hence the need for this dissertation: the pervasiveness of this central theme of political engagement—including the motives, ends, and means or character of such engagement—in Cicero's literary oeuvre post-exile calls for a rhetorical analysis of his aims and methods in his pursuit of this question.

⁵ Zarecki 2014 interprets the *rector rei publicae* in Cicero's *De Re Publica* as a model of statesmanship against which Cicero intended only to measure himself.

Significance of the study

This dissertation, therefore, takes a novel approach to Cicero in terms of both theme and methodology. As regards theme, first, focusing on Cicero's championing of a particular kind of political engagement in a major speech, *Pro Sestio*, will demonstrate that Cicero's aims in a judicial speech need not be limited to the exoneration of his client, while taking up this theme in his political philosophy will shed light on the rhetorical character of those writings. Secondly, attention to this theme will provide a new perspective from which to view Cicero's well-known tendency to self-promotion and his lifelong effort to preserve republican government at Rome. In these works, Cicero uses his own *exemplum* and a variety of other arguments justifying his way of life not only to promote himself but also, and more fundamentally, to draw others to engage in politics with the preservation of the Republic as their goal. Third, a close reading of *Pro Sestio* and a reinterpretation of Cicero's *De Re Publica* and *De Legibus* will demonstrate that while Cicero asserted the superiority of the Roman value of public service over mere Greek theorizing, he aimed to bolster that Roman value and reform Roman political culture through something traditionally perceived as inimical to Roman culture, namely Greek philosophy.

This dissertation will also make a significant contribution to Ciceronian studies in terms of methodology. My concentration on this theme across genre will demonstrate that, despite the traditional manner of studying Cicero's works in generic isolation from one another, a single voice can in fact be heard across genre and time. I will demonstrate that Cicero consistently pursues the same goal of persuading others to engage in the

republican political project. At the same time, however, I will show how Cicero's rhetorical strategies change in accordance with the contingencies of genre and politics in the real world. The kind of arguments advanced and emphasized depends on what is appropriate to the genre and opportune in the circumstances.

My attempt to identify a unified voice in Cicero's multi-generic writings advances a scholarly approach initiated by Catherine Steel (2005) in her monograph on Ciceronian self-fashioning,⁶ an approach that has scarcely been repeated in subsequent scholarship.⁷ However, while imitating Steel's attempt to find a basis on which to unify Cicero's writings, my study strives for greater sophistication. Steel argues for unity in the Ciceronian corpus by highlighting the common goal of self-promotion. On her reading, Cicero created and circulated so many writings to showcase his multi-faceted knowledge and ability. The unity I discern in Cicero, however, regards a theme that is central to a number of works taken individually, and my focus on this theme will also considerably advance our understanding of each work.

The generic and temporal scope of this dissertation is admittedly limited, as I will take up only two genres, oratory and political philosophy, and will limit myself to works

⁶ *Reading Cicero: Genre and Performance in Late Republican Rome*.

⁷ Steel 2013b likewise argues for a unified approach to Cicero. Bishop and Köster credited Steel in their proposal for a panel on "Cicero Across Genres" at the 2016 SCS Annual Meeting. Prior to Steel, the landmark study of Michel 1960 argued for an integrated view of Cicero the philosopher and Cicero the orator; articles appeared from time to time attempting to bridge the gap between the different "Ciceros", often employing the phrasing "Cicero between x and y," as for example Görler 1988b, "Cicero zwischen Politik und Philosophie"; Nicolai 2000, "*Opus oratorium maxime: Cicerone tra storia e oratoria*"; Grilli 2002, "Cicerone tra retorica e filosofia." See also Stem 2006, who argues for the necessity of reading across genre in order to have a proper understanding of Cicero's political thought as a whole; he attempts to do this by analyzing the *Pro Murena* together with some of the *Epistulae ad Atticum*.

produced within a few years of each other during the 50s BCE. Nevertheless, this dissertation lays central groundwork for further pursuit of a cross-generic approach to arguments for political engagement in Cicero. The works under discussion in this dissertation are remarkably rich in the variety and complexity of their arguments for political engagement. *Pro Sestio* is only one speech, but it is also one of Cicero's longest and most complex. Moreover, as I will demonstrate, the speech is profoundly concerned with promoting republican political engagement from start to finish. *De Re Publica* presents particular challenges for interpretation, given the fragmentary condition in which it now stands, and is also explicitly concerned with political engagement from the preface until its powerful ending with the *Somnium Scipionis*. The *Somnium* is such a rich text for Cicero's conception of political engagement, and has such a rich tradition of commentary, having been transmitted independently of the rest of *De Re Publica*, that it merits special attention in a chapter of its own. *De Legibus*, finally, presents a complex philosophical conception of law and the relationship between that concept and the obligation to serve one's country and to be concerned with lawgiving in practice.

Although the works I deal with are limited to the same decade, it is nevertheless the case that the delivery of *Pro Sestio* occurred in circumstances quite different from the writing and circulation of *De Re Publica* and *De Legibus*. Cicero delivered *Pro Sestio* at a pivotal moment in the history of the late Republic. In early 56 BCE, Cicero, one of the most prominent champions of republican government, had just been recalled from exile, and the triumviral alliance had begun to fracture, offering Cicero a major opportunity to rally the body politic to the republican cause. *De Re Publica* and *De Legibus*, however,

were written—and in the case of the former, circulated—after the renewal of the triumvirate, when Cicero himself had agreed not to oppose the triumvirs in public. The change in his circumstances led Cicero to turn to a new genre, and to cultivate different arguments in favor of republican political engagement.

Relationship to previous scholarship

Content

Previous studies of Cicero's arguments for political engagement chiefly fall into two categories. The first kind has focused on Cicero's hostility to Epicureanism on account of Epicureanism's enshrinement of pleasure as the highest good and the related admonition to avoid the troubles of political life. Cicero's *De Re Publica*, in particular, has been the subject of several studies analyzing its salient critique of Epicurean quietism (cf. D'Anna 1965, Fontaine 1966, Andreoni 1979, Maso 2008, Englert 2014). Likewise, Cicero's hostility to Epicureanism in the speech *In Pisonem* has received various treatments (cf. Nisbet 1961, Grimal 1966, Maslowski 1974, Griffin 2001, and Dugan 2005). Finally, Cicero's criticism of the Epicurean admonition to avoid politics has been cursorily noted by commentators on *Pro Sestio* (Kaster 2005) and *De Oratore* (e.g. Leeman, Pinkster, and Wisse 1996, Mankin 2011, and Englert 2014).

There is still need, however, for a more comprehensive study of Cicero's attempt to marshal a variety of arguments, in several different works, against both Epicureans and others in his audience abstaining from political life for reasons that had nothing to do with philosophy. Cicero's arguments for engagement in politics are not directed exclusively against Epicureanism, nor are they limited to the works most frequently

analyzed in terms of their anti-Epicureanism (*In Pisonem* and *De Re Publica*). What I will particularly show in this dissertation is the way that arguments apparently directed at Epicureans in *Pro Sestio* and *De Re Publica* actually create the impression of another kind of person in his audience: a member of the Roman elite abstaining from politics out of laziness, selfishness, or fear for personal safety.

Even in the case of *De Re Publica*, whose anti-Epicureanism has been so frequently analyzed, the need remains for an analysis of several other arguments in the work for political engagement. In addition, there is more to be said about Cicero's arguments against Epicurean quietism in other contexts, such as *De Legibus*, where scholars have not explored the rhetorical significance of Cicero's natural argument in Book 1 as delivered before an Epicurean, Atticus.

The second major kind of previous study on Cicero's arguments for political engagement has interpreted Cicero's political philosophy as straightforwardly advancing politics over philosophy, validating the active life over the contemplative life and Roman practical values over Greek theory (De Saint-Denis 1938, Gigon 1977: 275-315, Büchner 1984: 79-94 and 265-77, Blössner 2001, Zetzel 2003, Gastaldi 2014, Schütrumpf 2014). The conclusion reached by these studies has been overstated, in part due to a focus on the prefaces to the neglect of the body of the works (please see "Integrating the preface..." below). These studies have overlooked the way Cicero seeks in his political philosophy to integrate Greek philosophy with the traditional Roman ideal of public service in order

to advance new motives for political engagement and to promote a new kind of engagement, henceforth to be informed by the frequent study of philosophy.⁸

Scholars have also overlooked Cicero's promotion of philosophic politics in these works because Cicero's intentions are rhetorically masked by passages containing overt criticism of philosophy and philosophers, whether by Cicero himself in his own voice or on the part of dialogical personae. Such passages have led scholars to view Cicero as a typical Roman who asserts the superiority of Roman values over Greek culture. But they neglect a number of passages in which the persona of the author or the dialogical personae advance ethical ideas from Greek philosophy or encourage the study of philosophy itself. By reading Cicero's philosophic works in terms of rhetoric, I will show that Cicero was actually trying to make his fellow Romans more "Greek," in the sense of making them more interested in philosophical pursuits and in virtuous behavior grounded in Greek ideas.⁹ Cicero does not try to make the Romans Greeks as such, as he does not encourage the exclusive pursuit of philosophy but rather a political life informed by the continuous study of philosophy. Read in this light, the "Roman" features of Cicero's dialogues prove not how "Roman" Cicero was or that he subscribed to the traditional dichotomy of "Roman" versus "Greek," but rather point to the Roman prejudices of Cicero's audience. Cicero as author will on occasion appear to share those prejudices, or will attribute them to some of his dialogical personae, as part of a strategy to gain the

⁸ A more balanced view of Cicero's promotion of philosophy and politics in *De Re Publica* is advanced by Zetzel 1998 and Zetzel 2013.

⁹ See Narducci 1997 for a similar claim about Cicero's humanistic project in *Pro Archia* and *De Oratore*.

trust of his audience or to get his audience to sympathize and identify with certain personae, whom Cicero will then use to promote philosophy and philosophical ideas.

Methodology

Broad rhetorical approach to Ciceronian oratory and political philosophy

The most important aspect of my method is to further recent, innovative rhetorical approaches to Cicero's speeches and philosophical dialogues. In the first place, I will focus on rhetorical goals besides acquittal in a major judicial speech, *Pro Sestio*. Since the time of Stroh's seminal monograph (1975), Cicero's speeches have frequently been analyzed in terms of "persuasive process."¹⁰ Scholars have demonstrated how the structure, style, and content of a Ciceronian speech helped Cicero obtain his judicial goals, if the speech was given in the law courts seeking the conviction or acquittal of an individual; or political goals, in the case of a speech given before the Senate or at a *contio*. My approach to *Pro Sestio*, by contrast, follows in the wake of Narducci (1997), Habinek (1998), Steel (2005 and 2006), Dugan (2005), and Vasaly (2013), who argue that Cicero's judicial speeches function not only as a means of persuading the jurors to acquit Cicero's client, but also, especially in consideration of their status as published texts, as a way of promoting "wide-ranging social/cultural/political aims."¹¹

¹⁰ Major studies of Cicero's speeches which followed in the wake of the new wave of persuasive process criticism initiated by Stroh include Classen 1985, Craig 1993, Vasaly 1993, Kaster 2006, and Gildenhard 2011.

¹¹ Vasaly 2013: 141. Also relevant are the following remarks on the desirability of an approach that focuses on political ideas communicated through the speeches: "If, as I have argued, the content, not just the fact or outcome, of the many forensic speeches that attracted extensive audiences could also constitute an essential mode of political communication, further study of the persuasive strategies of Cicero's judicial speeches and the multiple audiences to which they were addressed is called for" (159).

I will also make a novel contribution to the much-discussed topic of Cicero's rhetorical self-fashioning. In my view, inasmuch as Cicero presents himself as an *exemplum* of proper political engagement in *Pro Sestio* and other speeches, he does so not merely to augment his political *auctoritas*, to engage in vain self-praise, and to seek future renown,¹² but also to influence the way of life of present and future generations so as to preserve republican politics, or bring about its restoration. This function of Cicero's self-exemplarity continues to be neglected by recent scholarship, which is similar in this regard to the 19th-century German tradition—initiated by Mommsen and continued in the 20th century by Syme and Carcopino—of presenting Cicero as a completely self-absorbed politician more concerned with promoting his own glory than with maintaining the Republic.¹³ Cicero's rhetorical self-fashioning is simultaneously self-serving and geared towards inspiring others to imitate his manner of political engagement.

This dissertation will also build on a recent body of scholarship that investigates Cicero's rhetorical goals in his philosophy. While Fox (2007) argues that Cicero's adherence to the skeptical Academy and his use of the dialogue form in *De Re Publica*, *De Legibus* and *De Oratore* give these works a non-dogmatic and exploratory

¹² These aspects of his exemplarity have been especially well-scrutinized in recent scholarship. See e.g. Dugan 2005, Steel 2005, Dolganov 2008, Van der Blom 2010.

¹³ Cf. Douglas 1968: 26: "Ancient conventions provide the answer here. *Gloria* was the natural concomitant and reward of *virtus*." Cf. Sullivan 1941: 382 ff. Douglas also remarks on Cicero and politicians: "When we have referred to [politicians'] ambition, their subtlety or ruthlessness, their shortness of view, we have not said everything. Along with all this they have a tendency to believe that they are serving the interests of their country. Ideals and principles are political facts as much as self-seeking and intrigue" (10).

character,¹⁴ I will pursue a recent trend in German classical scholarship, as yet a road not taken in the Anglophone sphere, that highlights the way the dialogues exercise a persuasive influence on the reader (esp. Leonhardt 1999, Blössner 2001, Sauer 2013).¹⁵ I will also follow the model rhetorical approach of Baraz (2012), who analyzes how Cicero persuades his reading audience to accept the validity of his philosophical project in the prefaces of philosophic works written in the 40s BCE.

Specifically, I will analyze Cicero's rhetorical aims and methods in *De Re Publica* and *De Legibus*, bringing to light the way these works are centrally concerned with advancing a new form of political involvement, that is, philosophically informed republican statesmanship.¹⁶ This aim will require me to make a detailed, linear analysis

¹⁴ On *De Re Publica*, for example, Fox comments: "Cicero's faith in Academic philosophical method makes the whole notion of a 'message' for a philosophical work untenable" (109). Steel 2014 sympathizes with Fox's approach, criticizing Atkins 2013 in these terms: "Fox's analysis of *De oratore* as a text which evades fixity could offer a stimulating counter to Atkins's approach; for all Atkins's skill as a close reader and his alertness to Cicero's own sceptical moves, this monograph feels fairly dogmatic in its final interpretative positions." It is my view that while these dialogues leave Cicero's personal skepticism intact, the dialogues are not skeptical in intent or effect; that spirit is more proper to the dialogues of the 40s.

¹⁵ See also Glucker 1988 and Görler 1995 on the dogmatic features of Ciceronian dialogue in the 50s, by contrast with the philosophical works of the 40s, where Cicero explicitly avows skepticism and makes more extensive use of Academic *argumentum in utramque partem*.

¹⁶ On the importance of political engagement in *Rep.*, see esp. Zetzel 2013: 184: "Cicero at times speaks of outstanding figures as leaders and guides, but in fact leadership for Cicero is secondary to political participation itself, and the whole dialogue is structured as a protreptic to politics." However, the need remains for a full analysis of this protreptic, especially in terms of the particular kind of philosophically informed political involvement that Cicero promotes. Atkins 2013 argues that a political teaching emerges from *Rep.* and *Leg.*, resisting the "skeptical" reading of Fox 2007, but despite attention to differences among the dialogue characters, does not analyze these works in explicitly rhetorical terms. Nor does he pursue the theme of political participation beyond the preface of *Rep.*; the focus of his laudable analysis of the dialogue is on the traditional

of *De Re Publica* and of the first book of *De Legibus* to demonstrate the pervasiveness of the political engagement theme,¹⁷ and to show the way the arguments within the text affect different audiences both inside and outside the text. Analysis of the internal audience will require attention to the character and inclinations of the various dialogical personae or interlocutors present for the imagined conversation.

As regards external audience or Cicero's actual readers, I will not attempt to prove definitively (if that were even possible) through a study of Roman social history and prosopography exactly who Cicero's intended or actual readers were. I will argue, rather, that given the different kinds of arguments advanced within the texts and, in the dialogues on political philosophy in particular, given the different character types who speak and the characters they seem to be speaking to, an impression emerges of Cicero's intended audience and various readers. Some might object that, conceived in this way, this study would merely be an analysis of Ciceronian straw-men rather than of arguments for political engagement directed at actual people in the real world. The arguments in the texts, it might be objected, construct a problem that does not actually exist, and construct a reader who is moved to respond to a constructed problem.¹⁸ From this point of view, Cicero is a shadow-boxer who artificially constructs an imaginary opponent for the sake of talking about what he wants to talk about.¹⁹ But this outlook creates problems of its

questions of political philosophy ancient and modern, such as the Roman constitution and citizens' rights. See also the discussion on 8-9 above.

¹⁷ Steel's 2014 review of Atkins 2013 speaks to the desirability of a text-based approach to the two dialogues.

¹⁸ See e.g. the reader-response approach employed by Baraz 2012.

¹⁹ See e.g. Gruen 1974 on Cicero's unreliability as an objective observer of the late Republic; see Zetzel 1998 on the Epicurean bogeyman in the preface of *De Re Publica*.

own: if none of the objections posited by Cicero would have occurred to any of his actual contemporary readers, and if none of the prejudices, sentiments, and inclinations envisioned and presumed by Cicero's arguments actually existed in his readers, how could Cicero avoid looking absurd to his contemporary audience? Cicero would have simply been embarrassing himself; and yet we know this is the last thing Cicero ever wanted to do.

Integrating the preface and the body of Cicero's dialogues on political philosophy

I will employ a unified approach to Cicero's *De Re Publica* and *De Legibus*, integrating a treatment of their prefaces with careful attention to their philosophic content, taking the emphasis away from questions of self-presentation which lend themselves to a more restricted preface analysis. Here I distinguish my method by contrast with the following approaches. First, there is a manifest tendency to reduce these works to their self-fashioning dimension, as though Cicero's goals in composing them were limited to augmentation of his personal prestige,²⁰ the cultivation of personal connections for immediate political purposes,²¹ or the fashioning of his own *persona* for posterity.²² This approach to Cicero's philosophic writings ignores the distinctive traits of the genre in which they were written, including complex theoretical arguments and key

²⁰ e.g. Dugan 2005, Steel 2005, Dolganov 2008, Stroup 2010, Van der Blom 2012, Steel 2013a.

²¹ esp. Stroup 2010; cf. Dugan 2005 on *Orator*.

²² e.g. Dugan 2005, Steel 2005, Bishop 2011.

literary features such as the character of the dialogical personae, as well as dramatic setting.²³

A second approach concentrates on prefaces to the detriment of the body of the works.²⁴ This methodology, if only accidentally, tends to devalue the contents of the works themselves. Consequently—and this is very important for my thesis—it limits our ability to take Cicero’s didactic aims seriously, as Steel has observed in commenting on Gildenhard (2007):

If we cannot think ourselves into sympathy with a genuine desire to teach a particular body of knowledge while faced with deficient existing tools—as Cicero believed was his situation—then we will inevitably have difficulty in understanding what Cicero is trying to do, in this work and elsewhere. Indeed, the emphasis in Gildenhard’s book upon the prefaces may unwittingly contribute to an assumption that the intellectual and argumentative content of Cicero’s philosophical writings does not merit our serious engagement.²⁵

Focusing too closely on self-fashioning or prefaces in Cicero’s philosophy risks limiting our understanding of what Cicero aims to accomplish by writing these works. A panoramic view of *De Re Publica* and the first book of *De Legibus*, by contrast, has led me to argue for Cicero’s broader purpose of reforming Roman political culture by injecting into the lives of the elite ethical ideas drawn from Greek philosophy and a passion for philosophic and humanistic studies. Thus in my own treatment of these two dialogues, I propose to imitate the general approach of Narducci (1997) and, to a certain

²³ General treatments of Cicero’s dialogues tend to downplay the importance of characterization of the interlocutors and other dramatic features. Cf. e.g. Schofield 2008 and 2013; Powell 1995a and 2005; Steel 2013a; Zetzel 2013.

²⁴ e.g. Blössner 2001, Stroup 2010, Baraz 2012, and to a lesser extent Gildenhard 2007, who engages with the *Tusculans* as a whole but whose “enormous central chapter of the book analyses the five prefaces” (Steel 2009: 407).

²⁵ 2009: 407-08. Scholars have made similar criticisms of Stroup 2010 (see esp. Zetzel 2011: 383, 387) and Baraz 2012 (see Altman 2013: 455; Steel 2014: 647).

extent, Dugan (2005), who engage in detail with the content of individual rhetorical works in order to show that Cicero was pursuing a project of cultural reform, both by theoretical argument and personal *exemplum*.²⁶

Limiting our purview to questions of self-fashioning or to the prefaces also fails to do justice to Cicero's engagement with philosophical ideas and his talents as a literary artist. Cicero displays considerable learning in his discussion of political, ethical, and rhetorical matters.²⁷ We should also remain open to the possibility that, in addition to being self-serving, Cicero's dialogues were intended to have an altruistic or philanthropic function of promoting the human good, both through the dissemination of the spirit and content of Greek learning and through specific arguments designed to promote political engagement on behalf of an order that Cicero believed was just and beneficial for all.²⁸

²⁶ The question of Cicero's humanism needs to be revisited. An older approach to Cicero's philosophy exemplified by e.g. Hunt 1956 and Boyancé 1962 was perhaps too naïve in focusing on the philosophic content of the works without considering the status of the author as a great Roman politician. Narducci 1997 and Dugan 2005 show greater awareness of Cicero's self-fashioning even as they argue for Cicero's desire to influence and reform Roman culture. Gildenhard 2007 and, to a lesser extent, Baraz 2012 also recognize the humanizing vision of Cicero's philosophic enterprise in the 40s, though both authors place more emphasis on the role of Cicero's prefaces in presenting this vision than on the function of the philosophic content of the works.

²⁷ For matters relating to rhetorical theory, there are the exemplary monographs of Narducci 1997 and Dugan 2005 just mentioned; also Narducci 1989 and 2002a-b. For political and ethical theory, I will follow scholarly models in ancient philosophy and political theory whose publications on Cicero have attempted to take stock of the philosophic arguments themselves within Cicero's theoretical works, such as Wood 1988; E. M. Atkins 1990; Englert 1990 and 2014; Perelli 1990; Asmis 2004, 2005, 2008, 2014; Schofield 1995a, 1995b, 2009, 2012; Long 1995a, 1995b; Zetzel 1995, 1996, 2001, 2013; Maso 2008; Altman 2009a, 2016; Lévy 2012a (cf. Lévy 2012b) and the other essays in Nicgorski 2012; Gildenhard 2013; Powell 2013; J. W. Atkins 2013a, 2013b; Woolf 2015; Nicgorski 2016.

²⁸ Whether Cicero's vision for Roman society was self-serving or deluded is irrelevant to the question of whether he thought the pursuit of glory was compatible with the pursuit of

In sum, by integrating a consideration of the prefaces with the body of the works, with due attention to the dramatic features of philosophical dialogue,²⁹ I will be able to show what is distinctive about Cicero's arguments for political engagement in his political philosophy as opposed to his oratory.

Summary of Chapters

The first chapter analyzes Cicero's speech *Pro Sestio*. While recent rhetorical analyses of *Pro Sestio* subordinate all of its arguments, including the excursus, to the immediate legal goal of securing Sestius's acquittal, in fact the speech's context and content forcibly demonstrate its commitment to promoting the political engagement of its multiple audiences. At the time of the speech's delivery in 56 BCE, Cicero's chief concern was to motivate courageous action against the apparently weakening triumvirate

justice for the whole. With regard to this latter question, Cicero's well-documented lust for fame and glory is not inconsistent with the possibility that he sincerely thought his way of life and its aims were beneficial for the common good, since in his account in *Pro Sestio* and *De Officiis*, at least, the statesman receives glory only on condition that he foster and preserve the interests of the citizens who uphold the legitimate republican order; only from these citizens, and in the context of the free state, can the statesman receive "true" glory.

²⁹ Models for me to follow in this regard include especially Benardete 1987 on the dramatic setting, the interlocutors, and the dramatic action of *De Legibus* 1 and 2, and Atkins's 2013 monograph on *De Re Publica* and *De Legibus* which also carefully considers the conventions of the philosophic dialogue in the interpretation of the various arguments put forward by the dialogue characters. To these works should be added Görler 1988a on the dramatic setting of *De Legibus* 1 and *De Oratore* 1; Schütrumpf 1988 on Cicero's debt to Plato's dialogue conventions in *De Oratore* 1; Narducci 1997 on the dramatic setting of the three books of *De Oratore*; Zetzel 2003 on the dramatic setting of *de Oratore* 1; Stull 2011 on the interlocutors in *De Oratore*; Caspar 2011 on the dramatic action of the three extant books of *de Legibus*; Atkins 2013 on the dramatic setting of *De Legibus*; and to a lesser extent, Zetzel's 1995 introduction and commentary to *De Re Publica*, inasmuch as he treats matters of form and structure. There are several helpful works written in German on aspects of the Ciceronian dialogue: Hirzel 1895, Zoll 1962, Bringmann 1971, Görler 1974.

in favor of traditional senatorial government. But his recent exile and the troubles faced by his allies were signs to the audience of the danger of pursuing such a path, thus creating a significant challenge to Cicero's persuasive goals. This chapter treats Cicero's attempt to meet this challenge by first examining his account of legitimate political action, interpreting the examples of Cicero and his allies as illustrations of the principles of political conduct affirmed in the excursus. It also analyzes the complex strategies Cicero uses to motivate his listeners, especially his casting shame upon the politically withdrawn and holding forth the prospect of glory—whether contemporaneous, posthumous, or (in a philosophic sense) eternal—for those who will act in defense of the Republic.

Scholarship on *De Re Publica* has focused on Cicero's response to Greek constitutional theory and the role of the *rector rei publicae*. While scholars have interpreted the work as an assertion of the superiority of Rome to Greece or as a skeptical exploration of various political questions, the second chapter focuses on the neglected question of Cicero's case for political engagement in the work to show that he strives to persuade his readers to embrace a form of political engagement motivated by ethical ideas and informed by continuous philosophic study. Cicero's rhetorical aims suggest the deficiency of traditional Roman politics and culture, which lack Greek philosophy and humanistic culture. Starting from the observation that Cicero was prompted by his loss of public standing after the renewal of the triumvirate to take up the new genre of the philosophic dialogue (a project originally begun with *De Oratore* from 56-55), I demonstrate that Cicero downplays the motive of civic glory in favor of less mercenary

motives drawn from Greek ethical philosophy, especially the attraction of virtue as its own reward. Cicero's rhetorical strategy before his potentially resistant Roman audience consists in adopting an initial pose of hostility towards philosophy and putting philosophical ideas in the mouths of his Roman dialogical personae, who create the impression of various intended readers with their different prejudices and inclinations.

The third chapter takes up the grand conclusion of *De Re Publica*, the *Somnium Scipionis*, analyzing the way Cicero uses this philosophico-political myth to complete the work's exhortation to engage in politics as inspired and informed by philosophy. Cicero employs the authority of Scipio to inspire his audience to study cosmology as something pleasant and satisfying in itself and in order to acquire knowledge of the ends, means, and motives of political engagement. In terms of ends, the order of the cosmos serves as model of the republican political order to be preserved. As for means, the sun's role as an intelligent, illuminating, and balancing force models the altruistic role of the morally virtuous statesman. Finally, the statesman learns the proper motives for engaging in politics in the foregoing manner from the cosmological perspective's teaching that human glory is futile, and the revelation that the soul is immortal, whose eternal reward consists in contemplating the grand spectacle of the cosmos in the company of other outstanding statesmen and philosophers. Moreover, while scholars have often read Scipio's admonition about virtue as an affirmation of the work's previous argument, a careful analysis of Scipio's language and of the cosmological-eschatological context shows that Scipio actually qualifies Laelius's argument about virtuous political engagement in Book 3, reevaluating it as a means to an eternal reward of contemplation.

The fourth chapter argues that in *De Legibus* 1, the character Marcus Cicero promotes philosophically informed political engagement through two arguments for natural law in two different styles. The first is more strictly logical and is aimed at the intellectual Atticus, while the other is more rhetorical in character and aimed at the philosophically indifferent Quintus, creating the impression of two chief segments of Cicero's potential reading audience. The former argument promotes political engagement *tout court* to Atticus, while the latter, directed at Quintus, promotes a particular form of engagement that is guided by the virtues both in terms of the public man's personal conduct and in terms of formulating specific *leges* for the *ius civile*. Marcus also prepares Atticus and Quintus beforehand to be receptive to these arguments. To the Epicurean Atticus, Marcus makes an appeal that is at once emotional and intellectual, inviting him to have a philosophical conversation in pleasant natural surroundings that are also those of Atticus's best friend. To prepare Quintus, Marcus calls attention to his status as a public man for whom the ensuing conversation is only to last during the one day of leisure presently afforded to him. Finally, just as *De Re Publica* concluded with the unexpected but rhetorically inspiring Dream, Marcus concludes the first book with a surprising epideictic speech in praise of *sapientia*. Employing a high rhetorical style, Marcus goes beyond the scope of the two previous arguments by asserting that *sapientia* includes not only theoretical knowledge of ethics, physics, and dialectic, but also the practice of rhetoric in public life. Thus in a way he had not before, Marcus emphasizes before Atticus that philosophy demands engagement

in politics, while he shows Quintus that philosophy is relevant to political life because it gives public oratory and political activity its ethical grounding.

Chapter 1: The Case for Political Engagement in the *Pro Sestio*

“And such was the character of the speech given by Quintus Hortensius about [Sestius’s] tribunate that it seemed not only to contain a refutation of the charges but also to prescribe for the young an authoritative lesson on political engagement worthy to be remembered.”³⁰ (Cicero, *Pro Sestio* 14)

What Cicero says in this quotation regarding his fellow counsel Hortensius’s account of Sestius’s tribunate applies no less to his own speech taken as a whole, very little of which is directly concerned with answering the charge against his client.³¹ In *Pro Sestio*, more than in any other surviving forensic speech, Cicero is thematically concerned with giving the young in particular (*iuventuti*)³² an exhortation to political engagement (*rei publicae capessendae*).³³ This paper proposes that *Pro Sestio* may

³⁰ *De quo quidem tribunatu ita dictum <est> a Q. Hortensio ut eius oratio non defensionem modo videretur criminum continere, sed etiam memoria dignam iuventuti rei publicae capessendae auctoritatem disciplinamque praescribere.* Cicero refers here to Hortensius’s speech in defense of Sestius delivered earlier at the same trial; Cicero was the last to speak, preceded in some order by the other members of the defense counsel, Hortensius, Crassus, and Calvus (cf. Kaster 2006: 20-21 with note 47). Translations are my own; Latin quotations of *Pro Sestio* are taken from Maslowski’s 1986 Teubner edition.

³¹ In a speech conventionally divided into 147 sections, only 71-92 respond directly to the charge against Sestius.

³² The word is Madvig’s conjecture for the otherwise unintelligible manuscripts (cf. Kaster 2006: 142, n. on *Sest.* 14). In any case, Cicero’s own didactic intentions towards the young in *Pro Sestio* are clear: cf. *adulescentes* (*Sest.* 51, 95, 136); *iuventus* (*Sest.* 96, 102, 119).

³³ For the phrase, cf. *Sest.* 23, 103. Under his entry in the Glossary for *res publica*, Kaster 2006 writes that “in 14, ‘engage in politics’ renders the idiom *rem publicam capessere*, lit. ‘to take up / take in hand the public interest’” (418). Cf. Lewis and Short, *capesso*, s. v. IIA: “so, *capessere rem publicam*, to undertake affairs of state, to engage in public affairs, administer (differing, by the idea of zealous co-operation and activity, from *accedere ad rem publicam*, which designates merely the entering upon a public office or duty), *Cic. Sest.* 6, 14; *id. de Or.* 3, 29, 112; *id. Att.* 1, 17, 10; 16, 7, 7.” Cf. *TLL*, s. v. 311.30. Cf. *ullam partem rei publicae... attingere* (*Sest.* 49) and *attingant rem publicam* (*Sest.* 138), instances of *variatio* expressing the same idea as *rem publicam capessere*.

profitably be read as not only the defense of a client, but also a sustained discourse about a specific conception of political engagement³⁴ intended in the context of its oral delivery to motivate political action against Caesar³⁵ and Clodius in favor of traditional senatorial government and, in the long term, to leave to posterity an account of principled republican statesmanship in the form of an everlasting memorial in praise of noble principles and good men and in condemnation of base sentiments and wicked men.³⁶ Cicero's *Pro Sestio* exhibits characteristics of deliberative and epideictic oratory no less than judicial.

Previous approaches to Cicero's *Pro Sestio* fall into two modes, often simultaneously employed by scholars. First, the speech has frequently been analyzed along the lines of persuasive process criticism, which attempts to show how all the parts of the speech contribute to its immediate goal of acquitting Sestius, even those parts that

³⁴ *haec via ac ratio rei publicae capessendae* (*Sest.* 103). Cf. Lintott 2008: 195, who suggests this rationale for understanding Cicero's speech but ultimately falls back on scholarly paradigms that focus on Cicero's need to defend his client and to justify his own departure into exile: "Hortensius had also used his speech to provide a sermon to the young men of Rome on correct political conduct (*Sest.* 14). Cicero did the same, but since the justification of Sestius's actions logically involved the justification of his own return to Rome, he had an opportunity once more to provide an apologia for his exile."

³⁵ For the view that *Sest.* gives no indication that Cicero was engaged in any political maneuvering against the so-called first triumvirate, see Mitchell 1991: 174-75. But see Cicero *Fam.* 1.9.6-7, where he claims in an open letter to Lentulus that his *interrogatio* of Vatinius (*In Vatinium*) in Pompey's presence contained an unremitting attack on Vatinius's tribunate, and therefore testified to his resistance to the triumvirate; Cicero's suggestion that his cross-examination of a witness during the trial of Sestius contained a critique of Caesar's policy in 59 invites comparison with *Sest.* on the same theme. For *Vat.* as a thinly veiled attack on Caesar and an attempt to draw Pompey away from him into alliance with the Senate, see Smith 1966: 172 and Pocock 1926: 1-28. For an alternate view, see Mitchell 1991: 172-76 on *Vat.* and *Fam.* 1.9.

³⁶ Cf. Cicero, *Leg.* 1.62 on the different functions of oratory, all of which are illustrated in *Sest.*

may appear unrelated to judicial issues. Of this type, May 1988 focuses in part on how Cicero's development of his own *ethos* contributes to acquittal,³⁷ while Kaster 2006 argues that every section of the speech, including the famous "excursus" on *optimates* and *populares* (96-135), is designed for the purpose of persuading the *iudices* to acquit Cicero's client.³⁸ The other major approach sees certain portions of the speech as advancing additional goals besides acquittal. May 1988 and others have noted that Cicero is at pains in this speech to rehabilitate his *dignitas* in the aftermath of exile.³⁹ In addition, many scholars, especially in an earlier period, have isolated the so-called "excursus" on *cum dignitate otium* from the rest of the speech, rightly interpreting it as an exposition of Cicero's political program,⁴⁰ but without any relation to the rest of the speech; some of these readings also treat the passage in a completely ahistorical fashion, drawing on it as part of a larger synthesis of Cicero's political philosophy.⁴¹

³⁷ See esp. 90-105 on *Sest.*

³⁸ For a summary of Cicero's rhetorical strategies for acquittal in *Sest.*, see esp. Kaster 2006: 22-31. Other studies of the speech's technique of persuasion include MacKendrick 1995: 198-204, who gives an analysis of the speech's form and sees the subject of *vis* as its main theme; Riggsby 1999: 89-97 and 2002, 189 ff., who likewise focuses on Cicero's response to the charge of public violence; Leach 2000 on Cicero's persuasive strategy of investing different kinds of spectacle with moral legitimacy and illegitimacy; Craig 2001 on the relationship between Cicero's rhetorical strategies and his rhetorical theory; and Levene 2004: 133-37 on the speech's *narratio*.

³⁹ May: "The speeches from this period... are as much *apologiae* on behalf of Cicero as political deliberations or defenses of clients... the *post reditum* speeches are the chronicle of Cicero's quest to reestablish and regain what Madvig called 'that ancient eminence of dignity and authority' which had previously marked his *ethos*" (89). Cf. Riggsby 2002: 167-72 on this goal of the *post reditum* speeches. For Cicero's presentation of his exile in this speech and in other works, see Claassen 1992 and 1999, Robinson 1993, and Cohen 2006.

⁴⁰ Pace Kaster 2006: 33-35.

⁴¹ For the first trend, see e.g. Wirszubski 1954, Balsdon 1960, Lacey 1962, Weische 1970, Adomeit 1980, Lübtow 1984, Christes 1988, Takahata 1999; for the second, e.g.

The shortcomings of these strands of analysis may be briefly sketched as follows. The persuasive process model needlessly restricts Cicero's speeches to judicial aims, demanding that everything said be interpreted in this light. While it is certain that Cicero would never say anything in a defense speech that would positively undermine his client's interests, it does not follow that he speaks with a view to those interests alone. Likewise, the need to establish his ethos as a means of persuasion and to repair the damage done to his public image by exile do not exhaust the aims of Cicero's self-fashioning in this speech. Furthermore, while the traditional approach to the excursus may be faulted for its isolation of that section from the rest of the speech or from a consideration of its political ideals in the historical context, it is worth investigating how the ideals in the excursus might be related to the rest of the speech on a different basis from common judicial aims. To put it another way, one can apply the traditional scholarly focus on political, philosophic, and cultural goals in the excursus to the speech as a whole. Therefore a fruitful approach to the abiding question of the relation of the excursus to the rest of the speech may be found in recent work on Cicero that focuses on

Boyancé 1941, Fuhrmann 1960, André 1966: 295-304, Wood 1988: 193-99, Perelli 1990: 53-68, Dalfen 2000. To the first group there might be added the more recent reading of Lintott 2008: 194-99, who views the excursus in particular as part of Cicero's policy of maneuvering in the direction of the optimates at that point of his political career. He also joins the persuasive process critics, however, in viewing the political vision set forth in the excursus as a well-calculated element of Cicero's defense of his client: "What we have in *Pro Sestio*, then, is hardly a realistic programme for the time, nor even a properly elaborated theory, but an ideal vision suited to the appeal that Cicero was making to a jury of senators and *equites*, especially as it might recall the histories of the early Republic where the cadet members of the elite were heroised for using violence on behalf of the senate" (199).

his promotion, at times across genres, of “wide-ranging social/cultural/political aims.”⁴² In addition, this approach allows for interpretation of rhetorical self-fashioning within the speech to be expanded beyond dimensions previously explored such as self-praise, the ethical needs of the case, Cicero’s promotion of his political influence, and seeking future renown,⁴³ focusing rather on how Cicero’s use of himself as an *exemplum* functions as a means of persuading his audience to embrace a cultural and political ideal—republican political engagement—that he presents as beneficial to both the individual statesman and to the community as a whole.

This paper argues that in addition to the goal of Sestius’s acquittal, Cicero’s immediate political aim in *Pro Sestio* is to further weaken an already vulnerable triumvirate and to restore republican government based on the *consensus ordinum* solidified during the year of his consulship by motivating nobles and equestrians alike to join him in the vigorous pursuit of a particular way of life that he claims will prove beneficial both to themselves and society. In addition, Cicero’s emphasis on the young in his audience speaks to the speech’s long-term aims, as publication enabled Cicero to leave posterity his account of the right way of life and right political principles to be

⁴² Vasaly 2013: 141; cf. Narducci 1997, Habinek 1998, Steel 2005 & 2006, Dugan 2005, Gildenhard 2011. Also relevant are Vasaly’s remarks on the desirability of an approach which focuses on the political ideas communicated and the multiplicity of audiences addressed in the speeches: “If, as I have argued, the content, not just the fact or outcome, of the many forensic speeches that attracted extensive audiences could also constitute an essential mode of political communication, further study of the persuasive strategies of Cicero’s judicial speeches and the multiple audiences to which they were addressed is called for” (159).

⁴³ These aspects of Cicero’s self-exemplarity have been especially well-scrutinized in recent scholarship. See e.g. Dugan 2005, Steel 2005, Bücher 2006, Kurczyk 2006, Dolganov 2008, Van der Blom 2010.

followed, to the extent that circumstances would permit.⁴⁴ Through the combined rhetorical appeal of principles and positive and negative *exempla* to be followed or avoided, Cicero makes a case throughout the speech, both prior to and during the famous excursus, not only for political engagement as opposed to withdrawal (*rem publicam capessere*) but also for a particular kind of involvement with its own characteristic form and aim, designated most memorably by the metaphor of the *via* (*Sest.* 100, 103, 137, 140).⁴⁵ These two threads of argument are summarized in the principle of *cum dignitate otium* (*Sest.* 98)⁴⁶: statesmen should secure their own honor (*dignitas*) by pursuing a political career that aims at upholding the honor (*dignitas*) and tranquility (*otium*) of the community; the statesman's personal *otium* is mentioned only as something to be

⁴⁴ This paper follows the approach of Gildenhard 2011: 14 on Cicero's speeches in general in assuming that the text of this speech as we have it is more or less what Cicero delivered on the original occasion, it being an exaggerated historicist approach that would demand of Cicero significant revisions based on political circumstances at the time of publication. Cf. Kaster 2006: 36-37 for an argument, based on historicist premises, that the excursus was in fact included in the original, oral version. For the general issue of the relationship between oral and written versions of Cicero's speeches, see Vasaly 1993: 38; Powell and Paterson 2004: 52-57; Manuwald 2007: 54-90. For Cicero's desire to influence the young through publication of his speeches, see Stroh 1975: 50-52 and Achard 2000. But see Kaster 2006: 35, who denies that Cicero's remarks in the excursus of *Sest.* are primarily aimed at the young.

⁴⁵ The notion of political engagement as a *via* is isolated to the so-called excursus, though I will argue that this section by no means constitutes a digression from the speech's main theme. In support of this notion, it is worth noting that the second mention of the *via* (103) occurs along with the term *ratio*—*haec via ac ratio rei publicae capessendae* (cf. n. 4 above)—which is used in a similar sense already at 23 (*offici rationem*); cf. 36, 87, 92 (in reference to the political activity of Cicero and his allies; 101, 114 (in reference to the activity of *populares*); 136, referring to the pursuit of the *cursus honorum* by Cicero and other equestrians, occurring again in close proximity with *via* (137).

⁴⁶ Cf. *otiosa dignitas... fundamenta* (98), *otii... portum et dignitatis* (99).

sacrificed for the sake of the community's.⁴⁷ These two goals—that is, personal glory and public order—are inseparable in Cicero's account, since the statesman can legitimately gain glory only from law-abiding citizens (the *boni*, synonymous with the broadly redefined *optimates*),⁴⁸ and only on the condition of securing their tranquility. This goal is achieved by the efforts of statesmen (*principes optimatium*) to pursue a policy of governing by consensus, adhering to ancestral custom, especially as regards constitutional procedure, and defending the lives and property of law-abiding citizens. These policies also govern the use of force, to be employed or eschewed with a view to the foregoing foundations of the Republican constitution. Cicero also stresses that pursuit of this *via* must be characterized by courage and constancy in the face of toil and suffering, including exile and even death.

In order to persuade his audience that pursuit of this *via* is personally profitable despite its risks, Cicero makes a variety of appeals: to a sense of shame based on Roman cultural expectations regarding *virtus*, bolstered by the identification of non-participation with Epicurean philosophy; to a sense of the noble, that is, the love of the good for its own sake; to temporal glory, whether with one's contemporaries or posterity; and finally

⁴⁷ Scholars have debated whether the terms *dignitas* and *otium* in the phrase refer to the individual or to society, and in which combinations. I concur with Wirszubski 1954 in seeing them as having reference to both simultaneously (cf. Kaster 2006 *ad. loc.*; *pace* e.g. Boyancé 1941 and Weische 1970). Cicero himself uses the terms flexibly throughout the speech: he speaks of *dignitas* in a personal sense prior to the excursus (re: Piso, 23; re: Milo, 87) and during the excursus, where the phrase *cum dignitate otium* is introduced (98). *Dignitas* is also used in a public sense regarding Milo (87). Likewise, *otium* refers at times to private leisure (e.g. 23, 138) and at other points to the public tranquility (e.g. 98, 139). For a fuller discussion, see section III below.

⁴⁸ The redefinition of *optimates* occurs at *Sest.* 96-98; these *optimates* are also designated individually as *optimus quisque* (96, 97).

to the ultimate justifying motive of eternal reward. Moreover, Cicero's appeals are aimed at a variety of audiences, but above all at the young, who are implicitly conceived of as falling into two categories. On the one hand, Cicero's exhortation is aimed at the ambitious who need no exhortation to political involvement as such but for whom the apparently easy path of the *improbi* represents a real temptation as the way to honor and power. Here, Cicero must especially counter the dangerous precedent set by the recent political conduct of not only Piso, Gabinius, and Clodius, the speech's obvious targets of criticism, but also Caesar and Crassus, who are faulted in thinly veiled terms. On the other hand, Cicero is also concerned with a certain element among the *boni* who feared fighting for republicanism because of the personal danger and inconvenience this would involve.⁴⁹

1. The *exordium*: formulating the contemporary problem

⁴⁹ These two audiences may be considered fairly fluid in terms of social composition, consisting of both nobles and equestrian *novi homines*; and in spite of Cicero's emphasis on the younger generation, he was doubtless concerned with the inactivity of senior statesmen as well. Therefore we may consider as belonging to the second group both equestrians with the family tradition of political involvement at Rome and certain nobles in favor of senatorial government who had withdrawn from active politics, including older men such as Lucullus and Hortensius, the targets of Cicero's complaint about wealthy fish-breeders in *Att.* 2.1.7 and in several other letters from 60-59 BC (cf. *Att.* 1.19.6, 1.20.3, 2.9.1; Shackleton Bailey 1965: 338 on *Att.* 1.19.6, re: *piscinarios*, quoting Macrobius *Sat.* 3.15.16). Likewise, some equestrians might be highly ambitious but inclined towards an unscrupulous path to honor, such as Crassus, implicitly attacked during the speech for his role in the triumvirate. As for the general sense that Cicero's exhortations to politics were aimed chiefly at the young, an abiding concern on his part with the political policies and allegiances of the young during the 50s BC is illustrated by the correspondence he kept up with young men such as the younger Scribonius Curio (tribune of 50) and Caelius (tribune of 52), a concern that was subsequently validated during the civil war when both sided with Caesar. On Cicero's correspondence with these and other young men, see Leach 2006.

The speech's central concern with political engagement is announced at the very outset, during its opening cadences, where Cicero gives an initial account of the ends and means of statesmanship:

If anyone wondered before now, judges, how it was that, given the greatness of the Republic's resources and the greatness of its empire's prestige, there could be found not quite enough citizens of undaunted courage, daring enough to put themselves and their own safety in jeopardy for the sake of the established order of the state and the common liberty, at the present time he ought to wonder if he sees any patriotic and brave citizen at all, rather than if he sees anyone who is either timid or taking thought for his own interests rather than those of the state. (Sest. 1)

Si quis antea, iudices, mirabatur quid esset quod pro tantis opibus rei publicae tantaque dignitate imperi nequaquam satis multi cives forti et magno animo invenirentur qui auderent se et salutem suam in discrimen offerre pro statu civitatis et pro communi libertate, <i>s [ex] hoc tempore miretur potius si quem bonum et fortem civem viderit, quam si quem aut timidum aut sibi potius quam rei publicae consulentem.

Political engagement is an action undertaken by those outstanding individuals who dutifully present themselves (*se offerre*), much in the way that a soldier presents himself for duty,⁵⁰ for the sake of the existing constitution (*pro statu civitatis*), which refers to the community's political organization, and for the sake of its liberty (*pro communi libertate*), which refers to the character of that community.⁵¹ The chief aim of political engagement, then, is the preservation of the existing constitutional order and its liberty, as the former is the chief safeguard of the latter. In addition, one of the fundamental means

⁵⁰ The sense of presenting oneself as a matter of duty is implied by the etymological connection of *offerre* with *officium*.

⁵¹ Arena 2012: 73 describes two senses in which Roman writers spoke of the loss of the community's liberty, the second of which applies here: "[Late Republican writers] maintained that a civic community loses its liberty when it falls under the power or control of an agent distinct from the sovereign body of the citizens, be it either a monarch or a group of people."

of political engagement is courageous action: since politics is a risky business that involves “putting one’s life and safety in danger” (*se et salutem suam in discrimen offerre*), it requires brave and magnanimous citizens (*cives forti et magno animo*) willing to exercise a certain daring (*auderent*).

Meanwhile, the last clause of the sentence reveals the main audience of Cicero’s exhortation to political engagement, as Cicero designates two classes, composed of numerous individuals, that contrast with the class of courageous statesmen, now almost non-existent and whom the Republic so desperately needs. Those who do not courageously engage in politics on behalf of the Republic’s constitution and liberty are either fearful (*aut timidum*) or absorbed in their own interests (*aut sibi potius quam rei publicae consulentem*). The “fearful” refers to those who favor the Republic (the *boni*) but are unwilling to take action on its behalf due to the dangers this would involve. The second group, however, is somewhat more complex as the progression of Cicero’s argument will reveal that it consists of two sub-classes. On the one hand, Cicero is referring to another sector of non-participating *boni*, but this time to those who hold back from the fray not out of mere fear but rather due to the desire for leisure and self-indulgence, relying on the efforts of others to secure the conditions of that leisure. On the other hand, his words also designate those whose focus on self-interest allows for the potential of a perverse kind of political involvement that would serve only to satisfy their ambition for glory and power at the expense of the public interest.

Cicero’s *exordium*, besides furnishing us with a summary of his ideal of political engagement and an indication of the sort of men he seeks to create out of his present

audience, also formulates what may be called “the problem” of political engagement, the chief obstacle to the realization of his ideal. Cicero confesses that the current lack of republican statesmen comes as no surprise given the maltreatment to which those few who have fought for the Republic have been subjected:

For, omitting the recollection of each particular man’s misfortune, you can see with one glance that those who, with the senate and all patriots, have stirred the afflicted state to life and freed it from internal brigandage are in a state of sorrow, in mourning garb, put on trial, struggling for their lives, their reputation, their citizenship, their fortunes, and their children; by contrast, you see that those who have violated, vexed, thrown into confusion, and overturned all things divine and human, are not only flitting about eagerly and cheerfully, but are also devising peril for the best and the bravest citizens among us, while fearing nothing for themselves. (*Sest.* 1)

nam ut omittatis de unius cuiusque casu cogitando recordari, uno aspectu intueri potestis eos qui cum senatu, cum bonis omnibus rem publicam adflictam excitarint et latrocinio domestico liberarint, maestos, sordidatos, reos de capite, de fama, de civitate, de fortunis, de liberis dimicantis; eos autem qui omnia divina et humana violarint, vexarint, perturbarint, everterint, non solum alacris laetosque volitare, sed etiam fortissimis atque optimis civibus periculum moliri, de se nihil timere.

Cicero focuses his audience’s attention on the misfortune endured by those who have suffered for their efforts on behalf of the state. He emphasizes the specific character of their political engagement, noting their republican aims and the consensus backing their actions by the claim that they have acted *cum senatu, cum bonis omnibus*. This formulation anticipates the well-known distinction Cicero makes later on (96ff.) between the two legitimate elements of the Republic, the *optimates*, a term he uses at that point interchangeably with *boni* to designate all citizens loyal to the regime, and the *principes optimatum*, the leaders who serve their interests by directing state policy as magistrates

and as members of the senate.⁵² And yet these *principes* are too few at present owing to the recent tendency of their counterparts, the *improbi* to prosper at their expense. By concentrating on these concerns at the outset, Cicero indicates the broad political and cultural goals of his speech. In addition to refuting the arguments of the prosecution, Cicero aims to alter the existing state of affairs in which the elite are derelict in their duty either to involve themselves in public affairs or to do so in a responsible manner. For if Cicero knows that the sufferings of those who defend the constitution are deterring the timid and self-indulgent from acting in its defense, he is no less concerned that the prosperity of the revolutionaries may serve as an inducement to similarly wicked political activity on the part of the ambitious. From the perspective of the *exordium*, therefore, Cicero's speech is not only a specimen of judicial oratory (i.e. addressing the question "is Sestius, the accused, guilty of *vis*?"") but also of deliberative oratory ("should we engage in politics, and if so, how?").

2. Piso the Epicurean consul as foil for Cicero's ideal of political engagement

The twofold nature of Cicero's conception of ideal political engagement as both public service, as opposed to withdrawal, and as necessarily entailing the pursuit of the public good, as opposed to mere self-interest, is nicely illustrated by the speech's attack on Piso, the consul of 58. The critique of Piso also illustrates one of Cicero's salient rhetorical strategies in favor of his vision of republican political engagement, namely the identification of non-participation with a caricatured Epicureanism. This caricature is designed to induce shame in any elites who hold back from the fray out of self-interest,

⁵² For more on Cicero's use of *boni* in this speech and elsewhere, see Lacey 1970 (also on *improbi*) and Baraz 2012: 54-55 and 217-20.

and to invite participating Epicureans to reflect on the character of their own engagement in politics.⁵³ In addition, it is significant that the criticism of Piso's principles and political conduct occurs relatively early in the speech, as it provides Cicero with a foil for his ideal that foreshadows and illustrates in advance several of the principles that Cicero will announce in the excursus regarding proper political goals and means according to which statesmen ought to act. In this section, therefore, I will demonstrate that Cicero's critique of Piso's principles and practical political conduct is continuous with the ideas of the excursus and contributes to the speech's thematic unity centered on the attempt to motivate others to Cicero's particularly republican vision of participation in public life.

A) Epicurean withdrawal versus traditional Roman *mores*

The initial characterization of Piso's manner of life as one of idleness and laziness (*videbamus genus vitae, desidiam, inertiam*) is reinforced by a statement of various Epicurean beliefs which Piso is said to have praised. Each of these is then contrasted with the public-spirited ideals of the way of life preferred by Cicero (as well as Sestius and Cicero's other allies), which line up more closely with received Roman cultural norms. Cicero begins by attempting to prejudice his audience against Piso's ideals by representing them as specifically Greek with the word *philosophos*. Cicero also identifies himself with his public audience's likely anti-Greek prejudices by affecting contempt for these prized philosophers of Piso, dismissing them as forgettable nonentities with the throwaway phrase *nescio quos*. The views which Piso reproves, however, are the ideas

⁵³ On political participation by a good number of Roman Epicureans in the late Republic, see Roskam 2007 and Fish 2011. On Cicero's engagement with participating Epicureans in the Letters, see Gilbert 2015.

of some unspecified *eos*, who are neither said to be philosophers nor opposed to the elite ideal of pursuing honor through public life, therefore instinctively inviting the audience's approval. A careful analysis of Cicero's diction here sheds additional light on the idea of political engagement that was first presented in the preface. The orator repeats the idiom *rem publicam capessere* used earlier in reference to Sestius's tribunate (14), attributing to Piso the Epicurean commonplace that the wise man should avoid politics,⁵⁴ here sardonically rephrased as the saying of a man "in his right mind" (*hominem bene sanum*). By contrast, Piso considers those concerned with their status as public men (*dignitati serviendum*)⁵⁵ "insane dreamers" (*vaticinari atque insanire*). According to Cicero, Piso believes it is wise to act with one's own interests in mind, what we might call colloquially "looking out for number one" (*sapientis omnia sua causa facere*). Cicero, by contrast, implies that any Roman ought to pursue the interests of the Republic (*rei publicae consulere*) over his own interests. Cicero implies that the audience shares his belief in seeking duty over comfort (*officii rationem... non commodi esse ducendam*), and he amplifies his account of this mentality by mentioning three different acts embraced on behalf of one's country (*pro patria*), indicating the self-sacrificial spirit in which they are to be undertaken. Piso and the Epicureans, however, prize above all the life of leisure (*otiosa vita*), defined (tendentiously and without doing full justice to the Epicurean position) as a gluttonous pursuit of pleasures (*plena et conferta voluptatibus*). The

⁵⁴ Diogenes Laertius x. 119 = Fr. 8 Usener), οὐδὲ πολιτεύσεσθαι, ὡς ἐν τῇ πρώτῃ Περὶ βίων. See also Fr. 551 Usener, λάθε βιώσας. For Cicero's criticism of these Epicurean tenets in *Pis.*, see the brief discussion at Fowler 1989: 122-23 (with references in 123 n. 16); cf. Grimal 1966.

⁵⁵ On pursuing *dignitas* as an aim in life, cf. *Sest.* 48; *Arch.* 14 (*laudem atque honestatem*).

comparatively brief explanation of the life of leisure emphasizes its inferiority to the life of duty towards one's country. Throughout, Cicero attempts to shame his audience into adopting his views when faced with the unseemly alternative of thinking like a base Epicurean (and, therefore, Greek) philosopher.⁵⁶

Significantly, Cicero's reference to Piso's *genus vitae* (23) sets up an implicit contrast with his client Sestius's *genus vitae* (5), on which Cicero made a start earlier in the speech before turning to the crisis of 58. Piso's life before his consulship of 58 is characterized (falsely, inasmuch as he was involved in public life)⁵⁷ as one of *desidia* and *inertia* (23), while Sestius is praised for his "zeal for preserving the community's peace and security" (*studium conservandae salutis communis atque oti*, 5). Cicero immediately goes on to praise Sestius for the variety of offices held and services performed prior to his tribunate (6-12 *passim*). The point of these character descriptions is not simply to denigrate a political enemy (Piso) in order to build oneself up at his expense, nor simply

⁵⁶ The contrast Cicero establishes may be summarized according to the following schema:

Piso / philosophizing Epicureans	Cicero & Sestius / republican Romans
philosophos nescio quos... eos laudabat maxime...auctores et laudatores voluptatis	Eos
sapientis omnia sua causa facere	rei publicae consulendum
rem publicam capessere hominem bene sanum non oportere	dignitati esse serviendum
nihil esse praestabilius otiosa vita	offici rationem in omni vita, non commodi esse ducendam
plena et conferta voluptatibus	adeunda pro patria pericula vulnera [pro patria] excipienda mortem [pro patria] oppetendam
eosdemque praeclare dicere aiebat	eos autem qui dicerent... vaticinari atque insanire dicebat

⁵⁷ On Cicero's intentional ignoring of Piso's several public offices, see Kaster *ad. loc.* (2006: 168).

to praise a political ally and client (Sestius) in order to garner sympathy from the judges for his acquittal, but to contrast two ways of life, holding one up to criticism and praising the other as a model of virtue.⁵⁸ Indeed, Cicero prefaces his discussion of Sestius with an announcement of his multi-faceted intention to “seem to have omitted nothing relevant to your judicial inquiry, to the accused, and to the Republic” (*nihil a me quod ad vestram quaestionem, nihil quod ad reum, nihil quod ad rem publicam pertineat praetermissum esse videatur*, 5). Holding up Sestius’s actions as exemplary has the effect of both arguing for his acquittal⁵⁹ and showing the right sort of behavior others ought to imitate, fulfilling cultural-political aims no less than judicial aims.

B) Fashioning all withdrawal as Epicurean lack of civic responsibility

Cicero returns to the pointedly anti-Epicurean themes of the Piso passage towards the end of the speech (138), during the so-called excursus on *optimates* and *populares* (96-143).⁶⁰ In this passage, Cicero addresses those citizens whom he considers law-

⁵⁸ Cicero’s overall purpose of promoting political engagement explains why he omits an account of Sestius’s early life, eager as he is to present Sestius’s exemplary conduct as a public man to his audience. Contrast the puzzled attitude of a persuasive process critic: “C. takes up S.’s life story at a fairly late stage, when S. is already married, omitting the sorts of information about his youth that he had once recommended (*Inv.* 1.35) and that he would retail in (e.g.) his defence of Caelius a few weeks later. Perhaps S.’s prosecutors (unlike Caelius’s) had not attacked his early life; in any case, the matters C. does stress in his review are traits or actions germane to C.’s positive defence (see 6–13 introd. n.)” (Kaster 2006: 120).

⁵⁹ In accordance with the rhetorical strategy of “generalizing the case.”

⁶⁰ Kaster delineates Cicero’s *digressio* as taking place between sections 96-135. However, Cicero’s own words indicate otherwise, as he feigns a sort of coming back to himself at the beginning of section 144: “But even as I speak about the status and glory of exceedingly brave and illustrious citizens, judges... the sight of these men has suddenly stopped me in the very course of my speech.” Consequently, it is more accurate to follow the division implied by the title of Lacey 1962, “Cicero *Pro Sestio* 96-143.”

abiding and loyal to the Republic but politically withdrawn, fashioning this class of men as Epicurean in their self-centeredness and lack of concern for the Republic.

Although he avoids directly referring to such men as Epicureans, the ideals by which they are said to live and the vocabulary employed to describe them (*Sest.* 138) bear a striking similarity to the previous discussion of Piso (*Sest.* 23), amounting to a shaming tactic designed to motivate these non-participating *boni* to remove themselves from any taint of Epicureanism by embracing the Ciceronian *via*.⁶¹ The same semantic network of oppositions used earlier when Cicero compared Piso's purported Epicurean principles with Roman cultural norms recurs here. The contrast in 138 between engagement in public life (*virtus*) and a private life of inactivity (*desidia*) recalls Cicero's accusation against Piso in 23 of *desidia* in his youth and supposed rejection of participation in public life (*rem publicam capessere*) as a matter of principle. The ideal of caring for one's status (*dignitas*) and the praise (*laus*) and glory (*gloria*) that attend it versus the cultivation of pleasure (*voluptas*) echoes the criticism of Piso at the beginning of the speech for considering people crazy who were concerned for their *dignitas*, while commending the Epicureans for praising *voluptas* as an end. Finally, the contrast between being born to pursue the interests of one's country (*patriae*) and fellow citizens (*civibus*) on the one hand and being destined for a life of sleep (*somno*), banqueting (*conviviis*), and delights (*delectationi*) recalls Cicero's assertion earlier that Piso believed the wise man does everything for his own sake rather than considering the public good

⁶¹ Commentators have noted the similarity of language but have neglected the significance of these passages for the thematic unity of the speech, nor have they drawn conclusions about Cicero's rhetorical strategies towards a particular segment of his audience.

(*rei publicae consulere*), as well as his preference for a life *plena et conferta voluptatibus* over the life of hardships endured *pro patria*.

A clue to the intended audience of these remarks in section 138 can be found in Cicero's contemptuous conclusion here that these self-indulgent people should continue to enjoy the leisure they possess only by dint of hard work on the part of brave men.

If any people are led on by pleasures and have surrendered themselves to the blandishments of vice and to the pimp's pandering to desires, let them lose public offices, let them have nothing to do with public life, let them allow themselves the enjoyment of their own leisure by means of brave men's toil. (*Sest.* 138)

nam si qui voluptatibus ducuntur et se vitiorum inlecebris et cupiditatum lenociniis dediderunt, missos faciant honores, ne attingant rem publicam, patiantur virorum fortium labore se otio suo perfrui.

This final salvo shames the self-indulgent still further by characterizing them as especially effeminate, as *patiantur* subtly indicates the essential passivity of their state, where they enjoy leisure in stark contrast to and precisely due to the labor of *viri* (rather than simply *homines*) who exhibit the manly traits of bravery and enduring toil. In terms of indicating Cicero's specific audience in this section, his final remarks about the non-participants' parasitical leisure not only recall Piso's praise of the *otiosa vita* (23) in a general way, but also repeat Cicero's complaint in a more recent passage (100) about those who neglect their *dignitas* in the delusional expectation of being able to enjoy their *otium* indefinitely:

Good men, for some reason unbeknownst to me, are rather slow to act, and having neglected the initial stages of events are finally stirred into motion by necessity itself at the last minute, in such a way that often by their delay and slowness to act, while they are willing to maintain their grasp of leisure even without status, they lose both. (*Sest.* 100)

boni nescio quo modo tardiores sunt et principiis rerum neglectis ad extremum ipsa denique necessitate excitantur, ita ut non numquam cunctatione ac tarditate, dum otium volunt etiam sine dignitate retinere, ipsi utrumque amittant.

The nexus of this passage (100) with the later one (138), and thus with the attack on Piso at the beginning of the speech, is demonstrated by the repeated characterization of such men as slow to act (*tardiores... tarditate*), the charge of negligence in the face of developing events (*principiis rerum neglectis*), and the desire to enjoy leisure (*otium*) without concern for their *dignitas*. These combine to present these men in the same light as (1) the (supposed) irresponsible, philosophizing inactivity (*inertia*) and neglect of status (*dignitas*) attributed to the pre-consular Piso at the beginning of the speech; and (2) the un-named pleasure-seekers of section 138. Cicero, therefore, attempts to shame a certain portion of his audience into active civic engagement by appealing to received Roman cultural norms and to Roman prejudice against (especially Epicurean) philosophy.⁶²

C) The character of proper participation and dangers of the Epicurean pleasure principle

It may appear somewhat puzzling, however, that Cicero should attack Piso for supposedly espousing the Epicurean view that a wise man should not engage in politics. Given that Piso actually pursued and won public office, indeed, the highest office in all of Rome, how are we to understand his supposed belief that politics should be avoided? The answer is that Cicero makes the argument that Piso was neither properly engaged nor a true consul, because his Epicurean views led him to take up the consulship only for his own self-interest, not for the public interest or for other honorable motives. Hence, after

⁶² On the dynamics of Roman *pudor*, see Kaster 2005: 28-65.

laying out Piso's pernicious principles, Cicero goes on to show the ways those principles have led him to exercise his consular power in a self-serving manner. Piso's colleague Gabinius is likewise condemned for acting in a selfish manner, though his motivations are described as those of a typical voluptuary without Piso's philosophic underpinning (18, 20).

Accordingly, Piso and Gabinius are accused of making a treacherous agreement with Clodius, promising to give the tribune free rein to attack the Republic in exchange for his support of a law granting the consuls lucrative provinces (24). Cicero says that in so doing, the consuls consented to the prior condition of "betraying the Republic" to Clodius (*si ipsi prius tribuno plebi... rem publicam tradidissent*), and "said that the pact they had struck would be cemented by my own blood" (*id autem foedus meo sanguine ictum sanciri dicebant*).⁶³ The corrupt agreement also involved allowing Clodius to create and incite a violent mob in order to dominate the popular assemblies and consolidate all power in himself (34), effectively undermining the existing constitution: "After [Clodius] had withdrawn the two consuls from the Republic by the agreement about the provinces, he dominated..." (34). Allowing such a *dominatio* to take place indicates the consuls' cravenness in the face of their duty to place themselves in danger for the sake of the liberty of the community (1).⁶⁴ In a way, then, the consuls have withdrawn from political administration by allowing their consular functions to be replaced by Clodius's violent seizure of the reins of government.

⁶³ Here we have a foretaste of a theme Cicero will soon argue at length (45-9), that his departure into exile constituted him a sort of consecrated victim for the Republic. Thus the consuls' conduct, besides being unpatriotic, borders on sacrilege.

⁶⁴ Cf. n. 19.

Cicero also accuses Piso and Gabinius of improper political conduct on the grounds of their refusal to rule by consensus and to uphold ancestral custom in general. On these grounds, Cicero argues they are unworthy to be called by the name used to designate their office:

What should I say? ‘Consuls’? Am I to dignify with this appellation the overthrowers of this empire, the betrayers of your dignity, the enemies of all good men—since they decided that they had been endowed with those fasces and the other signs of the highest office and greatest power for destroying the senate, afflicting the equestrian order, and abolishing all the laws and customs of our ancestors?” (Sest. 17)

quid dicam? consules? hocine ut ego nomine appellem evorsores huius imperi, proditores vestrae dignitatis, hostes bonorum omnium, qui ad delendum senatum, adfligendum equestrem ordinem, extinguenda omnia iura atque instituta maiorum se illis fascibus ceterisque insignibus summi honoris atque imperi ornatos esse arbitrabantur?

Cicero indicates what *consulere rei publicae* means in practice by pointing to the principles of ruling by consensus, as the references to *boni omnes*, *senatus*, and *equestris ordo* imply, and respect for the *mos maiorum*.

Regarding consensus, Cicero cites in particular the consuls’ refusal to defend him against the legal onslaught of Clodius in spite of “the daily complaints of *omnes boni*” (25) and in the face of the obvious support shown by a gathering of men on the Capitoline “from the whole city and from all Italy” who put on mourning and resolved to defend Cicero, “making use of every method that their private counsels should suggest, given the Republic’s lack of public leadership” (26).⁶⁵ Cicero argues that in this way, the

⁶⁵ Cf. 27: “For the sake of one citizens, all good men by private consensus and the entire senate by public counsel put on mourning.”

general public was making known outwardly its conviction that an attack on Cicero was equivalent to an attack on the Republic:

The senate became concerned, you, Roman *equites*, were upset, all of Italy was in turmoil, indeed, all citizens of every rank and order thought that they should seek help from the consuls and from their supreme authority for the supreme interests of the Republic. (*Sest.* 25)⁶⁶

Hic tum senatus sollicitus, vos, equites Romani, excitati, Italia cuncta permota, omnes denique omnium generum atque ordinum cives summae rei publicae a consulibus atque a summo imperio petendum esse auxilium arbitrabantur.

This ideal of government in accordance with consensus is stated more expressly as a constitutional principle during the excursus. Cicero argues that when the *maiores* established the Republic,

they created annual magistracies in such a way that the senate was to preside over the Republic as an everlasting council, while members for this council should be chosen by the whole people, and entrance into this highest order should be open to all hard-working and virtuous citizens. (*Sest.* 137)

ita magistratus annuos creaverunt ut consilium senatus rei publicae praeponerent sempiternum, deligerentur autem in id consilium ab universo populo aditusque in illum summum ordinem omnium civium industriae ac virtuti pateret.

As a matter of constitutional principle, political legitimacy derives from the role of all those who hold political office and of the orders that contribute to those holding such offices, whether by electing (all orders) or supplying (nobles and equestrians) members.

The same ideal was at work in Cicero's representation of the consuls' conduct as illegitimate due to their refusal to heed the manifestly universal position of the different social classes within the state. Of particular note is the contrast between the annual (*annuus*) tenure of magistrates and the perpetual (*sempiternus*) status of the senate, which

⁶⁶ Cf. 31: "For you [judges] and all good men have judged that disaster that befell me to have been an especially great wound to the Republic as well."

is consonant with Cicero's desire to downgrade the authority of the consulship in the circumstances, given his need to place political and indeed moral authority in the opinion of the senate over the obstinacy of Piso and Gabinius on the question of his exile.

Regarding ancestral custom, Cicero particularly takes the consuls to task for their collusion with Clodius in passing a law abolishing the Aelian and Fufian laws regarding auspices, laws so important, he says, that their nullification meant that "the entire Republic was destroyed" (*universam rem publicam esse deletam*, 34). In the excursus, Cicero states expressly that such laws are fundamental to the political ends that good statesmen should seek, namely the honor and tranquility of the community (one sense of the catchphrase *cum dignitate otium*): "Now, this tranquil honor has the following foundations and elements, which must be protected by the leaders and defended even at the cost of their own lives: religious rites, auspices... laws, ancestral custom..." (Sest. 98: *Huius autem otiosae dignitatis haec fundamenta sunt, haec membra, quae tuenda principibus et vel capitis periculo defendenda sunt: religiones, auspicia... leges, mos maiorum*).

Another way in which Piso and Gabinius are accused of violating the *mos maiorum* regards their refusal to heed the authority of the senate (cf. *auctoritas senatus*, Sest. 98) and its leading men. Gabinius proudly rejects the protestations made on Cicero's behalf by that "most honorable order and its most illustrious citizens" (Sest. 26: *amplissimi ordinis preces et clarissimorum civium lacrimas repudiavit*).⁶⁷ Both consuls

⁶⁷ Cf. 32: "Is it not enough, Piso, to say nothing of Gabinius, to have disappointed men so much? Did you also have to neglect of the senate's authority [and] despise the advice of all the best men (*optimus quisque*)?"

decree that the senators should put off the mourning they had adopted as a public expression of support for Cicero (32), thereby nullifying a previous decree of the senate calling for such a display (26). These actions run counter to the ideal Cicero elaborates later in the speech according to which the *maiores* desired magistrates to obey the senate: “They established the senate as the guardian, the chief protector, the champion of the Republic; they wanted magistrates to act on the authority of this order and to be servants, so to speak, of its advice, which carries the most weight” (*Sest.* 137: *senatum rei publicae custodem, praesidem, propugnatorem conlocaverunt; huius ordinis auctoritate uti magistratus et quasi ministros gravissimi consili esse voluerunt*). Here, the august place of the senate in the republican constitution is persuasively asserted not only by co-opting the authority of the *maiores*, always a strong rhetorical appeal before a Roman audience, but also by the sheer extent of space devoted to his discussion of the senate. In contrast, magistrates are given only two brief mentions, and are presented as somehow inferior to the senate in each case.⁶⁸ In addition, the role of the leading men within the state that was implicitly endorsed by the example of those “most illustrious citizens” (*clarissimorum civium*, 26) who protested to the consuls on Cicero’s/the Republic’s behalf makes its appearance again in the excursus, where the “leaders of the state” (*principes civitatis*) are identified as the “most illustrious citizens” (*clarissimi cives*) (97). Respect for the primacy of the senate’s role within the state, therefore, especially as embodied in the views expressed by its leading men, is another principle of proper conduct Cicero that teaches throughout the speech.

⁶⁸ Cf. the contrast between the brief tenure of magistrates and the perpetual status of the senate discussed above.

In sum, Cicero gives an account of Piso's Epicurean views prior to his consulship because he is concerned with showing how Piso's philosophical (i.e., Epicurean) principles were bound to prove harmful to the Republic in practice. Hence the apparent contradiction between Piso's profession that the sane man should abstain from politics and his subsequent pursuit of the consulship proves to be no contradiction at all, as Piso holds the consulship in name only, having abrogated all the responsibilities that the office ought to entail. Rather, it can be understood in light of Cicero's understanding of political engagement as necessarily entailing the pursuit of the public interest, defined in practice by such principles of conduct as respect for societal consensus for ancestral law and custom, especially as regards the role of the senate and its leading men at the center of the republican constitution.

3. Ends and means of the republican *via*, illustrated by *exempla*

To this point, we have seen how Cicero uses the foil of Piso (and Gabinius), especially at the beginning of the speech, to put forward his vision of participation in public life and how these negative *exempla* foreshadow principles Cicero announces later on in the excursus. In this section, I wish to consider other positive and negative *exempla* of political participation put forward by Cicero in *Pro Sestio* by examining the ethical/political principles contained in the excursus and then showing how Cicero has illustrated these principles throughout the speech as a whole. The negative *exempla* I will discuss are particularly significant for determining Cicero's persuasive purposes in the context of the speech's oral delivery since they constitute an implicit critique of Caesar and Clodius, both of whom are held up to young *nobiles* and *equites* as exemplifying a

manner of political action to be eschewed in favor of the republican *via* or path of political engagement. This *via* is represented by the positive *exempla* of Cicero and his allies Cato, Sestius, Milo, and Pompey, the praise of whom highlights Cicero's intention to split the triumvirate.

A) The aims of political engagement

According to the excursus, the goal of the statesman's political engagement is *cum dignitate otium*, which amounts to a twofold aim relating to society and to oneself: to uphold the honor and tranquility of the community, and to seek personal honor over private leisure. The two are fundamentally interrelated inasmuch as personal honor is the just reward the statesman receives from the community for pursuing its honor and tranquility. These conclusions are warranted, first of all, by Cicero's shifting application of the terms *dignitas* and *otium* at one time to the individual and at another to the state. When Cicero initially speaks of *cum dignitate otium*, *otium* and *dignitas* are considered from the point of view of the community: "What is deemed most excellent and most desirable by all sane, good, and happy men is tranquility with honor. All who wish for it are *optimates*; those who effect it are considered the leading men and the saviors of the state" (*Sest* 98: *id quod est praestantissimum maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium. hoc qui volunt, omnes optumates, qui efficiunt, summi viri et conservatores civitatis putantur*). These leading men are described as effecting *otium* and *dignitas* on behalf of the community that desires these things for its own benefit.⁶⁹

⁶⁹ For the concept of the state's *dignitas*, see esp. Wirszubski 1954, Balsdon 1960, Lacey 1962, Perelli 1990. For additional bibliography on the much discussed topic of *cum dignitate otium* in *Sest.*, cf. n. 12.

But in the very next sentence, Cicero's reference to *dignitas* and *otium* appears on close examination to refer to both individual and society in a dizzying fashion:

For it is fitting neither for men to be so carried away by the honor of managing public affairs that they fail to keep tranquility in view, nor for them to embrace any tranquility that shrinks from honor. (*Sest.* 98)

Neque enim rerum gerendarum dignitate homines efferri ita convenit, ut otio non prospiciant, neque ullum amplexari otium, quod abhorreat a dignitate.

This time, the explanation of the terms is given from the statesman's or potential statesman's point of view. *Rerum gerendarum dignitas* clearly refers to the *dignitas* pursued by individual statesmen for their public deeds, while the *otium* they ought to keep in view is that of society.⁷⁰ Cicero condemns statesmanship that focuses on augmenting personal prestige at the expense of public tranquility. This scenario (personal *dignitas* at the expense of public *otium*) is exemplified prior to the excursus not only by Piso and Gabinius, who use their consulship to gain additional honors (and wealth) at the expense of allowing Clodius to create public turmoil (cf. 34 regarding their agreement to Clodius's violent *dominatio* in exchange for provinces), but also by Clodius himself, who augments his status by using his tribunate to wreak havoc on the state.

Less obvious in this regard is the case of Caesar and his fellow triumvirs, whose unwillingness to defend Cicero against the revolutionary Clodius out of fear for the harm

⁷⁰ For a similar account of the varied range of meaning carried by these two terms in the foregoing sentence, see Kaster 2006: 322-23, though I see no grounds in this context for taking this first use of *otium* in the private senses of "peace of mind or cultivation." The omission of the latter sense in this particular passage is in keeping with Cicero's rhetorical purpose of encouraging public service; wherever private *otium* appears in the speech, it is tinged with the negative connotation of self-indulgence, laziness, and even cowardice (as it is in the second half of the sentence under discussion, *neque ullum amplexari otium*; cf. 23, 100, 138).

he might inflict on their legal status or their legacy from the year of Caesar's consulship mirrors the conduct of Piso and Gabinius:

They were utterly terrified at the time by another fear, because they thought everything they had enacted and accomplished in the previous year was being torn down by the praetors and undermined by the senate, as well as by the leading men of the community. They were unwilling to alienate a populist tribune from themselves, and said their own dangers were looming over themselves more closely than mine. (*Sest.* 40)

illi autem aliquo tum timore perterriti, quod acta illa atque omnis res anni superioris labefactari a praetoribus, infirmari a senatu atque a principibus civitatis putabant, tribunum popularem a se alienare nolebant, sua que sibi propiora esse pericula quam mea loquebantur.

That the triumvirs were unwilling to get in Clodius's way appears very much like the "corrupt deal" made between Clodius and the consuls of the following year (58). But in the case of the triumvirs, the self-centered gain in terms of personal safety and prestige centers around the *acta* of Caesar's consulship, which Cicero subtly condemns as contrary to the public interest by casually mentioning the efforts of the praetors, the senate, and the *principes civitatis* (cf. *principes optimatum*) to overturn them. Here is one of those moments in the speech where Cicero tacks against the triumvirate, in this case by propagating the idea that their legislation was contrary to the public interest. In this passage, he adds his voice to the others within the senate calling for the invalidation of Caesar's *acta* as part of a more general design in this speech to strengthen the senatorial party and indeed to restore that *consensus ordinum* that held sway prior to the ascendancy of the triumvirate. The political aims of the speech foreshadow Cicero's motion in the senate on April 5 scheduling a discussion of Caesar's agrarian law

regarding the Ager Campanus for the following month, the last of his efforts to resist the triumvirate before succumbing to its renewed power in the face of the meeting at Luca.

To continue with Cicero's description of the proper relationship between the pursuit of *dignitas* and *otium*, the second instance of *otium* in the sentence shifts from the communal to the personal sense, as the individual would-be (or "should-be") statesman is warned not to embrace any personal leisure that neglects *dignitas*—which seems to double in this context as the prestige of the state and that of the individual. Both kinds of *dignitas* would suffer, as there would be no one to defend the community's prestige⁷¹ against the attacks of revolutionaries (personal *otium* at the expense of public *dignitas*), while the individual would lack the honor of status within the community as he fades into private obscurity (personal *otium* at the expense of personal *dignitas*). These two scenarios are exemplified prior to this passage by the principles of Piso prior to his consulship (23), and subsequent to this passage by the non-participating *boni* (100 & 139). On the positive side, Milo is presented as someone who avoids these two pitfalls. Cicero lavishes praise upon Milo for promoting "the cause of the Republic" (*causam rei publicae*) by striving to bring about Cicero's return from exile (87). Milo's sense of personal honor compels him to stand up for himself and his community, whose prestige he will not allow to be damaged: "he reflected on what was honorable for the state and for himself, and who he himself was" (*Sest. 87: quid re publica, quid se dignum esset, quis ipse esset... cogitabat*). There is no mention here of *otium* in any sense, so keen is Cicero to emphasize the union between the pursuit of personal honor and the prestige of

⁷¹ Characterized by the integrity of its institutions and its liberty: cf. *Sest. 1, status civitatis/communis libertas*.

the state. In sum, the excursus's ideal of *cum dignitate otium* evidently refers to the statesman's personal pursuit of honor and glory by means of aiming at the honor and tranquility of society, a principle that is illustrated earlier in the speech by the contrast between public-spirited figures such as Milo on the one hand and self-serving individuals like Piso on the other.

Cicero's political and cultural ideal of seeking individual glory by aiming at the good of the community is further clarified by his redefinition of the political buzzword *optimates* and by the affirmation that the statesman's honor depends on his service of their interests. The statesmen who strive for the goal of *cum dignitate otium*, the *principes optimatium*, are not serving the interests of a faction as the traditional sense of the term *optimates* would seem to imply, but rather the common interest, since he redefines *optimates* by expanding it to take in all citizens who were in favor of the republican constitution, in addition to the traditional ruling class:

They are the chief men who make public policy; they are those who follow their lead; they are men of the most prominent orders to whom membership in the senate is open; they are Romans who live in *municipia* and on farms; they are men of business; there are even freedmen who are *optimates*... All are *optimates* who are neither vicious, nor immoral by nature, nor madmen, nor burdened by domestic evils (97)... What is deemed most excellent and most desirable by all sane, good, and happy men is tranquility with honor. All who wish for it are *optimates*... (Sest. 98)

sunt principes consili publici, sunt qui eorum sectam sequuntur, sunt maximorum ordinum homines, quibus patet curia, sunt municipales rustici que Romani, sunt negoti gerentes, sunt etiam libertini optumates... omnes optumates sunt qui neque nocentes sunt, nec natura inprobi ac furiosi, nec malis domesticis inpediti (97)... id quod est praestantissimum maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium. hoc qui volunt, omnes optumates... (98)

Cicero identifies the *boni* with the *optimates* and defines them in contrast with the *improbi* as those who wish to see the republican regime preserved and undisturbed, which is what he means by *otium*. Furthermore, the *principes consilii publici* serve the interests of these *optimates*,⁷² upholding the communal *dignitas* and *otium* that all *optimates* desire: “Those who in governing the Republic serve the wishes, interests, and wealth of these men are the defenders of the *optimates*, and are themselves counted amongst the most eminent citizens and leaders of the state” (*Sest. 97: horum qui voluntati, commodis, opinionibus in gubernanda re publica serviunt, defensores optumatum ipsi que optumates gravissimi et clarissimi cives numerantur et principes civitatis*).⁷³

Indeed, the notion that those who pursue the wishes of the *optimates* are “counted” (*numerantur*) as the most eminent citizens and “considered” (*putantur*) leading men points to the key link between personal honor and public service in Cicero’s conception-- namely, esteem in the eyes of a grateful public as a just reward for enslavement (as the strongest sense of *servire* might imply) to their interests. Kaster has aptly termed this notion the “contractualist premise[s] of Republicanism.”⁷⁴ Towards the end of the excursus, Cicero repeatedly drives home this premise: “But those who strive

⁷² At the beginning of the excursus, these citizens are designated individually as *optimus quisque* (96 & 97). However, earlier in the speech Cicero uses *optimus quisque* to refer to the senate’s leading men (32), and he appears to repeat it in this sense during the excursus when he claims that the people (*populus*) at present “delight in their own tranquility (*otio suo*) and in the honor (*dignitas*) of *optimus quisque* and in the glory of the whole Republic (*universae rei publicae gloria*),” where the separate designation of the glory of the Republic seems to be synonymous with the *dignitas* of the state, leaving *dignitas optimi cuiusque* to refer to the honor of the state’s leading men.

⁷³ Cf. *Sest. 98*: “Those who bring about [tranquility with honor] are considered the leading men and the saviors of the state (*qui [cum dignitate otium] efficiunt, summi viri et conservatores civitatis putantur*).”

⁷⁴ 2006: 302.

after the good opinion of good men, which alone can truly be called glory, ought to seek leisure and pleasures for others, not for themselves” (Sest. 139: *qui autem bonam famam bonorum, quae sola vere gloria nominari potest, expetunt, aliis otium quaerere debent et voluptates, non sibi*). The only legitimate form of honor is having a good reputation in the eyes of good men, the *optimates*. Here the distinction between public and private *otium* is somewhat blurred, as communal *otium* is seen under the aspect of its enjoyment by individual members of the non-elite. This is also one of the rare occasions when Cicero speaks of *voluptas* in any sort of positive sense, an anomaly that can be explained by its presentation in this context as something made available to the members of the community by high-minded statesmen who are oriented towards the more noble thoughts of personal honor and the benefit of the public.⁷⁵ In another passage, Cicero emphatically employs his own *auctoritas* in favor of the same idea:

Believe me, this is the one and only path of praise, and status, and honor: to be praised and esteemed by men who are good and wise and of a good disposition by nature; to acknowledge the constitution of the state as it was established most wisely by our ancestors... (Sest. 137)

haec est una via, mihi credite, et laudis et dignitatis et honoris, a bonis viris sapientibus et bene natura constitutis laudari et diligere; nosse discriptionem civitatis <a> maioribus nostris sapientissime constitutam...

The characterization of *boni viri* as *bene natura constituti* recalls the definition of *optimates* as all those who are not *natura improbi*, and sheds light on the seamless transition Cicero makes from the thought of being praised by good men and recognizing

⁷⁵ For another positive use of *voluptas*, likewise in a politically protreptic context, see *Rep.* 1.3—though it should be noted that some textual critics have emended the text here to read *voluntas*, a reading of Moser also adopted in the most recent edition of the text (Powell 2006).

the structure of the state as it was established by the *maiores*. Since the *optimates/boni* by definition are not revolutionaries like the *improbi*, they favor the preservation of the republican mode of government, and they reward the champions of republican government with public honors. Once again, the earlier example of Milo illustrates this ideal in practice. Milo strives to maintain the republican constitution against Clodius's violent domination of popular assemblies, seeking "no reward except... the esteem of good men" (*Sest.* 86: *qui nullo praemio proposito praeter... iudicium bonorum*). The *principes optimatum*, therefore, pursue personal *dignitas* in a legitimate manner by hoping for praise from the good citizens as a reward for using their position and power to seek the preservation of the republican constitution against those who would disturb the public tranquility.

In the impassioned plea above (137), it is also noteworthy that Cicero designates the interrelated pursuit of individual glory and societal benefit as a *via*, a term that makes its most striking appearance in connection with a *ratio*, when Cicero speaks of "this [particular] method and path of political engagement," *haec ratio et via rei publicae capessendae* (103).⁷⁶ The metaphor of the *via*⁷⁷ aptly suggests both a destination and the road that leads to it. Meanwhile, the word *ratio* implies both a manner of acting ("method") and a set of reasons or principles for that manner of acting.⁷⁸ *Ratio*, therefore, implies a *principled method* of political engagement, a principled manner of

⁷⁶ Cf. *Sest.* 100, 137, 140.

⁷⁷ The metaphor of the *via* also figures in Sall. *Cat.* 11.1-2 (on which see Krebs 2008), distinguishing a *vera via* for the pursuit of glory from corrupt *ambitio*. In *Sest.*, however, the *via* concerns the question of politics versus withdrawal in addition to the different paths to glory within politics.

⁷⁸ Cf. Cicero's comments on Cato's *ratio* in *Mur.* 2.

acting that envisions an end and the appropriate means to reach it; it is appropriately paired with the *via*, a path travelled in order to reach the destination⁷⁹ of personal *dignitas* and public *dignitas-otium* that is directly contrasted with a different kind of political activity and endgame—that of *populares* politicians.⁸⁰ Thus Cicero states that “there have always been in this state two kinds of people who were involved in politics and were eager to distinguish themselves therein” (*Sest. 96: Duo genera semper in hac civitate fuerunt eorum qui versari in re publica atque in ea se excellentius gerere studuerunt*). The reference to each group’s desire to seek distinction shows that the counterparts to the *principes optimatum*—namely those who “have wished both to be and to be considered *populares*... [and] who wanted their words and actions to be pleasing to the multitude” (*Sest. 96: populares... et haberi et esse voluerunt... qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse*)—also seek honor as their reward, but do so by pursuing aims that are different from those desired by the *optimates*.⁸¹

Accordingly, the aim of such *populares* turns out to be seeking *dignitas* by means of the creation of turmoil and the destruction of the Republic. Cicero distinguishes between the *populares* politicians themselves and the reckless men whose interests they serve: “And when advisers and leaders have been found for the accomplishment of these men’s vicious desires, rising waves are stirred up in the Republic” (*Sest. 99: qui cum tutores*

⁷⁹ Cicero also refers to attaining *cum dignitate otium* with the nautical metaphor of safely navigating [a ship] to port: *tenere cursum... et capere otii illum portum et dignitatis* (99).

⁸⁰ See Seager 1972: 328-31 for analysis of Cicero’s conception of *populares* in *Sest.*

⁸¹ Defined as the majority of citizens who want to see the preservation of the existing social order (cf. *Sest. 98*).

sunt et duces suorum studiorum vitiorumque nacti, in re publica fluctus excitantur).

Therefore as the *principes optimatum* are to the *optimates*, so the *populares* are to this “great crowd amidst so great a number of citizens” (*in tanto civium numero magna multitudo*, 99) a crowd to which three basic types of people belong.⁸² Some “seek revolution and regime change” (*novos motus conversiones que rei publicae quaerant*), while others “either... feed on civil strife and sedition or... prefer to see the community burnt down than to go up in flames alone” (*Sest. 99: aut qui... discordiis civium ac seditione pascantur, aut qui... communi incendio malint quam suo deflagrare*). Their aims are nothing short of revolutionary. Accordingly, the leaders of these *improbi*⁸³ seek their end of changing the form of government by means of a concerted effort to undermine the state’s traditional foundations. Making mention as I just have of their *modus operandi* calls attention to the fact that in terms of the *via* metaphor, so far I have only analyzed the respective destinations that the two kinds of political engagement aim to reach. An explanation is still required of the topographical features (so to speak) of the respective roads that may be travelled, to which the two *rationes* correspond.⁸⁴

B) The means of political engagement

a) Abiding by the rule of law—and the legitimate use of force

⁸² Cicero assigns various selfish motives to each of these three groups.

⁸³ Their identity as the notorious *improbi* so often lambasted in Cicero’s orations is implied by the definition of the *optimates* as *nec improbi natura* (97). Cf. particularly the description of Catiline’s followers in the speeches of 64-62.

⁸⁴ The recurrence of *ratio* throughout the speech in a variety of instances where Cicero describes the policies pursued by different public figures, some republican and some revolutionary, contributes to the sense of the speech’s unified theme. Cf. 36, 87, 92, 101, 114, 136, discussed in the next section (cf. n. 13).

One element of the Ciceronian *ratio* is the defense of the rule of law as one of the state's foundations (*leges... iudicia, iuris dictio* 98), a principle that is complicated by Cicero's willingness to condone violence in extreme circumstances. Magistrates ought to abide by lawful procedure, but may meet force with force when facing violent threats to such procedure, to their own persons, or to the state itself—with the additional, and indeed crucial, stipulation that resorting to violence would not overthrow the state itself or jeopardize the safety of its citizens. Accordingly, Milo and Sestius are praised for attempting to observe lawful procedure, but also for arming themselves in order to ensure the observance of legal process as well as their own safety in the face of Clodius's violence in the assemblies and against themselves. In discussing Milo's and Sestius's relationship to the question of law and violence, Cicero may once again be seen explaining a principle of political conduct whose importance he will reiterate during the excursus. Cicero singles out Milo for the highest praise as

the one man of all the citizens who seems to me to have taught not with words but in action what outstanding men in the Republic ought and were compelled by necessity to do: namely that it was necessary to resist by means of the laws and courts the criminality of reckless men seeking to overthrow the Republic; and that if the laws had not force and there were no courts, if the Republic was being held down and oppressed by the violence and armed conspiracy of reckless men, then it was necessary to make use of an armed guard and troops to defend life and liberty. (*Sest.* 86)

qui mihi unus ex omnibus civibus videtur re docuisse, non verbis, et quid oporteret a praestantibus viris in re publica fieri et quid necesse esset: oportere hominum audacium, evorsorum rei publicae, sceleri legibus et iudiciis⁸⁵ resistere; si leges non valerent, iudicia non essent, si res publica vi consensu que audacium armis oppressa teneretur, praesidio et copiis defendi vitam et libertatem necesse esse.

⁸⁵ Cf. *Sest.* 98: *leges et iudicia*.

The reference to the oppression of the Republic by violence is the stereotypical language of opposition to tyranny, the only circumstance that justifies *seeditio* or *vis*.⁸⁶ The prior use of violence by another to undermine the state's organs of legal procedure violates its liberty and justifies gathering troops, while violent threats to personal safety justify having an armed guard to defend one's life. Milo demonstrated this principle in action by first attempting to defeat Clodius through the law courts, but when his efforts were arbitrarily rebuffed by edicts of magistrates friendly to Clodius, he was left with no choice but to take an armed guard: "he acted in such a manner that, since he was not permitted to make use of the laws against [Clodius], he need not fear his violence either, whether as regarded his own danger or the Republic's" (*Sest. 89: perfecit ut, quoniam sibi in illum legibus uti non liceret, illius vim neque in suo neque in rei publicae periculo pertimesceret*).⁸⁷

Likewise, Sestius's efforts to have Cicero recalled began with attempts to use legal process, but when that process was interrupted by Clodius's violence and the destruction of many lives, he employed an armed guard in self-defense. Sestius was not yet attended by an armed guard on the day when he went to the temple of Castor to announce unfavorable omens. But his attempt to rely on law and legal process proved futile: when he attempted *obnutatio* and relied on his sacrosanct status as tribune as a guarantee of personal safety, he was violently attacked by Clodius's gangs and barely

⁸⁶ Cf. Augustus, *RG* 1: *exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi*.

⁸⁷ Cf. 90-91, where Cicero justifies Milo's actions through a digression on the trope of the necessity of using force in one's defense whenever a sort of state of nature prevails in which the force of law is lacking.

escaped alive (79). Sestius's attempt to pursue legal process prior to taking up arms in self-defense justifies Cicero's claim that Sestius's *ratio* (92) was similar to Milo's except with regard to prosecuting Clodius, since "it was not necessary for everyone to do the same thing" (*neque enim per omnis fuit idem fieri necesse*, 92). Far from being a lame excuse for violence on Cicero's part, this argument assumes, not unreasonably, that the audience will let Sestius go for not attempting prosecution (in addition to exercising *obnutatio*) before arming himself, and will rather sympathize with Sestius for taking immediate measures for his self-defense after nearly being killed. In addition, Cicero's argument shows Sestius and Milo attempting an initial legal battle against Clodius on two fronts: the former in the assemblies, the latter in the courts. Consequently, he suggests, a second and simultaneous attempt at prosecution on Sestius's part would be superfluous.

Finally, Cicero himself serves as a positive *exemplum* of using or avoiding political violence on the occasion of his exile. Cicero asserts that rather than departing into exile without a fight, he had the right to resist Clodius and his armed gangs by force, since he "had no fear that anyone would blame me for repelling force with force" (*non verebar ne quis aut vim vi depulsam reprehenderet*, 39). Cicero might seem to contradict his insistence on the observance of *leges* in proper political conduct, but presumably he means that Clodius's laws regarding his exile were illegitimate because they had been passed by force, in circumstances when "armed men held control of the forum and the public meetings" (*armati homines forum et contiones tenebant*) and "one man held all power over all through arms and bands of thieves" (*unus omnem omnium potestatem armis et latrociniiis possidebat*, 34). And yet although he had a right to use violence,

Cicero claims that concern for the state's integrity and for the safety of his fellow citizens led him to eschew such a course of action. Sometimes violence might be just in itself, but not prudent due to even worse consequences that might arise from employing it. Cicero claims to have reflected on the harmful precedent of a private citizen's taking up arms against a magistrate (43), and even more significantly, on the destruction of the Republic that could have resulted from violently resisting Clodius's allies, the consuls Piso and Gabinius and other, unnamed defenders:

What did [Clodius] mean by [his threat that I would have] to conquer twice? No doubt that, after I had struggled against that madman of a tribune of the plebs, I would have had to contend with the consuls and his other avengers (43)... But that second struggle would have meant that neither as conquerors or conquered would we be able to retain the Republic. (*Sest.* 44)

quid erat bis vincere? id id profecto, ut, cum amentissimo tribuno plebis decertassem, cum consulibus ceterisque eius ultoribus dimicarem (43)... erat enim illa altera eius modi contentio ut neque victi neque victores rem publicam tenere possemus. (*Sest.* 44).

Note the subtle reference to Caesar in the vague "his other avengers"—having already named the consuls, who else could Cicero possibly mean? Such a fight, moreover, would have meant excessive loss of life and destruction of property for his fellow-citizens:

Should I have fought it out, not, I say, to your complete destruction, but certainly with danger to you and your children? (46) ... Therefore, I saved the Republic by my departure, judges: slaughter, devastation, fire, rapine—I warded them off from you and your children by my own grief and mourning, and I alone saved the Republic twice, once with glory, once again through my agony. (*Sest.* 49)

depugnarem potius cum summo non dicam exitio, sed periculo certe vestro liberorumque vestrorum? (46) ... servavi igitur rem publicam discessu meo, iudices; caedem a vobis liberis que vestris, vastitatem, incendia, rapinas meo dolore luctuque depuli et unus rem publicam bis servavi, semel gloria, iterum aerumna mea. (*Sest.* 49)

With these last words in particular Cicero intentionally recalls his self-fashioning in the *Catilinarians*, where the situation was reversed: in that case, it was fitting for him as a public magistrate to use violence against the conspirators since this was necessary to protect the lives and property of Roman citizens.⁸⁸

Clodius is an obvious *exemplum* of the improper use of law and violence. Clodius upon becoming tribune occupies the temple of Castor and fills the forum with armed men (34). He habitually subverts popular assemblies by force: his gangs disrupt the *concilium plebis* by attacking Quintus Fabricius on the Rostra and killing many of his supporters (75); on the same occasion they drive the tribune Cispus from the forum and seek in vain to find Quintus Cicero in order to kill him (76); they attempt to kill the tribune Sestius in the temple of Castor (79). In addition, Clodius is willing to use violence against Cicero's allies where Cicero is unwilling to use it against Clodius: as a private citizen, Clodius repeatedly hounds the tribune Milo with his gangs, attempting assassination (89) and even the burning of his house (85, 89).

But a less noticeable *exemplum* of the misuse of violence in politics can be seen in the case of Caesar. Cicero notes that Caesar and the triumvirs were unwilling to come to his defense in the face of Clodius's efforts to achieve his exile because they could not afford to alienate Clodius at a time when their political program from the year of Caesar's consulship was already under attack from the senate and its leading men (40). But these "accomplishments of the previous year" (*acta atque omnes res anni superioris*) necessarily include such unconstitutional measures as the passing of the Campanian land

⁸⁸ On Ciceronian self-fashioning in the *Catilinarians*, see May 1988: 49-87 and Batstone 1994.

law by violence and the violent treatment of Caesar's consular colleague Bibulus at the hands of Caesar's ally, the tribune Vatinius, upon the consul's attempt to exercise *obnatio* at the temple of Castor (cf. *Vat.* 21-22). Moreover, this temple, as we have seen, is frequently mentioned in this speech as the site of Clodian violence (34; 78-79). Through the similarity between the actions of Caesar's open ally Vatinius and those of Clodius, Cicero associates Caesar with the violent subversion of assemblies, for the sake of forcing through his own laws in the first instance and in order to lay the groundwork for Cicero's exile in the second.

Yet another negative association with Clodius' violent intentions towards Cicero may be seen in the reference to the presence of Caesar's army at the gates of the city during the crisis leading up to Cicero's exile. Although Cicero denies Clodius' claim that Caesar was hostile to him (41) and makes excuses for his silence (40), he admits that such threats influenced his decision to go into exile (42). More fundamentally, the broader pattern of cooperation between Caesar and Clodius as evidenced in the transfer to plebeian status and the willing acquiescence in Clodius's efforts to obtain Cicero's exile affords good reason for believing that Clodius's threats about Caesar's intentions were actually true, notwithstanding Cicero's superficial assurances to the contrary. Finally, Cicero supplies an additional reason for not giving credence to his own excuses for Caesar by mentioning the presence of Clodius's own brother as an officer in Caesar's army (41). The larger picture gives us a sense that Caesar was keeping his threatening army at the gates of Rome in order to aid Clodius's program, intimidating Cicero and his allies into silence and pressuring them not to resist Clodius's efforts to exile Cicero, to

the ultimate harm of the republican program. Caesar, therefore, is implicitly condemned as a cooperator with the *improbi* among the tribunes, who seek to undermine and ultimately to overthrow the Republic through the use and threat of violence.

b) Sustaining traditional values and institutions

A second key strategy by which republican statesmen attain their dual goal of public good and individual glory (*cum dignitate otium*) found both in the excursus and throughout the speech consists in upholding the ancestral laws and customs (98). This ideal figures earlier in the speech in Cicero's praise of some and reprobation of others for promoting or undermining several of these elements,⁸⁹ especially those that come at the beginning of the list: *religiones, auspicia, potestates magistratuum, senatus auctoritas, leges, mos maiorum*.⁹⁰ The most striking negative *exemplum* in this regard is Caesar, whom Cicero criticizes fairly openly for bringing about the adoption of Clodius into a plebeian family.

This hideous, wild beast, though bound by the auspices, tied down by the customs of our ancestors, and constrained by the chains of the *leges sacratae*, was, through a law suddenly passed in the centuriate assembly, let loose by the consul—either, as is my opinion, because he [sc. the consul] had been excessively importuned, or, as quite a few people thought, because he was angry with me; but whatever the reasons, he was certainly unaware, and had no idea, that such great crimes and evils would follow. (*Sest.* 16)

hanc taetram inmanem que beluam, vinctam auspiciis, alligatam more maiorum, constrictam legum sacratarum catenis, solvit subito lege curiata consul, vel, ut ego

⁸⁹ Kaster 2006: 323 suggests my line of inquiry—"most of these components have been mentioned several times over in the speech"—but does not list references.

⁹⁰ Piso and Gabinius were shown above to exemplify the failure to respect *senatus auctoritas* in particular; Cicero also attacks them for furthering the passage of a law that declared the *auspicia* should have no effect, and that the Aelian and Fufian law should be null (*Sest.* 33).

arbitror, exoratus vel, ut non nemo putabat, mihi iratus, ignarus quidem certe et imprudens independentium tantorum scelerum et malorum.

At the beginning of the sentence, Clodius is the most obvious offender against *auspicia*, *mos maiorum*, and the *leges sacratae*, as these restrictions are grammatically linked to him. Nevertheless, what stands out most is Caesar's role in the transfer, which Cicero brilliantly emphasizes by abruptly placing all the agency with *consul*, the subject of the sentence (*solvit... consul*), while Clodius is the object (*beluam*). The very structure of the sentence argues not simply for Caesar's complicity but indeed his principal agency in undermining sacred and ancestral custom.⁹¹ In addition, Cicero's protestation that Caesar did not realize that the transfer of Clodius would lead to commotion is disingenuous at best, and at worst an indictment. By raising the possibility both here and elsewhere in the speech⁹² that Caesar was angry with him—merely voicing his supposed disagreement with such an idea, without giving any reason why—Cicero repeatedly insinuates to the audience that Caesar was knowingly trying to stir up trouble for him.⁹³ Meanwhile, expressly excusing Caesar on the grounds that he was *imprudens* amounts to a great insult for Caesar's lack of one of the most basic virtues of a statesman, political prudence

⁹¹ Cicero may be accused of contradiction, given that Caesar and Clodius (not to mention Piso and Gabinius in the case of the Aelian and Fufian law) observe due constitutional form by having the Centuriate Assembly pass a *lex*, which he later declares one of the foundational elements of public *otium*. Perhaps he would retort that ancestral custom and religious laws should have priority.

⁹² Within *Pro Sestio*, see 41 and 71, where Cicero engages in the same process of suggesting and rejecting the possibility of Caesar's being angry with him, while in *Dom.* 41, Cicero expressly asserts that Caesar cooperated with Clodius's transfer to the plebs because he was angry with Cicero for criticizing the situation in the state.

⁹³ Cicero's procedure here might be conceived in terms of the phenomenon of "figured speech" or "doublespeak," on which see Ahl 1984 and Bartsch 1994 respectively.

or foresight.⁹⁴ But even if one takes Cicero at his word and assumes that Caesar had no bad intentions, the fact remains that Caesar has cooperated in undermining several foundations of *cum dignitate otium*, thereby situating himself outside the category of those *principes optimatum* who exercise political power legitimately, and hence aligning himself with the *improbi*. Cicero thus appears to have Caesar in mind when he speaks of the *auctores* and *duces* who take up the cause of the reckless citizens, especially since the latter seems to point to Clodius.⁹⁵ In particular, Cicero's characterization of the *improbi* as motivated to attack the Republic out of "fear of punishment and awareness of their sacrilegious crimes" (*propter metum poenae, peccatorum suorum conscii*, 99) counts as a scarcely concealed allusion to Clodius's recent trial over the *bona dea* scandal.

c) Acting with consensus

A third means of republican statesmanship consists in commitment to the principle of rule by consensus. This idea emerges in a general way in the excursus from

⁹⁴ Kaster 2006 also notes the insult implied by *imprudens*. Mitchell 1991: 174 accepts Cicero's excuses for Caesar at face value. Cicero's procedure of making excuses that subtly imply guilt was used earlier in his career as well, under another autocrat: cf. *Rosc. Am.* 130-31, where Sulla is exonerated from any part in Chrysogonus's misdeeds on the grounds that Sulla allowed many things to happen under his rule *partim improbante, partim imprudente*, and that since not even Jupiter can keep his eye on everything at once, neither should Sulla be held responsible for failing to notice everything.

⁹⁵ Scholarly consensus has centered around the view that Clodius was an "independent agent" (first argued by Gruen 1966) who pursued his own designs without doing Caesar's bidding. Some passages in *Pro Sestio* supply evidence for this view, especially the previously discussed passage regarding Caesar's supposed fear for his consular legislation from potential attacks by Clodius. However, the notion that Caesar would have come to Cicero's aid had it not been for the threat he felt from Clodius appears to be an intentional Ciceronian fabrication designed to avoid directly attacking Caesar, the same procedure as is used in the present passage. While Clodius was not a slavish pawn in Caesar's hands, Caesar nevertheless was quite happy to make use of Clodius as an ally, manipulating Clodius's desire to revenge himself on Cicero as a means of weakening Cicero and the senatorial party.

Cicero's assertion that statesmen should pursue the interests of the majority of citizens, namely the *optimates*, who are defined as loyal citizens from all classes (97). It is also implicit in Cicero's description of the Roman constitution: magistrates are supposed to obey the wishes of the senate, whose members are chosen by the whole people (*ab universo populo*) and come from the ranks of all citizens (*omnes cives*); the senate is also charged with "protecting and increasing the liberty and interests of the plebs (*plebis libertatem et commoda tueri atque augere*, 137). Therefore, when magistrates obey the wishes of the senate, they heed the wishes of all of society. The most salient positive *exemplum* of a magistrate who pursues policies that meet with the approval of all levels of society is, as we might expect in a Ciceronian speech, Cicero himself. Cicero recalls his decision to execute the Catilinarian conspirators during his consulship:

The policies that I carried out were not solely of my design alone. I acted as the executor of the common resolve, and these policies concerned not just my own individual glory but the common safety of all citizens, and practically of all nations. I carried them out with the stipulation that everyone should always vouch for and uphold what I had done. (*Sest.* 38)

eas res gesseram quarum non unus auctor sed dux omnium voluntatis fuissem, quaeque non modo ad singularem meam gloriam sed ad communem salutem omnium civium et prope gentium pertinerent; ea condicione gesseram ut meum factum semper omnes praestare tuerique deberent.

Cicero's claim to have been *dux omnium voluntatis* refers to the decree of the senate in favor of executing the conspirators and to the implicit support of the equestrians who guarded the Temple of Concord from the outside during the senatorial debate. Throughout *Pro Sestio*, he confirms his claim to have acted in accordance with the will of the Roman people by pointing to the demonstrations of public support that occurred when

he was threatened with exile (*Sest.* 26-27, 32, 36) and upon his glorious return (128-29, 131).

This universal public support for Cicero's recall also forms the basis of lauding the tribune Milo for seeking to bring about Cicero's restoration. Cicero calls special attention in this regard to Milo's *ratio*, his manner of acting, which had the "full agreement of all" (*plena consensionis omnium*, 87). He demonstrates this general consensus in favor of Milo's policies by listing the many allies Milo had in his cause: his colleagues in the tribunate, one of the consuls, the senate, the *equites*, and the general population (*Italia*) (87). In addition, the convergence of the several parts of the state and of all classes in society speaks to the spirit of unity (*ratio... plena concordiae*, 87) with which Milo is said to have acted. Cicero likewise praises Sestius for the pursuit of *concordia*. Upon being elected tribune in 58 and prior to assuming office, Sestius "undertook a journey to Gaius Caesar on behalf of my safety" (*iter ad C. Caesarem pro mea salute suscepit*, 71). The purpose of this journey is restated and revised shortly thereafter to read "for the sake of the Republic" (*rei publicae causa*), yet another instance of the oft-insinuated and oft-repeated premise that Cicero's prestige within the Republic is commensurate with its well-being. But what stands out in the mission to Caesar is Sestius's attempt to forge a consensus in favor of his political goals. Sestius is said to have sought out Caesar "because he thought that doing so was germane to concord among citizens and that he could more easily achieve his purpose if Caesar were at heart not opposed to my cause" (*pertinere et ad concordiam civium putavit et ad perficiundi*

facultatem animum Caesaris a causa non abhorreere, 71). Sestius's mission thus stands out in its adherence to the Ciceronian principle of acting by consensus in political affairs.

d) *Magnitudo animi*

A fourth key aspect of political engagement for republican statesmen concerns magnanimity of spirit coupled with sacrificial altruism for the sake of the Republic. In the excursus, Cicero establishes from the outset that statesmen must be prepared to defend republican institutions “even at the danger of their own lives” (*vel capitis periculo defendenda sunt*, 98); “to be the defender and patron of so many and such great matters as these requires greatness of soul,⁹⁶ great ability and great constancy” (*harum rerum tot atque tantarum esse defensorem et patronum magni animi est, magni ingeni magnae que constantiae*, 99).⁹⁷ Cicero echoes the point with which he began the speech, that the present lack of republican statesmen should come as no surprise given the many dangers they face (1-2). Emphasizing the need for a rare resolve to persevere, Cicero exploits the trope of statesmanship as an occupation full of toil: “they only remain who bear everything for the sake of the Republic (*permanent illi soli atque omnia rei publicae causa perferunt*, 101); “there is toil, I won’t deny it; great dangers, I admit (*est labor, non nego; pericula magna, fateor*, 102); “this type of man, I admit, as I said before... must face many dangers, be exposed to many attacks, bear and undergo great toils” (*huic hominum generi fateor, ut ante dixi... multa proponi pericula, multas inferri iniurias*,

⁹⁶ See Schofield 2009 for *magnitudo animi* as an important republican virtue throughout Cicero’s corpus.

⁹⁷ Cf. 100: *hanc ego viam, iudices, si aut asperam atque arduam et plenam esse periculorum aut insidiarum negem, mentiar, praesertim cum id non modo intellexerim semper sed etiam praeter ceteros senserim*.

magnum esse experiundum et subeundum laborem, 138); “they have to wear themselves out for the sake of the common interest... they must contend with many reckless and wicked men, sometimes even with the mighty” (*sudandum est iis pro communibus commodis, adeundae inimicitiae, subeundae saepe pro re publica tempestates, cum multis audacibus, improbis, non numquam etiam potentibus dimicandum*, 139). This last reference to the mighty constitutes another subtle shot at the triumvirs, especially Caesar—yet another indication of Cicero’s design to rally the troops against the greatest force undermining the Republic at present.

Earlier in the speech, Cicero had given various *exempla* illustrating such magnanimous conduct. Above all, he recalls his own consulship, in which he pursued policies favorable to the Republic in spite of the risk of death and exile to which they exposed him. Even then, he foresaw these possibilities:

When I was pursuing those great policies in the midst of so great a gathering of the wicked, was not death, was not exile staring me in the face? Weren’t these oracles, so to speak, being prophesied in the very act of carrying out my policy? (*Sest.* 47)

aut ego illas res tantas in tanta improborum multitudine cum gerebam, non mihi mors, non exilium ob oculos vorsabatur? non haec denique a me tum tanquam fata in ipsa re gerenda caneantur?

In speaking of “oracles” which were “prophesied” at the time, Cicero recalls his own acknowledgement at the time that he was making enemies for himself and could face retaliation for his actions.⁹⁸ In fact, Cicero expressed the same principle in the Fourth *Catilinarian* as in his critique of Piso (*rei publicae consulendum*, *Sest.* 23) regarding the

⁹⁸ Cic. *Cat.* 4.3.

statesman's duty to take thought for the good of all citizens (*consulite vobis... populi Romani nomen salutemque defendite*, *Cat.* 4.3) at the risk of his personal safety.

Cicero reinforces this image of himself as a great-souled statesman by fashioning his departure into exile as an altruistic decision whereby he sacrificed himself in order to preserve the state and its citizens from destruction through civil war:

And regarding this matter, you, you, I say, my fatherland—and I also call you to witness, household and ancestral gods—that I, for the sake of your dwellings and temples, that I, for the safety of my fellow citizens, which has always been more dear to me than life, fled fighting and bloodshed. (*Sest.* 45).

de quo te, te, inquam, patria, testor et vos, penates patrii que dei, me vestrarum sedum templorum que causa, me propter salutem meorum civium, quae mihi semper fuit mea carior vita, dimicationem caedemque fugisse.

He illustrates this self-sacrificial action with the scenario of a ship at sea attacked by pirates who demand a hostage as surety for the other passengers (46). He then applies this scenario to the ship of state when faced with the onslaughts of Clodius: “[Was it not better] that I alone for the sake of all should undertake to endure what was threatening everyone?” (*...quam [non] id quod omnibus inpendebat unus pro omnibus susciperem ac subirem?* 46). Furthermore, such sacrifice demands willingness to endure sorrow as a means of preserving the Republic: “I warded off slaughter... from you and your children by my own grief and mourning, and I alone saved the Republic twice, once with glory, once again through my agony” (*caedem a vobis liberisque vestris... meo dolore luctuque depuli et unus rem publicam bis servavi, semel gloria, iterum aerumna mea*, 49). While Cicero doubtless seeks exclusivity in enjoying the special distinction of two-time Savior of the State, nevertheless he presents his method of saving the state in this second manner, namely, through personal grief, as “an example of preserving the Republic”

(*exemplum rei publicae conservandae*, 49), and also cites Cato's conduct during the year 58 in this regard.⁹⁹

Like Cicero, Cato is targeted for his previous policy of demanding the execution of the conspirators: "he was the head, the originator, the instigator of those policies" (*dux, auctor, actor rerum illarum fuit*, 61).¹⁰⁰ And just like Cicero, Cato in so acting at the time is said to have disregarded real concerns for his own safety for the sake of the common benefit: "it's not that he failed to see the danger he was in; but when such a great storm was raging in the Republic, he simply thought he should think of nothing but the dangers threatening the fatherland" (*non quo periculum suum non videret, sed in tanta rei publicae tempestate nihil sibi nisi de patriae periculis cogitandum putabat*, 61). But most striking of all is Cato's willing acceptance of dishonor and a sort of "exile" as governor of Cyprus (*non illi ornandum M. Catonem, sed relegandum... putaverunt*), a post imposed on him by enemies of the Republic who were eager to diminish his influence in Rome. Even though he considers this resolution unjust, Cato goes along rather than "sacrificing himself to their reckless designs" (*non offert se ille istis temeritatibus*), avoiding a path of resistance that would have been "useless to the Republic by depriving it of the citizen that he was" (*ut, cum rei publicae nihil prosit, se civi rem <publicam> privet*, 61).

From one point of view, Cicero can certainly be seen co-opting Catonian *auctoritas* in order to legitimize his own choice to depart into exile, assimilating Cato's supposed motives to his own stated reason of avoiding resistance to lawful authority to no

⁹⁹ For bibliography on Cicero's exile, see n. 10.

¹⁰⁰ *dux, auctor, actor rerum illarum fuit*.

good purpose. But in terms of the promotion of a cultural ideal, fashioning Cato in this way contributes to educating the audience on republican political principles by presenting another noble figure who, like Cicero, sacrifices personal interest for the republican cause. Cicero concludes his discussion of Cato by making the likeness with himself more explicit: “He yielded to the same crisis as we did, to the madness of the same person, to the same consuls, to the same threats, plots, and dangers” (*ille vero eidem tempori cui nos, eiusdem furori, eisdem consulibus, eisdem minis, insidiis, periculis cessit*, 63).

Cicero then implicitly admits that Cato’s “exile” to the governorship of a province lacked the shame of his own exile: “I drank a more bitter cup of mourning, though he had no less sorrow of soul” (*luctum nos hausimus maiorem, dolorem ille animi non minorem*, 63).

But this comparison, far from contributing to Cicero’s shame, augments his glory inasmuch as he claims to have suffered more than Cato did for the Republic.

In a general way, Cato may be grouped with Sestius and Milo as an exemplum of courage in discharging the office of the tribunate. Cicero praises Cato for his courage (*M. Catone tribuno pl., fortissimo atque optimo civi*) in defending the Republic (*rem publicam defendente*, 12) and for his “unheard of greatness of soul” (*singulari magnitudine animi*) and “unbelievable courage” (*incredibili virtute*). Sestius, likewise, evidently endured toils for the sake of the Republic at the risk of his safety and indeed his very life, attacked by the gangs of Clodius in the Temple of Castor and left for dead (79). Cicero also exalts his courage by asserting that if Sestius had in fact died, “at some point a statue would be stood up in the Forum in honor of a man who had been killed defending the Republic” (*aliquando statua huic ob rem publicam interfecto in foro statueretur*, 83).

Milo is praised in even more extravagant terms for the “immortal courage” (*immortalis virtus*) he has displayed in “enduring all dangers, the greatest of toils, and the most dangerous struggles and hostile attacks” (*omnia pericula, summos labores, gravissimas contentiones inimicitiasque suscepit*, 86). These multiple concrete *exempla* prepare the way in Cicero’s persuasive design for his vindication of republican courage in more theoretical terms within the excursus.

4. Motives for pursuing the *via*

Having laid out the character of republican *via*, I proceed now to a fuller investigation of the motives Cicero holds out to entice his audience to embrace this particular form of participation in public life. In section 2, I showed how one of Cicero’s persuasive strategies in this regard involved creating a sense of shame in the timid, non-participating *boni* within his audience by likening them to apolitical and self-indulgent Greek Epicurean philosophers, and in the ambitious by depicting the selfish political behavior of Piso as stemming from an Epicureanism at odds with traditional Roman republicanism. He also motivates these two constituents of his audience through appeals to the noble and the just for their own sake and above all by means of a variety of arguments concerning the prospect of gaining glory—whether contemporaneously, posthumously, or eternally—as well as by holding out the possibility of an eternal reward beyond fame itself. Cicero makes clear at various points that his arguments are chiefly addressed to the younger generation among these two basic groups in his audience, as he looks to raise up a class of enthusiastic and energetic young people willing to act decisively in favor of the Republic both at the present moment when the triumvirate

appears to be weakening and in the future. Loyal but pusillanimous citizens must be convinced to give up personal quiet and safety for the sake of the Republic, while the ambitious who may be tempted to go the way of a Clodius or Caesar must be persuaded that the only path to lasting glory is the republican *via*.

It bears mentioning that immediately before the excursus, Cicero repeats the same basic problem that he initially set forth in the exordium—given the impunity with which the *improbi* afflict republican statesmen, it is hardly surprising if most citizens pursue their own interests rather than the Republic's (1). He finds occasion to express his chagrin about this situation again just after describing Milo's frustrations in seeking legal recourse against the attacks of Clodius, this time indicating a special concern for the detrimental effect of these political events on the young:

But as for the young men who see all this, to what course of action will they turn their minds? The man who has attacked, destroyed, and set fire to public monuments, sacred temples, and the houses of his enemies... flits about as aedile and prosecutes the man... who protected himself so as to defend... in the political realm the rights of his tribunate and the auspices, but has been forbidden by a decree of the senate to prosecute lawfully the man by whom he is himself wickedly prosecuted. (*Sest.* 95).

sed qui haec vident adulescentes quonam suas mentes conferent? ille qui monumenta publica, qui aedes sacras, qui domos inimicorum suorum oppugnavit, excidit, incendit... volitat¹⁰¹ aedilis, accusat eum... qui se est tutatus sic ut... in re publica iura tribunatus atque auspicia defenderet, accusare eum moderate a quo ipse nefarie accusatur per senatus auctoritatem non est situs.

In other words, Cicero echoes the complaint of the exordium that the politically wicked prosper while the politically just who attempt to defend the Republic are successfully frustrated by their enemies and appear to be on the losing side. But Cicero's words imply

¹⁰¹ Cf. *Sest.* 2, *volitare*.

a very real concern not just that some will be deterred by present dangers from standing up for the Republic but also that some may decide to follow the path of Clodius and his allies—hence the two basic audiences I have described above, though Cicero also indicates a particular concern with the young within these two groups. Asserting that the prosecutor has asked derisively who are the *natio optimatum* (96) (“tribe of aristocrats”), given that by all appearances Milo has been blocked from prosecuting Clodius by a senate full of *optimates*, Cicero states that the prosecutor “asks about a matter that is excellent for the youth to learn, nor difficult for me to teach in full” (*rem quaeris praeclaram iuventuti ad discendum nec mihi difficilem ad perdocendum*), promising to “say a few things about the matter” (*de qua pauca... dicam*), denoting three purposes for this (so-called) excursus: it will be useful for the general audience (*nec ab utilitate eorum qui audient... abhorrebit*), relevant to the judges’ “duty” (*officium vestrum*), and relevant to the case itself (*ipsa causa P. Sesti*) (96).¹⁰²

Therefore in addition to its bearing on the case at hand,¹⁰³ Cicero conceives of the excursus, which contains an account of ends and means of political engagement as well as various motives for such engagement, as an explanation of duties to the judges that will also be useful for the entire listening, and by extension, reading audience; it is also conceived as educational material addressed to the young. Cicero’s evident didactic

¹⁰² Cf. *Sest.* 5, where Cicero, after posing the contemporary problem of political engagement in the exordium, announces the broader purposes of this speech in similar terms to *Sest.* 96: “...if only I can see to it that in this broad and universal defense I may seem to have omitted nothing relevant to your judicial inquiry, to the accused, and to the Republic.”

¹⁰³ It is this aspect of the excursus on which Kaster 2006 focuses his analysis, and with good reason, given Cicero’s express claim that his words are relevant “to the case itself of Publius Sestius.”

concern in this speech with teaching the young their duties and in addition his efforts to depict Caesar's conduct in a negative light reveal his concern already in the mid-50s BCE with many of the same topics he would later take up in *De Officiis*, his final philosophic work, penned in the aftermath of the Ides. Furthermore, as will be clarified in the following discussion, Cicero is as deeply concerned in *Pro Sestio*, delivered in the aftermath of Caesar's consulship and in the face of the first triumvirate, with the problem of the unprincipled pursuit of glory as he would later be in *De Officiis*, written soon after Caesar's dictatorship and death.¹⁰⁴

In exhorting his audience to embrace their public duty, Cicero also makes use of appeals to pure patriotism or to the love of the noble for its own sake, though to a limited degree. Such arguments only make their appearance towards the end of the speech, in the final sections of the excursus. For example, Cicero drums up patriotic fervor by posing the rhetorical question "what ought we to do... who have attained the duty of defending a Republic whose *dignitas* is so great that it would be preferable to die in her defense rather than to acquire nations by attacking her?" (*Sest.* 141: *quid nos tandem facere debemus... ad eam rem publicam tuendam adgressi quae tanta dignitate est ut eam defendentem occidere optabilius sit quam oppugnantem rerum potiri?*). Here, the *dignitas* of Rome herself calls for subordinating and moderating one's pursuit of personal *dignitas* for her benefit, even at the cost of one's own life.

But besides its rhetorical function as an argument that Rome is of such inherent worth that she merits statesmen to defend her, this impassioned appeal also serves, as at

¹⁰⁴ See Long 1995a.

least one commentator has suggested,¹⁰⁵ as a veiled criticism of Caesar's politics. We recall that Cicero has already alluded in a general way to Caesar's use of violence in the assemblies during his consulship, which ensured not only the success of the Campanian land law but also the conferral of an exceptional and ostensibly unconstitutional five-year provincial command through which he went on to his career-making conquests in Gaul. In this sense he could be seen as attacking his own country for the sake of acquiring power over other nations. Further, Cicero may be seen making a ploy that foreshadows Cicero's contrast of himself with Caesar in *De Officiis* by asserting the superiority of statesmanship over generalship (*cedant arma togae, concedat laurea laudi*, *Off.* 1.77, quoting the poem on his consulship). Earlier in this speech, when Cicero was arguing that it was unfitting for him as a private citizen to resist a magistrate such as Clodius by force, he added that such violent resistance would have also been committed by someone "who even as consul had preserved the Republic without arms" (*qui sine armis etiam consul rem publicam conservarat*, 47). This argument confirms the sense that Cicero promotes his brand of ordinarily non-military statesmanship throughout the speech. The implicit force of this argument is the same as a series of others intent on portraying Caesar's self-serving and violent form of politics in a negative light and drawing his young audience to resist the triumvirate by following the path of Ciceronian statesmanship.

A second argument appealing to an esteem for the noble occurs not much later in the final section of the excursus (143), a section which on its own may be seen as the

¹⁰⁵ Gardner 1958: 230 n. a.

peroratio both of that digression and of the speech as a whole. As part of a grand exhortation summing up the motives for engagement he has described to that point, he states “let us deem as ‘best’ that which is most just” (*id esse optimum putemus quod erit rectissimum*, 143). The superlative *rectissimum* is proper in the context of this grand *peroratio*, and seems to denote what is morally right and high. Here is one of the few instances when Cicero exhorts the audience to act in accordance with justice for its own sake, simply on account of its excellence. The paucity of such arguments in the speech as a whole as well as in the immediate context of 143, which concentrates on various glory motives (described below), indicates Cicero’s sense of its comparative rhetorical weakness in the context. It also constitutes an important respect in which Cicero’s arguments for principled engagement in *Pro Sestio* differ from the later *De Officiis*, where the conception of the *honestum* is central to the argument of a work written in the genre of a philosophic epistle addressed to students of philosophy as such.¹⁰⁶

In *Pro Sestio*, by contrast, Cicero’s main focus is on convincing his audience that fulfilling one’s public duty of republican engagement will prove personally profitable (*utilis*-- cf. 96, *utilitas eorum qui audient*) in terms of individual glory. Certainly he also favors political engagement because it is profitable for the Republic, but in his vision, the pursuit of personal glory is potentially reconcilable with the public good, and indeed the chief way to bring about the latter is by exploiting the passion for the former.

¹⁰⁶ cf. *Off.* 1.1-2, where Cicero indicates as his chief audience young Romans engaged in the serious study of philosophy through the figure of his son Marcus, presently engaged in philosophic studies with the Peripatetics in Athens.

Consequently, a large part of his argument relies on the appeal of a sort of immediate gratification by advancing the notion that republican political engagement is desirable due to the likelihood of glory with one's contemporaries. From a logical point of view, this argument emerges as one of his weakest, since adducing examples of individuals who were remunerated with glory from their fellow citizens for their public service by no means proves that this will always be the outcome. First, Cicero uses the example of his own recent exile and return as proof that misfortunes suffered by republican statesmen such as exile will only be temporary, as the Roman people can be relied upon to restore one to honor. This might be termed the argument of the "happy ending": "And now that I have been restored to [the Republic], in me there also lives an example of fidelity to the public good (*exemplum fidei publicae*). But if it be kept in mind immortally, who can fail to understand that this community will be immortal?" (*Sest.* 50: *in qua quidem nunc me restituto vivit me cum simul exemplum fidei publicae. quod si inmortale retinetur, quis non intellegit inmortalem hanc civitatem futuram?*). The reason this exemplary turn of events can preserve the Republic in perpetuity is its being kept in mind by the young and future generations who, recalling Cicero's experience, will follow in Cicero's footsteps in defending the Republic, confident in the expectation that they will be honored by the Roman people:

Therefore, I admonish you, young men—and I have the right to teach you this—you who look to status, to politics, and to glory, if necessity ever requires you to defend the Republic against evil citizens, do not hesitate or shrink from taking firm measures on *my* account, when you recall my misfortune (51) ... For you can see that, after a brief period of sorrow, I have been recalled by the voice of the Republic to the honorable rank I had before. (*Sest.* 52)

Quare moneo vos, adulescentes, atque hoc meo iure praecipio, qui dignitatem, qui rem publicam, qui gloriam spectatis, ne, si quae vos aliquando necessitas ad rem publicam contra improbos cives defendendam vocabit, segniores sitis et recordatione mei casus a consiliis fortibus refugiatis (51) ... videtis me... in meam pristinam dignitatem brevi tempore doloris interiecto rei publicae voce esse revocatum. (52)

But in what follows, it becomes clear that this supposed guarantee is actually dependent on the emergence of many courageous defenders of the Republic to act after Cicero's fashion. His claim is qualified by several important conditions: such misfortunes as he endured will never occur again if the consuls who acted against him "receive their due" (*si erit is id quod debetur persolutum*, 52); and never again, "as he hopes" (*ut spero*), will an *imperator* stationed at the gates of the city, i.e. Caesar, have any reason to allow his frightening presence to be used as a false threat (52). The conditional and uncertain nature of these hopes indicates that they depend on the audience's willingness to act to bring about their fulfillment. Implicit, then, in Cicero's assurances about civic glory is the need for statesmen to act decisively against the enemies of the Republic in order to ensure that they end up receiving this glory and not suffering the shame of exile upon their defeat. Cicero in effect calls for resistance to these various political actors hostile to his person and to the interests of the Republic, most obviously to Clodius (*quisquam improbus*, 52)—but also to Caesar, inviting young Romans to profit from the recent upsurge in public support for the Republic by joining in the fight to remove Clodius and Caesar from power. Ensuring that Caesar should never again be at the gates of Rome with an army would require, at the very least, that his proconsular command in Gaul be terminated or at least not renewed. Ingeniously, the fact that Cicero continues the

charade of placing all blame on Clodius allows him plausible deniability with Caesar and the general public as far as any claims of hostility.

In a similar way, Cicero argues in the excursus that the recent public shows of honor in his favor among the people prove that those politicians who style themselves *populares* are in fact not popular with the Roman people, and demonstrate that the path to glory with one's contemporaries lies in Cicero's vision of serving the interests of the *optimates*, defined here as loyal citizens of all ranks. At an earlier point in the history of the Republic, Cicero says, one had reason to be afraid for oneself when following the republican *via* and its methods (*sed tamen haec via ac ratio rei publicae capessendae olim erat magis pertimescenda*, 103). For example, at the time of the Gracchi, the interests of the people and those of the Republic were at odds (103). But in fact at the present moment the people are not interested in revolution and "delight in their own tranquility, the status of all the best men, and the glory of the whole Republic" (*et otio suo et dignitate optumi cuiusque et universae rei publicae gloria delectatur*, 104). Their support for the Republic is manifest, he claims, in their recent public support for Cicero in the assemblies, and at theatrical performances and public games (106-27). All these arguments imply that Clodius actually lacked a popular mandate to exile Cicero in the first place, consistent with Cicero's earlier claims about Clodius's violent coercion of assemblies to impose his own *dominatio* on the state. Republican statesman therefore can rely on the support of the people in the contemporary climate, with exile being a most unlikely possibility. Such assurances are meant to motivate the young to join the republican cause against Caesar and Clodius in view of the cheerful prospect of the glory

they may gain for their service. These lessons also suggest a traditional and important role for the people as a whole, whose own manner of political participation consists in various forms of consent, formal and informal, to the policies of republican statesmen.

But Cicero also relies on a series of arguments guaranteeing glory with one's contemporaries based on the lessons of historical experience, attempting to supply the defect of his evidently shaky assurances that such an experience of exile as his own will likely not be repeated in the future. Towards the end of the excursus, Cicero argues that in the past, even when republican statesman did get exiled, with only one exception, they were gloriously restored within their lifetime:

And lest anyone should fear to embrace this way of life on account of my misfortune or anyone else's, consider that there is only one person in this state, as far as I can recall, at least... who most unfairly died [while still in exile]... As for everyone else, after they had been driven out by sudden violence or the tempestuous populace, they were nevertheless rehabilitated and recalled by the people themselves; or they lived out their lives entirely uninjured and free from harassment. (*Sest.* 140)

Ac ne quis ex nostro aut aliquorum praeterea casu hanc vitae viam pertimescat, unus in hac civitate, quem quidem ego possum dicere... indignissime concidit... Ceteri vero aut repentina vi perculsi ac tempestate populari per populum tamen ipsum recreati sunt atque revocati aut omnino invulnerati inviolatique vixerunt.

It is perhaps telling that he offers no specific examples of these *ceteri*. In an attempt to strengthen these rather weak grounds for republican statesmanship, he approaches the question from the negative point of view:

By contrast, almost all of those who disregarded the will of the senate, the authority of good men, and the traditions of our ancestors, and sought to curry favor with the ignorant and excitable mob, paid the penalty to the Republic by instant death or shameful exile. (*Sest.* 140).

At vero ii, qui senatus consilium, qui auctoritatem bonorum, qui instituta maiorum neglexerunt et imperitae aut concitatae multitudini iucundi esse voluerunt, omnes fere rei publicae poenas aut praesenti morte aut turpi exsilio dependerunt.

This statement implicitly recalls such examples as that of the Gracchi, reminding the audience that even in the case of unpopularity with a populace inclined to support revolutionaries, such unpopularity can be quelled by violently ridding oneself of the senate's enemies among the people's leaders. Also implicit in this particular history lesson is an intimidating warning to the *improbi*, an exhortation to the young to be ready to use violence against the likes of Clodius and his henchmen, and an attempt to deter the ambitious from following Clodius's *popularis* path in favor of the principled republican *via* to glory.¹⁰⁷

Cicero, however, implicitly acknowledges the failure of these arguments to account for the (supposedly) exceptional cases when a republican statesman is deprived of all glory with his contemporaries. Consequently, he makes another kind of argument that guarantees glory with posterity. His arguments regarding posthumous glory rely on historical *exempla*. The first concerns the one exception Cicero can think of to the general rule of being honored by one's contemporaries, Lucius Opimius:

There is only one person in this state, as far as I can recall, at least... who most unfairly died [while still in exile]: Lucius Opimius, a man who was outstanding in his service to the Republic, whose monument in the Forum is extremely crowded with people, and his remote tomb on the shore of Dyrrhachium has been abandoned. (*Sest.* 140)

¹⁰⁷ Pace Lacey 1962: 70, who argues that Cicero is not addressing the possibility that someone in his audience may wish to follow in the footsteps of Clodius. Cicero also seems to condone here in advance Milo's putting an end to Clodius.

unus in hac civitate, quem quidem ego possum dicere, praeclare vir de re publica meritus, L. Opimius, indignissime concidit; cuius monumentum celeberrimum in foro, sepulcrum desertissimum in litore Dyrrachino relictum est.

For the first time, Cicero acknowledges that there has been a statesman who championed the republican principle of the senate's primacy¹⁰⁸ and was exiled and never recalled, as the comment about his tomb at Dyrrhachium shows. But he mitigates the potentially deterrent force of this example by implying that Opimius has not lost out on honor in the long term, since his "monument," a reference to either the Temple of Concord or its adjoining Basilica Opimia, is still crowded with people.¹⁰⁹ Of course, the fact that many people visit this Temple or its basilica on a daily basis does not necessarily arise from their intention to honor Opimius, since the same might be said of any public place to which people habitually repair. Cicero also attempts to mitigate the misfortune by claiming that Opimius was not exiled due to "hatred on account of the destruction of Gaius Gracchus" (*invidia propter interitum C. Gracchi*), since on that matter he was "freed from danger by the Roman people itself" (*ipse populus Romanus periculo liberavit*), but rather due to "a certain other storm, an unjust verdict" (*alia quaedam... iniqui iudici procella*, 140), a reference to his condemnation in 110 BCE "among other senatorial leaders... by the *Quaestio Mamilia* for compromising the interests of Rome by

¹⁰⁸ Opimius as consul in 121 B.C., supported by the *senatus consultum ultimum*, had put C. Gracchus to death (see Kaster 2006: 382).

¹⁰⁹ Gardner (1958: 228 n. b) thinks that Cicero has in mind the Basilica Opimia, built in 121 "to commemorate the restoration of senatorial authority." However, it is just as likely that Cicero gestured towards the Temple of Concord (my thanks to Ann Vasaly for this suggestion), which Opimius also built on the same occasion (see Kaster 2006: 382), especially since this was the site of the senate's meeting on 5 Dec. 63 when Cicero was authorized to proceed against Catiline on the basis of the *senatus consultum ultimum*.

intrigues with Jugurtha.”¹¹⁰ In his attempt to claim that Opimius’s exile ultimately had nothing to do with his politics, Cicero conveniently ignores that Opimius’s enemies were surely looking for an opportunity to get their revenge, whatever the legal pretext, and finally found it some eleven years after his consulship. Nevertheless, Cicero has turned the objection on its head, as his argument is intended to show that not even Opimius was exiled for his defense of the Republic. Therefore, according to the argument, Opimius’s death in exile is not germane to the issue at hand.

Cicero also adduces the cases of various foreign statesmen who, in spite of their exile and loss of reputation at the time, nevertheless acquired a glorious reputation in the estimation of future generations. First he recalls certain Athenian statesmen who were expelled from the community for “defending the state against the rashness of the people” (*qui rem publicam contra populi temeritatem defenderent*), mentioning the cases of Themistocles, Miltiades, and Aristides (141).

Since they served their cities, they now have so much glory, not only in Greece but also among us and in other lands, that no one can even name their oppressors. Indeed, everyone considers the disaster those statesmen met with to be greater than the tyranny of the others. (*Sest.* 142).

quia bene sunt de suis civitatibus meriti, tanta hodie gloria sunt non in Graecia solum sed etiam apud nos atque in ceteris terris, ut eos a quibus illi oppressi sint nemo nominet, horum calamitatem dominationi illorum omnes anteponant.

An unrevoked exile may ultimately prove a cause for glory, as Cicero insists that posterity, and in many different countries at that, respects and remembers by name those

¹¹⁰ Gardner 1958: 229 n. c.

Athenian statesmen who were wronged for doing the right thing.¹¹¹ Cicero also mentions the example of Rome's arch-enemy, Hannibal, as an exile driven from Carthage by his fellow citizens (*sui cives*) but nevertheless "celebrated and remembered in our literature" (*litteris nostris et memoria... celebratum*, 142). That Cicero recalls *exempla* of foreign provenance before his Roman audience suggests the possibility of gaining world-wide fame in the long term, beyond the confines of the Republic itself.¹¹²

Cicero also makes an argument regarding glory from posterity without calling direct attention to it as such by praising various *maiores* for their courageous public service. The chief target of this appeal is the non-participating *boni*, of whose slowness to act on account of fear he has just complained (100). Great men of the past, in contrast to such men, "endure everything for the sake of the Republic" (*omnia rei publicae causa perferunt*), such as Scaurus, who resisted the seditious Gaius Gracchus, and Metellus, who as censor placed a ban on the tribune Saturninus, a political participant according to the *popularis* method (*in populari ratione*) (101). Cicero holds out lasting glory with posterity as a reward for imitating their example:

Imitate these examples, by the immortal gods, you who seek status, praise, and glory! These examples are glorious, they are divine, they are immortal, they obtain the fame of celebrity, are committed to the monuments of history, and are passed down to posterity. (*Sest.* 102)

Haec imitami, per deos immortalis, qui dignitatem, qui laudem, qui gloriam quaeritis! haec ampla sunt, haec divina, haec immortalia; haec fama celebrantur, monumentis annalium mandantur, posteritati propagantur.

¹¹¹ Incidentally, in a different rhetorical context, the letter to Luceius (*Fam.* 5.12), Cicero's Themistocles serves as an example of an exile who was recalled, and is thereby assimilated to Cicero's own political fortunes.

¹¹² Cf. *Arch.* 23, where Cicero speaks of the power of literature written in Greek, in particular, to spread one's fame throughout the whole world.

In addition to its strong appeal to the passions through the oath (*per deos immortalis*) and rhetorical ornamentation, especially anaphora (*qui/haec*), this exhortation insinuates the godlike status (*per deos immortalis... haec divina, haec immortalia*) that these republican statesmen have attained in the minds of future generations. In the *conclusio* of the *excursus*, Cicero develops this notion of lasting glory through divinization:

Therefore, let us imitate men like our own Brutus, Camillus, Ahala, Decius, Curius, Fabricius, Maximus, Scipio, Lentulus, Aemilius, and countless others who have made this Republic strong—whom I, at least, place in the numerous company of the immortal gods. (*Sest.* 143)

Quare imitemur nostros Brutos, Camillos, Ahalas, Decios, Curios, Fabricios, Maximos, Scipiones, Lentulos, Aemilios, innumerabiles alios, qui hanc rem publicam stabiliverunt; quos equidem in deorum immortalium coetu ac numero repono.

Once again, there is an appeal to the godlike men of the past, although this time Cicero argues more directly, and on his own authority (*equidem*), that they ought to be enrolled among the gods.¹¹³

Cicero will soon indicate the philosophic and moral grounds for this view, but before he does so, he continues the *conclusio* by summarizing his arguments for political engagement. First, he recalls the basic nature of *republican* political engagement, the end of which is to serve the interests of good men, through compliance with the leadership of the senate: “let us love our fatherland, let us obey the senate, let us take thought for the interests of good men” (*amemus patriam, pareamus senatui, consulamus bonis*, 143). Secondly, he recalls the chief motives he has set forth for such engagement, namely

¹¹³ Cf. Kaster 2006: 388 and Cole 2013: 84 on the novelty of Cicero’s view, highlighted by *equidem*.

seeking glory from one's fellow-citizens and from posterity—though placing his emphasis on the latter:

Let us disregard what we may gain for the present; let us be in the service of glory that comes from posterity; let us consider what is right to be the best; let us hope for what we want, but be ready to bear whatever comes. (*Sest.* 143)

praesentis fructus neglegamus, posteritatis gloriae serviamus, id esse optimum putemus quod erit rectissimum, speremus quae volumus, sed quod acciderit feramus.

This exhortation attempts a careful negotiation between acknowledging the legitimacy of the desire for immediate gratification in terms of present glory with a recommendation to adopt the long view. At the same time, by including the less self-interested and more noble motive of doing the right thing for its own sake, he gradually moves the audience away from reliance on earthly, temporal motives for engagement towards the truly divine and everlasting with which he will now conclude.

Accordingly, the final lines of this exhortation implicitly present the entirely new motive of the immortal soul's conscious enjoyment of eternal glory, the ultimate appeal to the deferral of immediate gratification in favor of long-term self-interest.

Finally, let us reflect that the body of brave men and of great persons is mortal, but the motions of the soul and the glory of virtue are everlasting, and if we see that this opinion has been made sacred through what happened to that most venerable man, Hercules, of whom it is said that, once his body had been burned, his life and virtue were taken up into immortality, then we should be no less inclined to consider that those men who have by their counsels and toils strengthened or defended or preserved this great Republic have obtained immortal glory. (*Sest.* 143)

Cogitemus denique corpus virorum fortium magnorumque hominum esse mortale, animi vero motus et virtutis gloriam sempiternam, neque, hanc opinionem si in illo sanctissimo Hercule consecratam videmus, cuius corpore ambusto vitam eius et virtutem immortalitas excepisse dicatur, minus existemus eos, qui hanc tantam

rem publicam suis consiliis aut laboribus aut auxerint aut defenderint aut servarint, esse immortalem gloriam consecutos.

Cicero crafts his final argument for political engagement by forging a connection between two things he says are everlasting: the movements of the soul and the glory of virtue. The first notion implicitly but unmistakably recalls the classic proof of the soul's immortality from self-motion given by Socrates in Plato's *Phaedrus* (246c5-246a2).¹¹⁴ Together with this doctrine of the soul, the second half of the equation, virtue understood as courageous acts of service to the state, gives rise to the notion of eternal glory *in re* and not just in the opinion of human beings or Roman citizens. That this is the sense of the passage becomes clear by comparison with the Dream of Scipio in book 6 of *De Re Publica*, where Cicero presents the same basic idea of the immortal soul's reward for virtuous public service. In a famous passage, Scipio Africanus informs his grandson Scipio Aemilianus that "for all those who have preserved, aided, or strengthened the fatherland, there is without doubt a specific place in the heavens where the blessed enjoy an eternal age (*ubi beati aevo sempiterno fruuntur*)" (*Rep.* 6.17). It is noteworthy that Africanus's words *qui patriam conservaverint adiuverint auxerint* closely resemble Cicero's words at *Pro Sestio* 143, *qui hanc tantam rem publicam... auxerint aut defenderint aut servarint*.¹¹⁵ In the *Somnium*, Cicero has nearly transposed the verbs from *Pro Sestio* in reverse order. Furthermore, Africanus reveals that the eternal reward he makes known is ontologically possible due to the duality between body and soul, the

¹¹⁴ Cicero translates this proof at length at *Rep.* 6.27-28 and *Tusc.* 1.53-55.

¹¹⁵ Coleman 1964: 3-4 notes another possible connection on the level of language, tying the phrase in *Rep.* to a different passage in *Sest.*: *hi semper habiti sunt optimatum principes auctores et conservatores civitatis* (138).

one being mortal and the other immortal,¹¹⁶ echoing the same concept as Cicero announced in his own voice in *Pro Sestio* when referring to the contrast between Hercules's body consumed on the pyre and his soul, taken up to heaven.¹¹⁷ Therefore while Cicero has retained in this last argument the basic understanding of virtue as republican political engagement held throughout the speech, he has moved on from the various incitements to virtue previously held out during the excursus, namely the ideal of gaining glory from one's contemporaries and so-called "immortal glory" in the eyes of posterity. To sum up the Platonism implicit in this final appeal: Cicero transcends his previous rhetorical appeals from the realm of becoming, where false opinions about glory abound, by making an argument based on being, where the truth about glory is revealed.¹¹⁸

¹¹⁶ Referring to those who served the state on earth who have since arrived in the heavens to enjoy their eternal beatitude, Africanus says: "Having been loosed from their bodies (*corpore laxati*) they dwell in the place you see. . . Consider that it's not you who are mortal, but this body; for you are not what that measly appearance (*forma ista*) declares you to be, but rather your own mind— that's what each man is (*mens cuiusque is est quisque*)" (*Rep.* 6.20; 6.30).

¹¹⁷ Cicero also makes reference to the apotheosis of Hercules in *De Re Publica*, no less than in *Pro Sestio*. Augustine (*Civ. Dei*, 22.4.1-9) testifies to a passage in which Laelius apparently spoke of the same dualism, referring to the cases of Hercules and Romulus in particular (*Rep.* 3.32).

¹¹⁸ Since the immortal glory of which Cicero speaks in the final exhortation is of an entirely different order, it seems to me that the most recent commentator on the speech, Kaster, is mistaken in affirming that this immortal glory was "promised by the contractualist premises of Roman Republicanism, implicit since the speech's first paragraph... and repeated at key points in the interval" (*ad. loc.*). Pace Kaster, when Cicero refers to "the brevity of life and the eternity of glory (*cursum gloriae sempiternum*)" in *Sest.* 47, the vagueness of that eternal glory is made more definite by the ensuing discussion in that context of the two possibilities of what happens after death, and shows that Cicero looks ahead to the same concept of eternal enjoyment of glory by the conscious soul as he describes in *Sest.* 143, not the idea of being rewarded for one's political service with the "immortal" glory of memorialization (see Gildenhard 2011: 383).

Indeed, this final argument for political engagement in *Pro Sestio* hearkens back to the suggestion about life after death that he made in passing earlier in the speech, where he expressly posed this issue as a philosophic question:

Did I not know that while the course of life is short, that of glory is everlasting? ... Did I not know that there was a controversy among the most wise of men, some of whom said that the souls of men and their consciousness are snuffed out at death, while others said that especially the minds of wise and manly men have consciousness and life—and that the first option, to lack consciousness, was nothing to be avoided, while the other, being in a state of better consciousness, was even to be positively desired? (*Sest.* 47)

nesciebam vitae brevem esse cursum, gloriae sempiternum? ... nesciebam inter sapientissimos homines hanc contentionem fuisse, ut alii dicerent animos hominum sensus que morte restingui, alii autem tum maxime mentes sapientium ac fortium virorum, cum ex corpore excessissent, sentire ac vigere? quorum alterum fugiendum non esse, carere sensu, alterum etiam optandum, meliore esse sensu.

What Cicero raises as a question here—the notion that the souls of men (*mentes hominum*) are by nature immortal, and that the souls especially of heroes (*fortium virorum*) may attain a better state of existence after death—is endorsed without qualification in the final exhortation, though in the latter passage the philosophical portion of the argument on which immortality is based (*animi vero motus... sempiternam*) fades somewhat into the background in that grand period's final accent on immortal glory (*immortalem gloriam*). While the previous discussion vaguely suggests entering into a state of conscious existence that is in some way “better” (47), the final exhortation fills out this picture with the rhetorically appealing assurance that the attainment of this state consists in the possession of glory.

for a similar view). Note also the repetition of language from *Sest.* 47 that occurs only in *Sest.* 143: *virtutis gloriam sempiternam*, a phrase coupled with *animi... motus*.

It is unlikely that most listeners or readers would notice the philosophic and, in particular, Platonic turn of this passage. As Gildenhard 2011: 381 has shown, Cicero subtly extends the notion of immortal glory to take in an actual eternal, conscious state, even as this meaning is somewhat obscured by its placement in the context of the traditional Roman conception of honoring the memory of great men of the past. The bold philosophic vision implied in this magnificent period is further obscured by the prominence of Hercules, a figure the audience would naturally associate with myth and cult, not philosophy. Hercules's apotheosis when viewed from a religious perspective would serve as a spur to political action in order to gain what would seem to be the pinnacle of glory before posterity, being viewed and worshipped as a god. Hercules, moreover, is an ideal exemplum for encouraging the audience to political labors on behalf of others. Just a few sections prior, Cicero had said that the *principes* or leaders of the Republic "carry on their backs the great duty of upholding the Republic" (*suis cervicibus tanta munia atque rem publicam sustinent*, 138). The audience would naturally form the comparison between Hercules's labors, including the slaying of terrible monsters to make the world safe for civilization, and Cicero's vision of republican statesmanship as a heroic battle to preserve the Republic against the unremitting attacks of its enemies, the *improbi* (cf. 99). In this regard it is fitting to recall Cicero's designation of one such enemy, Clodius, as "a hideous and wild beast" (*taetra immanisque belva*, 16). Accordingly, Cicero's argument that Hercules is rightly thought (*opinionem*) to have attained divine status as a reward for his courageous services to mankind would appear to

most of the audience as a mythical *exemplum* illustrating from another perspective the possibility of obtaining “immortal glory” with posterity.

And yet to the more philosophically attuned listener or reader, surely a minority of the audience in the case of this forensic speech, Cicero’s metaphysical doctrine is unmistakable. It is the soul’s nature as something with motion that will go on forever that provides the metaphysical foundation for believing that an apotheosis such as that of Hercules can actually happen. Such “immortal glory of virtue” would be something belonging to the immortal soul itself by right, and consequently enjoyed by it independently of the subjective opinion of human beings who may or may not recognize such a person for the god that he is, or rather has become, after death. This kind of glory belongs to an entirely different species from the human glory given by posterity to the “divine and immortal” Roman statesmen mentioned earlier (101).¹¹⁹ This immortal glory of the virtuous soul, by contrast, as it does not depend on the recognition or opinion of human beings,¹²⁰ is consequently the most reliable form of glory, and constitutes the ultimate and truest motive for republican political engagement. This argument constitutes the ideal appeal to the philosophic portion of his Roman audience, since it brilliantly transforms the traditional Roman cultural aspiration to immortal glory, giving philosophic grounding to a conception of glory that cannot fade with time.

¹¹⁹ cf. Cole 2013: 82 also notes the conventional conception of immortality in these earlier sections and observes the novel development of ideas in Sest. 143 (cf. 83-85).

¹²⁰ Pace Cole 2013: 84: “His choice of language here is also calculated to legitimize the public’s role in apportioning divinity (*opinio*).” Cicero says *existimemus* (143), to be sure, and exalts the *opinio* that affirms Hercules’s divine status, and yet the heart of his novel approach is precisely the philosophic basis he gives for such mythical and religious traditions by affirming the immortality of the soul and the rewards of virtue (*animi... motus virtutisque gloriam sempiternam*, 143).

Generic restraints, however, prevent Cicero from developing these ideas too openly. The speech's primary emphasis on motives more congenial to traditional Roman culture represents a rhetorical concession on Cicero's part to the character of his audience—there will be few philosophers among them. But even for these few he lays a special bait, enticing them to public service on the basis of a metaphysical doctrine about the soul which also implies the existence of justice, vindicated in an ultimately just universe. Gildenhard, by contrast, would limit the import of this Platonic passage to its function as an argument for Cicero's own future immortality (2011: 380-82). Doubtless he is correct that Cicero meant his audience to understand that he, as one of those “who had preserved this great Republic” (*qui hanc tantam rem publicam... servarint*, 143), could rightly lay claim to the award of apotheosis suggested here. But limiting the passage's persuasive purpose to the promotion of personal *gloria* not only restricts the universality implicit in this as in any philosophic claim but also assumes that to the degree Cicero was engaging in self-promotion, this was for him an end in itself, missing his intention to fashion others in his own self image as a means to motivate action in defense of the republican political ideals he cherished.

5. Conclusion

Cicero's speech *Pro Sestio* evinces a thematic concern with promoting statesmanship on behalf of his political vision of republican government, while at the same time providing a powerful defense of Sestius as man and as political actor. Cicero has structured his argument by announcing his main theme with an initial complaint about the lack of good statesmen and the unjust prosperity of the wicked, setting himself

the task of both explaining proper political conduct and motivating his audience to choose it over the politics of his enemies, despite the disparity of outcome. The principles and policies of good and bad statesmen are then illustrated with the contrasting example of himself and his allies, especially Sestius, versus that of his enemies. With the excursus, Cicero's exposition of good statesmanship takes on a more theoretical form in comparison with the more concrete procedure he employs up to that point. The excursus also contains a more extended attempt to provide motives for republican engagement, as Cicero strengthens his previous assurances about the reliability of the statesman's recompense of contemporary glory with lessons from Roman history and the recent past; he also adds the "insurance" argument of posthumous glory. These arguments culminate in a grand finale that adds the motive of high-minded moral behavior for its own sake and, more subtly, suggests the conscious enjoyment in eternity of the ultimate elite status attainable for the soul of the magnanimous statesman.

Cicero is particularly concerned in the excursus to leave no one unsatisfied, countering potential objections at every turn and providing multiple arguments for multiple audiences. His emphasis on the reward of glory before one's fellow citizens seeks to move those whom he envisions as the majority in the audience, who will be unwilling to act unless immediate success is all but assured, while his admission that glory may come only with future generations provides an answer to the objections of those who fail to be convinced by the first glory argument. But for the smallest component of his audience, the philosophic-minded who are able to transcend the "cave" of their own time and place with its Roman valorization of civic glory, Cicero suggests

the inherent value to the soul of right action and the soul's potential gain in eternity, the latter enticement being based on the possibility that the soul's nature is immortal—though for the philosophers, this claim surely remains a question, not a certainty, and therefore retains its character as a primarily rhetorical appeal to action, albeit a particularly bold and highly original one before a Roman audience.

Chapter 2: Advocating Philosophically Grounded Engagement in the *De Re Publica*

“That man of outstanding intelligence and erudition, Plato, thought that states would at long last be happy only at such time as either learned and wise men began to rule them or if those who ruled were to concentrate all their efforts on learning and wisdom.”¹²¹
(Cicero, *Q. fr.* 1.29)

In *De Re Publica*, Cicero continues to make the case for political engagement that was so prominent in the speech *Pro Sestio*, but in altered political, generic, and hence rhetorical conditions. The choice to write in the philosophic genre at this particular moment in his life seems to have been dictated by political conditions, but once chosen, the genre itself influences the sort of arguments for political engagement that Cicero makes. First, the philosophic context enables Cicero to make the case for the philosophic life in conjunction with the case for politics, or rather, for political activity that is informed and morally elevated by philosophic principles and by the pursuit of the philosophic life itself. Secondly, as part of this argument for a philosophically informed politics, the genre occasions a redefinition of political engagement, which is expanded to take in precisely such politically-oriented philosophic activity as is represented both by and in the text: Cicero’s act of writing and the activity in which the interlocutors are depicted. Though the concept of political engagement is expanded, the ideal form of political engagement is still seen as engagement “properly speaking,” that is, involvement in public life, for which political engagement in the expanded sense serves as a preparation.

¹²¹ *Atque ille quidem princeps ingeni et doctrinae Plato tum denique fore beatas res publicas putavit si aut docti ac sapientes homines eas regere coepissent aut ii qui regerent omne suum studium in doctrina et sapientia collocarent.* Translations are my own, except where otherwise noted. Cicero has nearly translated Plato *Letter* 7.326b verbatim; cf. Plato *Republic* 5.473d.

I. Approaching *De Re Publica*

With the renewal of the triumvirate at Luca in April 56, just weeks after Cicero's urgent call to action issued in *Pro Sestio* and his subsequent scheduling of a senatorial debate on Caesar's Campanian land law for May 5, the consular saw his hopes of overcoming the dynasts' stranglehold on the state dashed for the time being.¹²² Pompey extracted a promise from Quintus Cicero that Marcus would cease making trouble for the triumvirs politically, and the latter showed his compliance at once by foregoing the meeting of the Senate at which Caesar's Campanian land law was to be called into question. Cicero even actively defended before the senate the renewal of Caesar's appointment in Gaul in *De Provinciis Consularibus*, outraging the conservative senatorial elites to whom he had recently issued an impassioned call to resistance.¹²³

Cicero's public apologia for his accommodation of the triumvirs can be read in his open letter to Lentulus (*Fam.* 1.9). Two points especially stand out: first, Cicero claims that he has not abandoned his principles but is merely adapting to circumstances for the good of the Republic, since direct resistance to the triumvirs would produce more harm than good. Secondly, the moment to make inroads against the triumvirate has passed, as the senatorial elite failed to act energetically and take advantage of the brief window of opportunity offered by Pompey's thaw with Caesar and simultaneous maneuver towards Cicero and the senate. But beyond anything Cicero says in this letter, we also have as evidence for his claim not to have abandoned his principles the continued

¹²² For the most recent account of events that immediately followed the delivery of *Pro Sestio*, including the renewal of the triumvirate, see Grillo 2015: 9-10; cf. xiv.-xv for a general timeline of the year 56 BCE.

¹²³ For this speech, see Grillo 2015.

promotion of his republican ideals in the philosophical writings he published during this period of political subordination: *De Oratore* in 55 and *De Re Publica* in 51. Given the change in political circumstances, Cicero altered his strategy of resistance to the enemies of senatorial government accordingly. Since Quintus had given surety for his brother's good conduct and since Cicero was eager to maintain good relations with the triumvirs in order to avoid exposing himself to the continued hostility of Clodius, he bowed to pressure to defend their allies in a variety of speeches which are for the most part unmemorable and among Cicero's least read works.¹²⁴ But while the speeches of this period exhibit little in the way of promoting his republican ideals, Cicero's philosophic dialogues are another matter. Indeed, Cicero found in the Platonic dialogue in particular, with its conventions of employing multiple speakers and retrogression into the past via historical setting, a suitable generic means for continuing to encourage his fellow elite countrymen to fight for the republic while being able to claim superficially that he was doing nothing more than recording a conversation from the past.¹²⁵

¹²⁴ Several private letters from this period (see esp. *Q. fr.* 3.4 and 3.5) reveal the great shame Cicero felt at his accommodations to the triumvirate and experienced great frustration in being required to defend his former enemies in court. His philosophic writings from this period seem to have been at least partly inspired by the desire to assuage his own feelings of guilt by finding a way to express republican ideals in a different forum.

¹²⁵ See *Cic. Q. fr.* 3.5.2 on his desire to "not to offend anyone by touching upon our own times" (*ne in nostra tempora incurrere offenderem quempiam*). Plato was the chief inspiration and model for Cicero's use of the dialogue form, but he also followed Aristotle by supplying prefaces in his own voice (Zetzel 1995: 5 and Schofield 2008: 75-76) and by generally preferring continuous speeches on the part of his characters to rapid-fire Socratic exchange (Schofield 2008: 69). On Ciceronian dialogue in general, see Hirzel 1895: 433-93, Zoll 1962: 25-72, Powell 1995, Powell 2005: 230-34, Schofield 2008, Schofield 2013.

But why write in a philosophic genre if one's only purpose is to promote political ideas? Indeed, some scholars have suggested that Cicero's choice of the philosophic genre is totally irrelevant to his real aims, which are to be seen as purely political.¹²⁶ From this point of view, would Menippean satire, such as written by Varro, or some other literary form have served Cicero's purposes just as well? I hope to show in what follows that Cicero chose the philosophic genre because he had philosophic aims and ambitions in addition to the practical political dimension of these texts.

The majority of scholars have long recognized *De Re Publica* as a genuine specimen of political philosophy. In addition to his use of the dialogue form, Cicero investigates standard questions in political philosophy such as the best regime, the nature of justice, and the education of citizens.¹²⁷ Besides these substantive philosophic aims, Cicero's evident attempt to write a dialogue on the state in the tradition of Plato has been seen as part of a larger philosophic project aimed at creating a name for himself with posterity as "the Roman Plato."¹²⁸ On the other hand, there is a scholarly tradition that argues that the text has immediate political purposes. Those who defend a political reading of the text rightly contend that Cicero works rhetorically on the reader in order to achieve practical political aims, and that the dialogue is not written in a dispassionate or merely investigative spirit.¹²⁹ For example, scholars have argued that one of Cicero's

¹²⁶ This is the main thesis of Blössner 2001.

¹²⁷ For extensive bibliography, see Zetzel 1995 and Zetzel 2013.

¹²⁸ See Bishop 2015 and Bishop's forthcoming monograph.

¹²⁹ This recent trend in German classical scholarship, generally ignored in the Anglophone sphere (but see Steel 2013), was initiated by Leonhardt 1999. See esp. Blössner 2001—whose interpretation, however, is extreme (see discussion below)—Stevenson 2005, and Sauer 2013.

aims was the revival of middle-Republican institutions by having Scipio and the interlocutors endorse the mixed constitution of the middle Republic as the best regime.¹³⁰ Others have seen the work as having immediate pragmatic intentions, whether as a call for investiture of an individual with extraordinary powers¹³¹ or an attempt on Cicero's part to shore up his social status in the midst of an embarrassing period of public subordination to the triumvirs.¹³²

In recent years it has become fashionable to view Cicero the philosophic writer as carefully and consistently avoiding anything that would prejudice the reader of his dialogues in favor of a particular viewpoint. This argument is based on the premise that Cicero consistently adhered to the New Academy throughout his life and was therefore consistently skeptical in both philosophic beliefs and methods.¹³³ Granted that Cicero

¹³⁰ See Schmidt 1973, Girardet 1983, and Perelli 1990. Their readings, however, go too far in reducing the work's purposes to these practical political dimensions (cf. Zetzel 1995: 27 n.58 on Schmidt and Girardet).

¹³¹ Meyer 1918 and Pöschl 1936 suggest that Cicero's concept of the *rector rei publicae* has reference to an office to be held by a monarchical figure and probably refers to Pompey (cf. Reitzenstein 1924 for a similar view); Achard 1990 interpreted Cicero's reference in the *Dream* to a possible dictatorship for Scipio as a subtle offer of his own services as dictator. For the usual view of the *rector* as an ideal statesman whose political activity takes place within the republican constitutional structure, see Heinze 1924, How 1930, Lepore 1954, Krarup 1956, Coleman 1964, Powell 1994, and Ferrary 1995. For a new interpretation, see Zarecki 2014.

¹³² Steel 2005: 70-82 on *Rep.* and the other two philosophic dialogues of the late 50s.

¹³³ See Fox 2007: 80-90, Atkins 2013a: 14-26 and 32-42, and Bishop's forthcoming monograph. Bishop calls attention to the Academic method of *argumentum in utramque partem* in *Rep.* 3 as proof of Cicero's skepticism in the work, on which however see my comments below; Fox's approach is the most extreme in this regard. A corollary of this view is the denial that Cicero makes use of Scipio (or anyone else) as an authoritative spokesman or alter-ego.

was indeed a skeptic in his philosophic views,¹³⁴ it does not follow that he always employed the same method or had the same aims when writing philosophic works, including dialogues. Indeed, scholars have frequently observed a difference in character between the dialogues of the 50s BCE and the 40s, one going so far as to characterize their relationship as “dogmatic” versus “skeptical.”¹³⁵ Setting aside for the moment the question of Cicero’s personal philosophic views—which should be hard to discern, given that Cicero frequently avers in his later philosophic works that he intends to keep these views hidden¹³⁶—there can be no denying that the character and purpose of dialogues written in the 50s such as *De Re Publica* differs significantly from the Academic dialogues of the 40s. As Gildenhard has emphasized, Cicero presents himself in *De Divinatione* (44 BC) as having still been a public man during his first spate of philosophic writing,¹³⁷ while the writings of the 40s are expressly presented as the

¹³⁴ This is the scholarly *communis opinio*, first cemented by Görler 1995, who attacked the theory advanced by Glucker 1988 and Steinmetz 1989 that Cicero adhered to the doctrine of Antiochus during the 50s (cf. Glucker 1992). For an important and novel challenge to this consensus, see Altman 2016, who also rejects the view of Glucker/Steinmetz.

¹³⁵ Thus Brittain 2012: 82. See also Zoll 1962: 147-53 (who sees the dialogues of the 50s as more didactic); Glucker 1988: 49-50 and esp. 57-58; Powell 1995: 19.

¹³⁶ See e.g. *Tusc.* 5.11: “I have chosen to follow that [philosophic sect] which I think agreeable to the practice of Socrates, *in trying to conceal my own private opinion*. . . (*ut nostram ipsi sententiam tegeremus*). Cf. *Nat. Deor.* 1.10: “Those however who seek to learn my personal opinion on the various questions show an unreasonable degree of curiosity” (Rackham 1933 trans.; *qui autem requirunt quid quaque de re ipsi sentiamus, curiosius id faciunt quam necesse est*). For a detailed discussion of these two passages in context, see Altman 2009: 418-19 and 2016 passim, suggesting that Cicero supplies the reader with the clues needed to perceive the proper distinction between the real Cicero and “Cicero,” a skeptical authorial persona who serves the real Cicero’s pedagogical purposes in the philosophic project of the 40’s BCE.

¹³⁷ *Div.* 2.3: “To this list of works must be added the six volumes which I wrote while holding the helm of the state, entitled *On the Republic*” (Falconer trans.; *atque his libris*

product of someone forced into retirement.¹³⁸ Since Cicero conveys a *persona* of a politically involved man for the author of *De Re Publica*, we should not expect that text to remain neutral on the question of political engagement in favor of the republican regime.

Indeed, one of Cicero's most salient persuasive aims in *De Re Publica* is his exhortation to the reader to take part in public life. This feature of the work is nowhere more obvious than in the protreptic to political life in what survives of the prefaces to the first and third books. Scholars have frequently interpreted the argument of these passages as an elevation of politics over philosophy, and as a call to the reader to reject the latter for the former.¹³⁹ Furthermore, Cicero is usually thought in such passages to be chiefly concerned with condemning Epicureans for their withdrawal from politics. Likewise, the Dream of Scipio that concludes the work is usually read as a condemnation of Epicurean

adnumerandi sunt sex de re publica, quos tum scripsimus, cum gubernacula rei publicae tenebamus).

¹³⁸ 2007: 51 n.184 (cf. 81 n.261); cf. Schmidt 1978: 119-20 and Baraz 2012: 9-10 on the difference in Cicero's political circumstances between the dialogues of the 50s and the genesis of the philosophic project of the 40s. However, these commentators exaggerate the actual differences in Cicero's circumstances, as the earlier period of the 50s already represents a stage of forced retirement for Cicero.

¹³⁹ De Saint-Denis 1938, Gigon 1977: 275-315, Büchner 1984: 79-94 and 265-77, Blössner 2001, Fox 2007: 105-10, Gastaldi 2014, Schütrumpf 2014. Grilli 1971, Atkins 2013a: 27-31, and Zarecki 2014: 31-34 are more balanced, arguing that Cicero seeks to unite political and philosophic life and to justify the proper place of each rather than to condemn philosophy in the name of politics. Similarly, Zetzel 1998: 237-44 detects a tension within the Book 1 preface between the protreptic to political life and the context in which this argument is cast, as part of a philosophic work written by a man evidently engaged in philosophic writing rather than public activity.

withdrawal and an endorsement of engagement in politics as opposed to philosophic pursuits.¹⁴⁰

It is my contention, however, that these interpretations are excessively one-dimensional, both in terms of Cicero's persuasive aims and audiences addressed. Those who argue that Cicero's purpose is to prejudice the reader against philosophy in favor of politics overlook the positive arguments advanced in favor of philosophy not only in these same prefaces and in the Dream but also in various passages permeating the body of the work. In addition, an exclusive focus on the prefaces gives undue weight to the anti-philosophic arguments advanced there by "Cicero", the persona of the author, while it fails to account for the role of the prefaces in the work's architectonic persuasive design, whereby the reader is gently and gradually led to a greater appreciation for philosophy. Furthermore, the traditional scholarly focus on the work's anti-Epicureanism does not sufficiently account for the complexity of Cicero's envisaged audience, whether in the prefaces, the Dream, or the work as a whole. While some scholars have acknowledged that the anti-philosophic remarks of the Book 1 preface do not exclusively concern the Epicureans,¹⁴¹ little has been done to elucidate the various audiences to which Cicero addresses himself there and elsewhere, whether of philosophers or non-philosophers.

¹⁴⁰ On Cicero's anti-Epicureanism in the prefaces and the Dream of Scipio, see e.g. Fontaine 1966, André 1974, Maslowski 1974: 56-65, Büchner 1984 and Zetzel 1995 passim, Powell 1990 passim, Zetzel 1998: 237-44, Fox 2007: 105-6, Englert 2014.

¹⁴¹ The usually assumed broader audience of the passage is philosophers in general. In this sense, the passage is viewed as a vindication of the active life in general vis-à-vis the strict pursuit of the contemplative life. See e.g. Boyancé 1970: 185, Sharples 1986: 32-33, Zetzel 1995 passim, Zetzel 1998: 237-38, Blössner 2001: 213 and passim.

In this chapter, I will argue that in *De Re Publica*, Cicero addresses a greater variety of readers than has previously been recognized, advancing a corresponding variety of motives for republican political engagement. I will also show how he draws all these readers to participate in politics in accordance with the ideal, Platonic in spirit, of the politically experienced and philosophically enlightened statesman, the *rector rei publicae*,¹⁴² who seeks the preservation of the republican form of government at Rome but whose motives for engaging in politics are based on Greek ethical ideas foreign to Roman tradition and reinforced by philosophical pursuits. While the characteristics of the *rector* are familiar, Cicero's rhetorical strategies for convincing a broad variety of readers to become the *rector*, so to speak, are not.¹⁴³ Cicero's rhetorical strategies and audiences will be explored in all their complexity.

Taking up the preface of the first book, I suggest that, given how few politically withdrawn men there were in Cicero's day even among the Epicureans,¹⁴⁴ Cicero's attack on Epicureanism creates the impression of an audience not primarily composed of Epicurean quietists or philosophers in general, who must have been a very small portion of his reading audience, but of a larger group of Roman elites who hold back from

¹⁴² For the *rector* as the Roman republican version of Plato's philosopher king, see Powell 1996 and Stroh 2008: 63.

¹⁴³ Krarup 1956: 204-5 argues that the *rector* is "an idealized version of Cicero himself" (Zarecki 2014: 10 n.35), but even if this formulation is true, we should add to it "...which has a rhetorically exemplary purpose." I do not follow the basic thesis of Zarecki 2014 that Cicero intended the *rector* as a model against which to measure himself alone. Zarecki is correct that the *rector* is an ideal that is also meant to be practicable (2014: 11), but it is meant to be practicable for others as well.

¹⁴⁴ Cf. Momigliano 1941. Following Momigliano's groundbreaking work, recent scholarship has demonstrated how common it was for Roman Epicureans to participate in public life in the late Republic and beyond: see esp. Castner 1988, Griffin 1989, Sedley 1989, Griffin 2001, Benferhat 2005, Roskam 2007, Fish 2011.

concern for the state out of fear or self-centeredness. Cicero tactfully confronts this group through by criticizing their behavior under the guise of a putative crowd of non-participating philosophers; he obliquely targets this audience with his typical anti-Epicurean charges of cowardice, lack of manliness, and self-indulgent pleasure seeking—a strategy we have already seen him employ against such persons in *Pro Sestio*.¹⁴⁵

However, the thrust of the most powerful arguments in the dialogue creates an impression of a “normative” reader. The image of this reader takes shape both through the content of these arguments and through the distinct dialogical personae who make them and to whom they are directed. This primary audience of the work seems to consist of the politically ambitious who are indifferent to or contemptuous of philosophy. The majority of the interlocutors fall in to this category, and they represent members of every generation. Among the older men present is Spurius Mummius; there is the middle-aged Laelius, who is, however, more moderate in his stance towards philosophizing, since he rejects what we would call the sciences while embracing ethical and political philosophy; and among the youth, Laelius’s two sons-in-law, the Scaevolae. At the opposite extreme of anti-philosophical politics lies Tubero, who appears to be more interested in abstruse theoretical questions at the expense of politics. Scipio, meanwhile, occupies the middle ground between philosophy and politics.

The work’s sustained address to the normative reader starts with Cicero’s initial assertion of the superiority of politics to philosophy, which has the effect of calming the suspicions of such a reader, who may doubt the value of this philosophic work. In this

¹⁴⁵ See esp. *Sest.* 23 and 138.

way, the reader is taken in by the way the author appears to share his anti-philosophic prejudices, even as Cicero simultaneously embarks on the project of insinuating philosophic motives and ethical norms for engagement. Starting in the preface and continuing throughout the work, Cicero gradually draws this reader towards an ideal of philosophic politics.

His aim in so doing is to elevate the character of elite political activity, and he does this in two ways. First, he encourages the pursuit of the contemplative life itself, including such subjects as astronomy and mathematics, the pleasure of which ought to be valued over bodily pleasures, and which also offer moral lessons that can bring about a change in attitude towards political ambition. Secondly, Cicero promotes ethical doctrines drawn from Greek philosophy, especially the notion that we ought to engage in politics virtuously for the sake of possessing virtue itself, thereby offering higher motives for political engagement than were traditionally offered by Roman culture.

Finally, while promoting contemplative pursuits to the typical elite Roman politician, Cicero also addresses another group, imaged by Tubero, namely Roman statesman whose excessive inclination to abstract contemplative pursuits Cicero seeks to moderate and to bring into connection with the consideration and practice of politics. Among his contemporaries, Cicero may have had in mind star-gazing neo-Pythagoreans such as Nigidius Figulus, who is one of Cicero's speakers in his version of the *Timaeus*.

II. Cicero's readers: Targets of Cicero's anti-Epicurean Diatribe in the Preface of Book 1

A) Epicureans who reject politics and political philosophy

In general, Cicero's apology for participation in public life in the preface of Book 1 is directed only on a superficial level at Roman Epicureans who had completely withdrawn from politics. The paucity of this type among Cicero's contemporaries obviates the need for him to dedicate his remarks in the preface, let alone the work as a whole, to the primary purpose of persuading the few truly withdrawn Epicureans to embrace political life.¹⁴⁶ The only people in this category attested by the historical record are Cicero's friend Atticus and his literary contemporary Lucretius; perhaps Catullus could be added as an intellectual lacking political ambition (though not necessarily an Epicurean). Doubtless there were others, who have remained in obscurity due to their very withdrawal. In any case, a politically withdrawn mode of life was foreign not only to the Roman ethos in general, but also to Roman Epicureanism in the late Republic, as we know of a number of elites who identified with Epicureanism, such as Piso and Cassius. Besides, Cicero's contemptuously dismissive tone and slandering of Epicurean doctrine are hardly designed to be persuasive to the mind of an Epicurean philosopher thinking through the matter.

To Epicurean withdrawal, Cicero opposes the example of Cato Maior, who "preferred to be tossed about in these tempestuous waves into ripe old age rather than to live very pleasantly in that tranquility and leisure" (1.4) so eagerly sought by the

¹⁴⁶ For *Rep.* as an extended response to the philosophical views and way of life advocated by Lucretius in *DRN*, see Andreoni 1979 and references in n. 20 above. See also Blössner 2001: 212, whose suggestion that Cicero viewed non-participating philosophers as the greatest threat to the Republic is quite an exaggeration. Blössner rightly assumes that Cicero's anti-philosophic remarks are not limited to Epicureans, but in my view these remarks do not concern other philosophers at all, since we have plenty of examples of Stoic and Antiochean sympathizers among the political elite (Cato; Brutus, Varro).

Epicureans. But in framing this contrast as a choice between duty and self-indulgence, Cicero provides an extremely ungenerous characterization of the philosophic life of Epicureans. He portrays this life not as dedication to the life of the mind or even the pleasures of the mind, but simply as a desire “to live very pleasantly” (*iucundissime vivere*, 1.4) and a surrender to the “enticements of pleasure and leisure” (*blandimenta voluptatis otiiue*, 1.1). By implying that Epicureans are lazy and live only for sensual enjoyments, he is hardly engaged in a good-will attempt to understand Epicurean philosophic ideals on their own terms (as by contrast he may be seen to do in *De Finibus* 1-2) and to show them where they err. Cicero’s overall attitude towards Epicureans in this preface is one of contemptuous dismissal. As I shall argue at length in the next section, Cicero’s general tendency in this preface not to engage with Epicurean ideas seriously or even to name them suggests that his attack on *voluptas* and *otium* are also intended for another, larger group he has in mind for whom sensuality and idleness have become chief pursuits instead of dedication to preserving the Republic.¹⁴⁷

However, despite the invective tone that pervades the preface of Book 1 as a whole, one passage in particular gives evidence of an attempt to convince Epicureans of the folly of their views on rational grounds. Here Cicero seems especially concerned to draw the minority of contemporary Epicureans who are actually abstaining from public life to the study of politics, as a first step in the direction of political participation. Cicero

¹⁴⁷ Similarly, Zetzel 1998: 244 argues that “Epicurean attitudes, while useful as a focus of attack, were so absurd that their falseness could simply be assumed” (244). He suggests that attacking Epicureanism was a foil providing Cicero with the opportunity to present his own political ideals, especially vis-à-vis philosophers in general who believe the contemplative life is superior (237-38, 241-44); I detect a different audience behind the foil (see section B below).

confronts the Epicurean argument that the wise man will only engage in politics when compelled (*coegerit*) by an “emergency”, a concept he clearly indicates by the hendiadys *necessitas et tempus* (1.10). But is this argument Epicurean? Some scholars have seen in this passage an attack not on Epicurean withdrawal, but on Socrates’s argument in Plato’s *Republic* that the philosopher will only return to the Cave of political life when compelled by a necessity (*anagke*).¹⁴⁸ However, it is clear that the notion of engaging only in an emergency has an Epicurean rather than Platonic tenor for two reasons. First, Cicero has already linked this notion to the Epicureans using similar language when describing how *those* people (*isti*) thought Cato the Elder a madman (*demens*) for engaging in politics “although no necessity compelled him” (*cum cogeret eum necessitas nulla*) and he could have enjoyed “a most pleasant life of tranquility and leisure” (*in illa tranquillitate atque otio iucundissime vivere*, 1.1). Secondly, in Plato’s *Republic*, the possibility is not envisioned that philosophers would be willing to rule in case of an emergency. Philosophers would rule only as the result of some form of compulsion or persuasive argument directed at them by the architects of this putative ideal city (7.520-521a).¹⁴⁹

Cicero responds to the Epicurean argument of “emergency participation only” by showing that emergency participation logically requires the prior pursuit of a political career, or at least political philosophy. He argues that an Epicurean who waits for a crisis to begin concerning himself with politics will neither be in a position to bring aid to the

¹⁴⁸ See e.g. Atkins 2013a: 35, who, having acknowledged that the attack concerns Epicureans (28), suggests that the attitude condemned resembles the philosophers in Plato’s *Republic* who will only rule out of necessity (citing Plato *Rep.* 520c in 35n66).

¹⁴⁹ Cf. 7.539e-540b6 and 1.346e-347d.

state without having previously gained some status in the state through a political career, nor sufficiently knowledgeable and experienced to deal effectively with a crisis even if suddenly offered political power. He illustrates the first part of this claim with rhetorical questions that refer to the example of his own career: could any greater emergency (*necessitas*) ever occur than the Catilinarian conspiracy that arose during his consulship? And how could he have helped the state if not for his status as consul, itself dependent on his previous pursuit of a political career? (1.10). Cicero's own plan of life (*vitae cursus*, 1.10) shows that political ambition is necessary for the benefit of the community, since it leads to the acquisition of political experience and, in a regime with a democratic element such as Rome's, to the possibility of gaining positions in which one can be of service to the state. The second part of his response catches Epicureans in a self-contradiction: they claim that knowledge of political affairs belongs only to those who have experience of them, yet they also put themselves forward as qualified to engage in politics in a moment of crisis (1.11). The inevitable conclusion to be drawn, Cicero suggests, is the need of the philosopher to prepare himself for political service in the most crucial times by means of prior political experience in less turbulent circumstances (1.11).

In making this case that the philosopher needs political experience, Cicero appears to be inspired by Plato's *Republic*, as his response to Epicurean political indifference in matters of both theory and practice implicitly calls for a return to the study of political philosophy initiated by Plato and his hero Socrates, the ultimate founder of the Greek philosophic schools (cf. *Rep.* 3.5). Plato's political philosophy in the *Republic* deals not only with the question of the best form of government but also with the question

of the two lives, and explores the idea of the philosopher turned politician. It is usually assumed that Plato was hostile to the notion of pursuing a political career, and I have just observed that scholars have seen Cicero singling out Plato for criticism in this context. In fact, far from condemning Plato, Cicero is arguably using Plato to correct Epicurus, since Socrates argued in the *Republic* that while it would indeed be desirable for philosophers to rule, his Guardian-philosophers should be required after their initial youthful education in philosophy to gain practical experience through involvement in administrative and military affairs from the age of thirty-five to fifty (7.539e2-540a4)¹⁵⁰ before the completion of their philosophic education and subsequent government of the entire city (7.540a4-b6). Plato, therefore, understood the need a philosopher-ruler would have of practical experience in a way that Epicurus did not. Admittedly, Roman readers not intimately familiar with Plato's writings, i.e. the vast majority, would not see Cicero pitting Plato against Epicurus in this context, naturally assuming from Cicero's emphasis on his own life that he is contrasting his own Roman practical-mindedness with Greek/Epicurean flights of theoretical fancy. But well-read Roman Epicureans who have made philosophic learning their exclusive pursuit very well could have recognized the implicit contrast between Epicurus's political teaching and Plato's reflections on philosophy and politics in his own *Republic*. Thus Cicero may be seen selectively drawing from Platonic philosophy such notions as he deems useful and applicable to the

¹⁵⁰ “‘After this you’ll have to take them back down in to that cave again, and they’ll have to take up military posts and other positions of command suitable for the young (καὶ ἀναγκαστέοι | ἄρχειν τὰ τε περὶ τὸν πόλεμον καὶ ὅσαι νέων ἀρχαί) in order not to fall behind the rest in experience (ἐμπειρία)...’ ‘How long a time do you set for this?’ he asked. ‘Fifteen years,’ I said...” (Emlyn-Jones and Preddy 2013 trans.). For this point, see also Sedley 2007: 271.

contemporary Roman situation. In this case, Cicero adopts the idea that a philosopher will be in a position to benefit the state as ruler only if, in addition to his superior philosophical outlook, he has also acquired some degree of political experience prior to assuming the highest positions in the state. While in Plato's *Republic* this idea was found in the context of a discussion about an imaginary city whose ultimate realization was portrayed as a near impossibility, in Cicero's *Republic* it is considered as applicable to the real world of the Roman republic. And so as the author of the preface of the first book, Cicero adopts the same practice as his character Scipio of embracing an idealized form of the real (cf. *Rep.* 2.21-22, 2.52).

Cicero's correction of the Epicureans by means of Plato is most pronounced, however, in the preface's invitation to the study of political philosophy. Cicero offers Epicureans an opportunity to become political even while still at leisure—they can begin seeking theoretical knowledge of political affairs as an important object of study prior to gaining the additional desideratum of practical experience: "I would think that the wise man should be especially careful not to neglect this science of political affairs, since he ought to prepare all things, since he cannot know whether he will at some point need to use them" (1.11).¹⁵¹ Cicero follows up this exhortation based on logical considerations with an appeal to the authority of other philosophers:

If there are any who are moved by the authority (*auctoritate*) of philosophers, let them pay attention for a while and heed those whose authority (*auctoritas*) and glory among learned men are the greatest. In my view, even though some did not

¹⁵¹ *arbitrarer hanc rerum civilium minime neglegendam scientiam sapienti, propterea quod omnia essent ei praeparanda, quibus nesciret an aliquando uti necesse esset.* Quotations of the Latin text of Cicero's *De Re Publica* in this chapter are taken from Powell 2006.

themselves administer the state (*rem publicam*), nevertheless, since they inquired and wrote a great deal about the state (*de re publica*), they have discharged a certain duty to the state (*rei publicae*). (*Rep.* 1.12)

At tamen si qui sunt qui philosophorum auctoritate moveantur, dent operam parumper atque audiant eos quorum summa est auctoritas apud doctissimos homines et gloria; quos ego existimo, etiam si qui ipsi rem publicam non gesserint, tamen, quoniam de re publica multa quaesierint et scripserint, functos esse aliquo rei publicae munere.

Through repetition of the terms *auctoritas* (twice) and *res publica* (thrice) in close proximity, Cicero builds up the prestige of political philosophers at the same time as he forges a strong connection between philosophy and politics in the mind of the Epicurean reader. In addition, Cicero subtly mingles his own authority with the authoritative example of these philosophers to promote the validity of political philosophy with the emphatic *ego existimo* which fronts the thought.

In these words, Cicero also implies to his learned Epicurean audience that the authoritative example of Plato among philosophers ought to lead them to reevaluate the place of politics in their studies. After all, what better description than the preceding could there be of Plato himself, who apart from attempts to serve as a philosophic adviser to Dionysius and Dion (on the testimony of the *Letters*), generally avoided participation in public life while nevertheless frequently thinking, writing, and teaching about politics? Admittedly, Cicero's use of the plural *eos* encourages the reader to think of multiple individuals, and commentators have suggested that Aristotle could also be placed in this category, and perhaps even Zeno the Stoic, who also wrote a *Republic*.¹⁵² On the other

¹⁵² In the catalog of his philosophic works at *Div* 2.3, Cicero himself suggests that he has Plato and the Peripatetics in mind in this passage, describing the topic of *Rep.* as follows: *magnus locus, philosophiaeque proprius a Platone, Aristotele, Theophrasto totaque*

hand, the chief inspiration for the present work and its title is Plato and his immortal *Republic*, not the Stoic Zeno or even Aristotle with his *Politics* or, among the latter's exoteric works, the dialogue *On Justice*. We might also add the general but obvious observation that Cicero, as an Academic, adhered to the school founded by Plato, and as such can be assumed to put Plato in the highest place among philosophers; and the only other philosopher mentioned by name in the extant portion of this preface is Xenocrates (1.3), Plato's second successor in the Academy. But most significant of all is the evidence of a very much neglected *testimonium* from Pliny the Younger, from which we learn that at some point in *De Re Publica*, Cicero declares himself to be a follower of Plato regarding politics (*NH praef.* 22): *non Tulliana simplicitate, qui de re publica Platonis se comitem profitetur* ("not with the simplicity of Tully, who declares himself Plato's companion regarding the state"). Despite our uncertainty about the location of this fragment in the work's original structure, this statement serves to show the preeminent place of Plato in Cicero's mind among philosophic writers on politics. In sum, Cicero proposes Plato, who was disengaged from political activity but active as a political thinker, as an authoritative Greek model for the imitation of philhellenic Roman Epicureans indifferent to the science of politics (*rerum civilium... scientia*, 1.11).

Peripateticorum familia tractatus uberrime ("a large topic, and a part of philosophy given a very rich treatment by Plato, Aristotle, Theophrastus, and the whole Peripatetic household"). Note that while the rhetorical emphasis of the passage seems to be on the Peripatetics, Plato nevertheless holds the first place. (The fact that Cicero does not mention Plato or Aristotle by name in the *Rep.* preface is part of his initial strategy in the work of being guarded in his presentation of philosophy before a large Roman audience, most of whom regarded these Greek figures with suspicion.)

Another important implication of Cicero's argument to the Epicureans about political philosophy is that his understanding of political engagement in the *Pro Sestio* has been effectively expanded or modified to allow for a second-best form, of which Cicero also holds himself out to the Epicureans as a model for imitation. This modification also functions as Cicero's *apologia* for his present policy of generally avoiding politics in preference for leisure,¹⁵³ an answer to potential detractors who might decry him as a hypocrite for condemning Epicurean withdrawal while seeming to practice it himself. Cicero answers this charge in various ways throughout the work and simultaneously makes himself a model of modified political engagement, both in the preface and through his character and chief interlocutor Scipio. The first part of the answer occurs in the preface's argument for political philosophy, where we have seen him distinguish between two forms of civic responsibility: *ad rem publicam adire* and *aliquis rei publicae munus* (1.12).¹⁵⁴ At the end of the preface, it becomes obvious that Cicero is now chiefly practicing the latter form of engagement when he claims that his past experience in the former type should make him an authority as a political writer:

¹⁵³ For Cicero's general avoidance of politics and public controversy at this time, see Q. Fr. 3.5.4-5 (Oct. or Nov. 54 BCE): "I really am drawing myself away from every political burden and am dedicating myself to literature... and in sum, as you advise, I am completely turning to leisure and peace" (*abduco equidem me ab omni rei publicae cura dedoque litteris... et in omni summa, ut mones, valde me ad otium pacemque converto*). The second half of this quotation is Cicero's conclusion regarding the question of defending Gabinius. He explains to Quintus that although he bowed to the triumvirs' wishes to defend many clients against his own wishes, he drew the line with Gabinius. Thus Quintus appears to have urged his brother to avoid political affairs, and even the law courts, as much as possible at this time, and Cicero promised accordingly to act upon this advice.

¹⁵⁴ Cicero also calls political philosophy a *munus* at 1.11 (cf. *rationes civitatis... id munus*), and uses the designation *rem publicam gerere* for active politics (1.11).

“Since in my own case I have ended up attaining something worthy of being remembered in administering the state, and a certain ability for explaining the rationale of political affairs, I have turned out to be an authority not only because of experience but also by dint of enthusiasm for learning and teaching” (1.13).¹⁵⁵ He does not, however, give any reason for his decision to write such a work. This reason is supplied through the drama of the dialogue, particularly the drama of Scipio, who is presented as a Ciceronian character. Like Cicero, he occupies a special place as a political thinker due to his combination of practical experience and acquired learning (1.36; cf. 1.13).¹⁵⁶ This is but the first time in the dialogue that Cicero establishes implicit identity with Scipio, and the similarities do not end there. The dialogue indicates that Scipio is at leisure not only in the immediate context of the three-day *Feriae Latinae*, but also in a more general way due to his being excluded by his enemies from exercising a leading role in the state in the current crisis (as Laelius complains at 1.31) despite his previous leadership as consul. The attentive reader will observe that Cicero, too, though recently consul, finds himself to a certain degree in a state of forced leisure due to the stranglehold of the triumvirs and their allies on public policy. Finally, the *Dream* shows us Scipio being told in a

¹⁵⁵ *Quoniam nobis contigit ut idem et in gerenda re publica aliquid essemus memoria dignum consecuti, et in explicandis rationibus rerum civilium quandam facultatem, <evenit ut> non modo usu se etiam studio discendi et docendi essemus auctores.* In this way Cicero rivals Plato and Aristotle, striving to outperform them by adding to the pursuit of political theory both the accomplishment of something significant as a statesman and the knowledge acquired by this practice, which in turn allow for a superior political theory; cf. Laelius’s comments on Scipio’s procedure at *Rep.* 2.21-22. See Asmis 2001: 110-11 on Cicero’s desire to improve upon his Greek predecessors as a political theorist; cf. Altman 2016: 1-3, commenting on Quintilian’s claim that Cicero was *Platonis aemulus*, points to Cicero’s embrace of active politics as his chief manner of rivalling Plato.

¹⁵⁶ See Asmis 2001: 111; Atkins 2013a: 35 on the similarity of characterization.

conditional prophecy that he will eventually emerge from a period of leisure (which began after his consulship in 133) to restore the state as dictator. All of these details point to the notion that like Scipio, Cicero is spending his leisure time engaging in philosophy—especially political philosophy—in order to equip himself to serve the state in some upcoming emergency provided he can only get the opportunity. His immersion in political philosophy thus testifies to his ongoing service to the Republic. Later on, in a letter written to Varro during his second period of forced leisure, Cicero was to establish this same rationale even more expressly for himself and his philosophic friends, adducing the authoritative practice of the first Greek political theorists (*doctissimi veteres*; cf. *Rep.* 1.12, *quorum summa est auctoritas apud doctissimos homines*).¹⁵⁷

B) Pleasure-seekers, or “Epicures”

The other target of Cicero’s polemical attack on Epicureanism in the preface, a target not expressly named, are those of his Roman contemporaries who hold back from courageous action on behalf of republican government out of fear or self-interest, not out of philosophic principle. In taking on this audience, Cicero repeats one of his strategies

¹⁵⁷ *Fam.* 9.2.5, on which see Kronenberg 2009: 89 and Baraz 2012: 84-86: *modo nobis stet illud, una vivere in studiis nostris, a quibus antea delectationem modo petebamus, nunc vero etiam salutem; non deesse si quis adhibere volet, non modo ut architectos verum etiam ut fabros, ad aedificandam rem publicam, et potius libenter accurrere; si nemo utetur opera, tamen et scribere et legere πολιτείας et, si minus in curia atque in foro, at in litteris et libris, ut doctissimi veteres fecerunt, navare rem publicam et de moribus ac legibus quaerere* (“Only let this be fixed: to live together in our pursuits, from which before we sought only pleasure, but now also safety; not to fail, if someone wants to summon us, not only as architects, but also as builders for building up the republic, and rather, to respond to the summons with swiftness and joy; if no one should make use of our labor, nonetheless both to read and write “Republics” and, if less so in the senate house and the forum, then in letters and books, as the most learned of the ancients did, to devote ourselves to the republic and to explore questions about customs and laws” Baraz trans.).

from *Pro Sestio*.¹⁵⁸ That is, by means of a phony war of words against Epicurean philosophers, Cicero tries to get these men to look at themselves in the mirror and see themselves as Epicureans, to see themselves in the people being condemned, thus tactfully avoiding naming them directly. This strategy also plays to their anti-philosophic prejudices, and is a significant part of the explanation for Cicero's polemical case for the inferiority of the philosopher to the politician in the preface of a philosophic work. Since these men are not particularly inclined to the intellectual life, and hence are not among "those moved by the authority of philosophers" (1.12), Cicero seeks to move them to political action through appeals to the traditional Roman cultural code, principally Roman manliness—the traditional meaning of *virtus*—and generous patriotism, framed as the fulfillment of duty towards one's country.

1) Appeals to Roman virtue

In a strategy familiar from *Pro Sestio*, Cicero shames this audience by implicitly imputing cowardice to them and recalling them to the courage shown by the *maiores*. The preface as it has come down to us opens in the midst of an enumeration of brave military feats by great Romans of the past followed by the domestic political activity of Cato Maior amidst the great storms of domestic politics (1.1). In describing Cato's rejection of private ease for public life, Cicero draws a contrast between the pursuit of one's own health and that of the Republic. Cato could have "enjoyed himself in leisure at Tusculum, a health-giving (*salubri*) place nearby,"¹⁵⁹ but instead decided to follow the way of "countless *viros*"—note the use of the gendered *viros*, as opposed to mere

¹⁵⁸ See esp. 23 and 138; cf. pp. 14-17 in Chapter 1 above.

¹⁵⁹ *licuit Tusculi se in otio delectare, salubri et propinquo loco.*

homines, to describe these manly Romans who pursued public life—“each of whom proved to be a cause of this community’s well-being (*saluti*)” (1.1).¹⁶⁰ Those who criticize Cato as a madman are designated with the nicely indeterminate *isti*, usually thought to indicate Epicureans or philosophers in general who prefer the contemplative to the active life. Indeed, *isti* does refer to both these groups, but the relatively small number of such individuals in late Republican Rome suggests Cicero may be using these easy targets to speak to others as well. In particular, the example of Cato’s avoidance of his villa at Tusculum stands out for its resonance with Cicero’s frequent complaint in the letters to Atticus from the early 50s about the “fish-pond hatchers” who avoid political conflict in the senate by retreating to their villas, probably including aristocratic optimates such as Lucullus and Hortensius; Lucullus is even known to have had such a villa at Tusculum. Cicero may also have such aristocrats in mind when he exhorts the reader not to listen to those who sound the trumpet to retreat, but to (1.3) “hold fast to the course that has always been followed by every excellent man” (*teneamus eum cursum qui semper fuit optimi cuiusque*). Although *optimus quisque* seems to refer to the aristocratic class that traditionally gave the state its leaders, Cicero intends, as in *Pro Sestio*,¹⁶¹ to expand the group designated by this term to include ambitious members of the equestrian class, in accordance with Cato’s example and his own. For when introducing Cato,

¹⁶⁰ *innumberabiles viros, quorum singuli saluti civitati huic fuerunt.*

¹⁶¹ See *Sest.* 136: “And you, young men... together with [the nobles], I exhort you, who can obtain nobility by your character and virtue, to pursue the way of life (*ratio*) in which many new men have prospered with both honor and glory.”

Cicero describes him as (1.1) “a new man, and unknown (by whom all of us who are intent on the same matters are led, as by an exemplar, to hard work and courage).”¹⁶²

The imagined objection that political involvement will lead to suffering creates the image of a reader who has withdrawn from politics due to a lack of courage and Roman *virtus*. Once again, the identity of the critics who supposedly advance this objection is deliberately left vague; they are simply “those who argue the contrary” of what Cicero has said up to this point (1.4).¹⁶³ This allows Cicero to address any reader with similar thoughts, whether this reader is inclined to philosophy or not. This particular critic is said to urge against participation in public life because of its labors and risks to one’s personal safety. The mere formulation of these objections, so contrary to the ideal of manly courage that was part and parcel of the *mos maiorum*, is meant to cast shame on whoever might agree with them, and Cicero adds to the humiliating effect by interrupting to point out the cowardice inherent in such thoughts even as he formulates them:

Reasons opposed by those who argue the contrary are first, the labors which must be undergone in defending the state—a light burden, of course, for anyone responsible and hard-working, and which ought to be despised not only in such great political matters as these but also in ordinary pursuits or duties or even business affairs; to this the dangers to one’s life are added, and a base fear of death is opposed by these people to brave men—to whom it typically appears a more miserable thing to waste away in the natural course of old age than to be given an occasion to give up their life for their fatherland, as opposed to giving it up to nature, which they would have had to do anyway. (*Rep.* 1.4)

His rationibus tam certis tamque illustribus opponuntur ab eis qui contra disputant, primum labores qui sint re publica defendenda sustinendi—leve sane impedimentum vigilanti et industrio, neque id solum in tantis rebus sed etiam in

¹⁶² *homini ignoto et novo (quo omnes qui eisdem rebus studemus quasi exemplari ad industriam virtutemque ducimur)*. For a study of the concept of *virtus* in the Roman Republic, see McDonnell 2006.

¹⁶³ *qui contra disputant*.

mediocribus vel studiis vel officiis vel vero etiam negotiis contemnendum; adiunguntur pericula vitae, turpisque ab his formido mortis fortibus viris opponitur: quibus magis id miserum videri solet, natura se consumi et senectute, quam sibi dari tempus ut possint eam vitam quae tamen esset reddenda naturae, pro patria potissimum reddere.

The validity of these objections is undermined by the commentary Cicero embeds within the passage, establishing political engagement as the responsibly hard-working, (*vigilanti et industrio*), courageous (*fortibus*), manly (*viris*), patriotic (*pro patria potissimum reddere*), and magnanimous (*vitam quae tamen esset reddenda naturae*) thing to do. A contrast is drawn with the envisioned reader, whose hesitation over labor or danger is depicted as the mark of an indolent, cowardly, effeminate, self-absorbed, and petty-minded person. Most of these contrasting characteristics are implicit, but one of them, cowardice, is expressly stated when Cicero refers to “a base fear” (*turpis formido*) of death. The choice of *formido* for “fear” (rather than *timor* or *metus*) also forms a nice contrast with *fortibus*, which follows.¹⁶⁴ Furthermore, Cicero’s dismissal of the fear of death repeats an idea from the *Pro Sestio*, that the brave man, realizing that everyone is destined to die eventually, considers it more miserable to endure old age than to give his life bravely for his country (*Sest.* 47).¹⁶⁵

2) Appeals to Roman pietas

In addition to the tactic of shaming the non-participating, non-philosophic Roman reader for lacking the courage displayed by his ancestors, Cicero also exhorts this reader

¹⁶⁴ Cf. *Tusc.* 4.19, where Cicero relates Stoic distinctions between different kinds of fear: “they define... ‘*formido*’ as a lasting fear” (*definiunt... formidinem metum permanentem*).

¹⁶⁵ For a similar argument in the *Somnium* based on manly courage, shaming the reader to the degree that he feels himself to fall short of such a sentiment, see the discussion in the next chapter.

to public service by appealing to his sense of *pietas*. He calls for imitation of the *mos maiorum* and advances the view that political involvement is a duty owed in justice to the *patria*. One way he appeals to Roman tradition is by adducing the example of previous Roman statesmen.¹⁶⁶ For instance, when the extant portion of the preface to the first book begins, we find Cicero accumulating the names of those who served Rome by fighting against Carthage (1.1). Cicero clarifies the lesson to be derived from their example in the exhortation “let us hold to the course which has always been followed by every excellent man (*optimi cuiusque*)” (1.3). In addition, the authoritative practice of previous generations is brought forward as a justification in subtler fashion through the example of the dialogue characters themselves. Cicero promotes politics simply by placing before the reader’s eyes prominent political men of the late second century BCE. The presence of older and younger men in the dialogue seems designed to move both old and young in the reading audience to political involvement; everyone is given an example to follow, regardless of age. Among the younger generation who are present, even Tubero, despite his evident inclination to abstract studies (see Scipio’s remark to in 1.14 that “this holiday gave you a really good opportunity to unfold your scrolls”¹⁶⁷), was known to have served as tribune some time before 129 BCE; he also ran an unsuccessful campaign for the praetorship.¹⁶⁸ Cicero also notes that Laelius’s sons-in-law, Gaius Fannius and Quintus Scaevola, were present for the conversation (1.18). The indication of their relationship to Laelius, *Laeli generos*, emphasizes that the younger generation is

¹⁶⁶ On Cicero’s use of the *maiores* as *exempla* more generally, see Van der Blom 2010: 61-148.

¹⁶⁷ *Dabant enim hae feriae tibi opportunam sane facultatem ad explicandas tuas litteras.*

¹⁶⁸ Zetzel 1995: 10-11.

present to learn from the elder, strengthening further the continuity of the tradition of seeking a public career. That they were “already at the right age for quaestor” (*iam aetate quaestorios*) further suggests their ambition to climb the political ladder (1.18).¹⁶⁹

Among older Romans present, the figure of Laelius would be known to Cicero’s readers as the consul of 140 BCE.¹⁷⁰ Furthermore, Cicero characterizes him as especially concerned with political affairs: he complains about the present political crisis at Rome (1.31) and condemns the Gracchans for departing from the *mos maiorum* (3.41), demands that the conversation focus on politics rather than astronomy (1.33, 1.19-32 *passim*), and insists on usefulness to the city as the ultimate criterion of wisdom and virtue (1.33). His character also represents the political in a more metaphorical fashion.¹⁷¹ Just as politics involves force and necessity, Laelius intrudes into the conversation on abstract topics that had begun before his arrival by aggressively criticizing those present and forcing them to adopt a different topic. The way he derails the conversation on astronomy already in progress between Tubero, Philus, and Scipio is reminiscent of, and likely modeled upon, the compulsion exercised by Polemarchus, Adeimantus, and their companions, who force Socrates and Glaucon to stay in the Peiraeus to attend a torch-race on horseback in honor of the goddess, followed by an all-night festival where they will meet other young men and engage in conversation.¹⁷² Socrates and Glaucon therefore are intimidated into an act of piety in the context of which there is also to be friendly conversation with others.

¹⁶⁹ For more on the intergenerational theme in *Rep.*, see Zetzel 1999: xiii.

¹⁷⁰ Zetzel 1995: 9.

¹⁷¹ See Barlow 1987: 363 (cf. 369) and Atkins 2013a: 36 (cf. 39) for Laelius as the dialogue character who represents the city’s point of view.

¹⁷² Plato *Rep.* 327b-328a; more will be said below about the inquisitive young Glaucon as a model for Tubero.

Likewise, Scipio and the others go along with Laelius's request for a more political topic, displaying their own *pietas*, as none is willing to oppose this venerable figure's insistent demands. There are, however, a few interesting differences. In Cicero's *Republic*, Scipio and friends do not need to be urged to engage in friendly conversation, as they are already doing so and have welcomed Laelius and his companions among their number, however uneasily (see Philus's remarks at 1.19). Furthermore, while Polemarchus relied on the greater number of his companions to intimidate Socrates and Glaucon into staying and engaging in an act of piety and in conversation, Laelius singlehandedly browbeats Scipio and friends into adopting a "pious" topic of conversation. By sheer force of ego, he continually intervenes in the conversation in progress, managing to insult almost everyone present. First Philus receives the brunt of Laelius's sarcastic remarks for his interest in the phenomenon of the two suns (1.19), followed by Manilius, whose expertise in law Laelius gratuitously mocks in connection with that phenomenon, before Manilius had even said anything (1.20). Laelius also condescendingly suggests that Tubero's cosmological inquiries are studies fit for the "minds of boys" (*ingenia puerorum*, 1.30) in preparation for the consideration of "greater things" (*maiora*), namely politics.¹⁷³ The only person Laelius does not directly insult for speaking about something other than the city is Scipio. When Scipio has just finished praising contemplative pursuits, Laelius takes a more tactful line: "I won't even dare to respond to all that, Scipio" (1.30).¹⁷⁴

¹⁷³ Laelius's denigrating remarks about cosmology are loosely based on Callicles's assertion in Plato's *Gorgias* (484c-486c) that philosophy is a fitting pursuit for the young while they are still being educated, but that it should be dropped upon reaching adulthood and entering the world of politics.

¹⁷⁴ '*non audeo equidem*' inquit '*ad ista, Scipio, dicere...*'

Although the rest of Laelius's immediate reaction is lost in a lacuna, when the manuscript picks up he is at work denigrating the subjects praised by Scipio and esteemed by Tubero and Philus. In short, the powerful presence of Laelius in this passage and the acquiescence of the interlocutors to his demand to focus on a political topic that Laelius says can make them more useful to the Republic (1.33) models for the reader a pious devotion to the concerns of the state.

But the character Scipio, though sharing a different attitude towards philosophy than Laelius, stands out nevertheless as the dialogue's preeminent *exemplum* of engagement in politics in accordance with Roman tradition. Scipio calls attention to his own participation in public affairs on two significant occasions within the dialogue. He can be presumed to do this especially for the sake of the young in his audience, including the Stoics Tubero and Rutilius Rufus (ostensibly Cicero's source for the whole conversation, 1.17), and the sons-in-law of Laelius. When called upon by Laelius to lead a discussion about the best regime, Scipio responds in part that "the one work I have to do, bequeathed to me by my parents and elders, is the management and administration of the republic" (1.35).¹⁷⁵ Scipio calls attention to his own political career and eagerness to imitate the *maiores* before the young men present for the conversation. At the same time, of course, Cicero the author places this patriotic example of Scipio before the eyes of his elite readers.

¹⁷⁵ *ego cum mihi sit unum opus hoc a parentibus maioribusque meis relictum, procuratio atque administratio rei publicae...* See also the discussion below of this aspect of Scipio's exemplarity in the *Somnium* (in the following chapter).

The second aspect of Cicero's appeal to the non-philosophic reader's sense of *pietas* consists in arguments that encourage the reader's feelings of patriotism. The first such argument appears in the preface of the first book. Cicero suggests that we owe public service as a form of repayment to the *patria* in exchange for its having given us birth and education (1.8). Cicero engages in extended metaphor: the *patria* is personified as a father who, having begotten his children, educated them, and provided them with peace and safety, is owed sustenance in return (*alimenta*). The argument relies on unspoken assumptions about the obligation of children to care for their parents in old age. This sense of *pietas* towards one's parents, especially the father, was especially strong in Roman culture. Furthermore, since an inclination to love one's parents is something natural and pre-rational—we love our parents simply because they are ours—portraying Rome as a parent has the effect of stirring up the natural feelings of love the Roman reader has simply because Rome is his home country.¹⁷⁶

Another way Cicero persuades readers to act in defense of the Republic is to make them esteem their country as something uniquely worth defending. Cicero's account of the Roman constitution fosters admiration for Rome in the mind of the reader. He uses the *auctoritas* of the dialogue characters to establish belief in the mind of the reader that Rome's is the best form of government. Laelius recalls how Scipio, when conversing with Panaetius and Polybius, had “synthesized many matters and taught that the arrangement of the state that our ancestors had bequeathed to us was by far the best”

¹⁷⁶ For appeals to *pietas* towards one's ancestors and the fatherland in the *Somnium*, see the next chapter.

(1.34).¹⁷⁷ Likewise, in the ensuing discussion of the different kinds of regimes, Scipio indicates that he considers the mixed regime the best (1.54). Scipio issues a solemn declaration at the end of Book 1 to the same effect, designating Rome itself as the best instance of such a regime: “For so do I decree, so do I believe, so do I affirm: no other republics, whether as to their founding, organization, or educational customs, can be compared with the one that our fathers, having inherited it long before from their ancestors, have bequeathed to us” (1.70).¹⁷⁸ In addition to the impressive style (note especially the triple anaphora of *sic*), the persuasive force of the affirmation depends on the manipulation of several layers of authority. The consular Cicero places an authoritative endorsement of the Roman Republic as it existed at the time of Scipio in the mouth of this same historical Scipio, the most authoritative of his dialogue characters; Scipio strengthens his authoritative judgment by asserting the antiquity of this regime in his reference to the previous generation and to its predecessors (*patres nostri, maiores*).

Scipio’s subsequent account is, according to his own acknowledgment, designed to “demonstrate both the character of our republic and that it is the best” (1.70).¹⁷⁹ Cicero thus uses Scipio to foster affection for the free Republic and its institutions by tracing their development out of a system in which the Romans were not yet free, under kings. He gives an account of the dangers of monarchy, vividly illustrated by the decay of the Roman monarchy under the tyranny of Tarquin (2.43-48; cf. 2.51). Similarly, he

¹⁷⁷ *multaque colligere ac docere optimum longe statum civitatis esse eum quem maiores nostri nobis reliquissent.*

¹⁷⁸ *Sic enim decerno, sic sentio, sic affirmo: nulla omnino rerum publicarum aut constitutionem aut discriptionem aut disciplinam conferendam esse cum ea quam patres nostri nobis, acceptam iam inde a maioribus, reliquerunt.*

¹⁷⁹ *simul et qualis sit et optimam esse ostendam.*

recounts the long struggle between the people and the aristocrats to agree on a form of government, laws, and institutions deemed equitable to each class (2.57-63; cf. 1.62 for the early excesses of the people). The difficulty with which the free Republic in Rome was established inspires the reader to treasure it. Later on, in the preface of Book 5, Cicero laments the decline of this ancestral regime. His intention is to spur the reader to take action to prevent the total loss of this priceless heirloom:

But our own era, after it had inherited the republic like an outstandingly beautiful picture that was nevertheless starting to fade with old age, has not only neglected to restore it using the same colors as before, but has not even taken care to do the bare minimum of preserving its outline and surface brushstrokes, so to speak.
(*Rep.* 5.1)

Nostra vero aetas, cum rem publicam sicut picturam accepisset egregiam sed iam evanescentem vetustate, non modo eam coloribus eisdem quibus fuerat renovare neglexit, sed ne id quidem curavit ut formam saltem eius et extrema tamquam lineamenta servaret.

This complaint insinuates the precious value of the republic, which is idealized as a remarkable work of art. In addition, the accusation of neglect challenges the reader to behave differently than he has up to this point, to take action to restore the fresco, in a manner of speaking. In sum, Cicero strives in a variety of ways to inculcate admiration for the republican regime to inspire the reader to take action on its behalf.¹⁸⁰

III. The heart of the appeal: drawing Roman politicians to philosophic statesmanship

The majority of the arguments regarding political engagement in *De Re Publica* give the impression of being addressed to a group of “normative” readers, elites already

¹⁸⁰ This is not to argue that Cicero’s purpose in *Rep.* is a work of nostalgia written to move the reader to restore the constitution of the middle Republic exactly as it was in Scipio and Laelius’s time (cf. Zetzel 1995: 27, with n58). Rather, the reader is urged in a general way to treasure Rome for exemplifying the ideal, mixed regime.

engaged in politics and intent on gaining distinction, or, among the very young, those intent on the same purpose. The primary purpose of the work thus emerges as the encouragement not of political engagement as such—an obvious notion to most contemporary Romans that requires no justification—but a particular form of public involvement, characterized by individual moral restraint in the pursuit of the good of the *res publica*, as opposed to private gain. Promoting philosophy is the means by which Cicero hopes to create a morally reformed ruling class. This promotion of philosophy has two sides. One aspect is the promotion of contemplative pursuits in general, which Cicero takes up in the body of the work itself. The other aspect is already evident in the preface of the first book, and involves Cicero’s promotion of specific ethical doctrines drawn from Greek philosophy on the basis of which he encourages the normative reader to engage in politics. Cicero means for these doctrines to supply the normative reader with higher motives for political engagement that can supplement and ultimately replace traditional motives for participating in politics such as the pursuit of glory, manliness, and patriotism.

Both aspects of this promotion of philosophy—that is, of the general pursuit of knowledge and of specific ethical ideals—aim at making the Roman ruling class less acquisitive, less greedy for glory, power, riches, and pleasures. In terms of this majority audience, the problem Cicero had to confront was not the avoidance of public affairs but rather a political engagement that was not, according to his own definition in the work, truly “political.” The decline of traditional morality in late Republican Rome had led to a situation where politicians tended not to be truly public men, but rather individuals

abusing positions of public trust for private ends. Scipio's account of the cycle of regimes in Book 1 reveals Cicero's conviction that a decline in the moral character of those who rule in the regime will eventually lead to the collapse of the regime itself.¹⁸¹ Not even the mixed regime such as the Roman Republic will survive if its leaders (*principes*) become corrupt (1.69). Thus the eagerness of the Roman elite to engage in politics in order to satisfy their personal ambitions and desires rather than to seek the good of the whole heralded the rise of civil strife. Since Cicero believed the continuation of the mixed regime ultimately depended on men of good character, he aimed to reform the Roman Republic through the wisdom and good morals of philosophic statesmen.¹⁸²

What I particularly wish to bring to light is just how subtle Cicero's rhetorical strategy is. He achieves his aims incrementally, and without pursuing them too openly lest he lose the sympathy of this segment of his audience. Indeed, his rhetoric proves a classic example of *ars celans artem*. Scholars have been misled by Cicero's apparent hostility to philosophy in *De Re Publica*. For example, Yelena Baraz, in her recent monograph on Cicero's justification of philosophic activity in the philosophic works of the 40s BCE, posits a fundamental difference in attitude towards philosophy in the works of the 50s BCE. She suggests that in *De Re Publica* and other works written in the 50s BCE, Cicero took the position that philosophy was of "limited utility" (2012: 17), but I hope to show that the thrust of these works is, in fact, to encourage philosophy.

¹⁸¹ *Rep.* 1.66-69; see the discussion at Atkins 2013b: 27.

¹⁸² *Pace* Perelli 1990, who argues that Cicero allows no serious place for the influence of philosophy on the Roman regime, since Cicero was simply seeking to restore the aristocratic republican regime of Scipio's time (though Perelli sees an exception to this attitude in the preface of Book 3).

Doubtless, Cicero does not call for full-time dedication to philosophy, which is to remain an occupation of leisure, and yet Cicero's goal is to bring statesmen to embrace philosophic pursuits as an essential complement to their public activity. For Cicero, at the time he was writing in the 50s BCE, philosophy had never been more needful for the good of the state.¹⁸³ In the 50s BCE, Cicero embarks on a project to improve Roman society through philosophy, a project which he pursued on a larger scale in the 40s BCE.

It is important to add that the following arguments and rhetorical aims are not exclusively aimed at those who were already ambitious or involved in politics before they began Cicero's book, although I view them as primarily aimed at such readers. Cicero's arguments here are also directed at the non-participating, self-indulgent kind of reader I have delineated in the previous section. To the extent that Cicero succeeds in transforming this kind of reader into an "ambitious" citizen, these arguments may be viewed as concerning him as well. While Cicero approaches this insufficiently ambitious reader by rousing him with appeals to courage, *pietas*, and other commonplaces of traditional Roman culture, he also wants this reader to be drawn to philosophic pursuits so that the source and ends of his ambition would be moved by the higher motives and ethical considerations he promotes.

A) Setting the stage: the preface

1) Devaluing philosophy

¹⁸³ Once again, Zetzel (cf. n. 27) suggests the rationale for my approach: "Cicero's project in the 50s [was] an attempt... to provide a more rigorous philosophical model for Roman public behavior and institutions than had previously existed" (1999: xi).

In addition to the goals I have already described in Cicero's attack on Epicureans and Epicures in the preface, this attack serves a parallel but different rhetorical purpose in its address to another class of readers: Romans prejudiced against philosophy. Cicero begins the work by giving the impression of attacking philosophy itself. In a general comparison of the value of philosophy and statesmanship, he repeatedly suggests that the former is inferior (*Rep.* 1.2-3, 10-11). But this is in fact a *captatio benevolentiae* to put the majority of his reading audience at ease. In her analysis of the cultural context in which Cicero embarked on a more comprehensive philosophic project in the 40s BCE, Yelena Baraz has shown that a significant portion of Roman readers found philosophy objectionable as a pursuit.¹⁸⁴ Baraz' analysis focused on the rhetorical strategies in the prefaces to Cicero's philosophic works, where he needed to win over his reader from the start to the validity of philosophy as a pursuit. In my view, Cicero's goals are similar here in the preface of what was arguably his first philosophic work. But unlike the prefaces of the 40s, where this concern is more openly acknowledged,¹⁸⁵ in *De Re Publica* Cicero's first step in promoting philosophy is to seem to attack it. In keeping with this strategy, he depicts himself in the preface as a politically engaged person, not the man of *otium* devoted to philosophical pursuits that he has to a great extent become since the renewal of the triumvirate at Luca.

Cicero adopts a pose of hostility to philosophy in order to give the impression that this work will maintain a thoroughly traditional, Roman focus on political and pragmatic

¹⁸⁴ Baraz discusses the widespread prejudice against philosophy in Rome at 2012: 3-4 and 13-22. Cf. Griffin 1989: 18-22, Gildenhard 2007: 7-83, and Atkins 2013a: 29-31.

¹⁸⁵ See e.g. the prefaces of *Fin.* 1 and *Tusc.* 2. A longer rebuttal of philosophy's detractors was apparently to be found in the *Hortensius* (cf. *Tusc.* 2.4).

issues. For example, as we have seen, Cicero uses his typical anti-Epicurean terminology to suggest that philosophy is a self-indulgent, private activity that neglects public duties (*in illa tranquillitate atque otio iucundissime vivere*, 1.1). But as I have argued, this passage can also be seen, and is indeed used as, a criticism of withdrawal from politics in general, without reference to philosophy. So Cicero proceeds to criticize philosophers by name, suggesting that their conversations about virtue lack practical effectiveness in comparison with the action of the politician. Philosophers merely gab about virtue in their corners, while statesmen lead citizens to the practice of virtue by establishing educational regimen, customs, and laws (1.2). This argument starts from the premise that while other arts or skills are constituted by being known, virtue consists entirely in its being put into practice or “use” (1.2).¹⁸⁶ This premise is later echoed in similar language by Laelius, a character whom Cicero often uses to articulate the anti-philosophic prejudices of this sort of reader: “[Learning] the theoretical subjects which make us useful to the city: I think that this is... the greatest proof or duty of virtue” (1.33).¹⁸⁷ Moreover, in the preface, Cicero adds the example of the Academic Xenocrates, who in effect admitted that he was only able to lead a few people to virtue: “They say that even Xenocrates, a noble philosopher and among the best, when asked what his students were learning, answered ‘to do of their own free will what they were compelled to do by the

¹⁸⁶ “Although an art of which one makes no use can still be retained by one’s very knowledge of it, virtue lies entirely in its use” (*Etsi ars quidem, cum ea non utare, scientia tamen ipsa teneri potest, virtus in usu sui tota posita est*, 1.2). Significantly, Cicero will go on to contradict this argument and suggest that virtue can indeed be known prior to being put into practice (in the preface of Book 3). The argument is also implicit here in the preface of Book 1, though in a very subtle form.

¹⁸⁷ ‘[Discendas] eas artes quae efficiant ut usui civitati simus; id enim esse... maximumque virtutis vel documentum vel officium puto.’

laws’’ (1.3).¹⁸⁸ Cicero concludes that the statesman’s superiority is manifest, given his ability to “compel everyone by the power of his office and by the threat of punishment held out by the laws to do what the philosophers by their words are scarcely able to persuade a few people to do” (1.3).¹⁸⁹ Cicero strengthens his persona as a traditionalist Roman who views philosophers with contempt by quoting from Ennius, the authoritative epic poet of Roman tradition:

For my part, just as I think that ‘great and powerful cities,’ as Ennius calls them, should be esteemed more than villages and forts, so in my view those who preside over these cities by their wisdom and authority ought to be counted as far superior in wisdom itself compared with those who lack experience in any public business. (*Rep.* 1.3)

Equidem quemadmodum ‘urbes magnas et imperiosas’, ut appellat Ennius, viculis et castellis praeferendas puto, sic eos qui omnis negoti publici experts sint longe duco sapientia ipsa esse anteponeudos.

In this comparison, Cicero is affecting contempt for philosophers, whom he likens to rural backwaters in comparison with grand cities, who stand for statesmen. Furthermore, based on the analogy, the implicit point of comparison between the two lives seems to be the amount of fame one can achieve. Since traditionalist Romans esteemed fame and glory as unquestionable markers of worth, Cicero cleverly works in this appeal to their prejudices as well. From an analogy that concerns size and fame, Cicero squeezes out the baseless conclusion that statesmen are wiser than philosophers. It is indeed plausible that statesmen are wiser in terms of the arts of governance, but not necessarily in every

¹⁸⁸ *Quin etiam Xenocratem ferunt, nobilem in primis philosophum, cum quaereretur ex eo quid adsequerentur eius discipuli, respondisse, ‘ut id sua sponte facerent, quod cogerentur facere legibus.’*

¹⁸⁹ *qui id cogit omnes imperio legumque poena quod vix paucis persaudere oratione philosophi possunt...*

respect: experience in government does not presuppose or imply acquaintance with all other branches of theoretical and practical knowledge. Cicero's claim that statesmen are wiser than philosophers only works if one unduly restricts the meaning of wisdom to experiential knowledge of government, as Cicero does here.

All these arguments assuredly do demonstrate the necessity of statesmanship and political life and the inadequacy of philosophy by itself to change the world, but that is not their primary purpose vis-à-vis Cicero's anti-philosophic readers, who need no persuading in this regard. The purpose they serve for this kind of reader is rather a certain reassurance that the author shares their prejudices. They are made to feel that the work they have begun to read entitled *De Re Publica* will not be a purely theoretical or "Greek" investigation into political questions. Indeed, Cicero's need to do this is all the greater if, in fact, as textual scholars generally hold, he had stated earlier in this same preface to the first book that he was "Plato's companion regarding the state" (Pliny *NH praef.* 22).¹⁹⁰ If this placement of the fragment is correct, Cicero would need to convince his anti-philosophic audience that this initial declaration of allegiance to Plato still leaves the author Cicero firmly in the Roman camp on the side of pragmatism, experience, and political involvement by contrast with Plato and Socrates. In a certain sense, the preface's elevation of politics and denigration of philosophy forms part of an exercise in

¹⁹⁰ The whole testimonium reads: *non Tulliana simplicitate, qui de re publica Platonis comitem se profitetur*. Bréguet 1980 (Fr. 1.3), Ziegler 1969 (Fr. 1.1b) and Pohlenz 1931 assign the fragment to the preface of *Rep.* 1. The most recent editor, Powell 2006, declines to take a position himself, simply listing the passage among the *Testimonia*, *Apud alios auctores*, 17 (see 2006: 369).

persuasion by means of ethos: it contributes to Cicero's crafting of a persona that this portion of his audience would find sympathetic and likeable.¹⁹¹

The rhetorical employment of authorial ethos is even more evident in Cicero's portrayal of himself in the preface. He is careful to appear eminently political and interested in philosophy only inasmuch as it is centered on political questions. First, he calls attention to his identity as a prominent Roman statesman. He refers to his own consulship, exile, and return (1.6-7) and alludes to his illustrious accomplishments in general (1.13). Secondly, he is careful to fashion his authorship of the present work on a political subject as having the same moral value as engagement in politics. He sets forth the idea that those who have written about politics have also performed a useful service to the state (1.12). Cicero then presents himself as uniquely qualified to serve the state in this way due to the knowledge he has acquired through both theory and practice: "I ought to be an authority not only because of experience but also because of my enthusiasm for learning and teaching" (1.13).¹⁹² Cicero thus claims to excel other political writers inasmuch as his work will be informed by his own real-world political experience. Therefore, in crafting his persona as a writer, Cicero emphasizes his identity as a man of

¹⁹¹ In a similar way, Cicero will later present his alter-ego Scipio as initially denigrating the theoretical speculation of Greek philosophers who lacked the political experience of Romans (1.36). And yet it turns out that it is not such theoretical speculation that Scipio rejects, but rather the method used by the Greeks: Scipio states that Plato's abstract speculation did in fact illustrate the principles of political affairs. What Scipio professes to find faulty in Plato is his method of using an imaginary state to illustrate those principles; he will "cap" Plato by using the concrete example of a real state to illustrate the same principles. Thus Scipio actually reproduces the theoretical speculation of Plato regarding political matters, but by means of a different method. Cf. Nicgorski 1991: 235-36, Atkins 2013b: 25-29, and Powell 2013: 51-56.

¹⁹² *non modo usu sed etiam studio discendi et docendi essemus auctores...*

practical experience. This authorial persona, coupled with the reassuring criticisms of philosophers, helps Cicero win the traditionalist reader's confidence and trust. It also misleads this reader into thinking that the work is concerned exclusively with politics. It disarms him in the face of Cicero's frequent insinuation of philosophy's value and of the value of specific philosophic doctrines, a feature that punctuates the work as a whole no less than this very preface to the first book, as I will show in the following sections.

2) Promoting philosophical ideas

Even as he attacks philosophy as politically ineffective and gives the impression of being a Roman traditionalist, Cicero subtly promotes motives for political involvement derived from Greek philosophy. Drawing on Stoic ideas, he asserts that there is a natural human impulse to practice *virtus*, understood as serving the needs of society. Cicero also works in the Platonic motives of fulfilling a debt owed in justice to the country that gave us our education, and engaging in politics in order to avoid the penalty of being ruled by bad men.¹⁹³ Cicero thus strives to transcend and replace traditional Roman motives for political involvement. The appeals to glory and fame that were so prominent in *Pro Sestio* give way in this philosophic work to more high-minded ideals, whose philosophic pedigree is nonetheless disguised in the interest of persuasiveness. The genius of Cicero's method lies both in the way he embeds these arguments in the context of an extended polemic against philosophers and in the suggestive, and indeed deceptive,

¹⁹³ Asmis 2001 focuses on Cicero's opposition of Stoic to Epicurean ideals in the following passages. Certainly Cicero prefers Stoicism for its greater compatibility with Roman ideals of public service in general, but I argue that in terms of motives for statesmanship, Cicero's chief concern is to oppose Stoic and Platonic ideals to the traditional Roman aspiration of gaining *gloria* through *virtus*.

association of these motives with the *mos maiorum*. This strategy allows him to associate the authority of tradition with concepts that are derived from Greek thought and thus foreign to the Roman ethos.

Cicero's departure from the appeal to the traditional Roman motive of *gloria* that held center stage in *Pro Sestio* in favor of a greater focus on philosophically derived motives for political engagement in *De Re Publica* is determined both by genre and by historical circumstances. Since the latter is a philosophic dialogue, one naturally expects more philosophic arguments there than in a public speech. And yet, as I have suggested in the general introduction to this chapter, the change in historical circumstances was decisive for Cicero's choice of the philosophic genre itself. The work does indeed advance philosophic arguments and ideals, but it was circumstance that led to such a strategy. At the time Cicero was writing *De Re Publica*, he had to deal not only with the general problem of untrammelled ambition in the late Republic but also, and in particular, with a political situation in which the triumvirs were solidifying a monopoly on political power, honors, and offices. A certain form of civic glory was, therefore, ready for the taking—for those who would side with the triumvirs against republican government. Cicero had to convince the normative reader—and perhaps himself as well, given his momentary *entente* with the triumvirate—to follow a different path, and thus needs to offer motives for serving the common interest rather than the interests of a political faction that could easily offer them power, wealth, and pleasure. Cicero also had to convince them to do this in the face of his own present weakness as a politician and the weakness of his republican allies. The precariousness of Roman politics and of one's

standing with the public, and hence of civic glory, were all too clear for Cicero's readers given his exile, recall, and subsequent decline in influence. Thus Cicero sought to introduce new motives, derived from philosophy.

Cicero's general strategy for inculcating conviction in philosophic ideas before his normative Roman audience in the preface of the first book involves disguising the philosophic provenance of these very arguments by incorporating them into a highly rhetorical passage that reads more like invective oratory than a philosophic treatise.¹⁹⁴ Cicero begins by following the Stoics—significantly, without saying so. He grounds public service in man's natural inclinations and suggests that the great Roman statesmen of the past were impelled by nature to perform their services to the state rather than out of desire for prestige. Having named several such individuals from previous generations, he says he could name others from more recent times but will refrain from doing so lest he give anyone cause to complain that family members have been overlooked (1.1). This catalogue is concluded with the following authoritative assertion:

I lay down only this: that so great a necessity for virtue has been given to the human race by nature, and so great a love for defending the well-being of the community, that this force has overcome all the seductive charms of pleasure and ease. (*Rep.* 1.1)

Unum hoc definio: tantam esse necessitatem virtutis generi hominum a natura tantamque amorem ad communem salutem defendendam datum, ut ea vis omnia blandimenta voluptatis otique vicerit.

By placing this statement of principle at the end of a list of Roman statesmen, Cicero implies that the *maiores* were motivated to perform their services to Rome by a natural

¹⁹⁴ For Cicero's view of the philosophic style as more mild in tone than the contentiousness of public orations, see *Leg.* 1.11.

impulse. He appropriates their authoritative example and colors it with ethical motives derived from Stoicism. There is no mention of ambition for glory and fame, which surely were among the prime motives of so many public men.¹⁹⁵ While the content of *virtus* is still in line with the Roman ideal of courageously taking on the burden of public service for “the well-being of the community,” this service has been sundered from its traditional motive. Instead, there is supposedly an overwhelming inclination to *virtus* and an *amor* for defending the state that arise from nature (*a natura... datum*). The experience of these inclinations and sentiments is therefore universal and not limited to Rome (*generi hominum*).

These ideas are reinforced through their repetition and elaboration in short order:

And since we are seized most of all by an enthusiasm to increase the resources of the human race, and to render human life safer and wealthier by our prudent efforts—and we are stirred to this resolve by the goads of nature itself—let us hold fast to the course that has always been followed by every excellent man... (*Rep.* 1.3)

et quoniam maxime rapimur ad opes augendas generis humani, studemusque nostris consiliis et laboribus tutiorem et opulentiorum vitam hominum reddere, et ad hanc voluntatem ipsius naturae stimulis incitamus, teneamus eum cursum qui semper fuit optimi cuiusque...

This time, nature is practically personified as a driver holding the reins with which he urges an animal forward. Human beings are seized (*rapimur*) by an innate enthusiasm (*studemus*). With these expressions, Cicero argues for a natural human passion for the political. Cicero is evidently developing the earlier claim that nature has implanted in

¹⁹⁵ See Blössner 2001: 232-36 for commentary on this passage. He contrasts the motive Cicero offers here, a natural *necessitas virtutis*, with the traditional glory motive Cicero openly espouses in *Pro Archia* 28-29, and with the argument based on a firm hope of immortality at *Tusc.* 1.32-33. There is of course to be found also in *Rep.* an argument for engagement based on immortality, especially in the Dream; see below.

mankind an *amor* for public service. But significantly, the object of this passion is not one's own glory. This passion is aimed rather at benefitting others. These benefits are specified—safety and prosperity—and expanded by their application to human beings in general (*generis humani... vitam hominum*). Scholars have suggested that Cicero is arguing here for Stoic cosmopolitanism, though this is debatable, since the purpose of the universalizing terms could simply be to establish the claim that the inclination to public service is natural and common to all human beings.¹⁹⁶ In any case, Cicero's "nature" argument is loosely based on Stoic *oikeiosis* theory, according to which human beings have a natural social impulse. This impulse is manifested in the desire to care for others in ascending order, starting with one's own offspring and family relations, branching out towards fellow citizens, and ultimately extending to the whole human race.¹⁹⁷ Cicero is therefore promoting a more altruistic ideal of public service based on Stoic ideas.¹⁹⁸ He promotes such notions to make ambitious Romans more keen to participate in politics with a view to the benefit of others. The service of the community through participation in public life becomes the end, rather than the means to one's personal gain. That is, one acts for the sake of others in accordance with nature's dictates, a principle that replaces the traditional Roman view of public service as a means to the private good of personal glory. While, as in the first passage, this replacement is disguised by the insinuation that Roman statesmen have traditionally acted on the basis of such altruistic motives, in the

¹⁹⁶ For recent studies of Cicero's cosmopolitanism, see Brown 1997 (Diss. University of Chicago, forthcoming in 2020 as *Stoic Cosmopolitanism* with Cambridge University Press), Pangle 1992, Asmis 2001, and Subacus 2015 (Diss. New York University).

¹⁹⁷ Cicero places a more detailed account of this theory in the mouth of Cato in *De Finibus* 3.

¹⁹⁸ For this interpretation, see Asmis 2001 *passim*.

second passage quoted above, an artificial connection between Stoic ideas and the *mos maiorum* is forged by the concluding exhortation to imitate the examples of the past.

This exhortation employs the traditional language of Roman politics to suggest that the state's aristocratic leaders (*optimus quisque*) have always (*semper*) adhered to the altruistic vision just described.

Cicero's intention to advance the idea of public service as the fulfillment of a natural love for defending the community shines forth even more clearly in the way he handles the problem of exile, including his own, and his discussion in the preface contrasts with his treatment of the issue in *Pro Sestio*. The occasion for him to illustrate the principles he has just laid down (i.e., a natural impulse to virtue and to love of the community) is an imagined objection to political service that alleges the labors and anxieties that inevitably attach to it (1.4-6). Just as in *Pro Sestio*, Cicero here anticipates the objection based on the possibility of exile at the hands of an ungrateful citizenry, but whereas in the speech he was eager to promise the rewards of glory before one's contemporaries and with posterity, here at the outset of *Rep.* he tries to detach the reader from such motives and expectations. In a list of statesmen who suffered exile or rejection at the hands of an ungrateful citizenry, Themistocles and Opimius¹⁹⁹ again make their appearance, but he lists many more Romans than he did in *Pro Sestio*: "the exile of Camillus, or the unpopularity of Ahala, or the hatred against Nasica, or the expulsion of

¹⁹⁹ For analysis of Cicero's use of Opimius as an exemplum in his corpus as a whole, see Van der Blom 2010: 208-13; on Themistocles and other Greek exiles, see 213-16.

Laenas, or the condemnation of Opimius, or the flight of Metellus, or the extremely bitter fall of Gaius Marius” (1.6).²⁰⁰

Cicero thus readily admits, unlike in *Pro Sestio*, that when it comes to statesmanship, no good deed goes unpunished, and suggests that his readers should not expect glory and gratitude from their fellow citizens for public service, but rather public humiliation and rejection. Nor does he mitigate the suffering of these public figures, as he did in *Pro Sestio*, by pointing out that they were eventually vindicated, whether during their own lifetime or with posterity. While he does point out that he himself ultimately garnered glory from his exile and return and could console himself with the thought that good citizens appreciated his efforts (1.7), unlike in *Pro Sestio*, he admits that this “happy ending” was in no way guaranteed, and insists that he would have been satisfied even if things had turned out differently: “But even if, as I said before, it had turned out differently, how could I complain, since nothing happened to me that was unforeseen or more serious than I had expected as a result of such great deeds as were mine?”²⁰¹ Rather, a sufficient reward for his service was the certainty that he had preserved the common safety: “[when] upon laying down my consulship I had sworn an oath in an assembly with the Roman people that the republic had been preserved, I easily

²⁰⁰ *Nam vel exilium Camilli, vel offensio commemoratur Ahalae, vel invidia Nasicae, vel expulsio Laenatis, vel Opimi damnatio, vel fuga Metelli, vel acerbissima Gai Mari clades...* Contrast the readiness to give Roman examples here with *Sest.* 140, where there is merely a compressed allusion to “other” republican statesmen (*ceteri*). The account in *Sest.* also lacks pathos. Cicero insists that these others were either quickly recalled from exile and thus vindicated by the people, or else never suffered injury at all; in *Rep.*, he calls attention to their ills.

²⁰¹ *Sed si aliter, ut dixi, accidisset, qui possem queri, cum mihi nihil improvise, nec gravius quam expectavissem, pro tantis meis factis evenisset?*

compensated for the anxiety and trouble of all injustices endured.”²⁰² Developing this idea, Cicero insists: “I did not hesitate to place myself in the path of the most serious storms and almost of the thunderbolts themselves for the sake of preserving the citizens, and through my own dangers to provide a communal tranquility for the rest (*commune reliquis otium*).”²⁰³

This idea of “the statesman’s burden” for the sake of the public’s *otium* is familiar from *Pro Sestio*, as commentators have noted.²⁰⁴ But there is an important difference that should not be overlooked. In *De Re Publica*, Cicero is downplaying the chief motive for such endurance that he had held out in the speech: glory arising from recognition by one’s grateful fellow citizens, whether contemporaneously, posthumously, or both. Thus, in *De Re Publica*, Cicero aims to show that public service should be naturally generous, and not mercenary. Faithful to his persuasive procedure thus far, he also enlists the great statesmen of the past in the service of his ideal. By capping a list of statesmen and their misfortunes with his own example, he subtly imputes to them his same motive of desiring to preserve the common safety. The *auctoritas* of the *maiores* and of Cicero himself (who like the *maiores* was doubtless moved by other motives besides natural love for others) is in this way marshalled to promote a more altruistic motive for political engagement derived from Stoic thinking.

²⁰² The beginning of this sentence is lost, but the basic sense has been plausibly reconstructed: [*** *cum... rem publicam...*] *salvam esse consulatu abiens in contione populo Romano idem iurante iurasse, facile iniuriarium omnium compensarem curam et molestiam.*

²⁰³ *non dubitaverim me gravissimis tempestatibus ac paene fulminibus ipsis obvium ferre, conservandorum civium gratia, meisque propriis periculis parere commune reliquis otium.*

²⁰⁴ See e.g. Zetzel 1995.

Cicero also seeks to replace the glory motive with motives taken from Plato but not expressly attributed to him. The first such motive is the conviction that, as a matter of justice, we owe public service to our country as to the parent who gave us birth and raised us. The persuasiveness of this Platonic notion derives from its proximity to traditional Roman patriotism, from which it is nevertheless distinct.

For our fatherland has not begotten or educated us on the condition that it should not expect any repayment for support (so to speak) from us, and that it should only serve our comfort, and provide a safe refuge for our leisure and a tranquil place for rest; but rather on the condition that it should lay claim for itself, for its own utility, the majority of, and most capable parts of, our intelligence, talent, prudence; and that it should leave to us for our own private use only so much as it retains as a surplus. (*Rep.* 1.8)

Neque enim hac nos patria lege genuit aut educavit, ut nulla quasi alimenta exspectaret a nobis, ac tantummodo nostris ipsa commodis serviens tutum perfugium otio nostro suppeditaret et tranquillum ad quietem locum; sed ut plurimas et maximas nostri animi ingeni consili partes ipsa sibi ad utilitatem suam pigneraretur, tantumque nobis in nostrum privatum usum, quantum ipsi superesse posset, remitteret.

As commentators have observed, the notion of owing repayment to our country as to a parent who gave us our education recalls an argument from Book 7 of Plato's *Republic*.²⁰⁵ Socrates says they will persuade their philosophically educated guardians that it is just for them to return to the Cave to rule because they owe their philosophic education to the city. Although the Romans in Cicero's audience, unlike Plato's Guardians, have presumably not received a philosophical education from their city, nevertheless they have been educated by Rome, whose protection created the conditions

²⁰⁵ Plato *Rep.* 7.520b. On the rareness of the word *alimenta*, see Zetzel 1995 *ad. loc.*; cf. Büchner 1984: 88.

in which they could be brought up. There is, moreover, another Platonic intertext to this passage, from one of the letters to Archytas:

But as to you, they reported that you think it a heavy trial not to be able to get free from the cares of public life... But this also you must bear in mind, that none of us is born for himself alone; a part of our existence belongs to our country, a part to our parents, a part to our other friends, and a large part is given to the circumstances that command our lives. When our country calls us to public service it would, I think, be unnatural to refuse; especially since this means giving place to unworthy men, who enter public life for motives other than the best.²⁰⁶
(Plato, *Letter IX*, 357e3-358b1)

Cicero imitates the general notion that we have not been born to serve our own private interests alone.²⁰⁷ In particular, Cicero's discussion of *partes* argues for an intertextual connection with Plato's *Letter 9*. Cicero has taken up Plato's assignation of "parts" of ourselves to different duties, though Cicero further specifies what Plato calls our "existence" according to our faculties (*nostri animi ingeni consili*). He also alters the Platonic passage by creating a binary opposition between the two objects towards which these faculties may be directed: private use or public use. This rhetorical simplification serves the needs of the present argument before the present audience. He is at pains to bring about a change in basic orientation towards the public instead of a self-interested attitude that renders a person unwilling to serve if there is no glory to be gained. Further, by personifying the *patria* as a parent to whom one owes the obligation of providing sustenance in his or her old age, Cicero plays on Plato's assertion that it would be "unnatural" to refuse public service to our country. Indeed, there is good reason to think

²⁰⁶ Translation by Morrow 1997.

²⁰⁷ Zetzel 1995: 106, commenting on this passage (*Rep.* 1.8), notes that "at *Off.* 1.22 C. cites Pl. *Epist.* 9.358a for the doctrine of our responsibility to country and fellowmen." But as I argue in what follows, Cicero, although he does not cite that Platonic letter directly here (1.8), seems to be engaging with it.

that Plato considered such refusal unnatural because our country is similar to our parents, since Plato places obligation to country first on his list, immediately before parents.

Furthermore, Cicero blends this philosophic argument about fulfilling a natural obligation to one's country with the argument that the safety of the community as a whole depends on the willingness of individual statesmen to disregard consideration of their personal safety, a point he previously made in *Pro Sestio*.²⁰⁸ But in using a philosophic argument to bolster this vision of self-sacrifice for the common benefit, Cicero is choosing to emphasize a different motive than he had in the speech. While in *Pro Sestio* the chief motive he emphasized was "striving after the good opinion of good men" (139) and the related need to uphold one's own *dignitas* (23), in the present work, he places the accent on duty to one's country regardless of personal gain.²⁰⁹ Cicero implies that it would be unjust to refuse to serve. He aims to change the thinking of the otherwise politically ambitious in his audience who might be deterred from participation if they were to judge that glory before their peers and the people was no longer attainable. Cicero's teaching is that even without glory as a reward, there is still an obligation to serve the country. Retiring into one's own private concerns and enjoyments runs

²⁰⁸ Cf. *Sest.* 139: "But those who strive after the good opinion of good men, which alone can truly be called glory, ought to seek leisure and pleasures for others, not for themselves" (*qui autem bonam famam bonorum, quae sola vere gloria nominari potest, expetunt, aliis otium quaerere debent et voluptates, non sibi*). See also the discussion of *Sest.* 99-100 in Ch. 1 above, 22-28.

²⁰⁹ *Sest.* does contain an appeal to one's basic obligation to one's country and fellow citizens, but even this appeal is coupled with the recompense of glory given by that country and those citizens, a theme pursued throughout the speech (138): "But my whole speech is addressed to... those who think they have been born... for their country, for their fellow citizens, for praise, for glory" (*sed mihi omnis oratio est... cum iis, qui se patriae, qui suis civibus, qui laudi, qui gloriae... natos arbitrantur*).

contrary to justice, which is an obligation stemming from our natural relationship with the country in which we have been born.

In his second major argument that draws on Plato in the preface, Cicero mingles Roman political vocabulary with Platonic ideals to persuade the normative reader to engage in politics, moved by what he implies are the most just of motives: to avoid the punishment of being ruled by bad men, and to protect the republic from them. He makes these points in direct response to arguments against engagement attributed to those who “make excuses for themselves to enjoy their leisure more easily” (1.9).²¹⁰ The vagueness of their identity suggests they are a foil for a point Cicero wants to make to some other unnamed audience. These people supposedly object that it is “not proper for a free man, while struggling against morally degraded and monstrous adversaries, to endure the blows of their verbal abusive or the painful expectation of injuries that are not to be endured by a wise man” (1.9).²¹¹ The objector appears therefore to consider himself a free man and wise. *Sapiens* might denote a philosopher—Cicero’s Epicurean bogeyman once again²¹²—but in this context, it seems rather to signify a prudent person, someone with basic good sense who realizes it is foolish knowingly to expose oneself to the attacks of hateful and hate-filled people. This objector also holds that a person loses his freedom if he is constantly embroiled in political struggles; he seems to identify his *libertas* with the right to enjoy uninterrupted *otium*.

²¹⁰ *quae sumunt sibi ad excusationem quo facilius otio perfruantur.*

²¹¹ *neque liberi [esse] cum impuris atque immanibus adversariis decertantem vel contumeliarum verbera subire vel exspectare sapienti non ferendas iniurias.*

²¹² The reference cannot be to the Stoic *sapiens* because the Stoic ideal viewed politics as a duty (see e.g. *Fin.* 3.54 and *Tusc.* 5.70).

Cicero's response argues that such thinking is in fact not good sense. For through lack of involvement, one exposes oneself—and the whole state—to the mistreatment of the *improbi* that one thought he could avoid by remaining withdrawn:

Just as if for men who are good, brave, and endowed with magnanimity, there could be any more just reason for entering political life than not having to obey wicked men, and not allowing them to tear the republic apart. (*Rep.* 1.9)

proinde quasi bonis et fortibus et magno animo praeditis ulla sit ad rem publicam adeundi causa iustior, quam ne pareant improbis, neve ab eis dilacerari rem publicam patiantur.

Cicero's answer indicates that political engagement is the sensible thing to do; it is also necessary to guard one's freedom, and that of others. The response also attributes the classic republican virtues of bravery and magnanimity to those who take action. The ambitious reader already considers himself free, sensible, manly, and magnanimous. So Cicero uses the foil and the response to flatter such a person. But he also identifies this person as one of the *boni*, who must act to defend himself and the state against the *improbi*. The argument thus suggests to the reader that brave men are on the side of the *boni*. This politically charged word denotes Cicero's allies in the fight for republican institutions, the opponents of the triumvirate and of the seditious tribunes who aid them. Cicero therefore plays on the reader's sense of himself to gain him as an ally for the republican cause. But he has also implicitly undermined the Roman honor motive by promoting two new considerations for the Roman elite to follow. As to the first consideration, Cicero has imported an argument about motivation for rule from Plato's *Republic*: "The good... do not wish to serve for honor, for they are not ambitious. So they must have imposed on them in addition an obligation and a penalty... But the most

serious aspect of the penalty, if they are not themselves willing, is to be ruled by someone inferior” (1.347b-c).²¹³ To this reason, which is fairly self-interested, Cicero has added the just motive of defending the state from being harmed by others. The first reason, in the context of Plato’s *Republic*, is conceived as an argument directed at good men who are “not ambitious.” But the portion of Cicero’s audience to which he chiefly directs these remarks is quite the opposite. He speaks not to philosophers disinclined to rule, but to men who see themselves as eminently practical, and are ambitious for public honors. These men are not in fact yet “good”, because they lack the philosophical motivations to which he wants to lead them. Thus he tries to make men good by telling them what *boni* do: they engage not out of thirst for honors, but with a desire to prevent a fundamental disorder which is also contrary to their own interests, presumably to their own safety: the oppressive rule of evil over good. To this reason from Plato, Cicero adds the motive of acting in the interests of everyone else, the *res publica*. Furthermore, denoting such considerations as *iustior* suggests that the argument from earlier in the preface that one owes *alimenta* to the *patria* represents a lower form of justice. It is therefore more true to the nature of justice to act with the motive of preventing a fundamental disorder—the evil ruling the good—and in order to shield others from the harm the evil would otherwise be free to inflict. Cicero will gladly make use of many arguments to gain his end—any tool

²¹³ Cf. Plato *Letter IX*: “When our country calls us to public service it would, I think, be unnatural to refuse; especially since this means giving place to unworthy men, *who enter public life for motives other than the best*” (Morrow 1997 trans.; emphasis mine). Such refusal is unnatural apparently because it would be unnatural for the base to dominate the noble.

in a fight—but here is our first indication that the different motives offered may be ranked.²¹⁴

B) The Call to Statesmen to Engage in Philosophy

In section A, I have shown how Cicero begins his appeal to the normative reader—the ambitious statesman eager to succeed in politics but unlikely to become politically engaged without the incentive of a personal reward or to see any worth in immersing himself in philosophy. Cicero establishes an ethical bond in the preface with such a reader through a seeming denigration of philosophy, even while promoting certain (Stoic and Platonic) philosophical ideas within it. I shall now show how Cicero promotes philosophy in the rest of *De Re Publica* (with the exception of the *Somnium*, which will be treated in the next chapter) in order to produce philosophic statesmen. As I mentioned in the general introduction to section III, Cicero’s promotion of philosophy has two aspects, and its purpose is the creation of a morally reformed ruling class that seeks the good of the whole state rather than private gain. The first aspect involves an attempt to promote ethical doctrines drawn from Greek philosophy to give Romans higher motives for public service. The second aspect involves promoting the philosophic life in general, which, as I shall show, refers not only or even primarily to the practice of political

²¹⁴ In fact, these two motives contain in germ the substance of two notions of justice that Cicero develops at greater length as the work proceeds: justice as the harmonious order obtaining between reason and the passions (Laelius’s teaching in Book 3), and justice as defending others from harm, seeking their good regardless of oneself (Scipio’s teaching in the *Dream*). Cicero also explores the extent to which these paradigms of individual justice can be applied to the state, thus making his own the familiar question of the city-soul analogy that was a prominent feature of Plato’s *Republic*. See the discussion in section B.2 below, and in the next chapter.

philosophy.²¹⁵ My contention, rather, is that Cicero also wants to provoke interest in philosophic and humanistic studies in general. The foreseen effect of such studies is that Romans should prize the pleasures of contemplation itself above goods customarily sought such as wealth, power, or glory, and attain a greater realization of the beauty of virtue as they internalize through their own study the ethical doctrines they had perhaps first encountered, or encountered anew, when reading Cicero's *De Re Publica*. Thus the second aspect of promoting philosophy will reinforce the first.

Moreover, this double-edged promotion of philosophy and its foreseen fruit can also be seen as Platonic in spirit. Cicero's promotion of philosophy aims to help the politically ambitious "to discover," as Plato writes, "a life better than ruling" (*Rep.* 7.521a).²¹⁶ Since the whole passage is highly germane to my argument about Cicero's aims and their Platonic inspiration, I will reproduce it here:

‘My friend, this is how it is, you know,’ I said. ‘If you discover a life better than ruling for those who are intending to govern, a well-run state becomes a possibility; for only there will the genuinely rich govern, rich not in monetary terms, but in that in which the happy man must be wealthy: a good, intelligent life. But if beggars and those starved of private resources enter public service thinking they must seize the good, it isn't possible, for when the government becomes a matter of contention, such civil and internal war destroys both them and the rest of the state.’ (Plato, *Republic* 7.520e5-521a9)²¹⁷

The end of this passage reads like an accurate description of Rome during the 1st century BCE. Cicero aims to help the Republic reverse course by moving in the direction of this “well-run state” of philosophically enlightened rulers. Cicero aims to establish such a

²¹⁵ Scholars have frequently noted the work's protreptic to political philosophy in particular. See esp. Barlow 1987 passim and Atkins 2013a: 30-31.

²¹⁶ Emlyn-Jones and Preddy 2013 trans.

²¹⁷ *Ibid.*

state in Rome by first creating a class of statesmen who follow Socrates's recipe for a true happiness, "a good, intelligent life" (ζωή ἀγαθή τε καὶ ἔμψρων), a phrase that nicely captures the twofold sense in which Cicero is promoting philosophy. That is, he will use philosophy to provide Romans with a moral doctrine that encourages them to engage in politics virtuously, and he will also encourage elites to complement their public activity with the pursuit of studies traditionally associated with the contemplative life.

My argument also bears on the often discussed question of the identity and qualities of Cicero's ideal statesman, the *rector rei publicae*, whom I will argue is meant to be Cicero's version of Plato's philosopher-king, but adapted to the context of republican Rome as a philosophizing member of the ruling senatorial elite. In my approach, I follow the basic line of thought suggested by Stroh in his recent biography of Cicero, where he makes a similar point, and also claims that Cicero modeled his own life on the Platonic ideal.²¹⁸ Cicero certainly seems to have conceived of himself and fashioned himself in this way, as the following passage from an open letter to his brother Quintus written in 59 BCE suggests:

That man of outstanding intelligence and erudition, Plato, thought that states would at long last be happy only at such time as either learned and wise men began to rule them or if those who ruled were to concentrate all their efforts on learning and wisdom. He believed that this union, namely of power and wisdom, would conduce to the community's well-being. And this is a thing which perhaps happened at some point to our whole republic, but now in any case has certainly happened to this province of yours... (*Q. fr.* 1.29)

Atque ille quidem princeps ingeni et doctrinae Plato tum denique fore beatas res publicas putavit si aut docti ac sapientes homines eas regere coepissent aut ii qui

²¹⁸ See Stroh 2008: 12-13, 63; cf. Altman 2009: 420-21; 2012: 1-3 and 359-61; and 2016 passim, but especially xxix and 3-6. These two scholars appear to have arrived at their conclusions independently of one another.

regerent omne suum studium in doctrina et sapientia collocarent. Hanc coniunctionem videlicet potestatis et sapientiae saluti censuit civitatibus esse posse. Quod fortasse aliquando universae rei publicae nostrae, nunc quidem profecto isti provinciae contigit...²¹⁹

Shackleton-Bailey interprets Cicero's vague reference to some past moment when the union of philosophy and political power may have taken place as a thinly veiled reference to Cicero's own recent consulship. But since Cicero presumably aspired to this ideal throughout his political career, it might refer to any moment after his admission to the senate, after which he held power in the state to at least some degree, whether in office or not. In any case, the suggestion that the Platonic ideal may have been realized at some point in the Roman past and is now certainly realized in Quintus's province²²⁰ implies that, for Cicero, the *res publica* in which philosophy is joined to political power in the person of its rulers can exist apart from the institutions of the utopian city described in Plato's *Republic*.²²¹ In Cicero's mind, the ideal of combining philosophy and power may be realized even within the Roman state. It does not depend primarily on a state's constitutional framework, and certainly not on the order described in the ideal city of Plato's *Republic*, but on the placement of a philosopher in a position of political power, or the conversion of someone in office to philosophy. Cicero thus appropriates an ideal found in Plato, separating it from its original context: Cicero embraces an idealizing form of the real, hoping to bring about a combination of philosophy and power in the real

²¹⁹ Text taken from Shackleton Bailey 2002.

²²⁰ Cicero's assertion about Quintus's province amounts to an exhortation or a wish by way of flattery.

²²¹ Cf. the rejection of Plato's utopian city by Scipio at *Rep.* 2.52 and by the unidentified speaker, probably Scipio, in *Frag.* 4.19 Powell.

world, in the Roman state.²²² Since the majority of Cicero's Roman audience was involved in public life but indifferent to philosophy, Cicero's effort to combine philosophy and political power will chiefly focus on the second half of the Platonic solution, namely bringing "those who rule to concentrate all their efforts on learning and wisdom."

However, Cicero is also concerned, though to a lesser extent, with another audience among his Roman contemporaries, namely those whose inclination to philosophy, especially the more abstract disciplines, tended to draw them away from concerning themselves with political problems, even as they continued to be involved in public life. Thus the other half of the Platonic solution to the perennial problems of cities constitutes another of Cicero's persuasive ends, namely ensuring that "learned and wise men begin to rule." We have already seen how Cicero draws Epicurean philosophers in his audience towards political engagement by inviting them to political philosophy as a first step. In section 1 below and in the following chapter on the *Somnium*, I will demonstrate how Cicero also encourages statesmen with an inclination to abstract disciplines to bring their studies to bear on political problems so that their pursuit of wisdom may take on greater relevance to the benefit of the city.

Although the spirit of Cicero's cultural-political project in *De Re Publica* is Platonic in the broad sense, Cicero not only eschews those Platonic doctrines he finds unrealistic but also willingly promotes specific doctrines of other philosophers and

²²² For a different view, see the introduction to Altman 2016, where it is argued that Cicero was Plato's best and most accurate interpreter by discovering that the philosopher's return to the Cave was the essence of Plato's teaching about justice.

encourages the study of particular disciplines in a way that reflects the views and interests of Greek philosophers who lived after Plato, from the Peripatetics to the Stoics. In the letter to Quintus quoted above, Cicero, before referring to Plato's famous ideal of rule by philosophers, had also pointed to the value of Greek learning in general:

It truly causes me no shame to say this—especially given such a life as I have lived and such deeds as I have accomplished, in which there cannot be suspicion of anything slothful or unserious—whatever things I have reached, I have attained them through the pursuit of those arts which have been handed down to us by the teachings contained in the literary heritage of Greece. (*Q. fr.* 1.28)

Non enim me hoc iam dicere pudebit, praesertim in ea vita atque iis rebus gestis in quibus non potest residere inertiae aut levitatis ulla suspicio, nos ea quae consecuti simus iis studiis et artibus esse adeptos quae sint nobis Graeciae monumentis disciplinis tradita.

In *De Re Publica*, therefore, Cicero may be seen drawing on his own vast stores of Greek knowledge to present a variety of ideas and subjects to a normative audience that will necessarily display different tendencies and interests depending on the individual. His presentation of ethical ideals and philosophic pursuits cannot be monolithic if he is to overcome their prejudice against the assiduous cultivation of knowledge after one's youthful education and thus succeed in creating other statesmen like himself whose engagement in politics is inspired by philosophic ideals and consists in the continued pursuit of philosophy.²²³

²²³ See McConnell 2015: 55-61 on the letters from the mid to late 50s BCE, discussing the prominent role Cicero assigns to philosophy as useful for and an integral component of political engagement.

In the body of the work, Cicero's effort to produce a Roman elite of philosophic rulers or *rectores*²²⁴ entails appealing to the various tendencies and interests of the individuals in his normative reading audience by means of differences in personality and point of view among the dialogical personae. With regard to the value of the philosophic life *tout court*, Cicero stages a disagreement between two groups. On one side are those who oppose spending any time on non-political humanistic studies after one's youthful education. Laelius is the chief advocate of this point of view, and his persona reflects the character of the normative reader in the audience. On the other side are those who argue for the value of humanistic studies, but are excessively theoretical and insufficiently practical, including Philus and especially the young Stoic Tubero. Occupying the middle ground and seeking to correct the excesses of both Laelius and Tubero is Scipio, whose authoritative dialogical persona represents Cicero himself.²²⁵ Thus, even as Scipio intervenes on Tubero's side against Laelius, Scipio also undertakes to persuade Tubero to study cosmology in a way that focuses less on abstruse theoretical questions and more on the relationship between cosmology and human life. Finally, although Laelius's

²²⁴ I concur with Powell 1994 that Cicero wants to populate the ruling elite with multiple *rectores* (cf. Coleman 1964: 8-10). There is strong evidence for this interpretation in the text itself. In Book 2, Laelius and Scipio both suggest that there may be many ideal statesmen. Laelius states: "There is a fine supply of them among those present; you might even begin from yourself." Scipio responds: "If only the proportion in the whole senate were the same!" (These translations are taken from Zetzel 1999.) The dialogue's frequent references to the *rector* in the singular should not lead us astray; the investigation of the ideal statesman as a type (*prudentem... ipsum istum*, 2.67) necessitates this practice.

²²⁵ For Scipio as Cicero's mouthpiece, see Nicgorski 1978: 93-4, MacKendrick 1989: 54, Zetzel 1998: 236, Asmis 2001: 111, Asmis 2004: 573, Brunt 2013: 235, Zarecki 2014: 31-32 (pace Fox 2007 and Atkins 2013a).

pragmatic orientation is extreme, Laelius joins Scipio in urging Tubero to be more practical, to apply himself to the urgent political problems of the day.

Secondly, in terms of the other aspect of Cicero's engagement with philosophy in the work, namely his attempt to promote Greek philosophic ideas as a new basis for political engagement instead of the traditional ideas of Roman culture, Cicero uses the personae of both Laelius and Scipio. In the debate on justice in Book 3, Cicero, having already constructed Laelius in such a way as to make the normative reader sympathetic to his character, uses Laelius to urge on this reader a new philosophical ethic of political engagement. Although Laelius has up to that point shown himself hostile to the idea of ongoing immersion in abstract disciplines, Laelius gladly champions ethical doctrines that bear on the motives and ends for which one engages in politics. In the debate on justice, Laelius argues in favor of the Stoic doctrines of natural law as the universal, objective basis of right and wrong, and of virtue as an end in itself and thus as the proper reward to be sought by the statesman, who ought to be heedless of rewards traditionally sought for engagement such as wealth, pleasure, and honors. Cicero also deploys Scipio's authority and the positive reaction of the other interlocutors to validate Laelius's viewpoint, thus adding to the persuasive effect on the normative reader of Laelius's argument. However, as I will discuss in the following chapter on the *Somnium*, Scipio ultimately corrects and offers an authoritative alternative to that argument by proposing a more purely altruistic notion of justice as looking solely to the good of others, and by transforming virtue from an end in itself and its own reward into a means to the ultimate

end and reward of eternal contemplation, the possibility of which is justified by means of the Platonic doctrine of soul immortality.

1) Promoting a measure of contemplation

In the first book, before Laelius succeeds in turning the topic of conversation to the subject of the best form of government, Scipio, siding with the philosophically inclined Tubero and Philus, attempts to persuade Laelius of the value of abstract studies, especially cosmology. Scipio's effort to persuade Laelius within the text functions simultaneously as Cicero's attempt to persuade the normative reader. Laelius is used by Cicero as a sort of mirror for what I assume to be the majority of his readers—i.e. politically ambitious members of the elite who, in a typically Roman way, reject the value of continuing with abstract studies beyond one's youth.²²⁶ Laelius summarizes the prevailing Roman attitude when he disparages "those theoretical subjects so dear to you" (*istae artes*) as being useful only "for sharpening somewhat and, so to speak, itching the curious minds of boys in order to make it easier for them to learn about greater matters" (1.30),²²⁷ by which, as he goes on to explain, he means political matters (1.31). Since these remarks come after Scipio's attempt to persuade him of the value of the more

²²⁶ By the time of the 50s BCE, most members of the Roman elite had acquired some familiarity with Greek studies, including philosophy. The custom of spending some time abroad during one's youth studying in Athens and other centers of Greek learning seems to have begun with a minority of individuals in the generation of Cicero and Caesar in the 80s and 70s BCE (Rawson 1985: 9; cf. 6-7 on the paucity of such individuals before their generation). But by the end of the Republic, it had become a more widespread custom (Rawson 1985: 10-11).

²²⁷ *istae quidem artes, si modo aliquid, valent ut paulum acuant et tamquam irritant ingenia puerorum, quo facilius possint maiora discere.* Laelius's persona is parallel to that of Antonius in *De Oratore*. Both Laelius (*Rep.* 1.30) and Antonius (*De Orat.* 2.156) approve the sentiment of Ennius's Neoptolemus, who wants to learn "only a little" (cf. Zetzel 1995: 14 with n46).

abstract *artes*, Scipio's initial efforts must be judged a failure. However, these efforts are an important first step in an incremental process of persuasion that Scipio continues by applying cosmology to political philosophy at various points in the body of the dialogue, and most of all in the Dream narrative that brings this process to a close, to be discussed in the following chapter.

In the initial discussion among the dialogue characters on the value of cosmology and other abstract studies, Cicero tries to interest the normative reader in such studies through two main strategies, each of which are pursued by Scipio, the most authoritative dialogue character. First, Scipio attempts to attract Laelius to abstract studies by arguing for the practical utility of cosmological knowledge for the statesman engaged in governance. Secondly, Scipio employs an epideictic strategy in an extended passage in praise of philosophical studies, exalting them for the valuable moral lessons to which they lead, lessons that make the individual happy, and for the inherent pleasure they entail. Getting politicians to complement their public activity with philosophical studies will be beneficial to the Roman state, not only because of the practical applicability of certain tenets relating to cosmology, but also, and even more fundamentally, because of the improvement in politicians' moral character that results from such studies. Thus Cicero's primary aim in promoting philosophical studies is to improve the moral character of those who are politically engaged by means of the ethical insights they can gain through studying the cosmos and by means of the superior pleasure to be found in study. The goal is to get politicians to seek their greatest happiness not in the traditional

pleasures to be gained through political engagement but in the pleasures of virtue and knowledge.

But in several of the same passages where Scipio makes the case for contemplative pursuits to the pragmatic Laelius, he also addresses the intellectually inclined Tubero. Scipio strives to moderate Tubero's passion for abstract studies by encouraging him to focus within those studies on particular questions that he can reasonably expect to be able to answer, to consider the way those answers might be useful for statesmanship, and to cultivate the art of rhetoric in order to communicate one's politically relevant philosophic insights effectively.

In his first attempt to draw Laelius to abstract studies, Scipio appeals to Laelius's pragmatic orientation by demonstrating that cosmological knowledge has instrumental value for the statesman. It should be remembered that for Laelius, practical utility for the state is the sole criterion for judging the value of any subject (1.32). Accordingly, Scipio recalls the time Galus, a Roman legate, calmed the superstitious fears of Aemilius Paulus's army by giving a scientific explanation for a solar eclipse (1.23), adding to this the recollection of Pericles's assuaging the fear of the Athenians on a similar occasion (1.25). Scipio appeals to Laelius's traditionalism by recalling that even Ennius was interested in such matters and wrote about them (1.25). He also claims that knowledge of solar eclipses is so precise that Ennius and the writers of the *annales maximi* were able to calculate the exact date of the solar eclipse that occurred on the day of Romulus's death (1.25). By presenting this sort of knowledge as something that can be attained with

certainty and which has political utility, Scipio tries to inspire Laelius to think of studying cosmology as a worthwhile pursuit.

However, while he may disagree with Laelius's curt dismissal of cosmology as utterly irrelevant to human life (cf. 1.19 and 1.32), Scipio is careful to distinguish his own view from the more extreme Stoic position on cosmology represented in the dialogue by Tubero, whose enthusiasm for the more arcane aspects of the subject Scipio wishes to moderate in favor of focusing on those aspects of cosmology that are potentially knowable and which can be beneficial to human life. Thus when Scipio points out one such benefit before Laelius, namely that knowledge of solar eclipses is both attainable and useful for governing the ignorant, his argument simultaneously functions as an implicit exhortation to Tubero to focus his cosmological interests on those things that can actually be known and which can be potentially useful for statesmanship. Earlier, in his initial meeting with Tubero prior to the other interlocutors' arrival, Scipio had called attention to the Stoic tendency to make rash claims of certainty in the realm of natural philosophy, and to be excessively focused on obscure matters. The scene unfolded as follows. Scipio replied to Tubero's query about the phenomenon of the two suns (1.15) by remarking that the Stoic Panaetius could probably give an explanation if he were present. But then Scipio indicated his skepticism about what he considered Panaetius's rather rash claims to knowledge on obscure cosmological matters:

But in fact, Tubero—for to you I will say openly how I feel—I don't entirely agree with that friend of mine about that whole subject. We are scarcely able to conjecture what the nature of those things is, but the way he makes claims about them, you would think he can see them right before his eyes and literally touch them. And for this reason, I usually consider Socrates to have been even wiser for putting away all concern with these questions, and saying that those natural

questions were either beyond the attainment of human reason or else had absolutely nothing to do with human life. (1.15)

Sed ego, Tubero—nam tecum aperte quod sentio loquar—non nimis assentior in omni isto genere nostro illi familiari; qui, quae vix coniectura qualia sint possumus suspicari, sic affirmat ut oculis ea cernere videatur, aut tractare plane manu. Quo etiam sapientiolem Socratem soleo iudicare, qui omnem eiusmodi curam deposuerit, eaque quae de natura quaererentur aut maiora quam hominum ratio consequi possit, aut nihil omnino ad vitam hominum attinere dixerit.

The attitude Scipio originally displayed about cosmology in his conversation with Tubero was both dismissive in tone (*istud genus*) and extreme in its denial that anything could be known about this subject or that it had any relevance (*nihil omnino*) to human life. In retrospect, however, Scipio's original stance should be understood as a rhetorical posture meant to provoke Tubero to focus on the knowable aspects of cosmology and to seek to relate the whole subject to human life. As the scene continued, Tubero retorted that Socrates did in fact think that such knowledge was relevant to life, adducing the example of Plato's dialogues, which show Socrates relating abstract studies such as mathematics, geometry, and harmony to questions of morality, virtue, and even politics (1.16). Scipio responded that this picture was not true to the historical Socrates, but rather represented Plato's coloring of Socrates with the interests that Plato himself acquired later in life under the influence of the Pythagoreans with whom he studied (1.16). And yet after the arrival of Philus, Laelius, and the other interlocutors, as we have seen, Scipio takes up the defense of cosmology as offering knowledge that is both certain and useful for human life, using the example of a solar eclipse (1.25). While it is tempting to conclude that Scipio is unaware of the contradiction or that we must make an exclusive choice between

either 1.15 or 1.25 as representing Scipio's "true" views,²²⁸ it is more reasonable to conclude that Scipio is gauging his words in each circumstance with a view to his audience. Thus when he is alone with Tubero, Scipio adopts an extreme pose against cosmology because he views Tubero as excessively interested in abstract theoretical questions without considering their relevance to politics. But Scipio focuses on the opposite problem in Laelius, who neglects abstract subjects entirely. He seeks to redress the extremes in the souls of both, trying to moderate their excessive tendencies.

Scipio's position, therefore, seems to be characterized by a combination of Plato (or Plato's Socrates) and the historical Socrates, inasmuch as, like Plato, Scipio maintains a lively interest in abstract studies and strives to relate them to morals and politics, and at the same time, like the historical Socrates, is concerned with human life. Scipio's rhetorical aim regarding Tubero is to convince him to study cosmology in the right spirit, that is, in the right measure and for the right purpose. In spite of his avowed disagreement with Panaetius on the level of certainty attainable on cosmological matters, Scipio nevertheless does think that some such matters are knowable—solar eclipses, for instance. Since knowing about solar eclipses can also prove politically useful, this is the sort of sub-topic within cosmology that is worth pursuing. Scipio thus teaches the intellectually curious Stoic Tubero that the philosopher should not spend his time indulging the desire to know about any and every subject, but should regulate his interests in accordance with what he can reasonably hope to know and with what could

²²⁸ If one were forced to choose, it would seem that 1.15 holds the key to what Cicero presents Scipio as truly believing, since he depicts him as speaking with Tubero in the most private of circumstances, in his own bedchamber, and since he calls attention to their solitude and claims that he is revealing "openly" what he actually thinks.

prove useful. Scipio's discourse on solar eclipses also teaches Tubero about a topic Tubero has evidently neglected while spending too much time on abstract pursuits: rhetoric. By recalling the successful speeches Galus and Pericles gave when explaining the phenomenon of a solar eclipse to the superstitious masses (1.23), Scipio teaches Tubero that the philosopher must learn how to communicate his scientific knowledge effectively to the common man. That Tubero has heretofore neglected to do so is evident from the surprise with which he reacts to Scipio's account of Galus: "Is that right? Did he actually succeed in teaching this thing to men who were practically rustics, and did he dare to say all this in front of the unlearned?" (1.23).²²⁹ Tubero's inclination is to spend time on other studies, as is indicated by the greeting Scipio gives his nephew: "What are you doing up so early, Tubero? I would have thought this holiday was a good chance for you to roll out your books" (1.15).²³⁰ What he requires is moderation in his pursuit of abstract studies and a greater focus on how to use that knowledge to help his fellow citizens.

Scipio's interest in cosmology is also evident in the fact that immediately after praising Socrates as wise for completely setting all cosmological considerations aside, Scipio himself does nothing of the sort. After his exchange with Tubero is interrupted by the arrival of Lucius Furius Philus and Rutilius Rufus, who, like Tubero, are public men with strong Stoic views, Scipio returns of his own volition to the cosmological question Tubero had originally posed, the meaning of the two suns. When returning to the topic,

²²⁹ *'Ain tandem?' inquit Tubero, 'docere hoc poterat ille homines paene agrestes et apud imperitos audebat haec dicere?'*

²³⁰ *'Quid tu' inquit 'tam mane, Tubero? Dabant enim hae feriae tibi opportunam sane facultatem ad explicandas tuas litteras.'*

Scipio notes that he and Rutilius used to converse about this sort of thing during the siege of Numantia (1.17), an indication of Scipio's own longstanding interests in cosmology. Then he asks Philus for his opinion of the two suns (1.17), showing not just a willingness but an eagerness to pursue cosmological inquiry. As we have seen, Scipio proceeds to speak about solar eclipses (1.23-25). Finally, he amplifies cosmology and other abstract studies in the epideictic passage which follows for their positive moral and political effects and for the humanizing pleasures of such pursuits (1.26-29, discussed in the next paragraph). Since Scipio values cosmology and other abstract topics for their benefit to human beings both individually and socially, his character ultimately emerges as something of a combination of Plato's Socrates and the historical Socrates, since Scipio shares with Plato a real interest in the pursuit of cosmological knowledge and a desire to relate it to morals and politics, and since he shares with Socrates an abiding concern with how knowledge can make human life better. In a way, the initially stark anti-cosmological position that Scipio affects before Tubero functions as a challenge, and is much the same challenge as the historical Socrates issued to his disciple Plato, or which Plato in any case may have felt he ought to take up: when Scipio and the historical Socrates denigrate cosmology as utterly unknowable and useless, they provoke their disciples to prove them wrong by concentrating on what is knowable in that field and by seeking to relate that field to human life and human happiness.

In his epideictic speech on philosophical studies (1.26-29), Scipio continues to make the case to Laelius for cosmology and other abstract studies, but shifts his focus from the immediate pragmatic applicability of specific points of cosmology to the

positive moral effects on the individual produced by cosmology and other abstract studies in general, and to the inherent pleasure that accompanies such studies. Scipio develops the same two basic points that Philus had made to Laelius earlier in defense of cosmology—significant insights are there to be gained, and it is an enjoyable activity as such:

If we are ignorant of these things, then we must be ignorant of many important things. And besides, the very act of knowing and ruminating on things is pleasant to me, just as it is, by Hercules! to you yourself, Laelius, and to all who are eager for wisdom. (*Rep.* 1.19)

Si haec ignoramus, multa nobis et magna ignoranda sint. Ac me quidem, ut hercule etiam te ipsum, Laeli, omnesque avidos sapientiae, cognitio ipsa rerum consideratioque delectat.

Scipio's ultimate purpose vis-à-vis Laelius and the normative reader is to inspire them to embrace these studies with the foreseen result that they will still engage in politics, but will no longer do so with a thought to personal gain or rewards. Instead, having discovered the philosophic life—what Plato called “a life better than ruling”—they will engage in politics for the sake of duty and seek their happiness where alone it can be found, in the pleasures of the mind.

Scipio argues that among the positive moral effects of studying cosmology is the tempering of ambition for power and glory. This epideictic passage is slightly truncated at the beginning, but the text picks up with a tricolon that foreshadows the themes of the *Somnium*:

What will be considered excellent in human affairs by the one who has thoroughly examined these realms of the gods? Or long lasting, by the one who has come to know what is eternal? Or glorious, by the one who has seen how small the earth is: first, considered as a whole, next, the part of it that human beings inhabit? And although we are attached to the smallest part of it and are

utterly unknown to the majority of nations, do we hope nonetheless that the fame of our name will fly about and wander far and wide? (*Rep.* 1.26)

Quid porro aut praeclarum putet in rebus humanis, qui haec deorum regna perspexerit? aut diuturnum, qui cognoverit quid sit aeternum? aut gloriosum, qui viderit quam parva sit terra, primum universa, deinde ea pars eius quam homines incolant; quamque nos exiguae eius parti adfixi, plurimis ignotissimi gentibus, speremus tamen nostrum nomen volitare et vagari latissime?

Scipio encourages Laelius to study the cosmos in order to acquire a new perspective on the glories of political life. The glories of the cosmos, the realm (*regna*) inhabited by the gods that is eternal and of unlimited expanse, trump the glories of human affairs, whose arena is limited with respect to both time and space (cf. 6.24-28). The continual contemplation of what is eternal and divine leads one to “look down on all human things and consider them inferior to wisdom” (*despicientem omnia humana et inferiora sapientia ducentem*), and by comparison no power, political offices, or empire can seem so excellent (*Quod autem imperium, qui magistratus, quod regnum potest esse praestantius?*, 1.28; cf. 6.24: *haec caelestia semper spectato, illa humana contemnito*).

In addition to tempering ambition for power and glory, abstract studies eliminate greed for wealth and pleasure because they afford the student a superior pleasure by satisfying his natural desire to know. First, Scipio presents the pursuit of knowledge through such abstract studies as mathematics as characteristically human. While Cicero seemed to depreciate philosophy in the preface at the expense of the natural desire to protect the political community (1.1, 1.3), Cicero now balances out the picture for the normative reader by having Scipio emphasize the natural desire to know: “And he is convinced that while others may be given the name, they alone actually *are* human beings who have been polished by the sciences proper to human nature” (1.28). Scipio

illustrates his point by recounting the story of a shipwreck upon an apparently deserted island. Upon discovering geometrical figures traced in the sand, “Plato or whoever else said it” told his companions to be of good heart, since there were evidently human beings nearby (1.29). Scipio thus suggests to Laelius that contemplative pursuits are natural to a human being no less than political ones. The pursuit of this natural desire, moreover, entails a pleasure all its own that produces detachment from wealth and pleasures. Scipio argues that the contemplative life leads to a devaluation of material goods:

But farms, dwellings, flocks, and a massive weight of silver and gold—he is accustomed neither to call nor to consider them goods, because to him, the enjoyment of these things seems slight, their usefulness extremely limited, the maintenance of control over them uncertain, and seems in addition to be something that admits of no limit, held in the grasp of the worst kind of men. (*Rep.* 1.27)

Agros vero et aedificia et pecudes et immensum argenti pondus atque auri, qui bona nec putare nec appellare soleat, quod earum rerum videatur ei levis fructus, exiguus usus, incertus dominatus, saepe etiam deterrimorum hominum immensa possessio.

Since their enjoyment seems only slight to him (*earum rerum videatur ei levis fructus*), it is implied that he has discovered some greater form of pleasure. This idea is elaborated later in the speech when Scipio refers to the intellectual pleasures contemplative men experience when “they either hold interior conversation or are present, so to speak, in a council of the most learned men, in whose discoveries and writings they take delight.”²³¹ Moreover, the uncertainty of maintaining control over material goods (*incertus dominatus*) also makes them inferior to the more stable goods of the mind, which are not subject to fortune: “And who would consider anyone... more secure from the

²³¹ *Vel secum ipsi loquantur, vel quasi doctissimorum hominum in concilio adsint, cum eorum inventis scriptisque se oblectent.*

depredations of fortune than the person who can, as they say, carry everything he owns out of a shipwreck with his own person?”²³² Finally, since the contemplative man finds true value in the interior goods of the mind, he seeks material goods in moderation, only as much as he needs: “And who would consider anyone more rich than the person who lacks nothing that nature, in any case, requires?”²³³

Scipio is careful to suggest to Laelius that this contemplative person will still participate in politics, but will do so out of an impulse for virtue rather than to gain glory or material goods, for which he has no desire. While Scipio depreciates human affairs in comparison to the grandeur of the cosmos (1.26) and the mental consideration of what is “everlasting and divine” (*sempiternum et divinum*, 1.28),²³⁴ he does not mean to do away with political engagement. Those who have pursued their natural desire to know will still engage in politics, but without any desire for power, glory, or rewards:

He considers power and our consulships as necessary, not things to be passionately sought; to be taken up for the sake of fulfilling a duty, not to be hungered after for the sake of glory and rewards. (*Rep.* 1.27)

qui imperia consulatusque nostros in necessariis, non in expetendis rebus, muneris fungendi gratia subeundos, non praemiorum aut gloriae causa appetendos putet.

²³² *Quis vero... quemquam putet... firmiore fortuna quam qui ea possideat quae secum (ut aiunt) vel e naufragio possit ecferre?*

²³³ *Quis vero divitiorem quemquam putet quam eum cui nihil desit, quod quidem natura desideret?*

²³⁴ From a Stoic point of view, the immanent divine mind who rules the universe is the “everlasting and divine” thing contemplated; in this sense, the passage looks forward to the *princeps deus* of the Dream (6.17, also called the *summus deus* in 6.21). For the Peripatetics, the cosmos itself is divine, and in this sense, these ideas foreshadow the teaching of the Dream that everything above the moon is eternal, including the individual planets, whose eternal movements indicate their divinity (6.21). On Cicero’s sources for this passage, see Perelli 1971.

Calling political offices *necessaria* is consistent with the Stoic argument from the preface that argued there is a *necessitas virtutis* given by nature that impels us to public service.²³⁵ That such public roles are still to be sought after, but in the right spirit, is evident from the clause that follows, where they are to be assumed for the sake of fulfilling a duty, a duty that is implicitly natural, since this statement is in parallel with the call to view them as *necessaria*. Thus Scipio's speech continues the process Cicero began in the preface of displacing the glory motive for political engagement with a motive derived from Stoic philosophy, namely the desire to live in accordance with nature, allowing oneself to be carried along by a natural love to defend the common safety (cf. 1.1).

In addition to his assertion of the delight to be found in these studies and the extensive rhetorical ornamentation of the passage, two other salient rhetorical strategies are visible in Scipio's attempt to inspire Laelius (and the normative reader) to an enthusiasm for abstract philosophical subjects. Scipio's also appeals to the desire for happiness and to authoritative *exempla*. Scipio claims that the contemplative person is happy because of the enlightened and virtuous state of soul he has achieved through his studies. For example, Scipio marvels at "how fortunate" (*quam... fortunatus*) we should

²³⁵ Pace Atkins 2013a: 35, Scipio is not contradicting the argument of the preface that criticized certain philosophers for only being willing to govern in the case of an emergency, designated by the hendiadys *necessitas et tempus* at 1.10. By *necessaria*, Scipio does not designate an emergency, but something that is necessary by nature. Thus Scipio does not radically separate the philosophic life from political life, but unites them on the basis of the idea that we have a natural inclination to both lives (a notion common to several philosophers, including Plato, Aristotle, and the Stoics). Thus the philosopher in this passage does willingly engage in politics, and for the noble motive of acting virtuously.

consider the person who undergoes political activity for the sake of fulfilling a duty rather than avidly seeking glory (1.27), and exclaims that no one can be considered “more blessed than the one who has been freed from every disturbance of soul” (1.28).²³⁶ Furthermore, Scipio marshals the authoritative *exempla* of his grandfather Africanus and of himself to argue that the contemplative person experiences happiness through study. Scipio counterintuitively presents contemplation as more active than the active life itself.²³⁷ “How fortunate should this person be considered... who can declare of himself the same thing as Cato writes that my grandfather Africanus used to say, that he was never doing more than when he was doing nothing, that he was never less alone than when he was alone” (1.27).²³⁸ Finally, in bringing his speech to a conclusion, Scipio declares: “And so, Tubero, learning, learned men, and those studies of yours have always brought me delight” (1.29).²³⁹ Scipio’s personal *auctoritas* has already been a means of persuasion, since he was the speaker of all those sentiments in favor of the contemplative life, but in concluding, he makes more explicit the autobiographical subtext of those remarks. Since he, Scipio, esteems these abstract studies so highly and can personally attest to their great value, Laelius ought to be inspired to imitate his example. Indeed, in the final analysis, Scipio’s speech amounts to something of a Ciceronian

²³⁶ *Quis vero... quemquam putet... beatiorem quam qui sit omni perturbatione animi liberatus?*

²³⁷ Possibly Cicero is inspired by the beginning of Aristotle *Politics* 7, where Aristotle’s apologia for the contemplative life includes the argument that contemplation is in fact an activity, and a superior activity.

²³⁸ *quam est hic fortunatus putandus... qui denique ut Africanum avum meum scribit Cato solitum esse dicere, possit idem de se praedicare, numquam se plus agree quam nihil cum ageret, numquam minus solum esse quam cum solus esset.*

²³⁹ *Quamobrem, Tubero, semper mihi et doctrina et eruditi homines et tua ista studia placuerunt.*

autobiography.²⁴⁰ Scipio's supposed enthusiasm for study, especially cosmology, makes us think of Cicero himself, whether we consider his youthful translation of Aratus or the ongoing life of study that complemented his public activity as attested in the *Pro Archia* (12-14) and in the final verses of the Muse Urania's exhortation in *De Consulatu Suo* (2.55-65).²⁴¹

Although I view this passage as primarily addressed to Laelius, Scipio's express address to Tubero in the last sentence suggests that the speech has a particular message for the young Stoic as well. While Scipio appears to conclude with a straightforward endorsement of Tubero's interests in cosmology and mathematics, the preceding content of Scipio's speech actually indicates to Tubero a way of studying cosmology that is chiefly moralistic in orientation, concentrating on the benefits to individual human beings and society, in contrast with Tubero's Stoic focus on scientifically dogmatic answers to abstruse theoretical questions that have no direct bearing on human existence. Thus, just as Scipio's speech was initially prompted by Tubero, he also ends his speech with a nod in Tubero's direction. Reacting to Scipio's observations on the political utility of cosmology, Tubero believes he has spotted a *volte-face*: "Do you see now, Africanus, that what seemed otherwise to you a little earlier, that learn[ing] (?) ..." (1.26).²⁴² His response is cut short by the loss of two leaves, but it is fairly clear that Tubero is pointing out a contrast between Scipio's current remarks and his earlier praise of the historical Socrates for setting aside consideration of the cosmos as absolutely irrelevant to human

²⁴⁰ Similarly, Cicero concludes his praise of philosophy at *Leg.* 1.58-63 (often compared with *Rep.* 1.26-29) with an autobiographical endorsement.

²⁴¹ See also e.g. *Leg.* 1.63, *Brutus* 306, 315.

²⁴² *Videsne, Africane, quod paulo ante secus tibi videbatur, doc[trina? ***]*

life. Scipio responds to Tubero with a speech whose themes show that Scipio still does not agree with the dogmatic conclusions about the natural universe that Panaetius and the Stoics claim to reach through their cosmological investigations. As we have seen in his address to Laelius, Scipio does not speak of solutions to complex cosmological problems, but focuses on more generally obvious conclusions to be drawn, such as the contrast in glory between the cosmos and the earth (1.26). He also focuses on the moral conclusions to be drawn from these observations, and the new perspective on engaging in politics that these observations will engender (1.26-27). Since men who engage in politics out of duty (1.27) will inevitably improve the character of Roman politics, Scipio implicitly focuses on the benefit of these studies to the body politic. Thus through his moralizing vision of cosmology, Scipio continues to challenge Tubero to relate his abstract studies to human life and morals, and in this way to adopt a position that combines the cosmological and mathematical interests of Plato with the spirit of the historical Socrates, who was concerned above all with improving human life and morals.

In the immediate aftermath of Scipio's speech, Cicero uses the pragmatic persona of Laelius to further Scipio's purpose of balancing out Tubero's apolitical inclinations. Cicero has already indicated through Scipio's counterarguments that Laelius's position against abstract studies is extreme, but that does not prevent Cicero from using Laelius as a voice to draw Tubero and the sort of reader he represents to a more pragmatic orientation. Thus Laelius adopts the opposite extreme point of view in favor of politics at the expense of contemplation, urging Tubero to consider himself exclusively as a citizen

of Rome rather than of the cosmos, and to drop all consideration of cosmology as irrelevant to the real world:

For why is the grandson of Lucius Paulus, and someone with such an uncle as Scipio, and who was born into one of the most noble families in so glorious a republic as ours, asking me how two suns have been seen, and is not asking how it is that in one republic there are two senates, and practically two peoples?... So if you'll listen to me, young men: don't be afraid of the second sun; for it's either the case that no such thing can exist, or if we grant that things are as they appear, then it's not a problem. We cannot know anything about that stuff, or even if we knew it really well, we would be neither better nor happier on that account. But for us to have one senate and people is both possible and a major problem until it happens. And to heighten the contrast, we both know and see that if this unity is brought about, our lives will be better and happier. (*Rep.* 1.31-32)

Quid enim mihi Luci Pauli nepos, hoc avunculo, nobilissima in familia atque in hac tam clara re publica natus, quaerit quomodo duo soles visi sint, non quaerit cur in una re publica duo senatus et duo paene iam populi sint?... Quamobrem si me audietis, adulescentes, solem alterum ne metueritis; aut enim nullus esse potest, aut sit sane ut visus est, modo ne sit molestus; aut scire istarum rerum nihil, aut etiamsi maxime sciemus, nec meliores ob eam scientiam nec beatiores esse possumus. Senatum vero et populum ut unum habeamus, et fieri potest et permolestum est nisi fit; et secus esse scimus, et videmus, si id effectum sit, et melius nos esse victuros et beatius.

Unlike Scipio, Laelius unambiguously embraces the position Scipio attributed to the historical Socrates on the inability of cosmology to contribute to human life or happiness (1.15). Laelius directs two chief complaints at Tubero. First, he suggests that Tubero's insistence on theory is contrary to *pietas*, specifically to Tubero's duty to maintain the traditional reputation of his own family for public service and to uphold the glory of his city, Rome.²⁴³ It is also utterly impractical to be concerning oneself with abstruse astronomical investigations in the midst of a political crisis. However, although Laelius

²⁴³ Laelius emphasizes Tubero's kinship to Scipio Aemilianus and the latter's politically illustrious family. But in fact, by the time of the late Republic, the Tiberones in particular had established a reputation for intellectual pursuits (see Rawson 1985: 95-96).

argues that cosmology has no relevance to the political world whatsoever, his own pivot from the quandary of the two suns to the problem of the two senates ironically suggests a way that cosmology might be related to politics, and may even foreshadow Scipio's method of using the cosmos as an image of the ideal state²⁴⁴ in the *Somnium*, where a single sun's exercise of rational control over the universe is arguably an image of what a unified senate is meant to do for the whole state.²⁴⁵ Thus, in spite of himself, Laelius joins Scipio's effort to urge Tubero to find some way to link the cosmological considerations Tubero so loves to political and ethical ones. For the moment, however, Laelius does succeed in entirely removing cosmology from the conversation in favor of Greek studies that are "more proper to free men and more broadly applicable, which we can make useful for life or even the republic itself" (1.30),²⁴⁶ namely ethics and political philosophy, which Laelius thinks bear no relation whatsoever to cosmology and abstract studies. For Laelius, these are the only areas of Greek learning worth studying, and Cicero uses Laelius's preference for political and ethical theory, to which the dialogue now turns, to balance out Tubero's imbalanced focus on the more abstract Greek *artes*.

Returning to Scipio's efforts to draw Laelius away from his own extreme pragmatic position, in the body of the work, Laelius remains fairly resistant to the value of abstract studies. Laelius is not initially persuaded by Scipio's speech to esteem or pursue abstract subjects of astronomy and mathematics. His immediate response is to

²⁴⁴ The *imago naturae* Scipio suggests is necessary to illustrate the ideal state (2.66) seems to be the picture of the cosmos he gives in the *Somnium* (cf. Zetzel 1999: 55 n80 and Atkins 2013a: 64-65).

²⁴⁵ See the discussion in the next chapter.

²⁴⁶ *sunt alia liberiora et transfusa latius, quae vel ad usum vitae vel etiam ad ipsam rem publicam conferre possimus.*

say, “I certainly won’t dare to say anything to all that, Scipio,” and the rest of his response is soon cut off by a lacuna (1.30).²⁴⁷ Since Laelius will only hear of political philosophy (the subject of Books 1 and 2) and ethics (Book 3), Scipio attempts to make the cosmos relevant to Laelius’s interests. But even when Scipio makes a first try at using cosmology to illustrate political matters, Laelius insists that Scipio give up the comparison. Attempting to illustrate the merits of monarchical rule, Scipio refers to the teaching of philosophers who believe the divine mind rules the whole universe (1.56). Laelius, however, politely asks Scipio, “please bring down this speech from that place to these things that are closer to us” (1.57fr.).²⁴⁸ Scipio complies in this context by turning to practical examples (cf. 1.58). As far as we can tell from the fragmentary state of the work, it is not until its conclusion that Scipio makes another major extended effort to convince Laelius of the inherent value and political relevance of philosophic studies, including cosmology.²⁴⁹

2) A new, philosophically informed politics

i.) Reassessing the rhetoric of Book 3

In Book 3, Cicero argues explicitly in the preface for the need the politician has of the teachings of the philosophers on both abstract and moral subjects, after which he stages a debate on justice in such a way as to privilege an ideal of ethically informed individual political engagement, characterized by personal moral restraint and motivated by the desire to attain to a virtuous state of soul. Thus this debate on justice bears on the

²⁴⁷ *Tum Laelius: ‘Non audeo equidem’ inquit ‘ad ista, Scipio, dicere...’*

²⁴⁸ *Quare si placet, deduc orationem tuam de eo loco ad haec citeriora.*

²⁴⁹ See the discussion in the next chapter.

question of whether justice exists and is profitable not only for the state, but for the individual as well.²⁵⁰ Of course, given the fragmentary nature of the text of Book 3, which survives only in an incomplete palimpsest and through quotations by late antique authors, my argument must remain on the level of hypothesis.²⁵¹ And yet enough evidence has survived to make the case that the material in Book 3 serves to continue a sequence of persuasion focused on the normative reader, begun in the preface of Book 1, in which Cicero is at pains to demonstrate the political relevance and indeed the political necessity of philosophical ideas about virtue. But while his effort to present Greek doctrines as a solid basis for engagement in politics was merely implicit in the preface of the first book, as I previously demonstrated in section III.A, it is at the front and center of Book 3.

Scholars have interpreted the debate on justice as a typical instance of Cicero's Academic method (common in the philosophic works of the 40s BCE) of *argumentum in utramque partem*, but far from simply recounting the equally balanced arguments of Carneades, Cicero has actually slanted them in his presentation with the goal of making the case for justice more persuasive, since I believe that Cicero is not concerned with a dispassionate exploration of ideas, but with motivating right action by politicians. While the speeches of Philus and Laelius probably rest on the original arguments of

²⁵⁰ Because Scipio and the interlocutors speak of the need to investigate the question of justice in the state, and because this is the primary focus of the extant fragments, scholars have overlooked the problem of individual justice that is nonetheless also addressed in the extant material. For analysis of the arguments as they bear on the question of justice in the state, see Büchner 1984, Zetzel 1996, Hahn 1999, and Powell 2012.

²⁵¹ On the text of Book 3, see Hahn 1999: 167 with further bibliography in n3.

Carneades,²⁵² it is nevertheless the case that Cicero's presentation of the debate is ultimately weighted in favor of Laelius's position in three ways: he fronts the debate with a preface that trumpets the ideal of combining philosophic insights about virtue with political activity; he frames the debate with Philus's preliminary expression of disgust at having to argue for injustice and Scipio's subsequent praise of Laelius's argument; and he assigns the argument for justice to Laelius, whose similarities in character to the normative reader gains that reader's sympathy for his arguments.

Here a problem may seem to arise, since the anti-philosophical Laelius seemed to represent the character of the normative reader. How then can he become the means of persuading the normative reader to accept a philosophical vision? Laelius's character, however, was never identical to the normative reader's, since prior to book 3, Laelius was characterized as both like and unlike the normative reader. Laelius was like the normative reader, and thus represented the object of Scipio's persuasion, in his hostility to abstract subjects and his belief that they bore no relation to politics; but, unlike the normative reader, Laelius was always in favor of other Greek studies, namely ethics and political philosophy ('*sunt alia [studia Graecorum]... quae vel ad usum vitae vel etiam ad ipsam rem publicam conferre possimus*,' 1.30). Moreover, in the course of the discussion of constitutions in Books 1 and 2, it is implied that Laelius is highly learned in the political philosophy of Plato and the Peripatetics (see e.g. 1.66, 2.21-22). Thus, while Laelius shares the normative reader's prejudice against abstract studies and this reader's

²⁵² However, Ferrary 1977 and Hahm 1999 argue that Philus's speech departs from Carneades in various ways. For Cicero's sources in Book 3, see Ferrary 1974 and Ferrary 1977 (on the speeches of Laelius and Philus, respectively), and Glucker 2001.

pragmatic orientation, Laelius's pragmatic orientation is unique for its being informed by Greek learning. It is thus in keeping with Laelius's character that he should give a moralistic argument about justice in Book 3. In addition, by choosing Laelius for this argument, Cicero continues his brilliant strategy of blurring the lines between the ideas of the *mos maiorum* and Greek learning in such a way as to make Greek learning appear to be part of Roman tradition. That is, since the dialogue character Laelius purports to represent the historical Laelius, and since this character is presented as a traditional patriot who simultaneously embraces Greek ethical and political teachings, the normative reader is encouraged to conclude that professing and acting on the basis of such teachings is part of the *mos maiorum*. Thus the third book differs from the preface of the first book by more expressly advancing Greek doctrines as the basis for political engagement. However, the third book continues the particular strategy, initially pursued in the preface of the first book, of attributing Greek doctrinal motives for engagement to the *maiores*, this time by attributing them to Laelius and to the other prestigious dialogue characters who express their approval of Laelius's views.

ii.) Promoting philosophic statesmanship in the preface of Book 3

The preface of the third book prepares the normative reader for Laelius's philosophical argument that statesmen ought to engage in politics in a just manner for the sake of virtue itself as their reward rather than conventional *gloria*. It argues for the ideal of combining a philosophical understanding of virtue with knowledge and experience of one's own political tradition. Cicero begins by suggesting that philosophers alone are authoritative teachers of virtue. "Let us therefore think of those who have written about

the right way to live as great men, since indeed they are; let us consider them learned, let us consider them teachers of truth and virtue” (3.5).²⁵³ Cicero goes on to state that knowledge of political affairs, or “civil science and the government of peoples” (*ratio civilis et disciplina populorum*), should be considered no less important. However, this form of knowledge can be potentially credited to two groups, either to philosophers who wrote about it in their leisure or to statesmen who discovered it through experience (3.5). When it comes to knowledge of political affairs, there is an implicit contrast with knowledge of virtue, which is credited to philosophers alone. Thus it emerges that a proper understanding of virtue cannot be learned through political experience—and hence does not belong to the body of acquired practical knowledge that constitutes the Roman political tradition—and will have to be taken from (Greek) philosophers, all of which suggests that Roman politicians have something to learn from philosophers. In this way Cicero is preparing the reader to be receptive to Laelius’s Stoic account of virtue as the politician’s reward in the body of the book.

In this section Cicero deliberately distracts from the cultural novelty of what he is proposing by leading the reader to think that it is actually in keeping with the *mos maiorum* for politicians to learn from and advance the teachings of philosophers on virtue. He asserts that Rome has historically been ruled by men who promoted the teachings of philosophers: “But this city alone has produced many men who, if they are not exactly wise (since they use this term in such a restricted way), are nevertheless certainly worthy of the highest praise, since they have cultivated the precepts and

²⁵³ *Quare sint nobis isti qui de ratione vivendi disserunt magni homines, ut sunt; sint eruditi, sint veritatis et virtutis magistri.*

discoveries of the wise” (3.4).²⁵⁴ These discoveries of the wise are “the principles of nature (*naturae principia*) that philosophers have promoted by their words and teachings” (3.4),²⁵⁵ among which principles is doubtless an understanding of the right way to live (*ratio vivendi*) and virtue, subjects which Cicero has designated as the proper sphere of philosophers (3.5), and the proper understanding of which, in keeping with the Stoic tenor of this passage, is derived from nature. There is moreover a special appeal to Roman patriotism in Cicero’s words, since he claims that Rome is unique (*haec... una civitas*) in having produced many statesmen who learned from philosophers. Thus Cicero reprises the strategy pursued in the preface of Book 1, where he simultaneously cited the patriotic behavior of statesmen from generations past and blurred the boundary between foreign Greek philosophical ideas and Roman tradition, anachronistically attributing to the *maiores* motives for political engagement that were actually foreign to traditional Roman culture. Continuing to make this case in the preface to book 3, Cicero also adduces the example of the characters themselves in the dialogue he is in the process of recalling (cf. Cicero’s assertion of the dialogue’s historicity at 1.13) as additional evidence that combining Greek philosophy with Roman tradition is itself part of Roman tradition:

For what could be more excellent than joining hands-on experience of important political affairs with studying and coming to know those theoretical subjects? Or what greater perfection could be conceived than Publius Scipio, than Gaius Laelius, than Lucius Philus, who in order to avoid omitting anything that could contribute to illustrious men’s attainment of the highest praise, added to the

²⁵⁴ *Plures vero haec tulit una civitas, si minus sapientes (quoniam id nomen illi tam restricte tenent), at certe summa laude dignos, quoniam sapientium praecepta et inventa coluerunt.*

²⁵⁵ *illi verbis et artibus aluerunt naturae principia.*

customs of their homeland and of their ancestors the foreign learning that originated with Socrates? (*Rep.* 3.5)

Quid enim potest esse praeclarius quam cum rerum magnarum tractatio atque usus cum illarum artium studiis et cognitione coniungitur? Aut quid Publio Scipione, quid Gaio Laelio, quid Lucio Philo perfectius cogitari potest, qui ne quid praetermitterent quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam hanc a Socrate adventiciam doctrinam adhibuerunt?

“Those theoretical subjects” (*illae artes*) and “the foreign learning that originated with Socrates” (*a Socrate adventicia doctrina*) refer back to the two subjects mentioned earlier in the same fragment (3.5), namely ethics (*ratio vivendi*) and political science (*ratio civilis et disciplina populorum*). Furthermore, it comes as no surprise that the three characters Cicero singles out for praise are the principle speakers of Book 3,²⁵⁶ where they will be shown bringing the philosophers’ teachings about justice and virtue to bear on political life. Even Philus, the spokesman on behalf of injustice, is no exception, since by denouncing his own arguments before delivering them he in effect joins Scipio in endorsing Laelius’s case for political engagement characterized by justice and motivated by the reward of virtue itself (cf. section iii. below). Thus, before it even begins, the debate on whether justice is needful for the state and whether it is profitable to act virtuously in political life has already been slanted, through the authoritative pronouncements of the author and the authoritative example of the interlocutors, in favor of a politics grounded in a philosophical understanding of virtue.

In the passages we have just reviewed in which Cicero promotes his ideal of political engagement informed by the ethical teachings of philosophers, Cicero may also

²⁵⁶ Hahn 199: 167.

be seen employing an epideictic strategy, praising great Romans of the past for pursuing this ideal and motivating the normative reader to imitate them by appealing to this reader's own appetite for such praise. Cicero asserted that the large number of Roman politicians who "cultivated and promoted the precepts and discoveries of the wise" deserve the highest praise for doing so (*summa laude digni*, 3.4). Then he declared that when Scipio, Laelius, and Philus added Greek learning to the *mos maiorum*, they were seeking something that "could contribute to illustrious men's attainment of the highest praise" (*quod ad summam laudem clarorum virorum pertineret*, 3.5). In that sentence, Cicero also used rhetorical questions to lavish praise on the ideal itself (*quid praeclarius?*) and on those who practiced it, including the rhetorical ornamentation of anaphora (*quid Publio Scipione, quid Gaio Laelio, quid Lucio Philo perfectius?*). To these laudatory sentiments Cicero added a generalizing conclusion that showed the way for the normative reader to become such a praiseworthy man himself: "Therefore whoever has been willing and able to acquire both, that is to instruct himself in both what our ancestors have established and in learning, I consider to have acquired everything necessary for this praise" (3.5).²⁵⁷ By constantly emphasizing the praiseworthiness of the ideal and of those who practice it, Cicero appeals to the Roman elite's ingrained desire for praise and distinction while significantly proposing a new grounds for such praise: not merely serving the state, but informing one's statesmanship with philosophical knowledge of virtue. Cicero's establishing a new basis for praise in this preface foreshadows Laelius's argument in the body of the book that the practice and possession

²⁵⁷ *Quare qui utrumque voluit et potuit, id est ut cum maiorum institutis tum doctrina se instrueret, ad laudem hunc omnia consecutum puto.*

of virtue itself makes one praiseworthy, even if only in one's own eyes and despite lack of recognition from one's fellow citizens.

In addition to promoting the ideal of combining ethics and political philosophy with political activity, this fragmentary preface also shows evidence of continuing Cicero's project from the first book (cf. 1.15-1.30) of urging the study of more abstract studies on the normative reader. In the midst of a Stoic account of the discoveries of human reason, Cicero recounts the rise of mathematics and astronomy:

To [language] was added number, something that is not only necessary for life but also the one immutable and eternal thing, which was the first to push us to the point of looking up into heaven; nor did we observe the movements of the constellations in vain, and by calculations of the nights and days [***] (*Rep.* 3.2)

Accessit eo numerus, res cum ad vitam necessaria, tum una immutabilis et aeterna, quae prima impulit etiam ut suspiceremus in caelum, nec frustra siderum motus intueremur, dinumerationibusque noctium ac die[rum ***]

The claim that number as one of the discoveries of reason is important for life looks back to Scipio's initially fruitless efforts to convince Laelius that such studies are useful for human life, while the success of human beings in making calculations (*nec frustra... dinumerationibus*) based on their observation of the heavens recalls Scipio's argument about the accuracy of predictions that can be made through studying the cosmos (1.25). But this passage also looks forward. Its underscoring of number as immutable and eternal looks ahead to the Pythagorean numerology of the *Somnium*, which is also foreshadowed by the mention of the constellations. It seems that Cicero limits himself to making a feint towards these themes in this preface lest it be entirely forgotten between the first and the sixth books, since in all likelihood it is not until the *Somnium* that Cicero, through Scipio, will fully develop the relevance of mathematical and

cosmological knowledge to politics. While the preface of Book 3 implies that even these more abstract subjects can be useful for politics, since these subjects seem to warrant inclusion among “those arts” (*illae artes*) that Cicero recommends should be combined with political action and experience (3.5), these abstract subjects are absent from the body of Book 3, as far as we can tell.²⁵⁸ The body of the third book is focused rather on the ethical questions and their relevance for the state and statesman.

iii.) Framing the debate in favor of justice

Cicero frames the debate on justice in such a way as to incline the reader to side with the case for justice. Prior to the debate, Philus chafes at the morally repugnant task assigned him of rehearsing the arguments for injustice:

Well it’s really an excellent case you’re delegating to me, as you want me to undertake a plea on behalf of immorality! ... All right, whatever. I’ll humor you, and defile myself intentionally... But if only it were permitted me to use someone else’s mouth, just as I’m about to use someone else’s speech! Now, Lucius Furius Philus will have to say the same things as Carneades, a Greek man whose custom it was [to employ] in his discourses what was agreeable [***] (*Rep.* 3.7)

Praeclaram vero causam ad me defertis, cum me improbitatis patrocinium suscipere vultis! ... Heia vero, geram morem vobis, et me oblinam sciens... Atque utinam, quemadmodum oratione sum usus aliena, sic mihi ore uti liceret alieno! Nunc ea dicenda sunt Lucio Furio Philo, quae Carneades, Graecus homo et consuetus quod commodum esset verbis [***]

Thus the very person designated to make the case for injustice condemns injustice before he has even opened his mouth to speak in its defense. Given the preponderance of judicial language (*causa, patrocinium suscipere*) is as if a lawyer were to disavow his arguments in favor of his client when speaking to the jurors in some private meeting with

²⁵⁸ These themes are absent from the extant fragments; it is perhaps more telling that Augustine’s summary of Book 3’s three speeches (*Civ.* 2.21) makes no mention of such themes.

them prior to delivering those arguments at the formal trial, a highly ineffective procedure for persuading those jurors to believe his arguments; quite the opposite, in fact. Giving his full name, Philus also decries the incongruity of having a Roman of noble pedigree serve as spokesmen for ideas that were originally advanced by one “Carneades, a Greek man,” whom Philus (apparently) characterizes as a flippant intellectual opportunist (*consuetus quod commodum esset verbis [***]*). Cicero, therefore, further prejudices the reader against the upcoming advocacy of injustice by presenting it as something foreign to Rome—specifically, Greek—and even worse, as some intellectual plaything lacking seriousness, an additional violation of the Roman ethos, this time in terms of *gravitas*.

The metaphor of judicial advocacy arises again in Scipio’s response to Laelius’s speech, in which he praises Laelius as a skilled advocate, effectively endorsing Laelius’s argument. Philus spoke first, followed by Laelius. Cicero narrates the immediate aftermath of Laelius’s speech as follows:

And when Laelius had finished this speech, although everyone there indicated that they were exceedingly pleased by it, nevertheless Scipio, as if more affected than the others by some paroxysm of joy, said: ‘So often have you defended many causes, Laelius, in such a way that not only [would I not rank] as your equal Servius Galba, my colleague (whom you ranked above all others as long as he was alive), but also not even [would I rank as your equal] any of the Attic orators either in [sweetness ***] (*Rep.* 3.34)

Quae cum dixisset Laelius, etsi omnes qui aderant significabant ab eo se esse admodum delectatos, gamen praeter ceteros Scipio quasi quodam gaudio elatus, ‘Multas tu quidem,’ inquit, ‘Laeli, saepe causas ita defendisti ut ego non modo tecum Servium Galbam, collegam nostrum, quem tu quoad vixit omnibus anteponebas, verum ne Atticorum quidem oratorum quemquam aut sua[vitate ***]

Scipio's effusive praise for Laelius is presented as the crowning signal of approval for a speech that was already heartily approved by the entire gathering. Thus to the approval of the other interlocutors, consisting of the most prestigious Romans of a previous generation, Cicero adds the approval of Scipio, the most authoritative of their number, thus increasing the persuasive force of the speech. Scipio signals to the reader that Laelius's argument is the more persuasive. Therefore, both before and after the debate, Cicero employs the *auctoritas* of the dialogue personae, themselves prestigious figures from the Roman past, to make the reader think that Laelius has the right answer in this debate.

Though Cicero frames the debate in a slanted manner, this is not to say that he himself does not maintain skeptical reserve. Cicero's own position and the rhetorical effect on the reader of his presentation of the issues are two different issues. Cicero maintains the integrity of the debate as a legitimate philosophic issue despite Philus's expressions of moral repugnance at the arguments in favor of injustice. Philus's expressions of disgust merely indicate that the arguments in favor of injustice are morally, though not necessarily logically, inferior. Furthermore, as commentators have noted, Scipio's praise of Laelius's argument for its persuasiveness is not necessarily an endorsement of its truth. There are, therefore, indications of Cicero's Academic skepticism in his treatment of this issue. And yet these details would have been perceived only by a minority of careful and more sophisticated readers. It is a mistake to emphasize these subtle notes of skepticism and thus miss the main point that Cicero intended the majority of his readers to take away from their reading of this passage.

Furthermore, Scipio's subtle expression of doubt need not indicate Academic suspension of all judgment on the question of justice, but rather doubt about Laelius's specific arguments in its favor.²⁵⁹ In fact, Scipio's faint praise lays the groundwork for his subsequent argument in the Dream, in which he corrects Laelius's argument by establishing justice on a different foundation.²⁶⁰

iv.) Laelius's speech: virtue as its own reward

Cicero uses Laelius's argument that the reward of acting justly is virtue itself, whether one is recognized by others or not, to draw Roman elites to conduct themselves with greater moral restraint in public life, and in this way to improve the character of Roman politics in general. According to Laelius, it is in the individual's own interest to act justly for the sake of maintaining the interior harmony of the soul which constitutes virtue. However, as far as one can tell from the little that has survived of Laelius's speech, Laelius does not acknowledge the Greek and/or Stoic origin of the ideal he advances of virtue as the highest good and its own reward. While Cicero had Philus attribute his arguments for injustice to a Greek intellectual, the case for virtue as its own reward is made to seem more Roman than it really is by remaining unattributed to any Greek school and by being assigned to the persona of Laelius. Although Laelius has

²⁵⁹ Zetzel 1999: 62 n9 notes that "speaking on both sides of a question with equal conviction was the basic method used by academic skeptics (including Carneades) for proving to their hearers and to themselves the impossibility of certain knowledge of anything." However, the words of Laelius (3.8) on which Zetzel is commenting here do not present the method as leading to denial of knowledge, but rather "to arrive at the truth most easily" (Zetzel trans.). I will argue in the next chapter that Scipio in the *Somnium* presents the truth about justice by combining certain ideas from both Philus's and Laelius's speeches.

²⁶⁰ See the next chapter.

previously given indication of his extensive learning in Greek ethics and political philosophy, his contempt for more abstract Greek studies, his pragmatic orientation, and his salient patriotism all contribute to rendering him trustworthy to the normative reader. Thus the ideas in Laelius's speech are made more persuasive to the normative reader primarily by means of the persona's previously constructed ethos.

The main principle of Laelius's response to Philus is that man's nature is composed of both body and soul, and that the goods of the soul are higher and preferable to those of the body. It is likely that Laelius was the speaker of an unattributed line from *De Re Publica* that Cicero appropriately quotes in a letter to Atticus, lamenting Caesar and Pompey's unscrupulous pursuit of power:

And if, as you point out to me, I was correct when I said in that book that "there is nothing good except what is noble, and nothing evil except what is base," then each of those awful men is no doubt utterly miserable. To neither of them have the well-being and honor of the fatherland ever been more important than their own power and private convenience. (*Att.* 10.4.4)

et si, ut nos a te admonemur, recte in illis libris diximus nihil esse bonum nisi quod honestum, nihil malum nisi quod turpe sit, certe uterque istorum est miserrimus, quorum utrique semper patriae salus et dignitas posterior sua dominatione et domesticis commodis fuit.²⁶¹

The quotation states the classic Stoic corollary of the notion that virtue is the highest and only good. Attributing this line to Laelius, and to his speech on justice in Book 3, is quite reasonable considering that his arguments depreciate the exterior things that Philus had claimed men were wise to pursue by committing injustice.

Laelius reunites wisdom and justice by arguing that justice is defined by the soul's internal harmony, which is synonymous with virtue, the good of the soul. It is

²⁶¹ Text taken from Shackleton Bailey 1999.

wise to act justly, then, because it leads to your own good: a state of internal harmony in your soul in which reason rules over desire. Laelius's conception of the soul can be seen in a fragment in which his immediate aim is to demonstrate that there are two different kinds of rule, persuasive and despotic:

But it should be understood that there are different kinds of command and servitude. For as the soul is said to command the body, and is also said to command desire; but it commands the body as a king commands his citizens or a parent his children, whereas it commands desire as a master commands his slaves, because it applies force and breaks it. Kings, military commanders, magistrates, fathers exercise rule—and peoples over their citizens and allies—in the same way as the soul rules bodies; however, masters wear down their slaves in the same way as the best part of the soul—wisdom, that is—wears down the vicious and weak parts of the same soul, such as desires, feelings of anger, and other passions. (*Rep.* 3.22)

Sed et imperandi et serviendi sunt dissimilitudines cognoscendae. Nam ut animus corpori dicitur imperare, dicitur etiam libidini, sed corpori ut rex civibus suis aut parens liberis, libidini autem ut servis dominus, quod eam coercet et frangit. Sic regum, sic imperatorum, sic magistratuum, sic patrum, sic populorum imperia civibus sociisque praesunt, ut corporibus animus; domini autem servos ita fatigant, ut optima pars animi, id est sapientia, eiusdem animi vitiosas imbecillasque partes, ut libidines, ut iracundias, ut perturbationes ceteras.

Laelius suggests that the soul is composed of at least two parts: a rational part, wisdom, and a passionate part, which may be further subdivided according to specific passions, such as lust, anger, etc.²⁶² Laelius's argument about the proper order within the soul also suggests that only a virtuous man is free, since he keeps desire, anger, and other passions

²⁶² Cf. also Cicero *Rep.* 1.60, where Scipio describes the parts of the soul in similar terms to Laelius's (though Scipio uses the two terms *ratio* and *consilium* to designate the "best part of the soul"), with the same specific designations of desire and anger (and using the same vocabulary, *libidines* and *iracundiae*) within the passionate part. Both passages bear a superficial similarity to the notion of the tripartite soul in Book 4 of Plato's *Republic*: reason, anger or spiritedness, and desire or appetite. This account of the soul is explored in great detail in Plato; there may have been a similar explanation in Cicero's *Republic*, now lost.

in a state of servitude. This represents, therefore, an appeal to the ambitious elite Roman's sense of himself as a free man. He is being told that if he pursues his desires for pleasure, money, or fame in a disordered fashion, he is a slave. To be free, he must pursue virtue by maintaining his soul in a state of justice in which reason rules passion.

But what determines whether or not an action is reasonable and virtuous, and thus fosters justice—the rule of reason over the passions—within the soul? In other words, what makes virtuous, noble actions good (*nihil bonum nisi honestum*)? The foundation of virtue is nature, or natural law, whose existence is, for Laelius, axiomatic: “There assuredly is a true law, right reason in keeping with nature, spread among all men, unchanging, everlasting; its way is to summon to duty by commanding it, and to deter from doing harm by prohibiting it” (3.27).²⁶³ Because of this natural law, some things are good by nature and others evil: good actions are in keeping with right reason. So this natural law is the foundation of the virtues: some actions are naturally good because they are reasonable, and are not simply thought to be good by convention or society. We can get a sense of the argument Laelius developed from Cicero's paraphrase of it in a passage of a later philosophic work on ethics: “It is evident that if fairness, honesty, and justice do not take their rise from nature, and if all these things are to be motivated by utility, then a good man cannot be found. And on these matters, quite enough was said by Laelius in my books *De Re Publica*” (*De Finibus* 2.59).²⁶⁴ Furthermore, the specific virtue of

²⁶³ *Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium iubendo, vetando a fraude deterreat.*

²⁶⁴ *Perspicuum est enim, nisi aequitas, fides, iustitia proficiscantur a natura, et si omnia haec ad utilitatem referantur, virum bonum non posse reperiri, deque his rebus satis multa in nostris de re publica libris sunt dicta a Laelio* (text taken from Rackham 1931).

justice that derives from natural law is to be distinguished from the concept of justice as order within the soul (though the former will be a condition of the latter, since the latter requires the practice of the virtues). The virtue of justice arises from nature, and is oriented towards the interest of others. It is likely that Laelius made this argument given the following words of Cicero in another letter to Atticus:

Our friends Lucius and Patro, when they make everything motivated by self-interest and hold that nothing is to be done for the sake of another person, and say that a man ought to be good lest he have any problems and not because this is right by nature, they fail to understand that they are speaking of a clever person, not a good man. But I suppose these matters are to be found in those books which you have praised and thereby given me new courage. (*Att.* 7.2.4)

Lucius noster et Patron... cum omnia ad se referant <nec> quicquam alterius causa fieri putent et cum ea re bonum virum esse oportere dicant ne malum habeat, non quo<d> id natura rectum sit, non intellegunt se de callido homine loqui, non de bono viro. sed haec, opinor, sunt in iis libris quos tu laudando animos mihi addidisti.²⁶⁵

We have already encountered this same Stoic argument about justice as serving the interest of others: it occurred in the preface of the first book, where Cicero suggested that a *necessitas virtutis* arising from nature moves us to serve the common interest (1.1, 1.3); and in Scipio's praise of philosophy, where he argued that the philosopher participates in politics as in *necessariis*, fulfilling a duty (1.27). Consequently, there seems to be an unacknowledged tension in Laelius's Stoic account of justice regarding the motive for acting justly: is our motive in acting justly simply to do what is naturally good, benefiting others by the fulfillment of a duty to which we are naturally inclined? Or is our motive in thus acting for the benefit of others (and doing other virtuous actions) ultimately our own

²⁶⁵ Text taken from Shackleton Bailey 1999.

happiness, which depends on maintaining just order within our souls through the practice of the virtues?

In the end, the evidence of other extant fragments from Laelius's argument inclines towards the latter answer, according to which one acts virtuously out of enlightened self-interest, seeking one's own happiness. These fragments suggest that Laelius emphasized the ultimate motive of seeking virtue as its own reward, the possession of which is pleasant to the individual:

Virtue clearly desires honor, nor is there any other payment for virtue; nevertheless, it receives it calmly, and does not bitterly demand it. (*Rep.* 3.28)

Virtus paene vult honorem, nec est virtutis ulla alia merces; quam tamen illa accipit facile, exigit non acerbe.

But if everyone proves ungrateful, or the many become envious, or powerful enemies strip virtue of its own booty, assuredly it delights itself with many consolations, and above all it holds itself up on its own by its own splendor. (*Rep.* 3.31)

Sed si aut ingrati universi, aut invidi multi, aut inimici potentes suis virtutem praemiis spoliant, ne illa se multis solaciis oblectat, maximeque suo decore se ipsa sustentat.

Each fragment rather incongruously introduces the human and civic glory motive into the Stoic argumentative context. Laelius thus reveals his limitations as a philosopher and his attachment to the traditional Roman cultural code. But Cicero also has Laelius mention it to help the ambitious reader identify with Laelius, and thus be receptive to the higher motive Laelius suggests in the event that the statesman does not receive his due from the public for generously serving the interests of the state: he should not become upset, but rather seek happiness in himself, contemplating the resplendent internal harmony of his own soul. There is, however, a certain negative impression one can get of this kind of

self-contemplating virtue, and it prepares the reader who finds these ideas unattractive for the subtle critique to which Laelius's conception will be subjected by Scipio in his Dream.²⁶⁶ The problem is that from the numerous intensive, demonstrative, and reflexive pronouns as well as reflexive adjectives—and all in close proximity to one another (*illa se... suo... se ipsa*)—one gets the impression of virtue as fundamentally self-centered; the language and the sentence structure itself reveal a virtue that is closed in on itself. A similar concentration on the virtuous man's enjoyment of the reward he possesses within himself may be seen in the following fragment, though with a less suffocating effect: "What riches will you hold out to this man, what power, what offices, seeing that he considers that stuff to be merely human, but judges his own goods to be divine?" (3.29).²⁶⁷ This passage still refers to the virtuous man's self-regard, presented as an alternative to esteeming the external goods of political ambition and riches. Laelius's argument of virtue as its own reward is also totally consistent with his position on natural law, and shows that in the Stoic account, acting justly is not ultimately for the benefit of others but for the benefit of one's own soul. For failure to observe this law is equivalent to self-inflicted punishment:

It does not command or prohibit upright men in vain, nor does it have any effect on wicked men by commanding or prohibiting... whoever does not obey this law is himself fleeing himself, plus by this very fact of having spurned human nature he pays the greatest penalties, even if he manages to escape the other things that are considered punishments. (*Rep.* 3.27)

quae tamen neque probos frustra iubet aut vetat, nec improbos iubendo aut vetando movet... cui [legi] qui non parebit ipse se fugiet, ac naturam hominis

²⁶⁶ See Section II of the next chapter.

²⁶⁷ *Huic tu viro quas divitias obicies, quae imperia, quae regna, qui ista putat humana, sua bona divina iudicat?*

aspernatus hoc ipso luet maximas poenas, etiamsi cetera supplicia quae putantur effugerit.

Once again, obeying the natural law really seems to have everything to do with the individual, as there are no references to the effects of his behavior on society or anyone else; another striking phrase appears with the intensive and reflexive pronouns placed one after the other (*ipse se*). Obeying the natural law and thus practicing virtue require observing a sort of personal honor code. One is prompted to be virtuous out of the desire to maintain one's sense of self-worth.

The whole argument about natural law, virtue as the highest good, and virtue as its own reward calls to mind the attitude and behavior of Cicero's contemporary and ally in the republican cause, Cato. By advancing these arguments, Cicero is seeking to introduce elite Romans to a more noble manner of life that, like the patriotic and noble Cato's, can be of great utility to the Republic. However, since we know of Cicero's misgivings about Cato from the public speech *Pro Murena* and from some private letters to Atticus, especially the impracticality of his beliefs and his rigid manner of acting, it stands to reason that Cicero's does not view these Stoic ideas as the best possible philosophical grounding of political action. Thus, as I will show in the next chapter, Scipio will subject them to an implicit critique in the *Somnium*.

To summarize, Cicero employs Laelius's Stoic argument about virtue as its own reward to persuade ambitious Roman readers that one should not enter politics for civic glory or to seize external goods. He holds out virtue itself as a greater good than civic glory. Although civic glory is a reward one deserves for justly benefitting the state, the best reward for engaging in politics is the benefit done to one's own soul. By practicing

virtue, which involves benefitting the state, you possess the highest good possible, and thus benefit yourself as well. Practicing virtue requires not acting rapaciously in public life, because that would upset your internal riches or possession of justice, a state of harmony in which reason prevails over excessive desires. Cicero thus educates his ambitious Roman readers in the ways of philosophy, hoping to produce philosophic statesmen who will engage in politics with a sense of high moral character that will simultaneously prove beneficial to themselves and to the Roman Republic.

IV. Conclusion

From the discussion in this chapter, I hope it is clear that *De Re Publica* is strongly linked to *Pro Sestio* by shared theme. In both works, Cicero sets out the defense of the traditional republican constitution as the axiomatic goal of political engagement and is also concerned with providing the reader with incentives to pursue such engagement, suggesting various motives, among which there is a good deal of common ground. Both works, appeal to traditional Roman values of patriotism, manliness or courage (*virtus*), and the prospect of the special civic glory that is the due of those who risk their private interests to preserve the Roman state. These appeals, moreover, seem to be addressed in both works to the same kind of reader, a member of the Roman elite who is abstaining from taking a public stand in favor of the republic at the risk of making enemies and losing the enjoyment of his private pleasures.

There is, however, a noticeable difference between the two works in the way *De Re Publica* places greater emphasis on philosophical arguments for political engagement, which Cicero uses to draw the reader to more noble motives for action than the winning

of civic glory. The difference in motives emphasized arises from changes in both genre and historical moment, but of these two factors, the second is more fundamental, since it is the cause of the first. Only months after delivering *Pro Sestio* and promising would-be statesmen that civic glory from the *boni* and a grateful public was available for those who would defend the Republic (the necessary corollary of which was resistance to the triumvirs), Cicero's first period of forced retirement commenced with the renewal of the triumvirate. This led to an immediate loss in *dignitas*, as Cicero eschewed the senate on the day for which he himself had helped schedule a debate over Caesar's Campanian land law. Even worse, to this passive compliance with the triumvirs, Cicero added public support by defending the renewal of Caesar's appointment in Gaul. In doing all of this, Cicero felt he was acting under necessity, and privately deplored his state of affairs. Thus Cicero had to confront the public scandal of his own compromise with the triumvirs, and felt obliged to find some way to mitigate the impression that he was giving up the fight for the republic, lest others give up the fight as well. Writing dialogues on the place of the orator in public life (*De Oratore*) and on political philosophy (*De Re Publica* and *De Legibus*) allowed him to continue advancing the case for republican political engagement in another forum.

The change in circumstances also revealed the instability of the republican statesman's personal fortune, and thus forced Cicero to seek new justifications for being loyal to the republic, both for himself and for others. Cicero hoped to become influential again at Rome, but he had to ask himself and his readers whether the republican policies he had pursued and hoped to pursue again could be considered worthwhile in the event

that he should fail to succeed or attain greater social status as a reward for that success. Thus, in *De Re Publica*, Cicero fundamentally departs from the strategy he pursued in *Pro Sestio* of holding out contemporary and posthumous civic glory as spurs to republican engagement. Instead, he advances new motives for engagement that are fitting both to the times and to the genre, advocating the Stoic notion that we have a natural inclination to care for others, the Platonic notion that we are born to serve our country because we have to give her some return for her benefits to us, and the Stoic ethical notion that acting virtuously in public (and private) life is worthwhile because virtue itself is desirable as an end, apart from the consideration of whether society recognizes your virtue and thus confers glory upon you. These ethical notions are voiced by Cicero in the preface of the first book and by Laelius in the third book, and thus by personae who have been carefully fashioned in such a way as to win the trust of the normative reader.

De Re Publica also has the unique feature, entirely appropriate to the genre, of containing an extended protreptic to philosophic activity itself, the pleasures of which Cicero hopes will lessen the attractions of power and wealth. This case for embracing the contemplative life itself as a complement to the political life is placed in the mouth of Scipio, whose persuasive efforts in this regard directed at Laelius indicate Cicero's appeal to the normative reader. Among philosophic studies, broadly conceived, Cicero's Scipio promotes more abstract subjects like cosmology and mathematics not only for their inherent delight but also because of their utility for statesmen, both in terms of practical applicability in public life and their positive moral effects, as they lead to

insights that reinforce the higher ethical ideals for engagement that Laelius agrees with. Laelius's ideal, however, is purely ethical, while Scipio's links contemplation of more abstract subjects to ethics: for Laelius, one behaves virtuously because he esteems virtue itself as his interior riches; for Scipio, the contemplative man despises external things and behaves with virtuous moderation because he has come to value the delight of gaining and possessing cosmological and mathematical insight over external gain. Finally, *De Re Publica* also exhorts the reader to the more practical departments of philosophy, namely political theory and ethics, simply by depicting the authoritative Scipio, Laelius, and their illustrious contemporaries engaged in a conversation on political philosophy and ethics. Cicero seems to intend that the study of ethics, to which the reader is especially urged by the debate staged in the third book, will positively reinforce the ideal of acting virtuously as the means of political engagement and the attainment of virtue as its motive, while an immersion in political philosophy will acquaint the student with a deeper knowledge of the vicissitudes of regimes and thus prepare him to preserve the mixed regime, the end of engagement.

Cicero's particular focus in *De Re Publica* on promoting philosophical studies, importing Greek ethical ideas, and fictitiously constructing his dialogical personae as authoritative exemplars of philosophic statesmen suggest that he was increasingly of the opinion that the Roman Republic would not be saved primarily by a revival of the actual, historical *mos maiorum*—though he does try to revive it for a certain portion of his audience—or by a revival of the constitution of the middle republic and the statesmen who in actuality had failed to sustain it. That generation no less than Cicero's

contemporaries suffered from the absence of philosophy in Roman culture. Cicero's project in *De Re Publica* suggests that the well-being of the state lies rather in the prospect of a sublimation and reformation of the *mos maiorum* through the agency of philosophically informed statesmen. This is not to say, however, that Cicero, though idealistic, was unduly optimistic. As the *Somnium* will imply, Cicero's most authoritative model of philosophical statesmanship in the dialogue, Scipio, will be killed before he can emerge from his forced leisure to guide the state to safety. Cicero was doubtless aware that his attempts at persuasion could fail, and that even if he succeeded with some readers, adverse political circumstances or the ever-present *improbi* might prevent them from having any influence on public life, much like Cicero himself at the time he was writing.

Chapter 3: Political Engagement *Sub Specie Aeternitatis* in the *Somnium Scipionis*

“Use this [nature and power of the soul] in the best things! But the best cares regard the welfare of the fatherland, driven and exercised by which the soul will fly up more quickly to this its seat and home; and it will do this more swiftly, if already while still enclosed in the body it emanates outwards, and contemplating the things beyond, withdraws itself from the body as much as possible.” (Cicero, *De Re Publica* 6.33)²⁶⁸

Introduction

In my discussion of *De Re Publica* thus far, I have demonstrated that Cicero continues to make the case he made in *Pro Sestio* for political engagement motivated by the need to imitate the patriotism and courage of the *maiores* and directed towards the preservation of the traditional republican form of government. In the philosophical work, however, he departs from the earlier speech’s consistent encouragement of civic glory as a motive by emphasizing instead motives drawn from Greek ethical philosophy. Chief among these motives are the Stoic ideas that we have a natural inclination to practice virtue by serving our fellow man (1.1, 1.3), and that by fulfilling this inclination (and thus heeding the law of nature), we can attain the happiness of possessing virtue, regardless of the recognition of others (Book 3 *passim*). The chief voices employed for advancing these ideas are Cicero’s authorial persona from the prefaces and the dialogical persona of Laelius. In addition, for the same reason as Cicero proposes these Greek ethical motives for political engagement, Cicero also promotes the more abstract Greek studies of cosmology and mathematics, aiming at the same effect of detaching Roman souls from the fevered pursuit of glory and material goods, which these studies unmask as ephemeral and unsatisfying. This persuasive effort takes place within the dialogue with Scipio as

²⁶⁸ References to the *Somnium* in this chapter are keyed to the new paragraph numbering of Powell 2006.

chief persuader and Laelius as chief persuadee. The readers Cicero aimed to bring around to these ethical ideals and to the study of these abstract subjects were identified as consisting of a fairly insignificant number of politically withdrawn Epicureans, who were criticized for their neglect of theoretical and practical politics; a greater number of what I have termed “Epicures,” who were initially made to feel shame for failing to display the courage and public spirit of their ancestors; and most of all the “normative” audience of politically ambitious and politically active Roman elites, whose desire for glory, power, and wealth needed to be moderated for the sake of the Roman state. Finally, it was shown that, to a lesser degree, Cicero also addresses the minority of politically active men in his reading audience attracted to the more abstract side of Stoicism, urging them to concentrate on cosmological insights that have political utility and to concentrate more on general moral conclusions than theoretical inquiry into abstruse questions.

In the *Somnium Scipionis*, Cicero employs the *auctoritas* of Scipio Aemilianus, Aemilius Paulus, and the elder Scipio Africanus to reiterate several of the goals, means, and motives for political engagement previously advanced in *De Re Publica*. But even more significantly, Cicero enunciates a cosmological and eschatological perspective that teaches the futility of civic glory even with posterity, and transforms virtue from an end in itself to a means to the true end, eternal contemplation. In Section I below, I will show that, to a limited degree, Cicero uses the *Somnium* to confirm the work’s previous appeals to basic ideals of Roman tradition such as courage, patriotism, and duty to the reputation of one’s family, arguments for political engagement especially directed at those in his reading audience who neglect the *mos maiorum*, including quietist Epicureans, elite

Epicures, or Stoic-leaning politicians. However, as I will show in Section II, the bulk of the *Somnium* is taken up with the exposition of a new cosmological and eschatological perspective that Cicero uses to target the normative reader with a critique of two motives for republican political engagement previously advanced by Laelius: first, the motive of glory with posterity, which Laelius advances just before the *Somnium*, and secondly, the motive of pursuing virtue for its own sake, which Laelius had advanced in the third book. In terms of the dialogical fiction, Scipio²⁶⁹ employs his own *auctoritas* and that of his ancestors in the revelatory dream to teach Laelius that glory with posterity will eventually perish and is thus no less futile than contemporary civic glory, while Laelius's earlier teaching that the reward for just political engagement is the awareness of one's virtue or justice, i.e. the temporal contemplation and enjoyment of the harmonious state of one's soul, is corrected by Scipio's doctrine of the immortal soul's contemplation and enjoyment of the harmony and beauty of the cosmos. Commentators have suggested that the *Somnium* restates Laelius's position on virtue as inherently desirable, only from a transcendent point of view.²⁷⁰ But Scipio's cosmology and eschatology actually transform Laelius's virtue from an end in itself to a means to the end. Moreover, since Laelius's view of virtue as an end is essentially Stoic, Scipio should also be seen as critiquing Stoicism by adopting the traditional Platonic and Aristotelian view that the end of human life is contemplation. Scholars have also overlooked Scipio's rejection of

²⁶⁹ Throughout this chapter, I refer to Cicero's dialogue character Scipio Aemilianus Africanus Minor as "Scipio," while I refer to the character of Scipio Aemilianus's adoptive grandfather, Scipio Africanus Maior, as "Africanus."

²⁷⁰ See Büchner 1984: 496 (on *igitur alte spectare...*), Zetzel 1995: 249 (on *ipsa virtus trahat ad verum decus*).

Laelius's natural law teaching, the foundation of Laelius's view that, absent *gloria*, awareness of one's own virtue is the reward for political engagement, since god enforces natural law through the dictates of conscience. The *Somnium*, however, posits the existence of a god who personally delights in upright political engagement and doles out rewards and punishments in the afterlife.²⁷¹ This correction also represents a critique of Stoicism from a Platonic point of view, as Stoic natural law, whose effects are merely temporal, is faulted as an ultimately ineffective basis for promoting ethical political behavior compared with the promise of eternal reward. As is well known, Cicero's Platonic perspective is evident in his translation of the proof for the soul's immortality from the *Phaedrus* and by his imitation of the Myth of Er. But I particularly wish to draw attention to the rhetorical purpose of Scipio's Platonic arguments as a corrective of Laelius's Stoic ethical motives for political engagement.

In Section III, I will show how the *Somnium* not only provides the statesman with the proper personal motivation for engaging in politics, but also functions more generally as a protreptic to pursuing contemplative activity as a complement to engaging in politics, thus bringing to a conclusion a persuasive process focused chiefly on the normative reader, represented by the pragmatist Laelius, but also on Stoicizing politicians, exemplified by Tubero, who neglect the link between contemplation and action. This

²⁷¹ Zetzel 1995: 230 refers to Laelius's natural law teaching in Book 3 as "a crucial step" in *De Re Publica*'s argument "justifying proper political action." It is not clear whether Zetzel views the Dream's teaching about eternal reward and punishment as coherent with Laelius's, though referring to that teaching as "a step in the argument" seems to imply coherence. Zetzel 1996 emphasizes the discontinuity between Laelius's perspective in Book 3, where he declares the possibility of Rome's being eternal, and the *Somnium*'s assurance that nations and their memory will eventually perish.

persuasive process began during the initial discussion among the interlocutors (1.16-30) and was especially prosecuted by Scipio during his speech in favor of contemplative pursuits (1.26-29). Cicero promotes philosophy in the *Somnium* with two chief rhetorical aims. The first aim is to provide both kinds of readers with knowledge of the means and ends of statesmanship—which Cicero indicates are, respectively, the practice of an altruistic justice and the preservation of social harmony in the mixed constitution—and in the process, to show the Stoic politician how to relate his abstract interests to practical, political concerns. Cicero’s strategy involves describing the cosmos in political language, as the sun’s activity becomes a model of the justice the statesman should practice, while the harmony among the spheres produced by the Sun becomes a model of the harmony in the state at which the statesmen should aim. This designation of the means and ends of statesmanship through cosmology, moreover, represents another correction of Laelius and Stoic ethics by Scipio. Laelius understood justice as the internal harmony that results from rational control of the passions. Justice was thus essentially focused on the self, even if the community benefits from the politician’s self-restraint. Scipio, however, uses the model of the Sun’s governance of the cosmos to define justice as an altruistic manner of acting solely focused on producing goods for others, and in political terms this means fostering the harmony of the mixed constitution. Scipio thus takes up a conception of justice suggested in the Fragments of Book 2 and expressly rejected by Philus in Book 3, but ignored by Laelius in his own defense of justice in Book 3.

Cicero's second major aim in promoting philosophy is to bring the normative reader to engage in politics with moral restraint through his acquired preference for pursuing knowledge rather than material goods or power. Cicero pursues this second aim by presenting contemplative pursuits as inherently valuable, in two ways. First, the *Somnium* makes clear that such pursuits will constitute the activity in which the soul will be exclusively engaged and find its entire satisfaction in the afterlife. Secondly, contemplation is so noble that it is itself, as I hope to show, an alternative path to eternal reward exclusively of political engagement. This aspect of Cicero's teaching in the *Somnium* has generally been neglected by scholars, who have been led by the Dream's rhetorical emphasis on the validation of political engagement to interpret the Dream's philosophical content as a mere foil for political ideas, and to read the Dream as a straightforward endorsement of political engagement.²⁷² While Scipio's cosmology does contain political language and offers political lessons (as I noted above), it also ennobles the contemplative life independently of politics in order to show which is the inherently superior activity that endures in eternity, and to show that political engagement must be of the right kind. Better to be a political quietist philosopher, the *Somnium* suggests, than a politically involved tyrant. However, while the Dream holds out right political action and contemplation as equally valid paths to eternal beatitude, its conclusion (quoted at the

²⁷² See in particular Büchner 1984 passim on the *Somnium*, esp. 472-77. Other commentators have concentrated on the Dream's philosophic content, as e.g. Harder 1929, Boyancé 1936, Luck 1956, Coleman 1964, Ronconi 1967, but while they take Cicero's philosophic sources seriously, they do not afford the same privilege to Cicero's argument about philosophy, opting for the typical conclusion that Cicero elevates the life of the statesman over the life of the philosopher (see e.g. Coleman 1964: 3-4). The most balanced and accurate accounts of the *Somnium*'s double aim of promoting *both* lives are Kretschmar 1938, Luck 1956 (despite much source criticism), and Zetzel 1995.

head of this chapter) argues that the fastest way to eternity is to engage in both, with contemplation feeding right political action. Thus Cicero completes his project in *De Re Publica* of promoting contemplation as a complement to statesmanship with a view to improving the moral character of Roman political elites, who will have developed a greater appetite for the delights of knowledge than for money, pleasure, or power.

The literary choice of having an authoritative figure, Scipio, complete the work's case for politics with the recitation of a Dream allows Cicero to maintain the integrity of his Academic skepticism and to protect himself from criticism by the incredulous at the same time as it allows him to advance his ideas in a compelling manner. The method of using a Dream that is expressly presented as the probable result of the visionary's waking thoughts modestly detracts from the certainty of its truth value at the same time as Cicero rhetorically appeals to the prestige and *auctoritas* of the visionary and of the ancestors seen in vision to insinuate the likelihood of its ideas. It also protects the author from mockery at the hands of the more incredulous, who might despise him as naïve if he were to simply assert in his own voice such doctrines as the immortality of the soul and a divine mechanism for eternal reward and punishment. The method of persuasion Cicero employs is thus highly suggestive rather than dogmatically coercive. Furthermore, in keeping with a typical Platonic myth, it represents a thorough blending of myth and philosophic argument that invites the reader to consider its contents as being in some way like the truth. Scholars often speak of the myth of Er in relation to the *Somnium*, but it will be helpful to consider a different Platonic myth to illustrate how the *Somnium* functions. Just as Socrates at the end of the *Gorgias* tells the story of the judgement of

Minos and the abode of the just on the isles of the blessed, and says that although it cannot be proven we have no better account, so Scipio tells a story that is not to be taken as literally true, but whose components nonetheless are meant to convey certain truths, or ideas the reader is encouraged to view as true. The main idea is that the soul is immortal and experiences a reward for justice and virtue in an eternal state with other men. The vision's explanation of the exact nature of the soul as drawn from the fires of the planets, its eternal abode in the Milky Way, and its experience of eternity as gazing at the other heavenly bodies is not meant to be taken literally, as these things are seen in a vision and thus are imagined, not established through philosophic reasoning. Readers are thus urged to consider the main ideas taught through this symbolic myth.

I. Scipio as exemplar of traditional Roman ideas about political engagement

In the *Somnium*, Cicero uses the authoritative *exemplum* of Scipio's political career as prophesied by his grandfather Africanus to reiterate the goals of political engagement that were advanced earlier in the work. In terms of international affairs, the statesman's goal in pursuing a political career should be to guard the interests of Rome against foreign powers. Africanus begins his address to his grandson Scipio by calling attention to the fact that the latter has currently come to north Africa as a soldier to help attack Carthage, presented as initiating hostilities, since Carthage, "although formerly compelled by me to obey the Roman people, is renewing its wars of old and cannot seem to keep the peace" (*quae parere populo Romano coacta per me, renovat pristina bella nec potest quiescere*, 6.15). Africanus goes on to prophesy that during two different consulships, Scipio will have to lead armies to eradicate both Carthage and Numantia

(6.15). As the reader would know, the Numantine war began due to the revolt of Rome's subjects and was concluded by Scipio with the help of several local allies. Thus the *Somnium* reiterates Laelius's earlier principle that Rome's acquisition of empire is just, since it has resulted from Rome's defense of herself and her allies (3.26). The statesman, therefore, should not hesitate to prosecute just wars against the enemies of Rome who attack her first. It is also prophesied that Scipio will eagerly attend to Rome's interests abroad by serving as legate on multiple occasions, to Egypt, Syria, Asia, and Greece (6.15).

On the domestic front, the statesman's goal is the preservation of the traditional constitution by maintaining harmony among the orders and protecting the rights of Rome's allies. Through Scipio's authoritative *exemplum* and by the anti-*exemplum* of the Gracchi, Cicero tries to draw the normative reader away from the revolutionary mode of political engagement pursued by the *improbi*, just as he had done in *Pro Sestio*.

Africanus warns Scipio that he will eventually "encounter a republic disturbed by the policies of my grandson" (*offendes rem publicam consiliis perturbatam nepotis mei*, 6.15).

Africanus, and of course Cicero, accuses Tiberius Gracchus of disturbing the Republic presumably because he has upset the balance of the mixed constitution.

Tiberius's attempt to impose an agrarian law on the state through the authority of the people alone has interrupted the traditional constitutional balance among the orders by disregarding the traditional rights of the senate and giving the people an excessive amount of power. The means of restoring proper balance to the state will be the ideal statesman, represented in this particular crisis by Scipio, to whom all the other orders

besides the people will look to defend their rights by restoring them to their same proper place in the constitutional order:

To you alone and to your name the entire state will turn: to you the senate, to you all good men, to you the allies, to you the Latins will look; you will be the one man upon whom the safety of the state depends. (*Rep.* 6.16)

in te unum atque in tuum nomen se tota convertet civitas: te senatus, te omnes boni, te socii, te Latini intuebuntur; tu eris unus in quo nitatur civitatis salus.

The reference to the eagerness of the allies, Latins, and good men to see Scipio come to their aid confirms Laelius's earlier complaint that Scipio was being prevented from coming to their aid against the revolutionary actions of the agrarian land commission:

Although the allies and the ethnic Latins have been provoked, the treaties have been violated, extremely seditious triumvirs are plotting something new on a daily basis, and good and wealthy men are worried, they won't let Scipio deal with this most dangerous situation. (*Rep.* 1.31)²⁷³

neque hunc, qui unus potest, concitatis sociis et nomine Latino, foederibus violatis, triumviris seditiosissimis aliquid cotidie novi molientibus, bonis viris et locupletibus perturbatis, his tam periculosis rebus subvenire patiuntur.

The concern of *omnes boni* in the *Somnium* passage, equivalent to Laelius's *boni viri et locupletes*, is that their landholdings be protected from the depredation of the triumvirs on the land commission which had authority to redistribute it among the Roman plebs. The designs of these *seditiotissimi* introduce disorder into the state (*concitatis sociis... bonis*

²⁷³ Cf. Laelius's similar complaint about the departure from Roman tradition represented by Tiberius Gracchus's law at 3.34: "Tiberius Gracchus... has neglected the rights granted by treaty to the allies and the ethnic Latins. And if the license involved in this practice starts to become even more widespread, then I'm concerned about our descendants and about the immortality of our republic, which could be perpetual if it continued living according to the customs established by our fathers" (*Ti. Gracchus... sociorum nominisque Latini iura neglexit ac foedera. Quae si consuetudo ac licentia manare coeperit latius... de posteris nostris et de illa immortalitate rei publicae sollicitor, quae poterat esse perpetua si patriis viveretur institutis et moribus*).

viris et locupletibus perturbatis). Scipio as ideal statesman must oppose such designs for the sake of maintaining social harmony.²⁷⁴

To a limited extent, Cicero urges the practice of republican political engagement by appealing to ideals familiar from Roman culture, which he seems to direct at those in his audience who lack sufficient public spirit, in all likelihood quietist Epicureans, elite epicures, and Stoicizing stargazers who neglect the study and practice of politics. The normative reader already engaged in politics presumably does not require the same spur to action or a reminder of the traditional motives for pursuing public life. One such traditional idea Cicero advances is the urgent need to practice *pietas* towards both country and family. *Pietas* to country means placing the debt we owe to it in justice at the highest level of our obligations. Such is Aemilius Paulus's exhortation to his son:

But listen, Scipio: just like this grandfather of yours and just like me, the one who begot you, be sure to cultivate justice and *pietas*. And although these should be greatly cultivated towards your parents and relatives, they should be the greatest towards the fatherland. (*Rep.* 6.20)

Sed sic, Scipio, ut avus hic tuus, ut ego qui te genui, iustitiam cole et pietatem, quae cum magna in parentibus et propinquis, tum in patria maxima est.

Paulus thus confirms the obligation we have to serve country above our parents that was established at some point earlier in the work, as an unplaced fragment testifies.²⁷⁵

²⁷⁴ Similarly, Cicero states at *Sest.* 103 that the senatorial elite were opposed to this agrarian law because they saw it as a cause for dissension, but were also concerned that the power of the state's leading men would be weakened. See also *Off.* 1.85, where Cicero lays down the principle (which he credits there to Plato) that one of the goals of political engagement is to seek the good of the whole state, rather than benefiting one part of society at the expense of the other, which also causes civil strife.

²⁷⁵ Cf. *Rep.* Fragment 1 Powell (Nonnius 426.8): "Therefore since the fatherland maintains more benefits and is an older parent than the one who has begotten, greater favor is surely owed to it than to one's parent" (*Sic quoniam plura beneficia continet*

But the practice of *pietas* towards country can also help us fulfill *pietas* to our family, inasmuch as through our accomplishment of glorious deeds for our country, we do our duty to maintain and increase the honor of our family's name. This is what Scipio indicates he has been doing from the time of his youth, prior to receiving the prophecy of his future political career with the glories of its outstanding achievements or the revelation of eternal reward (on which prospects more below). Scipio assures Africanus that "from the time of my childhood I have set out to follow in my father's footsteps, and yours, nor have I failed the splendor that both of you have" (*a pueritia vestigiis ingressus patris et tuis decori vestro non defui*, 6.30). Cicero thus appeals to the obligation that those who are part of an illustrious family with a record of accomplishment have to maintain the family tradition for glorious deeds done on behalf of Rome. A similar appeal is implicit in Africanus's prophecy that, by the final destruction of Carthage, Scipio will acquire by his own actions the cognomen which he previously held only by right of inheritance (*eritque cognomen id tibi per te partum, quod habes adhuc a nobis hereditarium*, 6.15). Cicero thus appeals to Romans of noble family not to rest on the laurels of the noble deeds of their ancestors but to show themselves, by their own actions, worthy of the glorious name they have inherited. These *nobiles* would probably be the same persons Cicero criticized in *Pro Sestio* and in the preface of *De Re Publica* for retreating into private enjoyments and presumptuously expecting to rely on the accumulated capital of former generations to continue in the public esteem. This appeal

patria, et est antiquior parens quam is qui creavit, maior ei profecto quam parenti debetur gratia). See also *Off.* 1.160, where the beneficiaries of *pietas* are ranked in the order of immortal gods, country, and parents.

may also be directed at Roman elites of Stoicizing bent who neglect the republic for their intellectual pursuits. It is reminiscent of Laelius's scolding of Tubero for his eagerness to resolve a cosmological problem and his corresponding lack of political ambition and lack of eagerness to do something to rectify the current political crisis, despite the illustriousness of the state and family into which Tubero, "the grandson of Lucius Paulus," has been born (1.31). Scipio's appeals to *pietas* in the *Somnium* may, therefore, be seen as especially directed at Tubero among dialogue characters, and, at the same time, at the wider reading audience I have described.

Another traditional Roman value exemplified by Scipio to which Cicero appeals to motivate the Epicureans, idle *nobiles*, and Stoicizers to practice republican political engagement is Roman manliness or *virtus*. Scipio exemplifies the courage entailed in soldiering abroad for Rome's interest and in confronting potentially violent and treacherous political enemies at home when pursuing republican political goals. First and most obviously, Cicero stirs up in the memory of his readers the example of Scipio's long career as a soldier and consul leading the Roman army in the field, from the time of his campaigning in north Africa "as practically a common soldier" (*paene miles*, 6.15) to leading the conquest of Carthage and Numantia as consul. Secondly, it is clear from Africanus's prophecy that Scipio's attempt to intervene in the crisis precipitated by Tiberius Gracchus's agrarian land law will require a singular act of courage, since he will be incurring the hostility of dangerous and unscrupulous men: "you will have to establish the state as dictator, if you manage to escape the impious hands of your kinsmen" (*dictator rem publicam constituas oportet, si impias propinquorum manus effugeris*,

6.16). It would be easier, of course, to avoid the dangers of military life and of resisting political revolutionaries by withdrawing into the pleasures of private life, and this temptation must have been particularly strong in the turbulent political culture of the late Republic. In the preface of the first book, Cicero had dismissed the argument justifying withdrawal as necessary for a good man to avoid tainting himself by coming into contact with wicked men as one of many excuses for enjoying one's own ease (1.9). Here in the *Somnium*, he uses the memory of one of Rome's foremost patriotic heroes to spur contemporary elites to courageous action against the *improbi* of their own day despite the desire to withdraw to preserve one's own safety and comfort. Finally, the coda to the Dream regarding the punishment of "the souls of those who have surrendered themselves to the pleasures of the body... obeying pleasures at the impulse of their lusts"²⁷⁶ condemns the mental weakness shown by those who pursue private pleasures instead of applying themselves to "anxieties about the fatherland's well-being," in which the soul ought to be "agitated and exercised" (6.33).²⁷⁷ This condemnation of pleasure-seeking is frequently taken as a criticism of Epicurean philosophy, but it is much more than that: Cicero's words are levelled at anyone who puts personal pleasure above *virtus*. Epicurean philosophers are not expressly mentioned, nor did they have a monopoly on the pursuit of *voluptas*. Besides, the emphasis here is on the pleasures of the body (*corporis voluptatibus... impulsuque libidinum*), not of the mind, another clue that Cicero has another audience in mind in addition to Epicurean philosophers, the ease-seeking

²⁷⁶ *eorum animi qui se corporis voluptatibus dediderunt... impulsuque libidinum voluptatibus oboedientium...*

²⁷⁷ *curae de salute patriae, quibus agitatus et exercitatus animus...*

epicures of the noble classes, exemplified perhaps by Cicero's old whipping boy, the "fish-pond hatchers" of whom he frequently complained to Atticus.

Finally, Cicero also makes a limited appeal to civic honor as a potential prize for republican political engagement, which is, however, muted in favor of the *Somnium's* extended teaching on the futility of earthly honors (analyzed in the Section II below). There is an acknowledgement throughout the dream at various points that there will be some degree of civic honor for serving the Republic, which serves as some small encouragement to make public life more attractive to those immersed in private pleasures. It is obvious that several of Scipio's accomplishments cover him with personal glory before his peers and fellow-citizens: he will receive two triumphs, one after destroying Carthage (*cum... triumphum egeris*) and one after razing Numantia (*cum eris curru in Capitolium invectus*, 6.15). After prophesying Scipio's political career, Africanus prefaces his revelation about the eternal reward of good statesmen with the words, "but so that you will be all the more eager to protect the republic" (6.17),²⁷⁸ which implies that Scipio has already been given several incentives to serve the republic. Besides civic glory, these incentives include the other considerations analyzed in the preceding paragraphs: the need for Scipio to do his part to live up to the family name, and the need of someone schooled in courage to come to the aid of the whole state in its crisis. Later in the Dream, Africanus acknowledges that although earthly glory is limited in terms of both time and space and although Scipio should pay no attention to what others say of him, Scipio will nonetheless be talked about for a while in the part of the

²⁷⁸ 'Sed quo sis, Africane, alacrior ad tutandam rem publicam...'

earth where he is known (*quid de te alii loquantur, ipsi videant, sed loquentur tamen*, 6.29). Through these considerations, Cicero tries to awaken a drive for honor in those who have not previously felt its attraction, even as he ultimately wishes to draw them to act for the republic out of even higher motives based on a philosophical vision, to which we shall now turn in our analysis.

II. Laelius and a new motive for political engagement

Most of the foregoing appeals to traditional Roman ideals are found in the prophecy of Scipio's political career that occurs towards the beginning of the *Somnium*. For the normative reader, the concreteness and familiarity of the ideas in this opening section, which mostly recalls Scipio's political career in the second century BCE, serves as a captivating opening that is well placed prior to the more abstract ideas about cosmology and eschatology that soon follow. The sheer length of this cosmological vision, which takes up the majority of the Dream narrative, underscores Cicero's special effort in the *Somnium* to teach the normative reader the vanity of human glory, whether among contemporaries or with posterity, as a motive for engaging in politics. This effort contrasts with Cicero's eagerness in *Pro Sestio* to present posthumous glory as a compelling reason for engagement. It is, moreover, an important generic difference with *Pro Sestio* that allows Cicero to critique that motive, since this critique occurs in the course of a philosophical myth—Scipio's account of a Dream—that is fitting to a philosophic dialogue, and in particular to the spirit of the Platonic dialogue.

Cicero also uses the cosmological vision of the myth to critique the Stoic motive for political engagement advanced earlier in the work by Laelius. Laelius had argued that

virtue or justice should be practiced for its own sake, because failure to practice justice leads to the penalty of a guilty conscience, through which god enforces the natural law of which he is the author. Scipio's Dream critiques these ideas by suggesting that our motive for virtuously engaging in politics is gaining an eternal reward that consists chiefly in contemplation, a blessing conferred by a god who rewards and punishes in the afterlife. For Scipio, therefore, practicing the preeminent virtue of justice is not the end itself, but a means to the end of contemplation. The Dream's settling on the eternal reward of the immortal soul as the most compelling motive for virtuous political engagement parallels the movement in *Pro Sestio* from prior motives to the ultimate motive of enjoying immortal glory in a conscious, postmortem state. However, the critique of the glory motive is much more explicit here at the end of *De Re Publica*, where Cicero also develops a fuller description of this postmortem state than he did in *Pro Sestio*.

A) Cosmology as revealing the futility of glory with posterity

Laelius's complaint that Scipio Nasica's services to the republic have not been shown sufficient honor by posterity indicates that he is backtracking from his earlier argument that the awareness of one's own virtue is a sufficient reward if it should happen that this virtue is denied its proper reward of recognition by the citizen body (3.28). As we know on the testimony of Macrobius, the immediate impetus for Scipio's narrating the Dream is Laelius's complaint that Scipio Nasica had not been honored with any statues for saving the state from a tyrant, namely Tiberius Gracchus (*in Somn. Scip.* 1.4.2-3). Laelius's complaint shows that he still wants to be assured of some kind of glory

as a reward for republican political engagement. His desire to see Nasica vindicated by posterity reveals that he is not entirely convinced by his own earlier assertions about virtue, and still feels that virtuous statesmanship ought eventually to be afforded glory. During the debate on justice, Philus had argued that anyone would choose to be unjust while being considered just by others rather than to be just while being considered unjust and thus suffering great shame (3.13). Laelius's answer to this objection to justice was to insist on the sufficiency of being aware of one's own justice, regardless of the opinion of others (3.31). But now Laelius implicitly reveals that he was not able to answer Philus's argument even to his own satisfaction, as he cannot bear the thought that a just man, who ought to have been vindicated with public honors after his death, would continue to be thought unjust.

Scipio's immediate response suggests that he senses Laelius's discontent with the virtue motive and shares Laelius's misgivings, even as he informs Laelius that neither his expressed desire that the just win posthumous glory nor a reversion to the reward of contemporary glory is the answer to the quandary:

But although for wise men the very awareness of one's outstanding deeds is a very honorable reward for virtue, nevertheless that divine virtue longs neither for statues mounted on lead, nor triumphs with their gradually withering laurels, but for certain more durable and evergreen kinds of rewards. (*Rep.* 6.12)

Sed quamquam sapientibus conscientia ipsa factorum egregiorum amplissimum virtutis est praemium, tamen illa divina virtus non statuas plumbo inhaerentes, nec triumphos arecentibus laureis, sed stabiliora quaedam et viridiora praemiorum genera desiderat.

By following his concession that awareness of virtue is "a very honorable reward" with the claim that virtue still "longs for" something (*desiderat*), Scipio indicates that virtue is

not in fact the end but rather points to something else, an idea that will be summed up by the grand avowal of Scipio Africanus in the Dream that virtue “ought to draw you to true brilliance” (6.29).²⁷⁹ For the moment, Scipio makes clear that virtue does not point back to glory, as Laelius seems to have felt all along. In Book 3, Laelius had said virtue “wants honor” (*vult honorem*) as its proper repayment (*nec est virtutis ulla alia merces*) without bitterly exacting this payment (*exigit non acerbe*, 3.28), but now gives the lie to that claim by peevishly demanding reimbursement in the form of posthumous recognition: “Laelius was complaining that Nasica had not received any public statues as reimbursement for killing a tyrant” (*cum enim Laelius quereretur nullas Nasicae statuas in publico in interfecti tyranni remunerationes locatas*, Macr. *in Somn. Scip.* 1.4.2). Scipio, however, says virtue “longs for” (*desiderat*) something more permanent than reimbursement through any kind of glory, whether contemporaneous, exemplified by triumphal processions, or posthumous, exemplified by monuments. Scipio’s preliminary remarks indicate, therefore, that his Dream will contain a critique of all three motives Laelius has suggested thus far: virtue as its own reward, and both kinds of glory. Rather than reverting to glory, Scipio will ground virtuous political engagement on the eternal reward of contemplating the cosmos in the company of other virtuous men, to be considered gods. The kind of virtue undertaken with the motive of gaining this reward is fittingly designated “divine” (*illa divina virtus*).

²⁷⁹ *Decus* is usually translated as “honor” and Africanus’s words *suis te oportet illecebris ipsa virtus trahat ad verum decus* (6.29) are thought to echo Laelius, *[virtus] suo decore se ipsa sustentat* (3.31). But as I will argue in the discussion below, Africanus’s language and the context of the *Somnium* indicate that the *decus* referred to here is not virtue’s own, but the *decus* or beauty of the cosmos one is permitted to behold as a reward for virtue on earth.

Scipio's Dream demonstrates the vanity of seeking *gloria*, whether contemporaneous or posthumous, drawing a comparison with the cosmos's eternal immensity to show that *gloria* is fundamentally limited in temporal duration and spatial extent. Scipio develops the same basic ideas on the limitations of *gloria* as he advanced earlier in his speech in praise of contemplative pursuits (1.26), but this time he endows these ideas with greater authority through the context of a revelatory Dream, with the illustrious Scipio Africanus Maior as oracle. The treatment of these ideas is also much more amplified than the compact summation in his earlier speech.²⁸⁰

However, since the *Somnium*'s arguments against human glory on the basis of a cosmological perspective are well known, rather than merely repeating them here, I will focus on the radical contradiction they represent to the bulk of Cicero's own argumentation in *Pro Sestio*, which might be termed "Laelian" to the extent that it held out civic glory, especially posthumous glory, as a spur to virtuous, republican political engagement. In *Pro Sestio*, Cicero attempted to establish the certainty of recognition by subsequent generations as a fallback position for the motive of receiving civic glory within one's lifetime. Cicero's oratorical persona in those passages, therefore, parallels the dialogical persona of Laelius, who wishes to have at least posthumous glory as a reward for engagement, and desires it to be seen as a worthy motive. In the peroration of the speech (*Sest.* 143), Cicero would eventually come around to the motive of gaining eternal glory not dependent on human memorialization, but as we saw in Chapter 1,²⁸¹ his

²⁸⁰ The relationship between the critique of glory in the *Somnium* and in Scipio's earlier speech is well-known. See e.g. Büchner 1984 and Zetzel 1995 on *Rep.* 1.26-29.

²⁸¹ See page 59.

presentation of it there was ambiguous enough as to seem indistinguishable at first glance from glory with posterity.²⁸²

In *De Re Publica*, by contrast, the expectation of posthumous glory is raised as a possible motive only briefly before being subjected to an explicit and thoroughgoing critique (6.24-29) on the basis of a universal, eternal perspective proper to the philosophic genre. Scipio relies on the authority of his grandfather Africanus to expose Laelius's hopes for glory with posterity, as well as those of Cicero's oratorical persona in *Pro Sestio*,²⁸³ as utterly illusory: "All that talk is enclosed by these narrow regions you see, nor has it ever been everlasting about anyone: it is buried with the death of men, and extinguished by the oblivion of posterity" (*sermo autem omnis ille et angustis cingitur his regionum quas vides, nec umquam de ullo perennis fuit; et obruitur hominum interitu, et oblivione posteritatis exstinguitur, Rep. 6.29*). Africanus had already explained the reason for glory's spatial limitation, namely the vast distances separating Rome from other peoples, whether one considers the distance between the two inhabitable zones of the earth, the northern and southern hemisphere (6.24-25), or the vast distance separating Rome from other peoples within the northern hemisphere itself (6.26). In calling attention to glory's temporal limitation, Africanus summarizes his previous argument that "we cannot even attain long-lasting glory, let alone one that is eternal" (*non modo non aeternam, sed ne diuturnam quidem gloriam adsequi possumus, 6.27*) due to periodic floods and fires that eliminate the hope of perpetually passing down the memory of great

²⁸² On the *Somnium*'s fuller explanation of the nature of this eternal reward and its being given a more obviously philosophic basis, see the discussion below in the conclusion of this chapter.

²⁸³ *Praesentes fructus neglegamus, posteritatis gloriae serviamus (Sest. 143)*.

men's glorious deeds (6.27). By destroying vast swaths of the earth's surface and killing so many people, these natural catastrophes evidently remove any trace of former monuments and destroy the cultural memory of whole nations.²⁸⁴

Both the nature and extent of this argument against the value of posthumous glory are allowed for by the philosophic genre. Taking the point of view of eternity in a cosmological and eschatological myth is a fitting end to a philosophical dialogue, whereas including a supra-political perspective would be out of place in a judicial or political speech that confines itself chiefly to the point of view of Rome. Thus, in *Pro Sestio*, the devaluing of human glory was merely implicit in the peroration's exhortation to act virtuously come what may, and to consider the souls of great statesman to have attained immortal glory (*Sest.* 143). Cicero did not want the conclusion of his speech to detract from its fundamental accent on what his city traditionally held out as a worthy motive for serving the Republic, the patriotic imitation of the ancestors' quest for *gloria*. This rhetorical emphasis is indeed maintained in the peroration by the ambiguous formula *immortalis gloria*, which in its context could denote posthumous glory, since it concerns the fame of Hercules and of great Roman statesmen who likewise are to be held in

²⁸⁴ Africanus also reveals that even several years of posthumous glory do not amount to much from the cosmic point of view, which measures time by a different standard than men do on earth: "Among the people who are capable of hearing about our fame, none of us can attain the memory of one year. For human beings commonly measure a year only by the revolution of the sun, that is, of one star. But in reality, once all the stars have returned to the position from which they started out... then that true revolution can be called a year, in which period I hardly dare say how many ages of human beings are contained" (*praesterim cum apud eos ipsos, a quibus audiri nomen nostrum potest, nemo unius anni memoriam consequi possit? Homines enim populariter annum tantummodo solis, id est unius astri, reditu metiuntur; reapse autem, cum ad idem unde semel profecta sunt cuncta astra redierint... tum ille vere vertens annus appellari potest, in quo vix dicere audeo quam multa hominum saecula teneantur*, 6.27).

perpetual memory for their great deeds. In that context, Cicero gives only a subtle indication that such *gloria* consists in the enjoyment of a conscious state in his claim that the “motions of the soul and the glory of virtue are eternal” (*animi vero motus et virtutis gloria sempiterna*, *Sest.* 143). In the *Somnium*, however, the term *gloria* consistently and explicitly designates something that is ultimately vain and thus not truly compelling as a motive for republican political engagement. Thus the *Somnium* designates the glory of the postmortem state that is earned by a virtuous life on earth with different terms such as “blessed enjoyment” (*beati... fruuntur*, 6.17) and “true splendor” (*verum decus*, 6.29), and it also explains more fully in what this state consists, as I now hope to show.

B) Virtue as means to a new kind of reward: verum decus

The reward for virtuous political engagement that Scipio proposes in the *Somnium*, an eternity spent in contemplation, not only serves to correct Laelius’s motive of glory with posterity, but also Laelius’s previously proposed motive of seeking virtue as its own reward. Scipio argues that virtue is not the reward to be sought through political engagement, but a means to that reward. Scipio gave a foretaste of this idea in his preliminary remark that “although for wise men the very awareness of one’s outstanding deeds is a very honorable reward for virtue, nevertheless that divine virtue (*illa divina virtus*) longs... for certain more durable and evergreen kinds of rewards” (6.12). For Laelius, virtue is pursued for its own sake, and its motive is a temporal and human reward: being able to contemplate one’s own virtue during life. Scipio’s virtue, however, has an eternal reward as its motive, and is properly termed divine, because it aims at

attaining divine status, which consists in the enjoyment of eternal happiness in the society of other great statesmen, as Africanus reveals:

But to be more eager to protect the republic, Africanus, you will henceforward consider this: all those who have preserved, aided, or strengthened the fatherland assuredly have an established, specific place in heaven where they happily enjoy an everlasting eternity. (*Rep.* 6.17)

Sed quo sis, Africane, alacrior ad tutandam rem publicam, sic habeto: omnibus qui patriam conservaverint adiuverint auxerint, certum esse in caelo definitum locum, ubi beati aevo sempiterno fruantur.

Thus Scipio learns that virtuous political engagement, that aims at benefiting the state, is the individual statesman's means to the end of eternal happiness. The thought of this end should be an even more powerful motivating factor (*alacrior*) than others, whether Laelius's ideal of virtue as its own end or the desire to live up to traditional Roman social expectations, many of which were alluded to in the first part of the *Somnium*, such as the exercise of manly courage and patriotism.²⁸⁵ In addition, it is for reasons of rhetorical strategy that Scipio reveals the eternal reward for engagement immediately after Laelius gives a shout upon hearing the prophecy of Scipio's possible demise at the hands of his kinsmen (6.16). The revelation that Scipio will gain an eternal reward for his efforts to preserve the fatherland in the Gracchan crisis, despite the triumph of injustice that a Gracchan victory and Scipio's murder would represent, aims to provide Laelius some consolation by teaching him that those efforts are ultimately worthwhile regardless of what anyone else on earth thinks.

As the narrative proceeds, Scipio makes this point about virtue's instrumental value even more explicitly. First, he recounts his father Paulus exhorting him to imitate

²⁸⁵ Cf. Section II of this chapter.

Paulus and Africanus in the practice of the virtues of justice and piety, which “should be greatest of all towards the fatherland: that life is the path to heaven and into this gathering of those who having already lived and been freed from their bodies inhabit the place you see” (*in patria maxima est: ea vita via est in caelum et in hunc coetum eorum qui iam vixerunt, et corpore laxati illum incolunt locum quem vides*, 6.20). Secondly, recounting an exhortation of Africanus, Scipio pointedly uses many of the same terms as Laelius did in Book 3 to get Laelius’s attention, even as he corrects Laelius’s teaching. Africanus, summarizing the lessons contained in what Scipio has seen in the Dream thus far, exhorts him not to despair of reaching heaven but to continue looking up above in order to be imbued with the proper motive for virtuous political engagement, achieving admittance to heaven:

Given all of this, if you end up despairing of returning to this place, where great and brilliant men have all things, how much, really! is that so-called glory of human beings worth which can hardly even last for the tiniest part of one Year? Therefore, if you prove willing to look on high and to gaze at this dwelling and eternal home, do not surrender yourself to the talk of the crowd, nor place hope in human rewards in exchange for your deeds: by its own charms, virtue itself ought to draw you to true gloriously-beautiful-splendor. (*Rep.* 6.29)

Quocirca si reditum in hunc locum desperaveris, in quo omnia sunt magnis et praestantibus viris, quanti tandem est ista hominum gloria, quae pertinere vix ad unius anni partem exiguum potest? Igitur alte spectare si voles atque hanc sedem et aeternam domum contueri, neque tu sermonibus vulgi dedideris, nec in praemiis humanis spem posueris rerum tuarum, suis te oportet illecebris ipsa virtus trahat ad verum decus.

Scholars have rightly focused on the way these words drive home the teaching that one should not engage in politics for the sake of glory, which is empty. They have also taken these words to be a restatement of Laelius’s position that virtue itself is the thing to be sought rather than glory (3.31). And yet Africanus’s exhortation, recounted by Scipio,

actually constitutes a transformation and correction of Laelius's position, couched in Laelius's own terminology to establish a special connection with Laelius in particular among his listeners. Scipio (through Africanus) is not saying that virtue is to be sought for its own sake, but that it points to something even higher than itself: in light of the revelation of the eternal home above as one's ultimate goal, virtue draws (*trahat*) a person not *to* itself or *to* its own charms, but *to (ad)* something distinct from itself, *verum decus*, *by means of* its own charms (*suis illecebris*). By contrast, for Laelius, the consolations of virtue belong to virtue itself, among which is the honor or glory inherent in virtue; the *decus* in question for Laelius is virtue's *own (suo decore)*: "it delights itself with many consolations, and above all it holds itself up on its own by its own splendor (*illa se multis solaciis oblectat, maximeque suo decore se ipsa sustentat*, 3.31). For Laelius, therefore, the reward for virtuous political engagement is reflexively contemplating one's own virtue. But for Scipio, the reward for virtue is contemplating *something else* in the afterlife. Scipio has already indicated just before the Dream his intention to speak of "certain more durable and evergreen kinds of rewards" than "the very awareness of one's outstanding deeds" (6.12). This "more durable" reward, or this distinct and higher thing to which virtue leads, *verum decus*, is evidently, given the logic of Africanus's sentence (6.29), the literal splendor of "this dwelling and eternal home" (*haec sedes et aeterna domus*) in the heavens that the statesman will be allowed to contemplate (*spectare... contueri*) and enjoy in eternity as a reward for practicing virtue during life on earth. Virtue is said to draw by means of its inherent charms (*suis...*

illecebris) because the statesman comprehends it as the means that will lead him to the perpetual enjoyment of the *decus* above.

That *verum decus* denotes the object of the soul's eternal contemplation, the splendor of the heavens, is evident for two additional reasons. First, the modifier *verum* is proper to a unique concept of glory that is revealed for the first time in the cosmological Dream vision. The Dream's revelations are emphatically presented as having the characteristic of truth, of being the way things really are, as opposed to the way human beings perceive or speak of them. For example, the Dream reveals that souls like those of Africanus and Paulus who have escaped the prison of the body are alive (*hi vivunt*), and therefore "what is called (*dicitur*) 'life' among you all is actually death" (6.18); there is a contrast between the human measure of time by means of the revolution of the sun and the real standard (*reapse autem*) of the Great Year (6.28); even the names of the planetary spheres are repeatedly underscored as conventional (6.21).²⁸⁶ Thus "true" *decus*, in the context of the Dream, is a concept relating exclusively to the Dream and to the unique glimpse into reality it gives, and cannot denote the same idea of *decus* as Laelius spoke of earlier in the work. Secondly, the proliferation of verbs of seeing and gazing together with adjectives and nouns denoting light or brilliance in the earlier part of the Dream already made it clear that the blessed enjoyment (cf. *beati... fruuntur*, 6.17) of this eternal reward consists in the contemplation of the luminous beauty of the cosmos from a special place high up in the cosmos (cf. *certus... definitus locus*, 6.17) to which one's virtue has brought him. For example, Scipio relates that "as I contemplated (*mihi*

²⁸⁶ E.g., *illa quam in terris Saturniam nominant... ille fulgor qui dicitur Iovis... tum rutilus... quem Martium dicitis*.

contemplanti) everything else from there, it appeared incredibly bright and beautiful (*praeclara... et mirabilia*)” (6.20); and that “I kept gazing in amazement at these things” (*quae cum intuerer stupens*, 6.22), by which he means the survey he has just been given of the universe with its nine spheres, called “lights” (*lumina*), all of which the sun “illuminates and fills with its own light” (*cuncta sua luce lustret et compleat*, 6.21). Africanus, therefore, in speaking of the true *decus* to which virtue leads, is summarizing what the Dream has already indicated, namely that the reward for virtue on earth is to contemplate the unsurpassed and eternal beauty and splendor of the cosmos. This glory is more real and more enduring than glory as conceived by traditional Roman culture or even the glory of virtue praised by the Stoics.

Contemplating the splendor of the heavens, however, does not fully exhaust the meaning of *verum decus*, which seems also to refer to the recognition by god and other great men that the statesman enjoys as part of his conscious postmortem state, as well as literally partaking of this *decus* as a shining star in the heavens. These are also among the “more durable and evergreen kinds of rewards” revealed to Scipio in the Dream. While the sheer happiness of contemplating the universe’s beauty seems paramount in the *verum decus* after death to which a life of virtuous political engagement leads, it consists in additional rewards that fulfill Laelius’s longing for some lasting form of moral vindication and honor by others. This recognition comes first in the form of the eternal awareness of having been recognized and honored by “the chief god who rules the whole universe” with admittance to heaven, since “nothing (that happens on earth, in any case) is more pleasing than the councils and gatherings of human beings bound in society to

one another by justice, which are called states, whose helmsmen and preservers set out from and return here” (6.17).²⁸⁷ Another form of recognition is experienced upon being admitted into an exclusive society of other great men,²⁸⁸ where one enjoys their friendship and conversation, as appears to be indicated by the pleasant interaction of Africanus, Paulus, and Scipio (6.18-20). Finally, there is the *decus* of actually shining as a star in the heavens. Paulus explains to Scipio that the soul is drawn from the same fires that constitute the stars (6.19) and that, after death, the souls of virtuous men depart from their bodies (6.20). It stands to reason that these souls then regain their original fiery splendor, and this is just what Scipio observes when looking at the Milky Way, the dwelling place of the departed souls of great statesmen: “it was, moreover, shining all around, amidst blazing fire, with a most brilliant splendor” (*erat autem is splendidissimo candore inter flammis circus elucens*, 6.29). *Candore* is practically an anagram of the noun *decus*, *decoris*,²⁸⁹ and in any case amounts to the same thing in sense, especially with the added *splendidissimo*. Thus the souls of great statesmen literally shine as stars in the Milky Way, and their glory can be seen by men on earth.

While it is tempting to conclude that Cicero is seeking through the Dream’s account of apotheosis into a soul-star to popularize the mythico-religious idea that great statesmen should be forever remembered and recognized as visible gods in the heavens,

²⁸⁷ *Nihil est enim illi principi deo, qui omnem mundum regit, quod quidem in terris fiat, acceptius, quam concilia coetusque hominum iure sociati, quae civitates appellantur: harum rectores et conservatores hinc profecti huc revertuntur.*

²⁸⁸ Cf. *omnibus qui patriam conservaverint adiuverint auxerint, certum esse in caelo definitum locum* (6.17); *hic locus... in quo omnia sunt magnis et praestantibus viris* (6.29).

²⁸⁹ See Ahl 1985 on anagrams in Latin literature.

thus assuring himself and other republican statesman of a sort of eternal glory along the lines of Laelian posthumous memorialization²⁹⁰ and even anticipating the politico-religious propaganda of Augustus and the principate,²⁹¹ such an interpretation would be mistaken for several reasons. First, according to Scipio, all souls are by nature gods since they share with gods the characteristic of self-motion (6.30). Therefore, admittance to a special place in heaven does not properly constitute apotheosis or becoming a god, but rather signifies recognition for one's virtuous life. Admittance to this place, moreover, is the final destination of all souls, since even those who were enslaved to pleasure during their lives on earth will eventually arrive here after many ages of torment (6.33). Secondly, such a goal on Cicero's part would be at odds with the Dream's express teaching that perpetual posthumous glory is an impossible hope due to the periodic destruction of human cultural memory (6.27). Even if Cicero could convince all men through their reading of the *Somnium* to consider the stars in the Milky Way to be the apotheosized souls of great statesman, according to Cicero's own reasoning, the knowledge imparted through the *Somnium* will eventually be lost through a fire or flood.²⁹² Third, the Dream suggests that glory from surviving men on earth is of no true value even if it could be perpetual because the crowd are not qualified to pass judgment on the virtuous (*neque te sermonibus vulgi dedideris*, 6.29). The glory of the apotheosized statesmen does not depend on its being acknowledged by men on earth.

²⁹⁰ Cf. Gildenhard 2011: 380-82.

²⁹¹ See Cole 2013 passim.

²⁹² Indeed, until 1821, the rest of *De Re Publica* had practically suffered such a fate, as its memory was maintained only through the transmitted text of the *Somnium* and from quotations in late antique authors.

What matters, rather, is the judgment and recognition of the wise and virtuous, and therefore of god and of other men judged virtuous enough by god to be admitted to that exclusive *coetus* of great men. Fourth, as I hope to have shown above, the Dream's emphasis on the joy great statesmen have in contemplating the splendor of the universe positively advances the idea that this contemplation is the most significant part of the *decus* they enjoy, another way in which their reward does not depend on human beings on earth. This contemplation of *verum decus* is the primary and essential aspect of eternal reward, moreover, because it fully satisfies the human appetite for knowledge, an idea developed by Scipio in the earlier epideictic passage as well as in the Dream, as I will discuss in Section III below.

Finally, Scipio's proposal of an eternal reward for political engagement in order to provide Laelius and the normative reader with the assurance that such engagement is ultimately worthwhile also requires him to reject Stoic natural law in favor of generally Platonic notions such as divine reward and punishment in the afterlife and the immortality of the soul. Scipio, therefore, tries to persuade Laelius that Platonism provides a stronger foundation for virtuous political engagement than Stoicism. Scipio's correction of Stoicism with Platonism represents Cicero's rhetorical aim of leading the normative reader from the noble Stoic motives for political engagement with which this reader is by now familiar to an even loftier motive based on Platonic eschatology. Laelius's ideal of pursuing virtue as its own reward was dependent on the existence of natural law, authored by god. But god does not personally enforce this law; its only mechanism for enforcement is the natural law itself inherent in the human conscience.

As Laelius said: “whoever does not obey this law is himself fleeing himself, plus by this very fact of having spurned human nature he pays the greatest penalties, even if he manages to escape the other things that are considered punishments” (*cui [legi] qui non parebit ipse se fugiet, ac naturam hominis aspernatus hoc ipso luet maximas poenas, etiamsi cetera supplicia quae putantur effugerit*, 3.27). Thus the motivation for acting virtuously in politics is the need to avoid the sanction of a guilty conscience and to gain the reward of a good conscience, which can rejoice in the nobility of the virtue it possesses (3.21) and in the awareness of good deeds performed (6.12). But Scipio suggests that natural law does not provide sufficient motivation to engage virtuously in politics because it is merely self-enforcing and its effects are only temporal. According to Laelius and the Stoics, god may be the author of natural law, but he is not really the enforcer of natural law in any active, personal sense. Natural law enforces itself, and yet its dictates can be ignored by anyone determined to act badly, as Laelius himself admitted: “It does not command or prohibit upright men in vain, nor does it have any effect on wicked men by commanding or prohibiting” (*quae tamen neque probos frustra iubet aut vetat, nec improbos iubendo aut vetando movet*, 3.27). And even though such disobedience causes the bad man to experience the ongoing pain of a guilty conscience, this pain is only temporal, since it ends as soon as the soul ceases to be self-aware.

Cicero seeks, therefore, to place a more compelling motive for virtuous political engagement before the normative reader by having Scipio remedy these deficiencies of the Stoic physical and ethical framework, a move that also places Cicero in dialogue with any Stoic-leaning contemporaries. Although many Stoic ideas pervade the *Dream*, such

as the soul's being taken from the same material as the heavenly aether (6.19), its survival after death by its return to the aether (6.17, 6.20), the identification of god with the outermost sphere of nature (6.21), and Cleanthes's notion of the sun as *hegemonikon* (6.21),²⁹³ Cicero nevertheless forges his own philosophic cosmological eschatology with the admixture of Platonic notions that provide a stronger motivation for virtuous political engagement. The god that rules the universe, for example, turns out not to be a merely impersonal planetary sphere bounding the others but a personal god who takes pleasure in justice (6.17) and as a consequence actively metes out reward and punishment in the afterlife (cf. 6.17, 6.33). Cicero imports an ideal of divine enforcement based generally on the Myth of Er that ends Plato's *Republic*, thereby providing, as Plato did, a framework of rewards and punishments that are much longer-lasting than the mere temporal pain of conscience threatened by violating natural law. Barlow (1987: 370-71) points out that Scipio wishes to add a stronger motive for concerning oneself with the city than Laelius's natural law argument, and thus adds the idea of the immortality of the soul. However, while Barlow views Scipio's primary audience as the young Stoics present for the conversation, especially Tubero, Laelius is no less important a target of Scipio's argument about immortality and eternal reward.²⁹⁴

Furthermore, Cicero's Platonism guarantees the eternity of the reward after death on the basis of the soul's true immortality (6.30-32). If the extended translation of the passage from Plato's *Phaedrus* were not sufficient proof that Cicero viewed the

²⁹³ On the Stoic sources for these ideas, see especially Ronconi 1967.

²⁹⁴ Likewise, in the climactic moment of the first book of *De Legibus*, as I will show in the next chapter, Marcus directs his argument for philosophic politics to both interlocutors present, Atticus and Quintus.

immortality of the soul as specifically Platonic, there is also the evidence of a passage from the *Tusculan Disputations* (1.77-79),²⁹⁵ where Cicero explains that although the Stoics allow for the survival of the soul after death, this survival is only temporary due to the eventual arrival of the *ekpurosis*. Moreover, this passage also recalls the way the Stoics advocated only a restricted immortality, limiting apotheosis to great benefactors of the human race.²⁹⁶ They did not endorse the Platonic view, endorsed in the *Somnium* by Scipio, that all souls are immortal because of their very nature. Thus, when Africanus says that “the soul of Romulus” (*Romuli animus*, 6.28) was admitted to the place for statesmen in heaven after his death, we have to presume in light of the Platonic proof of immortality later recited by Africanus that Romulus will be there forever, and not in the sense of temporary postmortem survival envisioned by the Stoics. In sum, Laelius’s Stoic argument enshrining virtue as its own end on the basis of natural law does not represent one step of a coherent, consistent argument that is confirmed by the *Somnium* from a more transcendent point of view,²⁹⁷ but rather a well-intentioned but deficient position that is ultimately corrected by the *Somnium*’s ideal of eternal reward on the basis of postmortem divine enforcement of justice.

III. The case for joining philosophy and politics

In the last section I discussed the way Scipio uses a cosmological and eschatological perspective to provide Laelius with the proper motive for virtuous political engagement, showing that such engagement should be seen as a means to the personal

²⁹⁵ On this passage, see Douglas 1985: 118 and Cole 2013: 138.

²⁹⁶ As Margaret Graver points out to me *per. litt.*; cf. Cato in *Fin.* 3.66.

²⁹⁷ See references to Büchner 1984 and Zetzel 1995 in notes 1 and 2 above.

end of an eternal reward, *verum decus*. Next I will show how Scipio seeks throughout the *Somnium* to draw Laelius to engage in contemplative pursuits as a complement to engaging in politics, simultaneously urging Tubero to complement his contemplative pursuits with the consideration of ethics and politics. Scipio's engagement of Laelius and Tubero in the text, moreover, functions externally as Cicero's attempt to persuade the normative reader and the Stoic-leaning politician of his own day.

Scipio's rhetorical aims in promoting this complementarity between philosophy and politics are twofold. First, in addition to inculcating the right motive for political engagement, Scipio wants Laelius and Tubero to learn from cosmology and mathematics a proper understanding of the personal means or manner of engaging in politics, namely altruistic justice, modeled by the sun's activity in the universe and the example of Scipio's resolution to serve the state despite his inclination to family and contemplation. Scipio also wants them to learn from cosmology about the ends of statesmanship, namely the preservation of social harmony modeled on the harmony of the spheres. To move Laelius to take up contemplation and learn these lessons, Scipio described the cosmos with political language and generally strives to make it relevant to politics, teaching Tubero at the same time to bring theoretical abstraction into connection with politics. Scipio's second chief rhetorical aim in promoting contemplative pursuits is to detach Laelius from earthly goods by cultivating an appetite for knowledge, which will make him a more morally restrained politician. To make these studies more attractive and produce these results, Scipio argues that the contemplative life is inherently valuable and personally satisfying, on two grounds: he shows that it will constitute our sole activity in

eternity, and he dignifies the contemplative life itself with the revelation that its exclusive pursuit leads to eternal happiness, even apart from any political accomplishments. These rhetorical ends and the strategies used to pursue them represent a continuation and fulfillment of Scipio's aims and methods towards Laelius and Tubero in his earlier epideictic speech (1.26-29).

A) The means and ends of statesmanship: contemplation as politically relevant

Scipio promotes contemplative pursuits for their political relevance and utility, showing Laelius and Tubero that the cosmos provides knowledge, first, of statesmanship's means, to be understood as a more altruistic justice than was conceived of by Laelius. This altruism is evident in the Sun's fulfillment of an altruistic governing role focused on the benefit of the other spheres:

Next, of these seven, holding approximately the middle region is the Sun, the chief, leader, and moderator of the other lights, acting as mind and balancing force of the universe, and of so great a size that it illuminates and fills all with its light. (*Rep.* 6.21)

Deinde de septem mediam fere regionem Sol obtinet, dux et princeps et moderator luminum reliquorum, mens mundi et temperatio, tanta magnitudine ut cuncta sua luce lustret et compleat.

Scipio indicates the political relevance of the sun's example by designating the sun with political language (e.g. *dux*, *rector*) that recalls the *rector rei publicae* discussed earlier in the work.²⁹⁸ In addition, the way the sun benevolently casts its light on the other spheres recalls Scipio's insistence that the *rector rei publicae* provide the light of his soul as a model for others: "he should offer himself as an example to the citizens by the splendor of his soul and of his life" (*ut sese splendore animi et vitae suae sicut speculum praebeat*

²⁹⁸ Büchner 1984: 474-75, Zetzel 1995: 238; cf. 239 on the political resonance of *comites*.

civibus, 2.69). This role of the *rector* was also brought up earlier in the *Somnium* itself by Africanus,²⁹⁹ who prophesied that when confronting the Gracchan crisis, “at that point you, [Scipio Aemilianus] Africanus, will have to show to the fatherland the light of your soul, natural ability, and good counsel” (*hic tu, Africane, ostendas oportebit patriae lumen animi ingeni consilique tui*, 6.16). The connection Scipio draws between cosmology and political matters piques the pragmatic Laelius’s interest in the former subject, while the intellectual Tubero is taught to relate his cosmological studies to political concerns. Laelius and Tubero have thus been positioned to understand that just as the sun’s justice consists in its orientation to the benefit of the other planetary spheres by spreading its light and using its magnitude to create order, in like manner the statesman’s justice consists in directing his mental capacities and the influence of his prestigious example to create harmony in political society.

The *Somnium*’s concept of an altruistic and exemplary justice focused on the benefit of others, although it somewhat resembles previous formulations of justice earlier in the dialogue, is probably different from those that were advanced by Laelius. It was likely Scipio himself rather than Laelius who spoke of justice in this same sense in two Fragments of Book 2:

justice looks outward, and is completely manifest, and stands out (*Rep.* 2.8)

iustitia foras spectat et proiecta tota est atque eminent

the virtue that more than all others reaches out and spreads itself out for others’ benefit (*Rep.* 2.9)

quae virtus praeter ceteras totam se ad alienas utilitates porrigit atque explicat

²⁹⁹ Zetzel 1995: 229.

The emphasis on altruism in this conception of justice seems to have been absent from Laelius's account of justice in Book 3. Laelius certainly agrees with Scipio that justice aims at the benefit of others rather than oneself, as Cicero's own reference in *De Finibus* (2.59) to Laelius's argument makes clear.³⁰⁰ Nevertheless, the essence of justice for Laelius seems to be not the practice of altruism as such but the maintenance of proper order or harmony, the maintenance of rule by the rational over the irrational, whether in terms of political society or the soul. When Laelius justifies the rule of Rome over her empire, he does so on the grounds that the rational must rule the irrational, possibly reprising Aristotle's argument for natural slavery (3.22). Although it may be implicit in Laelius's argument that this rule is for the good of the irrational, and Laelius may have developed this point more explicitly in parts of his argument that have not survived (cf. *Fin.* 2.59), Laelius's conception of justice revolves around the question of who has the right to rule, not the character of a just action as purely altruistic. Furthermore, Laelius's emphasis on virtue as an internal quality of the soul to be contemplated by the individual possessing it ignores the particular character of justice emphasized by Scipio as an act aimed at others (*foras spectat*, 2.8). The other part of that fragment's definition points to another aspect of justice omitted by Laelius, namely its exemplary value: justice is

³⁰⁰ "It is evident that if fairness, honesty, and justice do not take their rise from nature, and if all these things are to be motivated by utility, then a good man cannot be found. And on these matters, quite enough was said by Laelius in my books *De Re Publica*" (*Perspicuum est enim, nisi aequitas, fides, iustitia proficiscantur a natura, et si omnia haec ad utilitatem referantur, virum bonum non posse reperiri, deque his rebus satis multa in nostris de re publica libris sunt dicta a Laelio, Fin.* 2.59). Cf. pp. 83-84 in Chapter 2.

“completely manifest” (*proiecta tota est*) and is put on display (*eminet*),³⁰¹ presumably for others to imitate. Therefore this Fragment, for which we already have evidence assigning it to Book 2,³⁰² may well belong to the lost portion of Scipio’s argument following his statement that the *rector* “should call others to imitate him and offer himself as an example to the citizens by the splendor of his soul and of his life” (*ut ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus*, 2.69).

It would be a mistake, however, to say that Scipio’s ideal of altruistic justice is completely absent from the debate on justice in Book 3. While there seems to be no trace of it in Laelius’s account, it does surface, paradoxically enough, in Philus’s speech on behalf of injustice. At the beginning of this speech, Philus set out a conception of altruistic justice similar to Scipio’s before proceeding to disprove its existence, calling it “that virtue which alone—if it actually exists—is exceedingly generous and beneficent, and which loves everyone more than itself, born for others rather than for itself” (*eam virtutem quae est una, si modo est, maxime munifica et liberalis, et quae omnes magis quam sepe diligit, aliis nata potius quam sibi*, 3.8). Thus in the *Somnium*, Scipio uses the model of the Sun’s role in the cosmos to vindicate an altruistic conception of justice denied by Philus and not properly vindicated by Laelius’s defense of justice as the harmony manifested in the rightful rule of the rational over the irrational.

³⁰¹ *Clu.* 183: *ii quorum eminent audacia atque proiecta est.*

³⁰² Cf. *Non.* 373.30: *proiectum... M. Tullius de republica lib. II ‘iustitia... eminent’* (quoted in Powell 2006: 90).

For Scipio, the harmony of the mixed regime is not justice as such, but the result of the statesman's dedicating himself to this end and setting an example of justice to be imitated by the different orders of society. The harmonious cosmos resulting from the influence of the Sun models the political end to which the statesman's altruistic justice is directed, the social harmony of the mixed constitution. That this is statesmanship's goal was already suggested in the quotation above by the sun's designation as *moderator* and *mundi... temperatio*. The statesman's goal of social harmony is also implicit in the analogy, often noted by commentators, between the way all the orders turn to Scipio (*in te unum atque in tuum nomen se tota convertet civitas*, 6.16) to seek the preservation of their proper place in the Roman constitution and the similar way that, in the cosmology, the planetary spheres revolve around the Sun.³⁰³ The concord of the mixed regime is further reflected in the heavens by the music of the spheres, which results from the harmonic intervals between the spheres (6.22). This passage is directly related to Scipio's earlier discussion in Book 2 of the perfect harmony among the orders of society produced by the statesman's political action and personal moral example, which Scipio likened to the harmonious sound that results from the musician's skillful manipulation of the different chords of a lyre (2.69). In sum, "what musicians call harmony in a song is concord in a state" (*quae harmonia a musicis dicitur in cantu, ea est in civitate concordia*, 2.69). When Scipio concludes that "it [concord] can by no means exist without justice" (*eaque sine iustitia nullo pacto potest esse*, 2.69), he indicates that political concord is conceptually distinct from justice, the latter producing the former,

³⁰³ See e.g. Zetzel 1995: 229. For the astronomical metaphor implicit in *se convertere*, see Gallagher 2001.

contrary to Laelius's conception of justice in Book 3 as a kind of harmony. That the justice Scipio refers to is, moreover, the individual statesman's, and that it consists both in his dedication to preserving the mixed regime and in his setting a good example of moral restraint for society to follow, is evident from the logical sequence of the passage. Scipio's initial statement that the *rector* "should call others to imitate him and offer himself as an example to the citizens by the splendor of his soul and of his life" was immediately followed by a long sentence that began with the particle *enim* before setting forth the lengthy analogy between the harmony produced by the musician and social concord (*Ut enim in fidibus aut tibiis...*). The conclusion of the whole thought was that this harmony cannot exist without justice. Since the analogy about social harmony was presented as an explanation (*enim*) of the importance of the statesman's being an example for the citizens to imitate, it would appear that this example, specifically his justice, is the cause of the harmony. Scipio argues, therefore, that the mixed regime cannot survive without just individuals, who make the mixed regime the end of their politics and whose personal example of moral restraint makes the rest of society morally restrained as well. Thus in the *Somnium*, Scipio returns to the analogy between musical harmony and social concord, arguing that the latter results from an individual statesman's justice, which orients him towards fostering this concord by political action and by personal example.

B) The value of contemplation and the need for moral restraint

Since the statesman's individual justice is necessary for harmony in the state, which results not only from the statesman's altruistic dedication to the mixed regime but also from the example of his personal moral restraint, Cicero's other goal in having

Scipio promote contemplative activity to Laelius in the *Somnium* is to foster moral restraint in the normative reader. The last section (A) has shown how Scipio draws Laelius to contemplative pursuits by making cosmology and mathematical theory politically relevant, with the goal of teaching him about the means (individual justice) and ends (concord of the mixed constitution) of statesmanship. In this section, I will show how Scipio draws Laelius to these pursuits by presenting them as inherently valuable, both because they constitute the highest human activity and lead to happiness, and because they can lead on their own to an eternal reward. Scipio expects that by inculcating enthusiasm for the life of the mind, moral restraint will naturally follow. This moral restraint will come easily to statesmen who have come to value the pursuit of knowledge over the pursuit of money, pleasure, or power.

Scipio advances the inherent value of contemplation on the grounds that, as the activity in which the soul will find its happiness in eternity, it is *per se* superior to human things, and consequently should be pursued in the present life as much as possible, with a corresponding contempt for earthly concerns. We have seen above (Section II) how the blessedness of the eternal reward for statesmen (6.17) consists chiefly in contemplation of the beauties and marvels of the cosmos. Scipio is urged by Africanus to seek this blessedness by engaging continuously (*semper*) in contemplative activity while despising human concerns: “I perceive that even now, you are contemplating the dwelling and home of human beings; and if it seems small to you, as indeed it is, gaze always at these heavenly things, despise the human” (*sentio te sedem etiam nunc hominum ac domum contemplari; quae si tibi parva, ut est, ita videtur, haec caelestia semper spectato, illa*

humana contemnito, 6.24). This command picks up on Scipio's declaration in the epideictic passage on contemplative pursuits that nothing is more grand than "looking down on all human things and considering them inferior to wisdom, while never considering anything with one's mind except what is eternal and divine" (*quam despicientem omnia humana et inferiora sapientia ducentem, nihil umquam nisi sempiternum et divinum animo volutare*, 1.28). Since Africanus's exhortation to do the same comes immediately after his explanation of the harmonic relationships between the spheres and the special properties of the numbers eight and seven (6.23), he is inviting Scipio to study mathematical topics rather than "human" things, including politics, which are, by comparison with more abstract subjects, worthy of contempt. Thus, despite the connection between the harmony among the spheres and the harmony of the mixed regime, Africanus really is urging Scipio, and through this narration Scipio really is urging Laelius, to study mathematics and harmonic theory.

The same is true of Africanus's exhortation to study astronomy rather than thinking about Rome's empire on earth, an evidently political and human topic. Although the survey Africanus gives of the universe is rife with political language and implicit political significance, nevertheless, this survey is given when Africanus urges Scipio to turn his gaze away from Rome's paltry empire and the ground (6.20) towards "the temples into which you have come" (*nonne aspicias quae in temple veneris*, 6.21), recalling Scipio's earlier avowal that the person who has examined the realm of the gods will consider nothing great among human affairs (1.26). Thus Africanus's depiction of the universe really is about studying astronomy, in addition to the universe's political

ramifications, and the higher way to study astronomy is for its own sake without making any practical applications.³⁰⁴ Such studies are higher in themselves because they constitute the soul's blessedness (cf. Scipio's admiration and enjoyment at 6.20). The *Somnium* suggests that since the object of such studies is divine (*divina studia*, 6.22), the human soul, being itself a god (6.30) that longs to be separated from the body (6.18-20), longs for that which is connatural with itself. Hence Africanus's closing admonition that the soul, "by contemplating the things beyond, should withdraw itself from the body as much as possible" (*ea quae extra sunt contemplans quam maxime se a corpore abstrahet*, 6.33), as a preparation for its final end.

Given the validation of contemplation as the soul's final and blessed end, it is not entirely surprising that Cicero also promotes it by designating the contemplative life as an alternative path to the eternal reward promised for virtuous political engagement. Africanus exhorts Scipio to "gaze always (*semper*) at the heavens" and to despise human things, and Scipio himself had declared thinking of "nothing ever (*nihil umquam*) except the eternal and divine" to be "more grand" (*praestantius*) than all human things, especially depreciating political concerns.³⁰⁵ Taking this *semper* and *nihil umquam* literally might lead someone to embrace the purely contemplative life. This choice is indeed allowed by the *Somnium*, which affords the contemplative life the same reward as the life of virtuous political engagement. In the course of his explanation of the music of the spheres, Africanus reveals that:

³⁰⁴ Büchner 1984: 474-75 reduces the significance of this passage to its political dimension.

³⁰⁵ Scipio depreciates *imperium*, *magistratus*, and *regnum* by comparison with continual contemplation of the divine (1.28).

learned men who have imitated it on strings and in songs have opened a way for themselves to return to this place, just as others who, with outstanding natural ability, have cultivated divine studies during human life. (*Rep.* 6.22)

quod docti homines nervis imitati et cantibus, aperuerunt sibi reditum in hunc locum, sicut alii qui praestantibus ingeniis in vita humana divina studia coluerunt.

Thus the *certum definitum locum* (6.17) whence the souls of great statesmen depart and to where they return (*harum [civitatum] rectores hinc profecti hunc revertuntur*, 6.17) is also the place of origin and return (*aperuerunt sibi reditum in hunc locum*) for poets and musicians (*nervis imitati atque cantibus*) as well as philosophers in the broad sense, including astronomers and mathematicians (*sicut alii qui praestantibus ingeniis in vita humana divina studia coluerunt*).³⁰⁶ Great statesmen imitate the music of the spheres by the cultivation of social harmony; great poets and musicians imitate it in their verses and songs, while other intellectuals study all that pertains to the cosmos. Africanus refers again to the presence in heaven of both kinds of men when urging Scipio not to “despair of returning to this place, in which great and outstanding men have all things” (*si reditum in hunc locum desperaveris, in quo omnia sunt magnis et praestantibus viris*, 6.29). *Magni viri* indicates the great statesmen, while *praestantes viri* denotes those mentioned earlier as having merited admission to this place *praestantibus ingeniis*. The dative of possession, moreover (*omnia sunt magnis et praestantibus viris*), in the context of an eternal reward that consists in contemplation, suggests that both kinds of men acquire ownership of all things as members of a select group that contemplates the whole universe. This sentiment recalls Scipio’s declaration: “how fortunate must the man be

³⁰⁶ Powell 1990: 161, who also points the reader to Cicero’s use of the same phrase at *Cat.* 24, *divina studia*, to designate poets and philosophers (see the many names Cicero lists in *Cat.* 23).

thought who alone is truly allowed to claim all things as his own by the right not of Roman citizens but of the wise” (*quam est hic fortunatus putandus, cui soli vere liceat omnia non Quiritium sed sapientium iure pro suis vindicare*, 1.27).

While a careful reading of the *Somnium* vindicates those who pursue the contemplative life exclusively, the overall rhetorical force of the passage is on the vindication of political engagement, albeit philosophically motivated and informed, through its showcasing of the authoritative *exempla* of Scipio and his ancestors, all of whom embraced the political life. The vindication of the “pure contemplatives” only emerges on a careful reading, and not on the cursory reading that most of the Roman elite were likely to give the passage. The Dream centers around Scipio’s personal avocation to continue in the political life, as Africanus’s prophecy makes clear (6.17). Nor may he escape his avocation in life by committing suicide. When Scipio asks if he can hasten to the “true life” and no longer tarry on earth, Paullus reveals that suicide is prohibited, as one can only enter heaven when the god has freed him from the body (6.19). Until then, Scipio must fulfill “the human duty assigned to him by the god” (6.19: *munus humanum assignatum a deo*). There follows Paullus’s exhortation to imitate the life of piety towards country exemplified by himself and Africanus, a life that is the way to heaven. The injunction to fulfill one’s assigned duty is general enough to apply to the pure contemplatives as well, who apparently have their own role of imitating the music of the spheres in their learned pursuits—but they are not mentioned by name. The protagonist of the Dream is not Archimedes, Plato, or Aristotle, but Scipio. Of the other great men in heaven, we only learn the names of three, Scipio Africanus, Aemilius Paulus, and

Romulus, all Roman statesmen. Thus while the *Somnium* allows that some may abstain completely from politics, its primary purpose is to provoke imitation of Scipio and his ancestors.

The *Somnium*'s revelation that intellectuals can gain an eternal reward along with virtuous statesmen, but that pleasure-seekers cannot, also contributes to Cicero's overall argument in *De Re Publica* that not any kind of political engagement will do, but only political engagement of the right kind, which must aim at the good of the state and not material gain. Statesmen and even those who followed only the intellectual life are rewarded with a return to heaven, but not so the pleasure-seekers:

For the souls of those who have surrendered themselves to the pleasures of the body and have offered themselves as pleasures' servants, if you will, obeying pleasures at the impulse of their lusts, have violated the laws of the gods and men, and having slipped out of their bodies are churned around the very earth, nor do they return to this place except after they have been driven hard for many ages. (*Rep.* 6.33)

Namque eorum animi qui se corporis voluptatibus dederunt, earumque se quasi ministros praebuerunt, impulsuque libidinum voluptatibus oboedientium, deorum et hominum iura violaverunt, corporibus elapsi circum terram ipsam volutantur, nec hunc in locum nisi multis exagitati saeculis revertuntur.

This passage has traditionally been read as the fulfillment of the anti-Epicurean attack Cicero began in the preface of the first book. But Epicureans, as I have attempted to show, are not Cicero's only or even his main audience. Cicero is also addressing those who would engage in politics for the sake of personal gain. These words, coupled with the eternal reward promised to pure contemplatives, confirm Scipio's earlier praise of Archimedes the mathematician and scientist as being more truly active than Dionysius

the tyrant, the quintessential pleasure seeker, since the tyrant engages in politics for the sake of personal pleasure, to which power is a means.

For who can really think that Dionysius, at the time when he was devising every machination to deprive his fellow citizens of their liberty, was more active than his fellow citizen Archimedes, when the latter, although he seemed to be doing nothing, made that very sphere of which we were speaking just now? (*Rep.* 1.28)

Quis enim putare vere potest plus egisse Dionysium, tum cum omnia moliendo eripuerit civibus suis libertatem, quam eius civem Archimedes, cum istam ipsam sphaeram <de qua modo dicebatur>, nihil cum agere videretur, effecerit?

Dionysus's political activity was directed to the end of depriving the Syracusans of their liberty, quite the contrary of Cicero's ideal of preserving the mixed regime. Thus he was not truly politically engaged. Better, Scipio implies, to be an apolitical intellectual like Archimedes, who was so absorbed in his studies that he was not even aware of the moment when his city of Syracuse was being captured, than to be politically engaged in the wrong way like Dionysus, actively harming the citizens of Syracuse for the sake of personal power and pleasure.

Thus Scipio's purpose in endowing the contemplative life with such great dignity and in promising punishment for pleasure-seekers after death is to bring Laelius to engage in politics in the right way, which will come naturally to someone who treasures the goods of the mind above all else while despising external goods and the goods of the body. The conclusion of the *Somnium* leaves no doubt that although the philosophic life on its own can lead to heaven and is better than a pleasure-seeking political life, the best life involves engagement in politics punctuated by contemplation as much as possible. While our final end is for our separated soul to engage exclusively in contemplation—*semper, nihil umquam nisi*—and while there can be no greater happiness than this eternal

contemplation, as long as we are in this life, there must be statesmen to attend to the needs of political society. Hence Africanus's closing remarks to Scipio invite him to engage in two "best" activities:

Use this [the soul's nature and power] in the best things! But the best cares regard the welfare of the fatherland, driven and exercised by which the soul will fly up more quickly to this its seat and home; and it will do this more swiftly, if already while still enclosed in the body it emanates outwards, and contemplating the things beyond, withdraws itself from the body as much as possible. (*Rep.* 6.33)

Hanc tu exerce in optimis rebus! Sunt autem optimae curae de salute patriae, quibus agitatus et exercitatus animus velocius in hanc sedem et domum suam pervolabit; idque ocius faciet, si iam tum cum erit inclusus in corpore, eminebit foras, et ea quae extra sunt contemplans maxime se a corpore abstrahet.

Thus the best things are, first, the "best cares," which are political matters, and also contemplation. The rhetorical emphasis of the passage, which places political matters first and repeats the word *optimae* to describe them, gives the impression that *optimae res* are identical to *optimae curae*. However, the soul is to concentrate not only on politics but also on withdrawing itself from the body, which denotes philosophic contemplation, an additional "best" activity or "thing" for the soul. The soul will return faster (*velocius*) to its heavenly home by engaging in best thing number one, political *curae*, and even faster still (*ocius*) if it engages simultaneously in best thing number two, contemplation. Contemplation causes an even faster return to the heavenly home because the focus on the things above causes one to lose interest in the things of the body. When such a person engages in politics, it will not be for the sake of bodily things. This is the kind of political engagement to which Scipio seeks to bring Laelius through contemplative pursuits.

Conclusion

The *Somnium*'s final exhortation to pursue both politics and philosophy, with philosophy assuring the just politicians an even faster return to the heavens, bears not only on Scipio's desire to make Laelius morally restrained in politics through indifference to the things of the body, but also on the other ideals regarding engagement in politics promoted in the *Somnium* as a whole. For such continual contemplation, pursued "as much as possible," also encourages proper political participation because it places before the statesman's mind the proper motive, means, and ends of political engagement. Contemplation of the heavens and the awareness of the earth's insignificance from the perspective of the whole cosmos should remind Laelius and the normative reader that the reward they should be seeking through political engagement is not futile glory, contemporaneous or posthumous, but rather eternal glory, *verum decus*. The example of the sun's balancing act and shining its light reminds them to pursue altruistic justice and to be an example of it to others, while the harmony of the spheres that results teaches them the political end at which they should aim, the preservation of social harmony through the mixed constitution.

A survey of the various motives proposed for political engagement in *Pro Sestio* and *De Re Publica* as a whole reveals a similarity of internal argumentative development. In *Pro Sestio*, Cicero began with appeals to the glory one can win from one's contemporaries and from posterity before rising in the peroration to the higher motives of doing right for its own sake and of seeking an immortal glory not dependent on human memory, in the same way that Scipio proposes a higher reward for engagement than

Laelius's expectation of the virtuous statesman's contemporaneous³⁰⁷ or posthumous glory. In *Pro Sestio*, Cicero dwelt at length on the certainty of receiving contemporary civic glory, pointing to the lesson of his own exile and glorious return as proof that whatever storms the republican statesmen may encounter, he can always count on happily coming to port through the efforts of his grateful fellow-citizens who crown him anew with glory (*Sest.* 50-52). He made the same point about contemporary glory in the excursus on *optimates* and *populares*, where he laid down the argument that those statesmen who pursue the interests of loyal citizens should receive and, given the general pattern of Roman history, will receive glory from these same loyal citizens as their due (*Sest.* 103-4; cf. 106-27). As for posthumous glory, Cicero gave various examples of statesman exiled during their lifetime whose glory was recuperated in the eyes of posterity through memorialization, and most notably in the case of one Opimius, who died in exile but whose monument, Cicero says, is heavily frequented in the Forum (*Sest.* 140).³⁰⁸ These arguments were then summed up before being transcended by an argument for political engagement that took the idea of immortal glory to the ontological and eternal level (*Sest.* 143), just as Scipio does in the Dream in response to Laelius's earlier arguments. Just as Cicero in *Pro Sestio* ultimately—though only implicitly—repudiated his shaky promises of contemporary glory based on unpredictable political events and persons, as well as monuments that offer the deceptive guarantee of immortal

³⁰⁷ Cf. also *Rep.* 3.28, where Laelius states: "Virtue wants honor (*honorem*), nor does virtue have any other reward."

³⁰⁸ Cicero adds to Opimius the example of Athenian statesmen who were exiled by an ungrateful populace and were never recalled in their lifetime but obtained even greater glory in the eyes of posterity up to the present day (*Sest.* 141-42).

glory through memorialization, Scipio likewise turns from Laelius's proposed reward of *virtus* that contemplates its own *decus*, and from his desire for the glory of triumphs and immortality through earthly monuments, to the eternal reward gained by *divina virtus*, a reward that consists in contemplating the *decus* of the cosmos, and that is "evergreen" (*viridiora*) in comparison with the fading leaves of laurels and "more durable" (*stabilliora*) than statues mounted in lead.

It is also evident that there a number of continuities linking the peroration of *Pro Sestio* and the *Somnium Scipionis* that concludes *De Re Publica*. Cicero ended *Pro Sestio* by advancing in compressed form the central ideas of the *Somnium* on the means, ends, and motives of political engagement:

Finally, let us reflect that the body of brave men and of great persons is mortal, but the motions of the soul and the glory of virtue are everlasting, and if we see that this opinion has been made sacred through what happened to that most venerable man, Hercules, of whom it is said that, once his body had been burned, his life and virtue were taken up into immortality, then we should be no less inclined to consider that those men who have by their counsels and toils strengthened or defended or preserved this great Republic have obtained immortal glory. (*Sest.* 143)

Cogitemus denique corpus virorum fortium magnorumque hominum esse mortale, animi vero motus et virtutis gloriam sempiternam, neque, hanc opinionem si in illo sanctissimo Hercule consecratam videmus, cuius corpore ambusto vitam eius et virtutem immortalitas excepsisse dicatur, minus existemus eos, qui hanc tantam rem publicam suis consiliis aut laboribus aut auxerint aut defenderint aut servarint, esse immortalem gloriam consecutos.

The continuity between this passage and the *Somnium* is evident in the assurance that those who have who have engaged in politics virtuously and endured hardship (means) for the sake of preserving the Roman state (end) will receive the crowning reward of immortal glory (motive). Thus the *Somnium* assures admittance to an exclusive society

in heaven reserved for *omnibus qui patriam conservaverint adiuverint auxerint* (6.17), picking up the promise of immortal glory in *Pro Sestio* for those *qui hanc tantam rem publicam... auxerint aut defenderint aut servarint*.³⁰⁹ In each case, the end to be sought in political engagement is the preservation and strengthening of the Roman state. Moreover, seeking this end requires engaging in politics in the right way or according to the right means, that is, virtuously. Virtuous engagement especially consists in the practice of justice, altruistically putting one's talents at the service of the state, and of courage. Thus in *Pro Sestio*, the statesman applies his good counsel (*consiliis*) to the good of the state and endures painful efforts (*laboribus*) on its behalf. Similarly, in the *Somnium*, Scipio is to defend Rome by his good counsel and other talents (*ostendas oportebit patriae lumen animi ingeni consilique tui*, 6.16), and to do so at the risk of his own life (*si impias propinquorum manus effugeris*). The motive for taking these means to defend the state, that is for practicing virtue, is the prospect of eternal glory. From the point of view of the individual statesman's own self-interest, virtue is, in addition to being a means to the political end of serving the state, a means to his own eternal reward and happiness. Thus the peroration declares that "the glory of virtue is everlasting" (*virtutis gloriam sempiternam*) because it leads to "immortal glory" (*immortalis gloria*), as the example of Hercules shows (*cuius... virtutem immortalitas excepisse dicitur*), an ideal the *Somnium* reprises with the assurance that "that life [cultivating justice and piety] is the path to heaven" (*ea vita [iustitiam colere et pietatem] via est in caelum*, 6.20) and

³⁰⁹ Coleman 1964: 3-4 connects this phrase in the *Somnium* to another passage in *Pro Sestio* (138): *hi semper habiti sunt optimatum principes auctores et conservatores civitatis*.

above all in the phrase “by its own charms, virtue itself ought to draw you to true gloriously-beautiful-splendor” (*suis te oportet illecebris ipsa virtus trahat ad verum decus*, 6.29). In both works, virtue is, in the final analysis, not an end in itself for the statesman but a means to his ultimate end of a higher kind of glory.

There is also continuity in the common assertion that because the soul is self-moved, it is immortal and will continue in a state of conscious awareness—with the major difference, however, that the *Somnium* makes the case for the immortality of the soul more explicitly. When Africanus reveals that the eternal reward he makes known is ontologically possible due to the duality between body and soul, the one being mortal and the other immortal, he explains more extensively the same concept as Cicero announced in his own voice in *Pro Sestio* when referring to the contrast between Hercules’s body consumed on the pyre and his soul, taken up to heaven (143). Referring to those who served the state on earth who have since arrived in the heavens to enjoy their eternal beatitude, Africanus says: “Having been loosed from their bodies they dwell in the place you see (6.20). . . Consider that it’s not you who are mortal, but this body; for you are not what that measly appearance declares you to be, but rather your own mind—that’s what each man is” (6.30).³¹⁰ In addition, Cicero’s compact statement in *Pro Sestio* that “the motions of the soul are eternal” (*animi... motus... sempiternam*, *Sest.* 143) is fully

³¹⁰ *corpore laxati illum incolunt locum quem vides* (6.20) . . . *nec enim tu is es quem forma ista declarat, sed mens cuiusque is est quisque* (6.30). Cicero also makes reference to the apotheosis of Hercules in *De Re Publica*, no less than in *Pro Sestio*. Augustine (*Civ. Dei*, 22.4.1-9) testifies to a passage in which Laelius apparently spoke of the same dualism, referring to the cases of Hercules and Romulus in particular (*Rep.* 3.32). It is likely, however, given what I have attempted to show about Laelius’s embrace of Stoic thought in Book 3, that for Laelius the survival of their souls after death was not permanent, but only temporary (cf. *Tusc.* 1.77-79).

developed in the *Somnium*'s long, literal translation of the proof of the soul's immortality from self-motion given by Socrates in Plato's *Phaedrus* (*Rep.* 6.30-32). In *Pro Sestio*, by contrast, the Platonic import of Cicero's claim that the soul's motions are eternal can only be understood if one is already familiar with Plato or if one makes the connection, by no means immediately obvious upon a first hearing or reading of the speech, to an earlier passage where Cicero suggested the possibility that after death the soul may gain a "better state of awareness" (*melior sensus*, *Sest.* 47).

The *Somnium* also differs from *Pro Sestio* by extending the scope of the claim about the soul's immortality, applying it not only to great statesmen but also to great intellectuals and indeed to all other human beings. In the peroration, Cicero ascribes eternal self-motion and a sort of apotheosis to the souls only of "brave men and great persons" (*virī fortes magnique homines*) and refers only to political service as the means of attaining immortal glory. But according to the *Somnium*, philosophers and poets can attain the same eternal reward as virtuous statesmen (6.22, 6.24). Furthermore, the *Somnium* teaches that the human soul is by its very nature an immortal god due to its property of self-motion, as Africanus expressly avers (6.30) and then drives home with the proof of the same from Plato's *Phaedrus* (6.31-32). Therefore, the souls of human beings who wickedly abandon themselves to pleasure are also immortal, and will after a long period of punishment be admitted to the particular place in heaven where great statesmen and intellectuals dwell (6.33). It might be thought that the *Somnium* says nothing about "everyone else," about those who pursue virtue, knowledge, or pleasure in only a "mediocre" way. But the *Somnium* seems to envision the vast majority of human

beings as belonging to the category of pleasure-seekers, and thus appears to agree with Plato, Aristotle, and the Stoics that the many wrongly seek pleasure as the good (whether practical Epicures or principled Epicureans) rather than virtue and knowledge.

Finally, the *Somnium* gives a fuller explanation of what the conscious state of immortality consists in, thereby developing more clearly the nature of the eternal reward and glory enjoyed by the soul. By speaking of *immortalis gloria* in the peroration of *Pro Sestio*, Cicero uses language that more readily calls to mind a conception of glory familiar to traditional Roman culture, lasting fame with posterity, and the context encourages such an interpretation. First, the peroration seems to emphasize the role of human beings in conferring fame on great statesmen with the admonition that “we should likewise consider” (*neque... minus existemus*) great Roman statesman to have achieved the same apotheosis as the famous Hercules.³¹¹ Secondly, just before the peroration, Cicero had expatiated on the value of glory with posterity, and thus the concluding reference to *immortalis gloria* appears to be a summation of that same idea. The Platonism that informs this idea is easily overlooked in the long sentence (*animi vero motus*) and the earlier reference to attaining a *melior sensus* (47) is by now easily forgotten, and nothing is said about the conscious experience of Hercules or great Roman statesmen in the afterlife. In the *Somnium*, by contrast, the word *gloria* expressly designates the human glory and fame with posterity which are no longer of any concern to the souls who have departed from their bodies, who focus all their attention instead on the glories and beauties of the cosmos, designated in such phrases as *illustris et clarus*

³¹¹ Cole 2013: 84 argues that Cicero is advocating the distribution of divine honors by society, a divinity and immortal glory dependent on human memorialization.

quidam locus (6.15), *splendidissimo candore... elucens* (6.20), *praeclara... et mirabilia* (6.20), and *verum decus* (6.29). Thus the nature of the *immortalis gloria* attained by great statesmen is revealed primarily as the glory of the eternal cosmos, and their conscious enjoyment of this glory consists in their contemplation of it, which renders them happy (*beati... fruuntur*, 6.17). In a secondary sense, their conscious enjoyment of glory consists in their awareness of shining themselves as part of the glorious cosmic tapestry, of recognition by the supreme god (6.17), and of mutual regard enjoyed with other great men into whose exclusive society they have been admitted. This secondary aspect of eternal glory, however, is at best implied. What the *Somnium* expressly and repeatedly drives home is the notion that the glory they experience is the glory of the cosmos that they contemplate.

The *Somnium* makes the case for immortal glory more explicitly not only because of genre considerations but also because of historical moment. The differences between the speech and the philosophic dialogue in motives emphasized can be ascribed to changes in Cicero's political circumstances, since these occasioned the choice of the philosophic genre with its more universal, philosophic outlook. In *Pro Sestio*, the bulk of Cicero's thematic concern with political engagement to preserve the Republic emphasized human glory as a compelling motive, while the argument for engagement based on the soul's immortal glory was presented in only the briefest terms. This rhetorical strategy depended on the historical situation when Cicero delivered this speech in February 56. Cicero chose to motivate immediate political action by especially holding out the allure of *gloria* because his own returned from exile seemed to indicate it

was there for the taking for anyone willing to stand up for the republican regime. Cicero was aggressively maneuvering against a triumvirate that he thought was in its dying stages, as Pompey appeared to be drifting apart from Caesar, and it also bears mentioning that Cicero had already successfully scheduled a discussion of Caesar's Campanian land law in the senate for the following month. But the renewal of the triumvirate just weeks after the speech's delivery led Cicero in *De Re Publica* to admit far more openly and extensively than in *Pro Sestio* the futility of human glory as a motive for serving the Republic, and to place in relief the necessity of an eternal reward that does not depend on earthly success, on the contingencies of time and human behavior.

Still, it remains true that Cicero's acknowledgement of the vanity of human glory was already implicitly present in *Pro Sestio*, and this is important because it shows that Cicero did not first conceive the motive of eternal reward once he was no longer politically relevant.³¹² Cicero thus consistently had in mind the idea that the prospect of eternal reward was, in the final analysis, the most compelling motive for political engagement. He chose to make this motive more explicit when writing in a more

³¹² Cicero hints at the same idea of the immortality of the souls of great statesman at *Rab. Perd.* 29—"although for many other reasons the souls of good men seem divine and eternal to me" (*cum multis aliis de causis virorum bonorum mentes divinae mihi atque aeternae videntur*)—but emphasizes the notion of undying fame with posterity, not yet daring to specify any philosophical reasons for believing in a consciously enjoyed immortality, as he would later do in *Pro Sestio* (cf. 47 and 143). See Powell 1990: 164 for additional references to the doctrine in the philosophic works. Syme 1939: 144 suggests that Cicero's writings on political philosophy in the 50s BCE represent a turn towards flights of fancy that arose from the disillusionment of political failure. The converse of this theory has been proposed by Gildenhard 2013, who cites disillusionment with politics as the cause of Cicero's turn to philosophy under Caesar, especially to Platonic notions, while exaggerating the extent of Cicero's hostility to Platonism in the works of the 50s.

appropriate genre, the philosophic dialogue, and at the appropriate time, when it was right to choose this genre, with its universal and timeless outlook, due to a political climate that revealed the fragility and instability of human glory. Cicero's goal of promoting republican political engagement remained constant, therefore, and even the proposal of an eternal reward as the highest conceivable motive for such engagement remained stable, although he adjusted the emphasis placed on this motive in keeping with genre and the circumstances of each work's dissemination.

Chapter 4: From Nature and *Lex* to Civic Engagement and *Leges* in *De Legibus* 1

In *De Legibus*, Cicero continues the case for politics from *De Re Publica*, this time by making appeals in his own voice. Marcus replaces Scipio as the authoritative dialogical persona.³¹³ Like Scipio in *De Re Publica*, Marcus urges political engagement informed by philosophical ideas and complemented by ongoing philosophical study during periods of leisure, although in terms of the motives and character of political engagement, Marcus's arguments more closely align with Laelius's focus on virtue as having a natural foundation and as being intrinsically desirable than with Scipio's Platonic cosmological metaphysics and eschatology (eternal reward), which drops out of view. Marcus advances his vision of philosophically informed political engagement, first, by appealing to Roman cultural norms, calling attention to the example of his own politically engaged way of life; and secondly, by advancing philosophical ideas that establish a natural basis for political engagement and provide it with a moral basis. Like the Ciceronian persona of the *De Re Publica* preface, Marcus argues for the existence of natural inclinations to human society and to the practice of the virtues. But unlike in the preface of *De Re Publica*, where the philosophical pedigree of these ideas was masked

³¹³ Thus Benardete 1987: 296 on Cicero's taking the place of Scipio as main speaker in *De Legibus*. See also Keyes 1928: 292, "throwing off the mask of Scipio." In suggesting that Scipio and Marcus are characters that "speak for Cicero," I do not mean that everything these characters/personae say should be taken as Cicero's actual views, as they are not even necessarily the views of the personae themselves. In the Ciceronian dialogue, just as in real life, people may say things for the sake of persuasion and act as though such things are true while knowing better for themselves. Thus while I view these three voices as carrying maximum authority and hence great persuasive force, I do not think that everything they say represents Cicero's own views, for the very reason that they speak precisely as authorities. Nevertheless, I hold that sometimes what these characters say does indicate Cicero's own views, as in the present instance.

through attribution to Roman tradition, in *De Legibus* these ideas are explicitly developed from a philosophical principle attributed to *doctissimi viri* (1.18). The development of the natural law argument in Book 1 (starting from the principle *lex est ratio summa insita in natura*, 1.18) serves both as an argument for engagement *tout court*, directed especially at Atticus, and as an argument, directed especially at Quintus, for a particular form of engagement that is guided by the virtues both in terms of the public man's personal conduct and in terms of formulating specific *leges* for the *ius civile*.

The importance of the *dramatis personae*

The development of Marcus's natural law argument in *De Legibus* 1 is well-documented, and has been the object of a number of recent studies.³¹⁴ However, the purpose of this account in terms of Marcus's rhetorical aims vis-à-vis the character and inclinations of his fellow interlocutors Atticus and Quintus has not been investigated. Marcus expressly positions himself between his interlocutors Atticus and Quintus by establishing himself as a politically engaged Roman patriot whose engagement is informed by a syncretistic philosophical vision that excludes Epicureanism and Academic skepticism, favoring justice and virtue as grounded in nature. Thus in *De Legibus*, Cicero addresses the case for politics as part of a discussion about law among three personae: Atticus, someone who is philosophically sophisticated, but inclined towards Epicureanism and only involved in politics behind the scenes and through personal relationships; Quintus, someone who is relatively naïve philosophically, interested in learning but ultimately a practical individual engaged in both political and military

³¹⁴ See Dyck 2004, Asmis 2008, Annas 2013, and Atkins 2013: 155-87, which also discuss the issue of sources.

leadership;³¹⁵ and the persona of the author himself, who exemplifies an elite leader whose preferred philosophy differs from Atticus's putatively quietist and self-seeking Epicureanism by being compatible with traditional Roman public service and thus acceptable to the Roman traditionalist Quintus, but whose understanding of philosophy goes far beyond that of Quintus and the majority of Roman politicians who studied some philosophy in their youth or kept token philosophers at home.³¹⁶

Marcus's rhetorical strategies in Book 1 are geared to his two interlocutors. In addressing Quintus, Marcus takes the traditional elite Roman position of engagement in politics as a given, fashioning himself as a politically engaged person to form an ethical connection with Quintus and employing rhetorical ornamentation in the latter part of Book 1 to make the case for a philosophical vision that underpins and informs political engagement. Marcus strengthens the traditional Roman case for politics with the argument that man is naturally social, and also establishes a philosophical basis for the virtues that the politician must himself possess and inculcate in society through political activity that makes use of oratory, as he argues in the climactic *laudatio sapientiae* at the end of Book 1. Thus with Quintus, Marcus takes it for granted that the Roman elite ought to work actively to ensure that the Republic has good laws—lower case *leges*, if you will—but advances a vision according to which upper case *Lex* and the virtues

³¹⁵ For the characterization of Atticus and Quintus in *Leg.*, see Kenter 1972: 6-7 and Dyck 2004: 23-28; see also Prost 2017: 142-56 on Quintus.

³¹⁶ Prost 2017: 138-39 notes that Cicero, in keeping with his practice of striving for verisimilitude in his depiction of dialogue characters, portrays Quintus as lacking any strong philosophical inclination or affiliation; in other dialogues, Quintus is at various points the defender of Epicurean, Peripatetic, or Stoic ideas. For more on superficial engagement with philosophy and philosophers among the Roman elite, see Rawson 1989 and Griffin 1989.

derived from it come to inform the work of promoting good *leges* through engagement in politics.

In addressing Atticus, Marcus appeals to Atticus's inclinations as an adherent of the philosophical sect known as the Garden, placing his best friend in the pleasure gardens of the Ciceronian ancestral estate, where he engages him in a philosophic conversation in which he argues that law is rooted in nature and ultimately requires political engagement. Marcus also appeals to Atticus's special respect for Plato, emphasizing the Platonic literary origins of the theme of law even as he moves Atticus in the direction of a syncretistic philosophical vision in which not only Platonists but also adherents of Epicureanism's rival Hellenistic schools, Stoics and Peripatetics, have a part. Thus, like any good rhetorician, Marcus starts from Atticus's prejudices and inclinations but uses them to lead Atticus in a different direction. Relying on the charming environs of "the Garden of Cicero," the pleasures of philosophic conversation among friends, and Atticus's special respect for Plato despite his Epicureanism, Marcus lays out an understanding of nature based on the idea of *Lex* and the virtues that flow from it, striving to transform Atticus's Epicurean understanding of nature into one that is reconcilable with traditional Roman political culture. Marcus's understanding of nature, based on *Lex*, requires political engagement on the grounds that human society is natural. Thus Marcus aims to lead Atticus from the pleasures of conversing about *Lex* to a practical concern for *leges*. In addition, the argument Marcus develops from *Lex* replaces the Epicurean doctrine of pleasure as the highest good with an alternate conception in which virtue is made to have an essential part in whatever definition of the highest good one

might adopt. Inasmuch as the arguments directed at Atticus create the impression of a Roman Epicurean reader who stands apart from politics or is actively engaged in it but only for himself and his own gain, it would appear that Cicero thought his radically anti-Epicurean stance on the question of the highest good had the potential to reform and improve the political activity of any Epicureans engaged in Roman politics.

Historical Context

De Legibus appears not to have been published during Cicero's lifetime.

Although its dramatic date is clearly the late 50s BCE and although Cicero most likely composed what remains of it (Books 1-3 with some gaps) in the late 50s,³¹⁷ *De Legibus* is glaringly absent from Cicero's review of his philosophical and rhetorical works composed to date in the preface of *De Divinatione* 2, where one would naturally expect it to be paired with Cicero's reference to his *sex [libri] de re publica* (2.3). The following year, Cicero was dead. The work apparently not having been circulated during Cicero's lifetime, little can be said about its political circumstances apart from its composition in the late 50s BCE and its putative reading audience, namely the same elites among whom the *De Re Publica* had been circulated. In addition, the work gives the general impression of having a certain timelessness that sets it apart from Cicero's other dialogues; he seems to be looking towards his literary status in ages to come.³¹⁸ The work seems intended to function rhetorically on the same kinds of readers among his

³¹⁷ On the dramatic date of *Leg.*, see Dyck 2004: 20-23. For its likely composition in the late 50s BCE, see Schmidt 1969: 259-92 and 2001; cf. Dyck 2004: 5-7 for discussion and additional bibliography.

³¹⁸ See Benardete 1987 on the theme of the eternity of literary artifacts in the preface of *Leg.* 1.

contemporaries and posterity. My analysis, in any case, will focus on the internal rhetoric of the work, and will close with some speculation about how various readers might have responded to the fictive dialogue.

I. Initial Appeals to Quintus

Cicero's brother Quintus is characterized as a politically active traditionalist, who despite his practical orientation is depicted as sympathetic towards the philosophic treatment of the topic of law. Like his brother Marcus, Quintus is enjoying a brief time of respite on his family's home estate in the late 50s BCE in the midst of an otherwise busy public career. There is no reference in the text as we have it to specific events from Quintus's career in public life, but Cicero doubtless assumes his readers are aware of Quintus's having served the state in such capacities as praetor (62), provincial governor in Asia (61-58) and legate in Caesar's army in Gaul (54-51).³¹⁹

In a variety of ways, Cicero constructs Quintus's dialogical persona as that of a patriotic Roman traditionalist who, while learned and cultured, has a strong attachment to the Roman cultural tradition and a certain suspicion of philosophic theorizing. First, Quintus is portrayed, as indeed he was in actuality, as a poet and lover of poetry, whose connections to history and tradition Cicero soon makes evident. Thus Quintus takes the lead in answering Atticus's initial question about the oak tree and its relation to the poetic Marian oak, proclaiming the longevity of poetic objects with such conviction that Atticus accuses him of seeking praise for his own poetry (1.1). Furthermore, Quintus disagrees with his brother's notion of potentially writing a history of Rome with a contemporary

³¹⁹ On Quintus's political career, see Prost 2017: 1-136.

focus, preferring that Marcus write a history of Rome from its earliest foundations “since that period has been written about in a style that is painful to read” (*quoniam illa sic scripta sunt ut ne legantur quidem*, 1.8). Atticus, by contrast, joins Marcus in his preference for a history of more recent times, rather than, “as they say, about ‘Remus and Romulus’” (*ut aiunt, de Remo et Romulo*). Thus Quintus shows his affection for Rome’s traditions, adhering especially to Rome’s traditional self-understanding of her early history as constructed through unverifiable myths, eager to see this mythical history expounded in a more pleasing fashion for the honor of Rome, which to date lacks a historical literature to rival that of the Greeks.³²⁰

This affinity for Rome’s early history, moreover, and the desire to see it discussed in a fitting literary style, are connected to Quintus’s love for poetry. That the myths of early Roman history are unverifiable and made up after the fashion of poetry is a point Marcus makes when, directing Atticus away from his misguided query about whether the oak tree of his poem *Marius* was based on a tree in the real world, he questions the truth of Numa’s meetings with the nymph Egeria and of an eagle’s placing a cap on Tarquin (1.4), stories that have been handed down through tradition no less than the Athenian myth of Orythia’s abduction by Boreas (*sic enim est traditum*, 1.3). Marcus also blurs the distinction between poetry and history when he notes that “there are, however, innumerable fables both in Herodotus, the father of history, and in Theopompus” (*quamquam et apud Herodotum, patrem historiae, et apud Theopompum sunt innumerabiles fabulae*, 1.5). But Quintus the traditionalist remains ignorant of the

³²⁰ Quintus expresses his agreement (1.8) with Atticus’s complaints in this regard (1.5-7), as well as with the Antonius of *De orat.* 2.51–64.

inherent logic of his own love of poetry and of Rome's fictionalized early history. Thus Quintus does not notice that Marcus has just corrected his (Quintus's) claim that there are different laws to be followed in history and poetry (1.5), and that Marcus has just qualified his own apparent agreement that Quintus is "certainly right, since in the former [most? everything]³²¹ is aimed at truth, while in the latter [most?] everything aims at delight" (*Quippe, cum in illa ad veritatem <omnia>, Quinte, referantur, in hoc ad delectationem pleraque*, 1.5).³²² Quintus does not realize, then, that as a traditionalist he is inclined to identify the ancestral account his country gives of itself with the truth. Quintus's love of poetry and history—especially of Rome's earliest, unverifiable historical traditions—suggest his satisfaction with the surface of things, with the images that poets construct in order to give pleasure and that political communities construct, also in a pleasing manner, for the sake of binding citizens to the state through affection for the images constructed, though speciously presented as true.

Quintus also indicates his love for Roman tradition by encouraging Marcus's idea of potentially spending his retirement "giving legal advice... in accordance with ancestral custom" (*more patrio... consulentibus responderem*, 1.10). Quintus passionately avows

³²¹ Cicero's statement about history may have been even more subtle than it now stands with the addition of Ernest's conjecture *omnia* (see the apparatus at Powell 2006: 159). If in fact the manuscripts have not omitted *omnia* or some other word, and thus *pleraque* was to be taken *apo koinou* with both predicates, then Cicero would be saying that *most* of what we find in history is aimed at the truth, just as *most* of what one finds in poetry is aimed at delight. This sentiment would better anticipate the following thought about Herodotus and Theopompus, in other words, that not *everything* in history aims at truth. The difficulty of interpreting *pleraque* is complicated further by its ambiguity, since the word itself could mean "everything" or "most everything."

³²² On the connection between poetry and history in the *Leg.* 1 preface, see Benardete 1987: 295-300 and Woodman 2012: 1-16.

that he has always like this idea: “But, by Hercules, I for my part have always thought that our people would have approved if you had dedicated yourself to offering advice about the legal code; so as soon as you feel like it, I think you should give it a try” (*At mehercule ego arbitrabar posse id populo nostro probari, si te ad ius respondendum dedisses; quamobrem, cum placebit, experiendum tibi id censeo*, 1.12). The persona of Quintus and his expressions of attachment to Roman tradition in the opening scene of *De Legibus* create the impression, as in *De Re Publica*, of a normative or typical elite Roman in Cicero’s reading audience who is involved in public affairs, concerned with preserving the *mos maiorum*, and interested in literature and learning, especially to the extent these advance patriotic ends.

It is to these inclinations in Quintus that Marcus will appeal in Book 1 of *De Legibus* when striving to win Quintus over to his vision of a philosophical basis for lawgiving in the real world. Thus Marcus begins by establishing his *bona fides* as a pragmatic-minded Roman patriot before proceeding to set out a philosophical account of “Law”, justice, and virtue that he insists, from the start (1.17) and at its conclusion (1.63), has practical importance for “laws”, an argument that appeals to Quintus’s inclination towards any form of learning that serves a patriotic purpose.

Marcus’s first step in persuasively presenting his philosophic conception of law to Quintus lies in the ethical connection he establishes with Quintus by emphasizing his status as a patriotic Roman involved in public life. Thus to a certain extent Cicero reprises the same strategy he employed in the preface of *De Re Publica* for connecting with Romans prejudiced against philosophizing. The strategy at the beginning of *De*

Legibus, however, is not to attack philosophy as inferior to politics as such but rather to indicate philosophy's practical utility so long as it is not embraced as a full-time activity that would interfere with one's obligations as a public man. Marcus advances this particular argument by portraying himself as a man deeply involved in public affairs but who finds himself temporarily on vacation on his home estate. Hence he rebuffs Atticus's suggestion that he should write a history of Rome on the grounds that such a task would require extensive leisure time, which he lacks (1.8); he has only "some leftover time" (*subsiciva quaedam tempora*) available, and he dislikes working on a project on and off (1.9). This is our first indication that the present moment of leisure being depicted will not last long. This impression is immediately confirmed when Atticus, declaring that the present circumstance is one of these "snatches of time," requests that Marcus write about Roman civil law (1.13), and Marcus appears to be receptive to the idea "because we're on vacation" (*quoniam vacui sumus*, 1.13).

Marcus's initial response to Atticus seems to leave open the possibility of a discussion of several days (like the conversation depicted in *De Re Publica*, for example) when he says "you invite me to a lengthy conversation, Atticus" (*in longum sermonem me vocas, Attice*, 1.13). But when Atticus suggests that Marcus follow up his imitation of Plato's *Republic* by also writing about laws, Marcus proposes a one-day conversation on the model of Plato in the *Laws* (1.15). One reason, therefore, that Marcus considers a conversation on law to be well suited to his present situation as a public man on a short

vacation is the possibility of treating the subject in the course of a single day, as Plato did.³²³

So while Marcus is eager to satisfy the desire of his philosophically inclined friend Atticus, he makes clear to Quintus that he will not allow this philosophical conversation to interfere with his ongoing public obligations.³²⁴ Therefore, Marcus makes the philosophic discussion of the first book palatable to Quintus by making clear that philosophical topics are not to be pursued for their own sake or to take the place of participation in public life, but rather to be pursued in moderation (that is, in times of leisure) and with the ultimate purpose of being politically useful. Indeed, this is true of all Cicero's philosophical dialogues set in the past, where Roman public men engage in philosophical conversation during interludes of *otium*.³²⁵

Marcus further fashions himself as a politically active man who behaves in accordance with traditional Roman cultural expectations by expressing his commitment to his civic responsibilities as a senior Roman statesman. First, he indicates his willingness to act in accordance with ancestral custom through a retirement spent offering legal advice (1.10). This statement turns out to be a foil for announcing his intention to

³²³ Marcus reminds Quintus of the brevity of this conversation in an extremely emphatic and indeed highly repetitive fashion, and in a prominent place in the text, at the very end of Book 2 (2.69): "I will complete it in one day's conversation, I hope—particularly on this day. I see that Plato did the same thing, and that his whole speech about the laws was concluded on a single summer day. I will do the same..." (Zetzel 1999 trans., emphasis mine) (*hodierno sermone conficiam, spero, hoc praesertim die. Video enim Platonem idem fecisse, omnemque orationem eius de legibus peroratam esse uno aestivo die; sic igitur faciam...*)

³²⁴ These remarks are exemplary for Atticus, too, of the right measure in which to philosophize.

³²⁵ See also *Leg.* 2.3, where Marcus says he rarely has the chance (*raro autem licet*) to visit his pleasant home estate.

remain politically active well into old age. Atticus suggests that as long as Marcus continues to moderate his oratorical style, he will have the energy to keep giving speeches for years to come (1.11). Marcus confirms this, telling Quintus that he will probably never be able to dedicate himself to giving legal advice because it would detract from the careful thought with which he has always prepared his speeches (1.12). In this way Marcus transforms his avowed willingness to follow ancient custom upon his retirement into something that reflects on him even better—the intention to avoid retiring at all in order to continue serving the public by doing what he does best, giving speeches in court. Thus Marcus solidifies his image as a man who has every intention of keeping up his role as a public man. He is by no means eager to rush into retirement. All of this endears Marcus to Quintus and renders the latter positively disposed to the philosophic argument that is soon to come, since that argument is evidently not the one of a man who is eager to shirk his public responsibilities in favor of idle philosophizing.³²⁶

Another way Marcus tries to make philosophy appealing to Quintus from a pragmatic point of view lies in the way Marcus presents the purpose of the philosophical discussion itself. The abstract, philosophic treatment of law that takes place in Book One is a necessary propaedeutic to confronting the practical issue of what are the best statutes for Rome, and of the ways these promote the political health of the community, the subject of the remaining books. Thus Marcus indicates from the outset of his philosophical treatment of *Lex* that the discussion will ultimately bear directly on Roman

³²⁶ For a more cynical view of Cicero's self-fashioning in this preface as primarily narcissistic and self-aggrandizing for immediate political purposes, see Dolganov 2008; see also Steel 2005 *passim* (esp. 83-114), interpreting Cicero's philosophical works, along with the rest of his literary oeuvre, as a vehicle for self-promotion.

law, a crucial hook for holding the interest of Quintus, who—while sympathetic to Marcus’s philosophical approach—is ultimately oriented towards political practice. Contrasting his own approach to the question of law with that of the jurists who give legal advice on particular statutes,³²⁷ Marcus declares that their discussion will proceed from “the nature of justice”³²⁸ to the general “statutes by which cities should be ruled,”³²⁹ and at last to “those which have been compiled and written down: the laws and commands of peoples, among which not even what are called the civil laws of our people shall lie hidden” (1.17).³³⁰ This last category indicates the *ius civile*, which contains the specific statutes of nations, those of the Romans included. So while the universalizing and thus philosophic tendency of Marcus’s consideration of law is unmistakable, Quintus is given the carrot of Marcus’s promise that all of this is relevant to the Roman *ius civile*, which will eventually be treated in their discussion.

To judge by Quintus’s reaction to Marcus’s plan, this strategy is an effective one. Quintus voluntarily signals his approval for his brother’s philosophic, universalizing attempt to seek the origins of law and justice: “As ought to be done, brother, you are searching out what we’re seeking really deeply and from the top” (*Alte vero et ut oportet a capite, frater, repetis quod quaerimus*, 1.18). Quintus’s positive reaction to the

³²⁷ “For we are not asking in this conversation... what legal advice we should give on each matter” (*Non enim id quaerimus hoc sermone... quid de quaque consultatione respondeamus*, 1.17). See also Marcus’s extended criticism of the pettiness of jurists in 1.14 (cf. *Mur.* 23-30).

³²⁸ *natura... iuris* (cf. the jurists’ alleged neglect of *universum ius* in the complaint at 1.14).

³²⁹ *leges quibus civitates regi debeant*.

³³⁰ *quae composita sunt et descripta, iura et iussa populorum, in quibus ne nostri quidem populi latebunt quae vocantur iura civilia*. For an explanation of these three categories of law and their symmetrical relationship, see Atkins 2013: 217-23.

philosophic method his brother proposes also suggests that Quintus has an intellectual side to which Marcus can strategically appeal in order to develop and deepen Quintus's engagement with philosophy. As we have seen, Quintus is characterized from the start as a cultured man; after all, he composes his own poetry (cf. 1.1). It is not, therefore, a blatantly anti-intellectual person whom Marcus is addressing, but a pragmatic individual for whom philosophy seems not to have any political utility. Marcus is able to win him over to the value of a philosophical discussion of law by keeping its ultimately practical purpose in view.

Marcus is careful to reiterate his practical purpose in the midst of the theoretical discussion in Book 1, emphasizing that his ultimate goal in discussing *Lex* in a philosophical fashion is the improvement of practical politics, of actual states, by means of the *ius civile*. After logically deducing the implications of his definition of *lex* as *ratio summa in natura* (1.18), identified with the divine that rules nature (1.21), Marcus states that this discussion was prefatory to a more focused argument in favor of the principle that justice exists in nature (*ius in natura esse*), promising that “once I have said a few things about this, then I will come to the *ius civile*, from which this whole speech was born” (*de quo cum perpauca dixero, tum ad ius civile veniam, ex quo haec omnis est nata oratio*, 1.34). Shortly afterwards, he calls his account a “journey” (*iter*): “But you can see what the journey of this conversation is: my whole speech is advancing towards the goal of strengthening states, that is, of establishing laws, healing peoples” (*sed iter huius sermonis quod sit vides: ad res publicas firmandas—id est ad stabilienda iura, sanandos*

populos—omnis nostra pergit oratio, 1.37).³³¹ Marcus's metaphorical presentation of his discourse on law as going on a journey to the destination of political practice is appropriate, given that he spends the whole first book of the work making the case only for the first stage of the discussion as outlined at 1.17, "explaining the nature of justice" (*natura enim iuris explicanda nobis est*), whose origins he is seeking in nature (*repetam stirpem iuris a natura*, 1.20).³³² It should also be noted that, in light of Marcus's plan for his discussion as outlined at 1.17, the reading *stabilienda iura*, proposed by Ursinus as a correction of the manuscripts' *stabiliendas vires*, is preferable to Powell and Dyck's *stabiliendas res*.³³³ Since there has been no prior indication in *De Legibus* that Marcus is particularly concerned to comment on property,³³⁴ such a statement would be incongruous here.³³⁵ Nor is it correct to say that *stabilienda iura* would have to mean

³³¹ I have retained Powell's correction *id est* for *et* of the MSS., but I prefer the reading *ad stabilienda iura* to Powell's *ad stabiliendas res* for reasons discussed below.

³³² For the Pindaric origins of this metaphor and its imitation in Plato's *Laws*, see Dyck 2004: 166-67.

³³³ Dyck (2004: 167) credits Powell with the conjecture *res* ("*Res* is surely needed for *vires* [so Powell, also changing *et* to *id est*]"), while Powell (2006: 176) credits Dyck in his textual apparatus ("*res Dyck*"). In general, the discussion of this textual problem at Kenter 1972: 147 is far more satisfying. Kenter plausibly opts for Davies's *ad stabiliendas leges*, and his best evidence is the uncontested reading at 1.62, *stabiliat leges* (he mistakenly sees a parallel between 1.37 and "the tripartite objective of this work, alluded to as far back as 1.20"). However, the resonance of 1.37 with the earlier outline at 1.17, discussed below in this paragraph, inclines me towards *iura*, though in this context it is equivalent in sense with *leges*.

³³⁴ On the contrary, in one of the only mentions of private property law in *Leg.*, Cicero displays mockery for the specifics of property law: see the reference to disputes over water rights at 1.14 (*de stillicidiorum ac de parietum iure*).

³³⁵ Dyck's (2004: 167) reference to Cicero's belief in the state's role in protecting property rights at *De Officiis* 2.73 and 78 is a tendentious comparandum. *Off.* displays a thematic concern with the question of private property as it relates to the virtue of justice; *Leg.* does not.

“stabilizing rights.”³³⁶ Marcus spoke earlier of his ultimate intent to arrive at a treatment of *iura et iussa populorum*, a context in which *iura* certainly did not mean “rights” but rather “laws” (1.17).³³⁷ Indeed, that earlier phrase provides a model for understanding Marcus’s whole statement here. For in that context, Marcus was describing the final stage of his discussion that would follow upon theoretical grounding of law. Here, too, Marcus is speaking of the ultimate purpose of the theory of law currently being expounded.³³⁸ Thus we would expect that, in addition to the generalized goal of making republics stronger, he would say something about the specific goal of improving the state through laws. Finally, the Ursinus reading is more likely because Marcus’s other stated goal, *sanandos populos*, also recalls the general sentiment about his stated goals in 1.17, where he spoke of the *iura et iussa populorum*. Given that the grounding of justice in nature or *lex* comes first, Marcus’s intent is to evaluate the written *iura et iussa populorum* (1.17) in light of that prior principle³³⁹ in order to make peoples healthy (*ad sanandos populos*). Thus in 1.37, Marcus recalls to a certain extent his original plan stated at 1.17, reassuring Quintus that the theoretical discussion of law is not pursued for its own sake but will ultimately have practical import.³⁴⁰

³³⁶ Dyck 2004: 167.

³³⁷ See the translation “laws” in Zetzel 1999: 111.

³³⁸ Dyck misses the point of Cicero’s remarks when he argues against the conjecture *stabilienda iura* on the grounds that it “seems to leap over the stage of establishing what *ius* is, which is the topic of the current discussion (§ 17)” (2004: 167). Cicero’s point is to recall the ultimate purpose of the theoretical topic under discussion.

³³⁹ See also the more explicit discussion of this notion between Marcus and Quintus at 2.11-14.

³⁴⁰ For the climax of this movement from philosophical theory to political practice in 1.62, see the section on the *laudatio sapientiae* below.

II. Initial Appeals to Atticus in “The Garden of Cicero”: The Pleasures of Nature, Philosophy, and Friendship

Marcus relies on Atticus’s Epicurean appreciation for the pleasantness of the natural surroundings of the estate and for learned conversation among friends as first steps in drawing him to a markedly anti-Epicurean philosophical conception of nature.³⁴¹ When the dialogue opens, the interlocutors find themselves in a pleasant grove (*lucus*) on Cicero’s estate. This grove, moreover, has both literary and personal significance to Atticus. He associates the grove with one that he has often read about in Marcus’s poem *Marius*, thinking he recognizes the literary grove in the real world (1.1). Atticus thus shows his literary inclinations from the start. But the grove is of interest to Atticus not just because of its connection with literature, but also because the literary object in question was written by his friend. Atticus does not make this second idea explicit at this point, but he does in the preface of the second book, professing his special fascination with Marcus’s estate because it is the estate of a friend: “For we are moved, for some reason, by the very places in which we find the traces of those whom we love and admire” (2.4: *Movemur enim nescioquo pacto locis ipsis in quibus eorum quos diligimus aut admiramur adsunt vestigia*).³⁴² The very place in which Atticus finds himself exercises a rhetorical force (*movetur*) over him because it is the estate of a dear friend, rendering him more receptive to his friend’s ideas.

³⁴¹ As we will see, according to this conception, nature is superintended by the gods, man is naturally inclined to the virtues, and political engagement is ultimately an obligation required by man’s nature as a social and civic being.

³⁴² A little later, Atticus concludes: “Therefore from now on I will have a greater love for this place where you were born” (2.4: *Quare istum ubi tu es natus plus amabo posthac locum*).

Finally, the grove and the pleasure grounds of Cicero's estate are attractive to Atticus, inasmuch as Atticus finds himself in a *locus amoenus* that provides him with pleasant surroundings for their conversation, which is rendered more pleasant and makes Atticus more well-disposed to Marcus's ideas. Marcus expressly appeals to the pleasure afforded by a philosophic conversation in this place when Atticus urges him to take up the topic of the *ius civile*: "So then, why don't we walk to those walks and benches of ours? There, after we have done enough walking, we will take a break. And you can rest assured that there will be no lack of delight as we ask each other questions about different things" (1.14: *Quin igitur ad illa spatia nostra sedesque pergimus? Ubi, cum satis erit ambulatum, requiescemus, nec profecto nobis delectatio deerit aliud ex alio quaerentibus*). Atticus approves: "Certainly, and if you like, we should head to the Liris along the shady bank" (1.14: *Nos vero, et hac quidem ad Lirem, si placet, per ripam et umbram*). Nor does the experience fail to delight: at the beginning of the second Book, Atticus enthusiastically remarks on the natural beauty of the place he has by now come to know (2.2).³⁴³

Atticus's inclinations (which are made more explicit in the preface of the second book) prepare the way for Marcus to appeal to his friend's interest in literature, philosophy, and the pleasures of the natural world with the suggestion that their conversation should take the form of a reenactment of Plato's *Laws*. This suggestion

³⁴³ Properly speaking, the lexemes *amoenitas/amoenus* do not occur until the second book, with reference to the island in the Fibrenus where the interlocutors continue their conversation after walking along the river during Book 1; Marcus Cicero calls the island an *amoenitas et salubritas* (2.3) and Atticus proclaims that there could be nothing more *amoenius* (2.6).

comes about in the following way. When Marcus insists that a more elevated treatment of law that considers *universum ius* is proper to him rather than the minute disputes over the *ius civile* (1.14), Atticus, having already brought up his friend's poem *Marius*, now brings up *De Re Publica*, proposing that as Plato followed up his *Republic* with the *Laws*, Marcus should "do the same and write about laws" (1.15: *ut scribas tu idem de legibus*). But rather than simply agreeing, Marcus slightly transforms Atticus's suggestion: rather than promising to *write*, Marcus calls for a *conversation* about law in the here and now in which his friend Atticus is to be an active participant, and in the course of which the three friends will imitate the walk through nature by the three interlocutors of Plato's *Laws*:

[M.] Do you wish, then, just as he [Plato] discourses on a summer day (as he describes it) with Kleinias the Cretan and with Megillus the Lacedaemonian amidst the cypresses of Knossos and the forested walks, frequently coming to a stop, and occasionally resting, about the institutions of states and about the best laws, so would you have us, as we walk along the verdant and shady bank among these lofty poplars, inquire into the same matters with somewhat greater depth than is called for by forensic usage? (1.15)

[A.]: Well I certainly am eager to listen to all this. (1.16)

[M.] Visne igitur, ut ille Crete cum Clinia et cum Lacedaemonio Megillo, aestivo (quaemadmodum describit) die in cupressetis Gnosiorum et spatiis silvestribus, crebro insistens, interdum acquiescens, de institutis rerum publicarum ac de optimis legibus disputat, sic nos inter has procerissimas populos in viridi opacaeque ripa inambulantes, tum autem residentes, quaeramus eisdem de rebus aliquid uberius quam forensis usus desiderat?

[A.]: Ego vero ista audire cupio.

Marcus deftly appeals to Atticus's literary and philosophical inclinations, and his love for nature, to induce him to become an active participant in a series of arguments that will be contrary to Epicureanism in orientation, focused as they are on virtue as an essential element of the highest good, and culminating as they do in political engagement. Marcus

forecasts that one of the topics this more “in-depth” (*uberius*) discussion will include is “for the sake of cultivating and accomplishing which duty we have been born” (*cuius muneris colendi efficiendique causa nati... simus*, 1.16). The full implications of this reference to a duty to be performed will only become clear at the end of the first book, where Marcus will argue in the *laudatio sapientiae* that the culmination of wisdom is the insight that we have been “born for civil society” (*a civilem societatem natum*), a realization that prompts us to participate in public life (1.62).³⁴⁴

However, to say that Marcus appeals at the outset to Atticus’s interest in literature and philosophy is too simple. In particular, Marcus is appealing to Atticus’s interest in and respect for Plato, deftly framing the philosophic treatment of law as a Platonic theme rather than presenting it as the theme of a rival school of Epicureanism such as Stoicism, even though the subsequent argument about law appears to owe as much to the Stoics as it does to Plato. That Atticus is more positively disposed to receive ideas that are presented as Platonic is evident both from the fact that he was the one who brought up Plato and encouraged Marcus to continue his literary emulation of him, and from the way he speaks highly of Plato later in the dialogue:

You [Marcus] truly won’t ever be able to praise him [Plato] either too much or too often. For even those friends of mine, who want no one except their own [i.e. Epicurus] to be praised, allow me to esteem him [Plato] in accordance with my own judgement. (2.1)

Tu vero eum nec nimis valde umquam nec nimis saepe laudaveris; nam hoc mihi etiam nostri illi, qui neminem nisi suum laudari volunt, concedunt, ut eum arbitratu meo diligam.

³⁴⁴ The other major Platonic intertext of *De Legibus* is the *Phaedrus*, to which Cicero alludes implicitly through Marcus’s comments about the myth of Orithyia at 1.3, and explicitly through Atticus at 2.6.

Atticus is, therefore, exceptional among Epicureans in his esteem for Plato and apparent willingness to agree with him on occasion. Although this friendly disposition towards Plato is only revealed to the reader at the beginning of the third book, Marcus evidently knows this from the beginning and deftly presents the investigation into law as a Platonic endeavor.³⁴⁵

III. Transforming Nature for Atticus: from impulse for pleasure to impulse for virtue

It is by now a commonplace of scholarship on *De Legibus* that Marcus makes two different arguments for natural law and virtue in Book 1, the first of which employs subtle dialectic (1.18-34), the second a more rhetorical style (1.40-52).³⁴⁶ To this basic idea, however, I wish to add the notion that the first argument is particularly directed at Atticus as its recipient, while the second is especially meant for Quintus. Marcus's two methods of approaching the question of law illustrate the two methods by which knowledge of the truth can be advanced according to the *laudatio sapientiae*, logic and rhetoric (1.62). The former is required for the wise man to establish the truth for himself: "And he will fortify all of these insights—with a certain hedge, as it were—with a dialectical method, the science of adjudicating truth and falsehood, and with a certain art of understanding what follows from and is contrary to each premise" (1.62).³⁴⁷ It is this method that Marcus adapts when speaking to Atticus to advance his vision of law and

³⁴⁵ On the importance of the dramatic setting for Cicero's philosophical dialogues, see Gildenhard 2007 and Baraz 2012.

³⁴⁶ See Kenter 1972: 144, Benardete 1987: 303, and Atkins 2013: 169.

³⁴⁷ *Atque haec omnia, quasi saepimento aliquo, vallabit disserendi ratione, veri et falsi iudicandi scientia, et arte quadam intellegendi quid quamque rem sequatur et quid sit cuique contrarium.*

virtuously grounded political engagement. The second method is more proper to communication with one's fellow citizens, who are not philosophic and with whom subtle dialectic will not be effective: "And when he perceives that he has been born into civil society, he will think it necessary to make use not only of that subtle manner of discussion, but also of a continuous, more broadly effusive manner of speaking" (1.62).³⁴⁸ Therefore Marcus will argue for law in a more rhetorical fashion when addressing Quintus, who displays the qualities of an elite Roman citizen with a limited taste for philosophical argument.³⁴⁹

Thus the first major argument for law in Book One, which is more logical in character, will be directed at Atticus. Besides the argument's more strictly logical style, another indicator that it is chiefly aimed at Atticus can be seen in the special participatory role Atticus plays in this section. Indeed, the argument's effectiveness in engaging Atticus is evident in his enthusiastic participation (1.21-22, 1.28, 1.32) and accurate summary of its basic points (1.35). While scholars have traditionally viewed the character of Atticus and his responses as a convenient foil for the argument Cicero wants to develop, I hope to show that the argument itself and the dramatic setting speak to the way that Cicero's Marcus has gauged this particular argument to the character of his interlocutor.

Marcus, having initially framed his treatment of law as a Platonic theme in keeping with Atticus's positive inclination to Plato and Marcus's Platonic project (1.15),

³⁴⁸ *Cumque se ad civilem societatem natum senserit, non solum illa subtili disputatione sibi utendum putabit, sed etiam fusa latius perpetua oratione.*

³⁴⁹ See the next section.

continues his persuasive strategy towards Atticus by attributing his initial definition of law to an indeterminate group of *doctissimi viri*, thus encouraging Atticus to think of this definition as a Platonic concept despite wording that is taken from the Stoics.³⁵⁰ Marcus needs to downplay Stoic influence before Atticus, who respects Plato but as an Epicurean is more naturally hostile to a rival Hellenistic school such as Stoicism. Hence Marcus begins: “And so it has seemed good to the most learned men to begin from law, and I suppose this is basically correct, provided that law is, as these same men define it, supreme reason implanted in nature” (1.18: *Igitur doctissimis viris proficisci placuit a lege, haud scio an recte, si modo, ut idem definiunt, lex est ratio summa insita in natura*). Scholars have observed that this definition of law is Stoic,³⁵¹ and yet it is conceptually akin to the basic Platonic premise of *Laws* 10.³⁵² Cicero apparently wishes to build his

³⁵⁰ Scholars have interpreted the word *doctissimi* as reflecting the eirenic spirit of Marcus’s expressed desire at 1.36ff. to promote a consensus among all philosophic schools who agree that the honorable is to be sought for its own sake. They overlook, however, that in that later passage, Marcus has shifted his focus in particular to the Hellenistic schools and their leaders in his own time, a shift reflected in his now speaking of *philosophi* rather than *doctissimi* (on this difference see Benardete 1987: 298). In *De Legibus*, *Doctissimi viri* include Plato himself (or the Athenian Stranger, though Marcus posits no difference between the two), Zeno (from whom the definition is taken—see the next note), and perhaps Aristotle, while *philosophi* refers to their successors in the Hellenistic schools, i.e. Platonists, Stoics, Peripatetics. In Cicero’s other philosophic works, however, the founders of the schools are denoted as *philosophi*.

³⁵¹ For the Stoic origins of this definition, see *SVF* 2.4.2-3 (Chrysippus; cf. the similar definition involving command and prohibition given by Laelius at *Cic. Rep.* 3.27); cf. Zetzel 1999: 111n23, Dyck 2004: 109-10, Asmis 2008: 6 with 11n, Annas 2013: 212, Atkins 2013: 165-66.

³⁵² Hence Benardete 1987: 297 asserts that Cicero’s *Laws* begins with Book 10 of Plato’s *Laws*. For the derivation of the Stoic doctrine from *Laws* 10, see Morrow 1960: 565 and Atkins 2013a: 162-63, especially his reference at 163n18 to “the relevant raw material in Plato’s *Laws*... between 10.893b and 10.905d” with further bibliography. For Atkins’s argument that Marcus’s account of natural law in Book 1 is an orthodox Stoic account, see 169-76. See also Atkins 2015 on the development of Stoic natural law doctrine.

argument on a Stoic development of a basic idea about law from Plato, but in order to avoid alienating Atticus at the outset of his argument, he speaks of his definition of law as the common property of all the most learned men. Since Marcus has just established their conversational enterprise as analogous to the discussion in Plato's *Laws* (1.15), it is only natural for Atticus to think of Plato when he hears the word *doctissimi*. And yet the analogical (rather than *identical*) character of the present discussion begins to manifest itself here with the Stoic coloring of the definition given to law. After all, three centuries of philosophy have intervened since the time of the writing of Plato's *Laws*, and Marcus wants to incorporate the Stoic development of ideas about law from Plato.³⁵³ Particularly relevant to Marcus's purpose vis-à-vis Atticus is the Stoic argument for man's status as a social creature inclined to the virtue of justice, to which Marcus especially wants to move Atticus.

Marcus's next step is to appeal to Atticus's esteem for nature before explicitly investing this principle with divine qualities. Marcus elaborates on his initial definition of *lex* by affirming that "the beginning of justice must be brought forth from *lex*" (*a lege ducendum est iuris exordium*, 1.19)³⁵⁴ and announcing his intention to "seek the root of justice from nature, under whose guidance I must unfold the whole discussion" (*repetam*

³⁵³ Another important aspect of Cicero's treatment of law that is merely analogous to Plato's is, of course, the changed social and political context of Republican Rome with its particular traditions and form of government, and which administers a world empire. The novel Roman context becomes especially important in Books 2 and 3.

³⁵⁴ See also his exhortation (also in 1.19) "let us take the beginning of establishing justice from that supreme law" (*constituendi vero iuris ab illa summa lege capiamus exordium*).

stirpem iuris a natura, qua duce nobis omnis est disputatio explicanda, 1.20).³⁵⁵ *Lex* and *natura* are treated as synonymous, which would seem to be in keeping with the first principle that *lex* is somehow present, “implanted” (*insita*), in nature (1.18).³⁵⁶ But it is the language of following *natura* in particular (rather than *lex*, though the two are identical conceptually) that prompts the Epicurean Atticus to agree with enthusiasm: “That is absolutely right, and with that as our guide, it will certainly be impossible to go astray” (1.20: *Rectissime; et quidem ista duce errari nullo pacto potest*). Having gained Atticus’s assent to nature as a principle of justice, Marcus instantly transforms the idea of nature held by the Epicurean Atticus into something that is divinely ruled and controlled. “So do you concede to me, Pomponius (for I already know Quintus’s opinion), that all of nature is ruled by the ... *ratio* of the immortal gods? For if you don’t approve of this, then I will have to begin the argument with [a justification of] this point” (1.21: *Dasne igitur hoc nobis, Pomponi (nam Quinti novi sententiam), deorum immortalium... ratione... naturam omnem regi? Nam si hoc non probas, ab eo nobis causa ordianda est potissimum*). Marcus now reveals that *ratio* in the definition *lex est ratio summa insita in natura* (1.18) is the *ratio* of a divine agent.³⁵⁷ When Atticus assents, Marcus reminds

³⁵⁵ It is this principle of justice (*ius*), derived from *lex/natura*, that will ultimately serve as a standard for the particular laws that should accompany the form of government designated as best in *De Re Publica* (1.20), laws which Marcus will announce in the subsequent books.

³⁵⁶ This also seems to be the meaning of Cicero’s definition of law at *Rep.* 3.27, placed in the mouth of Laelius: *lex est recta ratio naturae congruens* (cf. 1.18, *lex est ratio summa insita in natura*).

³⁵⁷ The identification of *ratio summa* in nature with the divine is reiterated and made even more clear at 2.8-10.

him that this principle expressly violates Atticus's Epicurean view of nature, in which the gods play no part (1.20).

Though the conclusions that will follow from this principle will be deduced in strictly logical fashion, Marcus secures Atticus's adherence to this blatantly anti-Epicurean first principle³⁵⁸ not by mounting an argument for it,³⁵⁹ but relying on the seductive force of the natural surroundings and on Atticus's appreciation as an intellectual for an interesting argument. The first factor is evident in Atticus's response to Marcus's initial request that he concede the principle: "I grant it, if you are demanding a writ of prosecution; since, due to this harmonious singing of the birds and the noise of the rivers, I have no fear that any of my fellow students will overhear" (1.21: *Do sane, si postulas; etenim propter hunc concentum avium strepitumque fluminum non vereor condiscipulorum ne quis exaudiat*). Atticus's response is full of wit, of course, whether one considers the play on legal language in *postulas*, as if Marcus were demanding legal permission to prosecute Epicureanism for impiety, or the joke about no one overhearing Atticus's betrayal. But the very centerpiece of that joke—the muffling effect of nature sounds—indicates that Atticus is enjoying the natural surroundings so much that his Epicurean adherence to the pleasure principle triumphs over his need to be loyal to the other teachings of his fellow Epicureans.³⁶⁰ The second factor in Atticus's concession,

³⁵⁸ A principle, it should be emphasized, that is a *sine qua non* for the conclusion that people must practice justice through concern not only for their fellow human beings in general (1.28-34) but also for civil society (1.62).

³⁵⁹ Though Marcus suggests he is willing to do so if Atticus requires it.

³⁶⁰ Görler 1974: 140-41 interprets the reference to the birds and the waters as an implicit confirmation on Atticus's part of the Stoic idea of providence that Cicero is about to develop.

namely his intellectual inclinations, is evident in his response to Marcus's teasing: "Go on, please; for I am waiting to see where the thing I have conceded to you leads" (1.22: *Perge, quaeso; nam id quod tibi concessi quorsus pertineat exspecto*).³⁶¹ Atticus is evidently curious to see what Marcus intends to develop from this basic principle. Thus Atticus is willing to go along with the principle of the divine control of the universe as the starting point of an intriguing thought experiment.³⁶²

With ineluctable logic, Marcus proceeds to derive from his friend's concession a series of anti-Epicurean conclusions which logically oblige the philosophically inclined Atticus to accept that man, as a creature endowed with reason by the gods, is obliged to fully develop that reason by practicing virtue, and preeminently justice by fulfilling his obligations towards others, and ultimately to take an active role in politics. In what follows, without treating the entire argument, which has already been done several times,³⁶³ I shall limit myself to a summary demonstrating the logical character of the argument and the virtue of justice it seeks to inculcate. Having first laid down that all of nature is ruled by a *ratio* that is divine, it follows, Marcus argues, that human beings, who also have *ratio*, must have been endowed with this and other faculties by the gods at the

³⁶¹ Cf. Atticus's question *sed quorsus hoc pertinet?* at 1.63, following Marcus's *laudatio sapientiae*.

³⁶² Benardete 1987: 306 suggests Atticus's friendship with Marcus as the reason for Atticus's concession. Cicero's arrangement as author of this anti-Epicurean concession adumbrates Marcus's exclusion of Epicureanism and of the New Academy from the conversation at 1.39. Cicero's diligence in avoiding any significant challenge to Marcus's ideas in Book 1 contributes to the impression of *De Legibus* as one of Cicero's dogmatic dialogues, notwithstanding that Cicero's personal adherence to the New Academy, and even Marcus's, survives intact (see Görler 1995).

³⁶³ For a more detailed analysis of Marcus's argument in this section, many recent scholars may be usefully consulted (see n2 above for references).

time of their creation (1.22). This means that human beings have *ratio* in common with the gods (1.23); but from this it follows that they also have virtue in common with the gods, “since virtue is nothing else but nature brought to completion and developed to the full,” (1.25: *est autem virtus nihil aliud nisi perfecta et ad summum perducta <natura>*), a nature endowed with *ratio*.

Indeed, it is the idea that it is man’s destiny to practice virtue, and in particular justice, that Marcus especially wishes to emphasize to Atticus. When Atticus expresses his enthusiasm at the extreme extent (right back to the gods and to the natural human faculties) to which Marcus goes to seek the origins of law and justice, indicating that he would be happy to spend the whole time discussing these origins of law instead of civil law (1.28), Marcus instantly re-orientes him towards the practice of justice:

But of all the topics that learned men spend time on in their discussions, there is certainly nothing more excellent than to understand clearly that we have been born for justice, and that right has been established by nature and not by opinion. (1.28)

Sed omnium quae in hominum doctorum disputatione versantur, nihil est profecto praestabilius, quam plane intellegi nos ad iustitiam esse natos, neque opinione sed natura constitutum esse ius.

Appealing again to the authority of learned men (*homines docti*—cf. 1.18, *doctissimi viri*), which again signals Plato to Atticus without excluding the Stoics, who are tactfully left unmentioned, Marcus aims to bring Atticus to the conviction that human beings are destined to practice justice, and that this justice, contrary to Epicurean teaching, is not merely a matter of convention. He says he will prove his claims about justice—both our destiny to practice it and its firm foundation in nature—by showing Atticus “that there is

a society and conjunction of human beings among themselves” (1.28: *hominum inter ipsos societatem coniunctionemque*).

Marcus’s proof of the claims that “we are born for justice” (*nos ad iustitiam esse natos*, 1.28) and that justice exists by nature and not convention prepares Atticus in a general way for the more specifically political conclusion that Marcus will draw for him in the *laudatio* that a person should realize *se ad civilem societatem se natum* (1.62).³⁶⁴ Marcus points out the common natural faculties of human beings and their common beliefs, at least when led by reason, about virtue and vice, concluding that “since from these things it is understood that in the whole human race, men are united among themselves, the conclusion is that an account of how to live correctly makes human beings better” (1.32: *Quibus ex rebus cum omne genus hominum sociatum inter se esse intellegatur, illud extremum est, quod recte vivendi ratio meliores efficit*). Thus there is a correct way of life that applies to all human beings and is based on the proper understanding of justice. When Atticus says on behalf of himself and Quintus that they require no further explanation of these ideas³⁶⁵—an assertion that, significantly, Quintus by no means affirms, which suggests that it is really only Atticus who is following the argument—Marcus states: “It follows, therefore, that by nature we have been made to

³⁶⁴ This realization then obliges him to engage in public life by practicing oratory (1.63), that preeminent means of securing social bonds among men that Marcus had referred to in the initial stages of his argument to Atticus about human nature: “I pass over the rest of the body’s faculties and capacities: the modulation of the voice, the power of speech, which gathers especially human society together” (1.27: *Omitto opportunitates habilitatesque reliqui corporis, moderationem vocis, orationis vim, quae conciliatrix est humanae maxime societatis*).

³⁶⁵ “But we don’t have any questions, if I may answer for both of us” (1.32: *Nos vero nihil [requirimus], ut pro utroque respondeam*).

cause each other to participate in justice, and to communicate it to all (1.32: *Sequitur igitur, ad participandum alium cum alio communicandumque inter omnes ius nos natura esse factos*). First, it is noteworthy that Marcus presents this next idea as a logical consequence of the foregoing argument, as he continues his strategy of appealing to the philosophical Atticus on the basis of the logical consequences of the first premise he had conceded.³⁶⁶ Secondly, the ultimate consequence of this idea will be the necessity of political engagement on the part of the person who knows about justice, for it is only by this person's communication of justice through a system of law that life can be made better for others. Thus at 1.34, Marcus represents his discussion about the natural foundations of justice up to this point (1.18-34), and the additional discussion that will follow (1.40 ff.), as a necessary prelude to the discussion of civil law. The promotion of proper laws through active engagement in politics—causing others to participate in justice (1.33)—requires a prior, proper understanding of justice.

It is also with a special view to Atticus the Epicurean that Marcus brings his first argument about law to a close by drawing a corollary from his basic principle that justice is natural: there is no separation between the justice of an act and its utility. Marcus states: “And Socrates rightly used to condemn whoever it was that first separated utility from justice; for he complained that this was the beginning of all destruction” (1.33: *Recteque Socrates exsecrari eum solebat, qui primus utilitatem a iure seiunxisset; id enim querebatur caput esse exitiorum omnium*). Dyck (2004: 155) finds the reference to *utilitas* here puzzling, and indeed the gaps in the text that occur immediately before and

³⁶⁶ Pace Dyck 2004: 155, *sequitur igitur* is indeed logical in nature: cf. *sequitur igitur ut...* (*Tusc.* 5.53); *sequitur ergo ut* (*Par. Stoic.* 3.22).

after this sentence do not make it any easier to follow Marcus's train of thought. However, it stands to reason that Marcus would decry the utilitarian theory of morality when addressing an argument about natural justice to his Epicurean friend, who presumably subscribes to his school's moral utilitarianism. Indeed, Cicero teases Atticus about this issue in a letter:

I'm glad to see that you delight in your little daughter and approve the proposition that there is a natural affection towards one's children. For in fact if this does not exist, there can be no natural bond among human beings; and if this is destroyed, life in society is destroyed. (*Att.* 7.2.4)

Filiola tua te delectari laetor et probari tibi φυσικὴν esse τὴν πρὸς τὰ τέκνα.
Etenim si haec non est, nulla potest homini esse ad hominem naturae adiunctio;
qua sublata vitae societas tollitur.

The letter continues with Cicero's condemnation of the utilitarianism of the Epicureans Lucius and Patro (previously quoted in chapter 2), who "say that a man ought to be good in order to avoid having any problems and not because this is right by nature" (*ea re bonum virum esse oportere dicant ne malum habeat, non quod id natura rectum sit*).³⁶⁷

As we saw in chapter 2, Epicurean utilitarianism also came under attack in Laelius's speech in *De Re Publica* 3, where he argued for the existence of natural law against Philus's contention that someone should be good only in order to avoid punishment.

Marcus makes the same point to his Epicurean friend here in *De Legibus*. Just as Cicero challenged Atticus in the letter to consider that his own experience militated against the Epicurean idea that there is no natural bond of justice among human beings, in *De Legibus* Marcus challenges Atticus to consider the logical consequence of admitting the existence of nature as ruled by divine reason. From this premise it followed that all

³⁶⁷ Cf. *Fin.* 2.59.

men have been given a share in reason by the gods and a share in justice (1.34), and the ultimate consequence is that the standard of right action applies to all human beings, and that right actions are both right by nature and beneficial to all human beings.³⁶⁸

Atticus summarizes these ideas and accepts them as proven (1.35), but their ultimate, practical import for the question of civil law is not yet clear to him. Marcus is preparing Atticus for the ultimate conclusion that the person endowed with knowledge of right action and endowed with a natural impulse towards right action must seek the best way of life for everyone in practice, starting with his fellow citizens (1.62-63). In Books 2 and 3, Atticus will engage in a second-best form of political engagement, political philosophy, as he joins with Marcus and Quintus in a consideration of lawgiving in practice.³⁶⁹

IV. Rhetorically advancing a philosophical vision of virtue for Quintus

Having completed the first argument and won over Atticus, Marcus turns his attention to Quintus with a separate, more rhetorically ornate argument for the specific thesis that justice exists by nature.³⁷⁰ I will argue that Marcus finds it necessary to argue for his thesis about the natural basis of justice in a more rhetorical mode because he thinks that Quintus, lacking interest in or ability to follow the more technical argument,

³⁶⁸ Cicero also quotes this maxim of Socrates at *Off.* 3.11, and develops the unity of morally right action and utility throughout Book 3.

³⁶⁹ See the discussion in Chapter 2 of Cicero's similar rhetorical goals regarding Epicureans in the preface of *De Re Publica*.

³⁷⁰ In this second argument (1.40-52), Cicero "only deals with the purely ethical aspect" of natural law (Kenter 1972: 144). However, he does not develop an entirely new argument for natural law, but remains dependent on the principles previously established (1.18-34): see e.g. 1.45, which takes up the previously established postulate from 1.18 that "reason is certainly in nature" as one of the steps in the argument (Dyck 2004: 174).

has not yet sufficiently internalized the proper understanding of justice and the virtues.³⁷¹

This understanding is necessary for Quintus to engage in politics well, both in terms of personal conduct and in terms of his ability to legislate well. Quintus already accepts engagement, but Marcus wants to alter the character of that engagement by imbuing Quintus with a prior knowledge of virtue that will help him both to be a more virtuous statesman himself and to frame civil law in such a way as to inculcate virtue.

The dramatic details suggest that at the end of Marcus's first argument, Quintus possesses only the most superficial understanding of Marcus's ideas, while by the end of the second, Quintus is clearly paying attention and quite enthused. While Atticus enthusiastically engages with Marcus's first argument and gives a clear summary of its basic points (1.35), Quintus, by contrast, merely asserts that he is persuaded and suggests that there is really no need for the second argument Marcus proposes: "You can indeed say a little bit about it at this point; for from what you've said, even if Atticus feels differently, it seems certain to me at least that justice arises from nature" (1.34: *Tu vero iam perpauca licet; ex eis enim quae dixisti, <etiamsi aliter> Attico, videtur mihi quidem certe ex natura ortum esse ius*). Quintus's evident boredom with the argument and eagerness to turn to the practical consideration of the *ius civile* belie his claim to have already been convinced. But by the end of Marcus's second argument about the natural basis of justice and the virtues, Quintus will be so captivated that far from expressing impatience, he will show eagerness to continue with Marcus to the next point: "Gladly, brother, would I be dragged along with you to the next place where your speech leads"

³⁷¹ See Schofield 1995b compares this second argument for natural law with the first in terms of a different Stoic approaches to justice.

(1.52: *Libenter enim, frater, quo ducis ista oratione, tecum prolaberer*). Atticus by contrast, does not immediately react to the second argument. Thus their roles are switched, as Marcus's more rhetorically stylized account falls somewhat flat with Atticus while proving more engaging to Quintus.

During the transition from the first to the second argument (1.34-40), Marcus hides from Quintus his rhetorical intention of inculcating in his brother the strong conviction that justice exists by nature and that virtue is desirable for its own sake, views that represent an eclectic philosophic consensus of the Hellenistic schools (minus Epicureanism and the New Academy; cf. 1.39). Marcus misleads Quintus, claiming that he needs to give a second argument to establish the truth of ideas for philosophers who he also indicates already hold these ideas, and are even accustomed to argue for them in this same way, a proposition that makes no sense in itself but does become intelligible in light of Marcus's rhetorical designs on Quintus. Marcus's indirection starts with the way he appears to ignore Quintus during this transition and addresses Atticus instead. Marcus tells Atticus that since his whole theoretical discussion aims at making states stronger and establishing laws, he must ensure that the principles are "well thought-out and diligently investigated" (*bene provisae et diligenter exploratae*, 1.37). This is the reason Marcus gives for his plan to give a separate argument proving *ius esse natura*, in accordance with "the custom of philosophers—not of those ancients, but of those who have set up workshops, so to speak, for wisdom" (*philosophorum more—non veterum quidem illorum, sed eorum qui quasi officinas instruxerunt sapientiae*), who discuss matters piecemeal (*articulatim distincteque*, 1.36). Since these philosophers are contrasted with

the ancients, Marcus evidently refers to the more recent philosophers of the Hellenistic schools.³⁷² The principles to be proven by the second argument, moreover, are held by these same philosophers: they will not be approved by everyone, but by “those who have held the view that all moral and noble things should be sought for their own sake” (1.37: *ei qui omnia recta atque honesta per se expetenda duxerunt*), among whom Marcus expressly includes followers of the Hellenistic schools, naming the Old Academy, Aristotle and Theophrastus (Peripatetics), and Zeno (the founder of the Stoa) (1.38). But if adherents of these philosophic schools are accustomed to argue separately *ius esse natura* and already approve the idea that the noble is desirable in itself, then they have no need of the upcoming argument.³⁷³ What Marcus really intends is to take the eclectic consensus of the Hellenistic schools and present it in an attractive light to Quintus, who does have need of these ideas. Thus Marcus’s goal in this section is similar to Laelius’s effort in *De Re Publica* 3 to promote a vision of virtuous political engagement to the older (Manilius, Spurius Mummius) and younger Romans (his two sons-in-law) present for that conversation.

³⁷² Kenter 1972: 143-44: “Among the more recent ones we should not only count the Stoics... but all schools which have built workshops, so to speak, for the production of philosophy (*officinas sapientiae*) of whom an enumeration is given in 37-39: the Old Academy, Peripatos, Stoa, Epicureanism, New Academy.” The procedure of these philosophers is contrasted with that of the *veteres*, apparently meaning philosophers up to and including Plato, who treated all the aspects of a given topic together as part of an integral whole. For this interpretation of *veteres*, see Kenter 1972: 143-44 (citing *Ac.* 2.14 as a comparandum) and Zetzel 1999: 118 n45.

³⁷³ For a different view, see Kenter 1972: 144-45, where he suggests that Quintus has indeed already been convinced (thus taking Quintus’s comments in 1.34 at face value), arguing that the rationale for this section is Cicero’s aim as an author “to convince not only his two interlocutors but as many people as possible, at any rather those who recognize certain ethical dogmata... Cicero wants to avoid that followers of certain philosophic orientations attack the theoretical foundations of his political science.”

Just as Laelius's argument involved both a claim for the existence of natural law from which all moral standards flow and an argument that virtue ought to be desired for its own sake, Marcus's arguments in this section may be divided into two kinds, in accordance with the two major ideas to which he seeks to gain Quintus's allegiance. With one set of arguments (especially 1.40-47), Marcus proves to Quintus that justice has a natural foundation, with the important implication that a country's civil law derives its authority from its conformity to natural justice. With a second set of arguments (especially 1.48-52), an offshoot of the first, Marcus tries to imbue Quintus with the desire to pursue justice and virtue for their own sake, arguing that this is the proper attitude of anyone who wants to consider himself one of the *boni*. By contrast with the first major argument for law directed at Atticus (1.18-34), in the two kinds of argument that comprise this section (1.40-52), Marcus holds the interest of the less philosophical Quintus by employing a highly rhetorical style, expertly analyzed and commented—though without special reference to Quintus—by Dyck (2004: 173-208), a style aimed at persuading not through strict logical sequence of ideas but through “instinctive reactions... the absurd consequences of the opposing theories... and invective.”³⁷⁴ But to Dyck's observations on the rhetorical tropes of this section, I will add the idea that Marcus will on occasion also implicitly appeal to Roman aristocratic ideals to which the Roman traditionalist Quintus is inclined, such as honor, shame, and *fides* in the patron-client relationship, especially as a means of achieving his second rhetorical goal of drawing Quintus to virtue.

³⁷⁴ Dyck 2004: 174.

Furthermore, in the following analysis of Marcus's second argument in favor of natural law (1.40-52), I am also attempting to qualify the scholarly consensus that Cicero's purpose in this passage—a corollary of Kenter's idea that Marcus is striving here to gain the sympathy of Stoics, Old Academics, and Peripatetics—is to refute the Epicurean theories of conventional justice and utilitarian morality.³⁷⁵ While it is certainly the case that the arguments mounted here are contrary to those Epicurean positions, focusing on this aspect of the passage overlooks the possibility that there were elite Romans who were not Epicurean and held no theory of morality of any kind, and yet were inclined to conform to moral standards merely out of convention. And Quintus is characterized as just such a Roman: for Quintus, the ancestral is the good. Consequently, his adherence to the Roman moral code is mindless and lacks any permanent theoretical foundation, a problem redressed by Marcus's first set of arguments. Moreover, viewing morality as a matter of social (Roman) convention means that Quintus's motive for virtue would primarily be the esteem of his social peers rather than the rightness of virtue in itself, a problem redressed by Marcus's second set of arguments. Finally, focusing on anti-Epicureanism in this passage is also unwarranted in light of Marcus's announcement during his prefatory remarks to the argument that those who measure everything by pleasure should remain in their gardens (he clearly means the Epicureans) and stand aside, since they have nothing to do with the political implications of the upcoming argument (1.39). In addition, Atticus has already shown (1.35) that he was convinced by

³⁷⁵ A nearly 100-year old uninterrupted arc of commentary ranging from Heinemann 1928, Schmidt 1959, and Kenter 1972 to Zetzel 1998 (footnotes to his translation) and Dyck 2004 views this section as a *refutatio* of Epicurean conventionalism and utilitarianism.

the first argument (given its first premise, in any case), and Marcus has no need to continue harping on the natural foundations of justice for Atticus's sake, and least of all with rhetorical arguments that the latter would find even less convincing than more strictly logical proof.

One of the ways Marcus achieves his first rhetorical goal of the second argument, namely convincing Quintus that justice has a natural foundation and thus nature should serve as a standard for civil law, is through a reference to tyrannical laws, an example that is bolstered by invective and an impassioned rhetorical question.³⁷⁶ Convincing Quintus that justice, in the broad sense of right and wrong, exists by nature (*ius esse natura*) matters to Marcus because he is attempting to bring Quintus into sympathy with the idea of engaging practically with Roman civil law on the basis of a prior philosophical principle, a procedure that Marcus will subsequently illustrate in practice in Books 2 and 3. Marcus strengthens an assertion about the illegitimacy of tyrannical laws with a personal attack on anyone who would disagree: "But now to the consideration of what is utterly stupid: thinking that all things are just that have been sanctioned by the customs or laws of peoples" (1.42: *Iam vero illud stultissimum, existimare omnia iusta esse quae scita sint in populorum institutis aut legibus*). Then he confirms the point with a rhetorical question denying that the laws passed by the thirty tyrants at Athens or by a tyrannical Athenian assembly should be considered just (1.42). Thus Marcus obliquely invites Quintus to be willing to question received Roman civil law. This is not to say that

³⁷⁶ The first of Marcus's arguments for natural justice occurs when the text picks up in 1.40 after a lacuna, with Marcus appealing to human experience: the guilty conscience that follows upon the commission of a bad deed, Marcus argues, proves that actions are by nature just or unjust.

Marcus considers the whole Roman civil law to be unjust or to have been decreed by tyrants; the reference to tyranny is an extreme example that illustrates the basic principle that the civil law of a given nation is not *ipso facto* just. But if those who pass *leges* are ignorant of law, the foundation of natural justice, then the statutes partake of injustice: “law is the one thing that has established [justice], which law is right reason in commands and prohibitions. But the one who is ignorant of [law] is unjust, whether that law be written anywhere or not” (1.42: *quod [ius] lex constituit una, quae lex est recta ratio imperandi atque prohibendi. Quam qui ignorat, is est iniustus, sive est illa scripta uspiam sive nusquam*). Thus some unjust things may have made it into the Roman law code that require redress by the prudent man in whose mind knowledge of natural law resides (cf. 1.18-19):

Law is supreme reason implanted in nature... when this same reason has been strengthened and brought to completion in the mind of a human being, it is law... The principle of justice must be drawn from law; for it [law] is a force of nature, it is the mind and reason of a prudent men, it is the standard of justice and injustice.

Lex est ratio summa insita in natura... Eadem ratio cum est in hominis mente confirmata et perfecta, lex est... a lege ducendum est iuris exordium; ea est enim naturae vis, ea mens ratioque prudentis, ea iuris atque iniuriae regula.

Marcus is striving in this argument to form Quintus into such a prudent man whose knowledge of *lex* allows him to serve as the bridge between *lex* as *ratio summa insita in natura* (1.18) and *leges et instituta* of peoples (1.42), ensuring that the latter are just.

Marcus also argues that justice is natural and not conventional through *reductio ad absurdum* that culminates in two positions that are deeply contrary to the Roman ethos. The first is that the virtues would be lost. “And if justice is not established by nature,” Marcus objects, “[all the virtues] are destroyed” (1.43: *Atque si natura*

confirmatum ius non erit, tollantur <omnes virtutes>). He proceeds with a rhetorical question that places before Quintus's mind the dreadful consequences of this position: "For where can there be any liberality, where will love of the fatherland be, where will *pietas* be, where can there be either a willingness to do something good for someone else or to return the favor?" (1.42: *Ubi enim liberalitas, ubi patriae caritas, ubi pietas, ubi aut bene merendi de altero aut referendae gratiae voluntas poterit exsistere?*). The values described here, whose potential loss is made more poignant by anaphora of *ubi*, sound very much like those of Quintus and the Roman elite: liberality, patriotism, *pietas*, and an elaborate periphrasis for what we would call the patron-client relationship. Marcus adds that it is not just human obligations relating to *pietas* that will be destroyed, but man's duties towards the gods as well (1.43). The second absurd result to which Marcus points is that, if justice is not by nature, then all the vices would be just, once they had been approved by legal decision of the people, political leaders, or jurors (1.43): "it would be just to commit robbery, it would be just to commit adultery, it would be just to bear false witness (1.43: *ius esset latrocinari, ius adulterare, ius testamenta falsa supponere*). Through the outrageous consequences evoked by anaphora of *ius*, Quintus is to be impressed with a strong sense that the denial of justice's natural foundation would logically allow for a total breakdown of the Roman social customs he holds dear and would sanction the most obvious forms of injustice.

In the midst of this argument about the natural foundation of justice, Marcus also begins to pursue his other major rhetorical goal or second kind of argument in this section, namely his effort to persuade Quintus to pursue virtue for its own sake and not

for self-interested, utilitarian motives. Marcus subtly proposes an alteration of the traditional Roman motive for such actions, claiming that we are inclined to do these things by nature: “For these things [the virtues just enumerated] arise from the fact that we are inclined by nature to love human beings, an inclination which is the foundation of justice” (1.43: *Nam haec nascuntur ex eo quia natura propensi sumus ad diligendos homines, quod fundamentum iuris est*). With this assertion Marcus tries to alter Quintus’s motive for conforming to the Roman expectation to practice certain virtues, suggesting that he should act virtuously out of a natural inclination to do good to others. Marcus’s strategy here recalls that pursued by Cicero of the preface of *De Re Publica*, where he attempted to persuade the Roman elite to engage in politics out of a natural inclination to love humanity rather than for personal gain (1.3).³⁷⁷ Indeed, Marcus makes clear that the alternative to acting uprightly out of a natural love for other human beings is a base utilitarianism whereby we behave rightly—or not—depending on whether some advantage may accrue to us: “if (as these same men say) everything should be measured by the standard of utility then a person who thinks that some action will be beneficial to himself will disregard the laws and break them if he can get away with it” (1.42: *si [ut idem dicunt] utilitate omnia metienda sunt, negleget leges easque perrumpet, si poterit, is qui sibi eam rem fructuosam putabit fore*). With these claims, Marcus appeals to Quintus’s aristocratic sense of honor, making him feel ashamed at the thought of behaving in such a mercenary, self-calculating way. Thus Marcus urges Quintus to behave rightly not so much out of a concern for the honor of his peers, to whose

³⁷⁷ Cf. 1.1: *tantam esse necessitatem virtutis generi hominum a natura... datum*.

conventional mode of acting he would conform, but out of his own personal sense of honor in the recesses of his own mind.³⁷⁸

It also helps Marcus's persuasive cause that he continues to make it sound as if he is not addressing anything that has to do with Quintus. That is, he avoids attacking Quintus directly by attributing to other people the idea he wants to disprove. Zetzel (1999: 120n57) notes that by *idem*, the Epicureans are meant. The view in question certainly fits the Epicureans, but *idem* is thrown in rather abruptly here, as Marcus has not previously announced that he is attacking the Epicureans (unless they were expressly mentioned in the lacuna before 1.40). The indeterminacy of *idem* allows Marcus to critique tendencies in Quintus under the guise of Epicureanism, in much the same way as Cicero used anti-Epicurean vocabulary in *Pro Sestio* and the preface of *De Re Publica* as a cover for his attacks on the politically withdrawn or pleasure seekers among the elite.

Marcus continues his effort to make Quintus truly virtuous in his conduct by appealing to his personal sense of honor and shame to practice the virtues for their own sake, rather than out of concern for the good opinion of the other *boni*. Marcus implies (as Laelius did in *De Re Publica* 3) that one should not demand a reward for virtuous activity of any kind, including public service, whether that reward would be honor from others or pleasures gained from one's position in office; satisfying one's personal sense

³⁷⁸ Cf. 1.41 for another argument that one must behave out of a concern for the good of others rather than solely for one's own advantage, an argument in which Marcus also appeals to shame. At the idea of stealing gold from another person on a desert island if one could get away with it and there were no one to see the deed, Marcus offers the indignant exclamation: *O rem dignam in qua non modo docti sed etiam agrestes erubescant!* "O what an affair, at which not only the learned but also the simple ought to feel ashamed!"

of honor at having done the right thing should be a sufficient motive for fulfilling our natural tendency (cf. 1.43) to practice justice towards other human beings. Marcus appeals to Quintus's conception of himself as one of the *boni* by arguing that a good man pursues what is naturally honorable and naturally good: It follow that both justice and every noble thing should be sought in and of themselves. For all good men love equity itself and justice itself" (1.48: *Sequitur... et ius et omne honestum sua sponte esse expetendum. Etenim omnes viri boni ipsam aequitatem et ius ipsum amant*). If a good man loves what is just itself, Marcus continues, then all the virtues are to be pursued for the sake of their intrinsic goodness as well (1.48). Marcus cites the example of liberality again (cf. 1.42), but goes further than he did before (cf. 1.42) by arguing that it is practiced for the sake of duty rather than to get something: "What of liberality? Is it gratuitous or mercenary?... There can be no doubt that a person who is called liberal or kind is following duty, not gain" (1.48: *Quid liberalitas? Gratuitane est an mercenaria?... nec est dubium quin is qui liberalis benignusve dicitur, officium, non fructum sequatur*). Marcus thus raises the traditional Roman patron-client relationship to a higher moral plane.³⁷⁹ Given the etymological relationship between *liberalitas* and *liber*, Marcus implies that generosity should be part and parcel of one's conduct as a freeborn citizen rather than as a self-interested means to an end. Likewise, with a series of indignant rhetorical questions, Marcus decries the idea of practicing the virtues such as temperance (*temperantia*) and shamefacedness (*verecundia*) for the wrong reason: "So do people act uprightly and with moral restraint in order to hear themselves well-spoken of,

³⁷⁹ For Cicero's effort to reform the patron-client relationship through philosophical ideas, see also *De Amicitia*.

and do they have a sense of shame in order to gain a good name?” (1.50: *Innocentes ergo et vercundi sunt ut bene audient, et, ut rumore bonum colligant, erubescunt?*).

Pleasure, moreover, is to be despised as virtue’s opposite, and as something that merely has the appearance of what is good (*imitatrix boni voluptas*, 1.47). For only a corrupted person mistakes pleasure for what is in fact naturally good (*cuius [voluptatis] blanditiis corrupti, quae natura bona sunt... non cernunt satis*). Likewise, one should not practice the virtues for the sake of anything else, and least of all for the sake of gaining pleasure, the rejection of which is in fact the surest index of virtue (1.52).

Through all these impassioned arguments, Marcus calls Quintus to practice virtue for the sake of its intrinsic goodness, not out of social conformity or desire to be honored by others. Marcus thus aims to make Quintus, one of the *boni*, worthy of that name by making him one of the *boni* in fact, on a moral level. Quintus is quite taken with the style and content of his brother’s argument and declares his eagerness to continue listening as Marcus takes the next step in the argument (1.53).

But that next step leads to the problem of the highest good, an abstract question in which Quintus will quickly lose interest while Atticus, by contrast, resumes a more active role for the theoretical question at hand. The digression on the question of the highest good shows that a definitive solution to the question is not necessary for Marcus’s basic goal of providing a philosophical foundation for political engagement; this only requires that virtue play some key part in one’s understanding of the highest good.

After a brief conversation between Marcus and Atticus on the question of whether the Stoic view that virtue is the “only” good can be reconciled with the Old Academic

and Peripatetic view that virtue should be considered a great good as compared with other goods (1.54-56), Quintus interrupts and demands that Marcus move forward with the practical project of applying his teachings about natural law and virtue to the civil law:

Bravo, brother! You just now took possession of the vocabulary of the *ius civile* and of laws, and it is on this sort of law that I am awaiting your discussion. For that, of course, is a great matter to be judged, as I have often enough learned from you yourself. But certainly this is how things stand: the highest good is [either] to live by the standard of nature, that is, to enjoy a life that is moderate and furnished with virtue; or, to follow nature and to live as if by its law, that is, to omit nothing (as far as it lies in one's power) that helps to attain what nature demands, which likewise amounts to this, living by virtue as if by a law. And so I'm not sure if this matter can ever be judged, but it certainly can't in this dialogue, at least if we are to finish what we have undertaken. (1.56) ... Now let us do what we started, especially since this disagreement about the highest evil and good has nothing to do with it. (1.57)

Praeclare, frater! Iam nunc a te verba usurpantur civilis iuris ac legum, quo de genere exspecto disputationem tuam. Nam ista quidem magna diiudicatio est, ut ex te ipso saepe cognovi. Sed certe ita res se habet, ut <aut> ex natura vivere summum bonum sit, id est vita modica et apta <e> virtute perfrui; aut naturam sequi et eius quasi lege vivere, id est nihil (quantum in ipso sit) praetermittere quominus ea quae natura postulet consequatur, quod item hoc valet, virtute tamquam lege vivere. Quapropter hoc diiudicari nescio an numquam, sed hoc sermone certe non potest, siquidem id quod suscepimus perfecturi sumus. (1.56) ... nunc id agamus quod coepimus, cum praesertim ad id nihil pertineat haec de summo malo bonoque dissensio. (1.57)

Quintus refers to the legal language his brother has just used while imagining the three interlocutors adjudicating among the different Hellenistic schools on the question of the highest good (the *finis bonorum*) as if they were resolving a boundary dispute (*finis* as it concerns *possessio* or legal ownership, thus playing on the double meaning of *finis* as “boundaries” and “moral ends,” 1.55). Quintus responds with a joke of his own that

playfully accuses his brother of wrongly “claiming ownership” (*usurpare*)³⁸⁰ of the language of civil law, illegally appropriating it for philosophical discourse, when in fact the plan for the conversation, Quintus reminds him, requires the opposite: they are supposed to move from the broader philosophical background to a discussion of the *ius civile* (cf. 1.17).

Quintus shows that he has internalized Marcus’s arguments about virtue’s natural foundation and intrinsic desirability, as he argues that either of the two positions on the controversy of the highest good is acceptable since they both amount to pursuing virtue. He gives an accurate summary of the two positions on the highest good previously stated by Marcus (1.54), insisting that either one will be sufficient for placing Roman law on a solid philosophic foundation.³⁸¹ His impatience with this theoretical question and his insistence that it does not matter for their practical project recalls Antonius’s insistence in *De Oratore* (1.222) that it is not necessary for the orator to know the nature of the *summum bonum*. In a similar way, Marcus’s response—*prudentissime, Quinte, dicis* (1.57)—confirms Quintus’s view that it is not necessary to reach a definitive resolution to

³⁸⁰ OLD *usurpare*. As far as I am aware, scholars have not previously noted the legal resonance in Quintus’s use of this word, which should be added to the highly concentrated series of legal puns in 1.55-56.

³⁸¹ The first option summarizes the position of the early Academy and Peripatos: the highest good is living in accordance with nature (cf. the definition attributed to them in *Fin.* 4.14), understood as combining a moderate enjoyment of bodily and external goods with virtue (see the idea of living according to nature attributed to Xenocrates and Aristotle in *Fin.* 4.15; cf. *Fin.* 2.34 and *Ac.* 2.131). The second possibility Quintus suggests aligns with the Stoic position. It understands nature as a commanding force and hence a sort of law, commanding virtue, which is the content of this law. There are several other passages in Cicero’s philosophic works where the Stoic notion of living according to nature is understood as pursuing virtue, and that basic notion is echoed here: see e.g. *Fin.* 2.34 and 3.31; *Off.* 3.13.

this question in order to pursue practical wisdom. The dramatization of this scene on Cicero's part rhetorically moves the reader to understand that a sufficient philosophical basis for political engagement is the lawgiver's knowledge of virtue as grounded in nature, and as a guide both for his own life and for the specific laws he will frame as a matter of practical political engagement.

V. The Rhetoric of the *Laudatio Sapientiae*

Before turning at last to the civil law, Marcus concludes the first book with a passage of extraordinary passion in praise of *sapientia*. He drives home several points from his previous arguments in the typical manner of a peroration,³⁸² but frames the entire speech in terms of various insights that belong to *sapientia* and self-knowledge.³⁸³ *Sapientia* and self-knowledge include the additional insight, explored in a magnificent period (1.63), that all the philosophic ideas explored in the body of Book 1 and reiterated in this epideictic passage are to be the lodestar of public life, and not just in terms of lawgiving. With the *laudatio*, therefore, Marcus indicates that the philosophical ideas explored thus far are to serve as the basis not only for the ensuing conversation on the civil law in Books 2 and 3, but also for any person's engagement in public life by means of oratory. The ramifications of the *laudatio* thus extend beyond the context of the interlocutors' one-day dialogue on natural and civil law.

³⁸² On the connection between the *laudatio* and the previous argument of Book 1, see Heinemann 1928: 239, Schmidt 1959: 229, and Dyck 2004: 223.

³⁸³ Benardete 1987 (esp. 298 and 308), Courcelle 1969: 114 ff., and Dyck 2004: 226 have noted the self-knowledge theme in the *laudatio*, and have argued for its Socratic resonance, citing in particular Plato's *Phaedrus* and *Alcibiades 1*.

In what follows, I will analyze Marcus's rhetorical aims and methods with a view to his two interlocutors.³⁸⁴ On the one hand, Marcus seeks to encourage the politically ambitious Quintus to pursue philosophy and practice virtue, using the virtues as a guiding light for the ends to be pursued while as engaging in public life, including but not limited to engaging with the *ius civile*. On the other hand, for the Epicurean Atticus, Marcus reiterates the philosophic doctrines that compel him to care for his fellow man and then suggests that the logical culmination of these insights is Atticus's obligation to engage in politics in his own particular city of Rome.

Persuading Quintus

Marcus's encomium of wisdom takes on the character of a protreptic³⁸⁵ that invites Quintus to pursue philosophic studies for the sake of his own happiness and the good of the state.³⁸⁶

³⁸⁴ Traditional scholarly approaches to this passage include (1) the *Quellenforschung* of continental scholars working on this passage in the mid-20th century. Cf. e.g. Heinemann 1928: 316-17, who connects this passage to *Tusc.* 5.68-72 and argues for Posidonius as the source of both; Giusta 1967: 393 ff. also connects this passage with *Tusc.* 5.68-72, but argues for the Platonic provenance of both; Boyancé 1975 offers a detailed, line-by-line analysis of the speech, speculating about possible philosophic sources. Like Giusta, he traces several ideas back to Plato, taking issue with scholars who have viewed most of the philosophical notions in the speech as simply Stoic, and yet dogmatically insisting in his own right that everything should be attributed to the Platonist Antiochus of Ascalon (cf. Theiler 1930: 45 ff. and Müller 1968: 227-28). (2) More recently, scholars have argued that this passage demonstrates Cicero's adherence to the practice of the Athenian Stranger in Plato's *Laws* of delivering persuasive preludes prior to the promulgation of specific laws. For Book 1 of Cicero's *De Legibus* as a persuasive prelude to the law code of Books 2 and 3 on the model of the Athenian stranger's persuasive prelude in Plato, *Laws* 5, see Annas 2013: 212-17; on the execution of the oratorical principles in *Leg.* 1.62 in the proems to the laws in Books 2 and 3, see North 2002: 142-43.

³⁸⁵ Dyck 2004: 225, commenting on Cicero's etymology of the Greek word "philosophy" in 1.58, suggests that the same "etymology (also at *Off.* 2.5) probably figured in the *Hortensius*." Given the generally protreptic force of this passage, it might offer

Marcus initially seeks to gain a foothold in Quintus's soul through the latter's concern for virtue. Prior to Marcus's speech praising wisdom, Quintus has just expressed his desire for Marcus to start giving practical *leges*: "it is my expectation that you will give laws and a method of training for living" (1.57: *te existimo... leges vivendi et disciplinam daturum*). He takes hold of Quintus's interest by stating from the outset that wisdom is the source of the ethical precepts which Quintus desires:

What you're waiting for, Quintus, certainly belongs to this discussion, and if only it were within my capacity! But certainly it's the case that, since the law must be the reformer of vices and the encourager of virtues, a teaching for living should be derived from it. In this way it comes about that <***> the mother of all good things [is] wisdom... (1.58)

Est huius vero disputationis, Quinte, proprium id quod expectas, atque utinam esset etiam facultatis meae! Sed profecto ita se res habet, ut quoniam vitiorum emendatricem legem esse oportet commendatricemque virtutum, ab ea vivendi doctrina ducatur. Ita fit ut <***> mater omnium bonarum rerum sapientia...

It is true that law should promote the virtues, Marcus states, and yet particular laws themselves have their source in yet another source, their "mother", *sapientia*: "the mother of all good things is wisdom" (1.58: *mater omnium bonarum rerum sapientia*). It is as though Marcus says, I would like to give you laws for life and a rule of life, but I am unable to do so of myself, since the giver of such laws is wisdom herself. Indeed, Marcus's expression of modesty, "if only it were within my capacity" (*utinam esset facultatis meae*), makes more sense when, having concluded the speech, he explains that his pursuit of *sapientia* has made him what he is: "I am unable to pass over in silence the

additional clues for the reconstruction of Cicero's *Hortensius*; Dyck 2004: 230 notes the similarity of certain fragments of *Hortensius* to parts of the present *laudatio*.

³⁸⁶ Atkins 2013: 75 notes that Cicero enumerates the kinds of knowledge necessary for the good statesman.

one by whose pursuit I am held bound, and who has made me whatever it is that I am” (1.63: *eam cuius studio teneor, quaeque me eum quicumque sum effecit, non possum silentio praeterire*). The implication is that Marcus, Quintus, and any theoretical lawgiver needs to acquire *sapientia* as a prior condition of lawgiving.

Having connected ethical precepts and laws to wisdom, Marcus has engaged Quintus’s attention and can now move forward with his attempt to draw Quintus towards a more philosophic life. In the course of the speech, Marcus strives to attract Quintus to philosophy in a variety of ways. First, terminologically, he strives to gain Quintus’s sympathy by eschewing the Greek term *philosophia*, which occurs only once and is analyzed etymologically. Moreover, the most recent editor, Powell, considers this etymological remark to be parenthetical, and Marcus’s tone of voice very well could have further downplayed its importance: “In this way it comes about that <* * *> the mother of all good things [is] wisdom (from the love of which, by means of a Greek word, philosophy found its name)” (1.58: *ita fit ut <* * *> mater omnium bonarum rerum sapientia (a cuius amore Graeco verbo philosophia nomen invenit)*).³⁸⁷ Philosophy is specifically treated as a Greek word, and Cicero claims the concept for the Latin language through the periphrasis *sapientia (a cuius amore)*. He presents the idea of philosophy in Latin dress, preferring *sapientia* (1.58; 1.59; 1.62, where it is the last word of the whole speech) and various periphrases for the Greek γνώσι σεαυτόν such as *ut nosmet ipsos nosceremus* (“that we should know ourselves,” 1.58; cf. *qui ipse se norit*,

³⁸⁷ See Kenter 1972: 232 on *philosophia*: “He has never been able to find an adequate translation of φιλοσοφία and has accepted *philosophia* or circumscriptions like *studium sapientiae* (*Leg.* 1.62; *Tusc.* 1.1; 5.9), *doctrinae studia* (*Leg.* 3.14; *Fin.* 5.53), *disciplina sapientiae* (*Ac.* 2.114).” See also Stang 1932: 85.

“whoever has himself known himself,” 1.59; *cum se ipse perspexerit*, “after he has himself examined himself,” 1.59; *quam se ipse noscet*, “how he will himself know himself,” 1.61; *cumque se... senserit*, “after he has perceived himself,” 1.62; *qui se ipsi velint nosse*, “those who prove willing themselves to know themselves,” 1.62). Cicero employs Latin terminology with a view to Quintus’s presence in the audience, attempting to make the idea of philosophy and its activity, the pursuit of self-knowledge, seem less foreign and un-Roman to Quintus than if the same idea had been constantly referred to in Greek.³⁸⁸

A second salient method of rhetorical appeal to Quintus is Marcus’s impassioned claim that the pursuit of self-knowledge leads to happiness.³⁸⁹ Happiness results from the knowledge and practice of the virtues, which themselves arise from self-knowledge, granted by *sapientia*:

And when he has thoroughly examined and entirely tested himself, he will understand how he has come into life equipped by nature, and how many instruments he has for obtaining and attaining wisdom, since at first he conceived in his soul and mind, the, if you will, shadowy forms of all things;³⁹⁰ and when

³⁸⁸ On the Roman overtones of *sapientia* in Cicero’s *Tusculan Disputations*, see Gildenhard 2007: 97-106 and Baraz 2012: 105-08. However, while Gildenhard marks *sapientia* in the *Tusculans* as an indicator of the wisdom of the *mos maiorum*, the *sapientia* to which Marcus refers here, as I am in the process of arguing, represents a fusion of Greek wisdom (“*philosophia*”) with Roman participation in public life. It is something pursued neither by contemporary Greek intellectuals nor, in general, by Roman elites.

³⁸⁹ See Annas 2013: 215-16 on Cicero’s presentation of the philosophic life as a path to virtue, and hence happiness.

³⁹⁰ The meaning of *quasi adumbratas intellegentias* is disputed. Rudd translates “dim perceptions”; Zetzel, “sketchy conceptions.” Dyck *ad. loc.* asserts that *intellegentiae* refers to “the εἰρηναῖα of Hellenistic epistemology,” but Boyancé 1975: 24-26 and Theiler 1931: 41 had previously pointed out that they could refer (mediated by Antiochus) to the Forms as described in Plato’s *Meno*, where Socrates enunciates a theory of knowledge. Dyck’s interpretation is based on Cicero’s earlier mention of *inchoata intelligencia* at

these have been illuminated under the leadership of wisdom, he realizes that he is a good man, and for that very reason will be happy. (1.59)

et cum se perspexerit totumque temptarit, intellet quomodo a natura subornatus in vitam venerit, quantaque instrumenta habeat ad obtinendam adipiscendamque sapientiam, quoniam principio rerum omnium quasi adumbratas intellegentias animo ac mente conceperit; quibus illustratis sapientia duce bonum virum et ob eam ipsam causam cernat se **beatum** fore.

It is self-knowledge which leads to knowledge of the virtues and happiness, providing a link between philosophic pursuits and ethics in a way which shows the practical usefulness and indeed vital usefulness of seeking self-knowledge. *Sapientia* herself aids the individual by giving him this knowledge (*sapientia duce*), demonstrating Marcus's earlier claim that "she alone has taught us not only other matters but also the most difficult thing of all, knowing ourselves" (1.58: *haec*³⁹¹ *enim una [sapientia] nos cum ceteras res omnes, tum quod est difficillimum docuit: ut nosmet ipsos nosceremus*). It is

Leg. 1.27, where Cicero appears to speak in a Stoic vein; but see Altman 2016: 51-52 (with 52n98) for an alternative view. For a significant discussion of Cicero's reception of Plato's theory of Forms, see Gildenhard 2013: 225-75, who argues for its increased importance for Cicero's thinking in the *philosophica* of the 40s.

³⁹¹ There is some dispute about the antecedent of *haec*. The two authors of commentaries on *Leg.* in modern times, Kenter and Dyck, both state that its antecedent is *philosophia*, but as I mentioned earlier, Powell, the editor of the OCT, places *philosophia* in parentheses; the choice of the commentators also appears to reflect their assumption that Marcus is praising philosophy in this speech, which he undoubtedly is if philosophy is considered as a concept; and yet Marcus repeatedly places the emphasis on *sapientia*, relegating *philosophia* to its original Greek context. Dyck's argument in favor of his choice, that it is philosophy that is given to men by the gods, and not wisdom, does not convince. Here is the full context: *Ita fit ut < * * * > mater omnium bonarum rerum sapientia (a cuius amore Graeco verbo philosophia nomen invenit), qua nihil a dis immortalibus uberius, nihil florentius, nihil praestabilius hominum vitae datum est. Haec enim una nos cum ceteras res omnes, tum quod est difficillimum docuit: ut nosmet ipsos nosceremus...* (1.58). Since Marcus says that *sapientia* leads a person to knowledge of the virtues through his realization of the forms innate in his own mind, it is likely that *sapientia* is meant to be understood in 1.58 as the one who has taught self-knowledge; the rhetorical emphasis on *sapientia* at beginning and end of the speech suggests this interpretation as well.

noteworthy, however, that Marcus makes no attempt to prove that knowledge of the virtues leads to their practice. Rather, it is simply asserted that becoming aware of the virtues leads a person to the realization of his own goodness and of his future happiness, as if their practice were assured. Marcus appears to offer an explanation with what follows, starting with the word *nam*. But what actually follows is a description of the different ways in which a person who has awareness of the virtues puts them into practice (necessarily, it appears), capped with an emotional exclamation that such a person must indeed be happy:

For when the soul, having come to know and perceive the virtues, has departed from the slavish indulgence of the body, and trodden down pleasure as some stain of shame, and escaped every fear of death and of pain, and taken up the worship of the gods and pure religion, [and] sharpened the point of his judgment for the purpose of choosing the good and rejecting what opposes it (which virtue is called prudence from looking ahead), what could possibly be called or considered more happy than this? (1.60)

nam cum animus **cognitis perceptisque virtutibus**, a corporis obsequio indulgentiaque discesserit, voluptatemque sicut labem aliquam dedecoris oppresserit,³⁹² omnemque mortis dolorisque timorem effugerit...³⁹³ cultumque deorum et puram religionem susceperit...³⁹⁴ exacerit... ingeni aciem ad bona seligenda et reicienda contraria (quae virtus ex providendo est appellata prudentia), quid eo dici aut cogitari poterit **beatius**?

Note that the description of temperance appeals to Quintus's sense of *libertas* and independence (*obsequio*) as well as honor and shame (*dedecoris*). In Cicero's description of the virtues, the praise of prudence particularly stands out, as it is the only virtue

³⁹² Here we see Marcus describing the virtue of temperance (see Boyancé 1975: 27).

³⁹³ Fortitude (*ibid.* 28).

³⁹⁴ Justice, of which piety was traditionally considered a part (*ibid.* 28: Boyancé cites the philosophical precedent of Pl. *Euthphr.* 12e, as well as Cic. *Nat. D.* 1.116, "where the Academic Cotta criticizes the Epicurean Velleius by saying that 'piety is justice towards the gods.'").

specifically named, and its etymology is supplied. Just before the speech, Marcus had praised Quintus for speaking *prudētissime* (1.57) in calling the conversation back towards the original subject of law. Therefore, Marcus's emphasis on prudence and its role in living a moral life is especially designed to appeal to Quintus. We can also observe that Marcus has not actually undertaken to prove (as he does attempt to do in *Tusc.* 5) that virtue is sufficient for happiness. Rather, this idea is simply asserted in heavily adorned language and with the greatest rhetorical effects. The two chapters on ethics from which we have just quoted (59-60) take the form of elaborate periods; homoeoptoton and homoeoteleuton³⁹⁵ contribute to the sense of the logical progression of ideas;³⁹⁶ and happiness is repeatedly emphasized as the result of knowing and practicing the virtues (59 *fin.*, *beatum*; 60 *fin.*, *beatius*). Furthermore, as we have seen, Marcus ends the second period (1.60) with a rhetorical question, while various figures contribute to the high style and lofty tone, including personification,³⁹⁷ similes,³⁹⁸ metaphors,³⁹⁹ and anaphora.⁴⁰⁰ In short, Marcus spares no rhetorical technique in his attempt to bring Quintus around to an appreciation for the study of ethics.

³⁹⁵ See *Rhet. Her.* 4.28 ff. for definitions and examples of these figures.

³⁹⁶ *corporis... indulgentiaque discesserit, voluptatemque... dedecoris oppresserit... omnemque mortis dolorisque timorem* [also note the chiasmus] *effugerit, societatemque caritatis coierit... omnesque... duxerit, cultumque... suscepit... exacerit* (*Leg.* 1.60).

³⁹⁷ *emendatricem [legem]... commendatricemque; mater... sapientia* (1.58).

³⁹⁸ *divinum ingeniumque... sicut simulacrum aliquod* (1.59); *quasi adumbratas intellegentias* (1.59); *sicut labem aliquam* (1.60).

³⁹⁹ *quantaque instrumenta habeat* (1.59); *ingeni aciem* (1.60).

⁴⁰⁰ Anaphora of *nihil* is combined with something resembling homoeoptoton, as seen in the repetition of the endings of the comparative adverbs: *nihil a dis immortalius uberius, nihil florentius, nihil praestabilius* (1.58).

By promoting the study of cosmology, Marcus also promotes the goal of making Quintus more virtuous by encouraging an awareness of the distinction between the eternal and the transient, leading Quintus to detachment from glory, traditionally one of the primary motives of an elite Roman's involvement in public life. In a passage that shares linguistic and conceptual features with the *Somnium Scipionis*, as commentators have frequently noted, Marcus asserts that study of the universe includes an awareness of (1.61) "what is mortal and corruptible in them, what divine and eternal" (*quid in eis mortale et caducum, quid divinum aeternumque sit*)⁴⁰¹ and refers to the philosopher's grasp of (1.61) "the very one [the god] who oversees and rules the universe" (*ipsumque ea moderantem et regentem <deum>*). Furthermore, looking up to the heavens leads to the realization that in addition to local affiliation, he is a (1.61) "citizen of the whole universe, of one city, so to speak" (*civem totius mundi quasi unius urbis*). Cicero thus promotes Stoic cosmopolitanism to Quintus, suggesting that this broader awareness of our place in the cosmos leads to a reevaluation of what is commonly considered glorious:

Through this grandeur of the universe and through this inspection and knowledge of nature, immortal gods! how that man will himself know himself (as Pythian Apollo has commanded), how he will look down upon, how he will despise, how he will consider as nothing what is commonly said to be glorious! (1.61)

In hac ille magnificentia rerum atque in hoc conspectu et cognitione naturae, di immortales, quam se ipse noscet (quod Apollo praecepit Pythius), quam contemnet, quam despiciet, quam pro nihilo putabit ea quae vulgo dicuntur amplissima!

⁴⁰¹ Cf. *Rep.* 6.21: *infra autem iam nihil est nisi mortale et caducum... supra lunam sunt aeterna omnia* ("but below, at that point there is nothing except what is mortal and corruptible... above the moon, all things are eternal").

Quintus is drawn to the study of physics by the grandeur of the vision invoked in the mind's eye and through the infectious enthusiasm of the anaphora of *quam*; the moral lesson to be drawn from this study—the contempt of glory—is emphasized by the word that concludes the period. But Cicero also makes a bold move, challenging traditional Roman culture's view of glory as a commonly held but false belief. The commonly held view is contrasted with the truth as revealed by the philosophic perspective, of which elites clinging to the Roman cultural code's delusions about the inherent value of glory remain ignorant. Therefore, Quintus and ambitious Roman elites are being conditioned to see their place in the universe in a new way, completely alien to traditional Roman culture, with a view to moderating political ambition.⁴⁰²

Marcus concludes his appeal to Quintus by linking the traditional departments of philosophy to rhetoric and public life, thereby casting the contemplative life in a more favorable light for the pragmatic Quintus. Having discussed ethics, epistemology, and physics, he suggests that the art of dialectic or logic protects the truths discovered (1.62):

And he will fortify all of these things—with a certain hedge, as it were—with a dialectical method, the science of adjudicating truth and falsehood, and with a certain art of understanding what follows from and is contrary to each premise. (1.62)

Atque haec omnia, quasi saepimento aliquo, vallabit disserendi ratione, veri et falsi iudicandi scientia, et arte quadam intellegendi quid quamque rem sequatur et quid sit cuique contrarium.

⁴⁰² In the *Somnium Scipionis*, Cicero places greater emphasis on the earth's small size, and Rome's small place within it, in comparison with the vastness of the cosmos, and is more explicit in drawing the moral lesson that fame is transitory. And yet here in *Leg.* as in *Somn.*, these realizations do not lead to the individual's rejection of political activity for a life spent exclusively in philosophic contemplation. Rather, the individual still engages in public life (as we shall see in *Leg.* 1.62), but apparently from a new, enlightened perspective which fosters political moderation (cf. Boyancé 1975: 33-34).

This explanation of dialectic is decidedly brief, in keeping with the protreptic's aim of fostering interest in the philosophic life and of providing the statesman with a knowledge framework that can elevate political activity. Dwelling at length on an abstruse subject like dialectic would be contrary to Cicero's aims.⁴⁰³ Therefore Marcus quickly pivots to rhetoric, deftly connecting the philosophic disciplines advocated thus far with public oratory, an activity that Quintus and any man of his day would recognize as unquestionably useful and important, thereby gaining their sympathy for the preceding studies in pursuit of self-knowledge:

And when he perceives that he has been born into civil society, he will think it necessary to make use not only of that subtle manner of discussion, but also of a continuous, more broadly effusive manner of speaking, with which to direct peoples, with which to establish laws, with which to reprove traitors, with which to protect loyal citizens, with which to praise illustrious men, with which to set forth to his fellow-citizens, in a manner fit to persuade, policies conducive to their national security and prestige, with which to have the power of exhorting to the honorable course, of dissuading from the base one, of assisting those who are in trouble, and of publishing the deeds and counsels of the brave and the wise, as well as the ignominy of the immoral, in everlasting memorials. (1.62)

Cumque se ad civilem societatem natum senserit, non solum illa subtili disputatione sibi utendum putabit, sed etiam fusa latius perpetua oratione, qua regat populos, qua stabiliat leges, qua castiget improbos, qua tueatur bonos, qua laudet claros viros, qua praecepta salutis et laudis apte ad persuadendum edat suis civibus, qua hortari ad decus, revocare a flagitio, consolari possit afflictos, factaque et consulta fortium et sapientium cum improborum ignominia sempiternis monumentis prodere.

The speech rises to its climax with the loftiest of periods, and itself extols rhetoric with all the grandeur Cicero can muster, with the anaphora of *qua* particularly standing out.

Previously in the speech, Cicero had made use of “stately periods,” personification, an

⁴⁰³ Dyck 2004: 232 observes that “dialectic receives a brief, jejune description, rhetoric a full, resonant one.”

abundance of metaphor and similes, chiasmic arrangement, anaphora, in short, all the stylistic tools of adornment which rhetoric, and particularly the epideictic genre, can provide an orator. Rhetoric itself has been the medium of the explanation of and exhortation to the philosophic life, and Quintus, at home with oratory as much as any Roman, cannot but experience a certain pleasure and admiration as he listens to his brother's protreptic. Furthermore, nothing in the speech was more consciously rhetorical than this last part, and therefore both the rhetorical nature of the remarks and the content of the remarks themselves, the praise of rhetoric, make a lasting impression on Quintus's mind and render the praise of *sapientia*, said to be the mother of these things, much more congenial and convincing.⁴⁰⁴

Finally, looking back at the speech's structure, we see that it was framed on its outer edges by two subjects which would strike the typical educated Roman as relevant to his concerns. It began with ethics and ended with rhetoric, while those aspects of philosophy which seem especially speculative, physics and dialectic, were sandwiched in the middle, dialectic being given particularly short shrift. And yet while ethics and rhetoric are the two subjects on the outer edges of the rhetorical organism, *sapientia* is credited with teaching all these subjects to a person through self-knowledge, and she herself is the last word of the speech: "And since there are so many and such great things which are perceived as present in a human being by such as are themselves willing to

⁴⁰⁴ Cicero's method of using oratory itself to make philosophy more attractive to his Roman audience has recently been highlighted by Baraz 2012: 128-49 in her treatment of the prefaces to *Paradoxa Stoicorum*, *Nat. D.* 1, and *Tusc.* 1. In Section III below, I will show how this process works in the opposite direction as well, as Cicero uses philosophy to lead Atticus to oratory and public life.

know themselves, their parent and nurse is wisdom” (1.62: *Quae cum tot res tantaeque sint, quae inesse in homine perspiciantur ab eis qui se ipsi velint nosse, earum parens est educatrixque sapientia*).

At the most fundamental level, however, the ultimate purpose of Cicero’s combination of philosophy and oratory in the *laudatio* as it concerns Quintus is the need to provide him with moral grounding to become an orator who is himself “good” (i.e. morally good) and who seeks to do “good.” I wish to underline that Marcus’s conception of philosophy in the first book and in the *laudatio* is above all moral and normative, and is valued especially for its potential of bringing about moral improvement. Marcus’s aim in promoting philosophy, as in *De Re Publica*, is to produce leaders who are morally good, including but by no means limited to the specific purpose of being able to imbue the laws with moral goodness. Scholars often argue that in Cicero’s view, the chief value of a philosophic education for oratory lies in its capacity for producing a technically skillful (especially in terms of dialectic) and widely learned orator.⁴⁰⁵ Although there is doubtless evidence for this view of the relationship between philosophy and oratory in *De Oratore*,⁴⁰⁶ the *laudatio* in the *De legibus* downplays philosophy’s role of imparting knowledge of human nature and customs as well as dialectical skill for speaking more effectively and abundantly, emphasizing rather its positive moral effects on the individual

⁴⁰⁵ Kretschmar 1938: 61-64 and Kenter 1972: 245 see a departure from Cicero’s view in *De Oratore* that philosophy is valuable as an instrument for oratory. Dyck 2004: 236 seems to misunderstand what is at stake when he argues against Kretschmar that Cicero “had a lifelong interest in both... and did not sharply distinguish the two.” No scholar would deny that Cicero was “interested” in both philosophy and oratory. The question is rather, is philosophy’s influence on the latter merely instrumental or also normative?

⁴⁰⁶ See May and Wisse 2001: 11-12, 25.

who will become an orator. According to the *laudatio*, philosophy prepares the orator by making him a good person who then becomes capable of using his oratory for good ends, the knowledge of which he has acquired through his studies.⁴⁰⁷ When Marcus's lover of wisdom in the *laudatio* gains knowledge of the virtues (1.59-60), he knows himself as a *good* man (*bonum virum... cernat se*, 1.59), and practices the virtues accordingly (1.60). His study of physics also has the good moral effect of detaching him from what public men traditionally seek after, and with too much eagerness: glory, wealth, power (*quae vulgo dicuntur amplissima*, 1.61). So when such a person engages in politics, everyone gains.

A similar argument concerning the desirability of having this wise man engage in politics is made in the *Tusculans*:

Let this same wise man pass over to protecting the state. What could be more outstanding than this, since his prudence perceives the advantage of his fellow citizens, his justice steals nothing from the public for his own private use, and he exercises so great a variety of so many different virtues? (*Tusc.* 5.72)

Transeat idem iste sapiens ad rem publicam tuendam. Quid eo possit esse praestantius, cum prudentia utilitatem civium cernat, iustitia nihil in suam domum inde derivet, reliquis utatur tot tam variisque virtutibus?

In other words, society especially stands to benefit from a statesman who knows the virtues to which his fellow citizens should be directed—their true advantage—and who is himself a morally restrained person who will refrain from doing injustice. Rather than

⁴⁰⁷ This aspect of the orator's philosophic education seems to come up in *De Oratore* when Crassus notes that "eloquence... must be joined with moral probity and the utmost prudence" (*eloquentia... probitate iungenda summaque prudentia*, 3.55). *Probitas* is obviously a moral quality; if, by *prudentia*, Crassus means the same thing as it means in the *laudatio*, namely the capacity "to choose good and avoid evil things" (*Leg.* 1.60), then his motives in demanding the orator's philosophical education would not be limited to helping the orator win cases, but would also include its normative value.

being a tool with which the orator can more effectively manipulate people, philosophy actually gives the rhetorician knowledge of (1) how to live his life, i.e. as a morally upright person and as a statesman, and (2) the proper ends to which he should direct society. Otherwise politics will be amoral—if not immoral—and rhetoric must be unprincipled, its employment arbitrary. Marcus says in the *laudatio* that the philosopher-orator will assure himself of his own discoveries about philosophy by means of dialectic, but as a citizen of a particular society will employ a rhetorical manner of speaking to exhort his fellow citizens to choose the noble course over the base, to embrace the useful course, and to praise good men and condemn the wicked. How is he going to know what nobility and baseness are, what utility is, and who good men are and who bad men are without knowledge of morality? And why would he bother to do any of this for his fellow citizens, and not for his own gain (i.e. for the things commonly considered *amplissima*), unless he were a truly good man? Cicero thus strives to bring Quintus to philosophy for the sake of providing a moral scope for political engagement that will ultimately make politics more moral for the benefit of all Rome's citizens.

Persuading Atticus

Marcus makes a strong rhetorical appeal to Atticus designed to draw him to a vision of philosophy which can assure his happiness (so Marcus claims, against the promises of Epicureanism) and which will be useful for politics, both because this vision of philosophy posits doctrines favorable to the political order and because it leads to the individual's participation in public life.

The praise itself of wisdom and the pursuit of self-knowledge captures the interest of Atticus the *homo philosophicus* and disposes him to be attentive to the speaker. Two references to the Delphic origin of the precept to know oneself establish the Greek character of this quest for Cicero's friend Ἀττικός, even as the terms for “know thyself” are given in Latin:

For she alone [Wisdom] has taught us not only all other subjects, but also the most difficult thing of all: to know ourselves, a command whose proverbial power is so great that it is attributed not to any man but to the god of Delphi (1.58)... how he will know himself (as Pythian Apollo commands)! (1.61)

Haec enim una nos cum ceteras res omnes, tum quod est difficillimum docuit: ut nosmet ipsos nosceremus, cuius praecepti tanta vis et tanta sententia est, ut ea non homini cuiquam sed Delphico deo tribueretur... quam se ipse noscet (quod Apollo praecepit Pythius)!

In these two passages, we also see Marcus adopting a procedure of which he will make use time and again in his appeal to Atticus. That is, Marcus begins a statement by giving voice to a notion which Atticus as a philosophical man and Epicurean would accept, and then immediately follows it up with an idea which is specifically anti-Epicurean.

Atticus's interest is thereby positively engaged even as his cherished philosophical views are undermined. In the case of these two passages, Marcus refers to the classic Greek philosophic dictum γνῶθι σεαυτόν, but immediately afterwards asserts that it is the statement of a particular god (*Delphico deo*; *Apollo... Pythius*), thereby positing *contra Epicureanos* a providential concern of the gods for men, since they have communicated their wish that men should seek to know themselves. In addition, at the beginning of the speech, “know thyself” is a dictum, *sententia*; towards the end, he refers to it as a command: *quod Apollo praecepit Pythius*. The presence and influence of the gods on

men looms larger as the speech proceeds, and indeed just before we get to this reference to Apollo, Marcus asserts that knowledge of the cosmos includes an awareness of the god who “oversees and rules” the universe: “and when he has practically taken hold of the very one [the god] who oversees and rules the universe” (1.61: *cum... ipsumque ea moderantem et regente <deum> paene prenderit*).

The presentation of this last doctrine within the discussion of physics provides us with another example of Cicero’s procedure of adding anti-Epicurean ideas to acceptable Epicurean tenets. Epicureans especially cherished the study of the physical universe, and believed that wisdom resulted from its contemplation, especially the insight that there is no teleological order behind the workings of nature. In his discussion of physics, Marcus starts by encouraging study “de rerum natura”: “again, when he has thoroughly examined the heavens, the earth, the seas, and the nature of all things, and whence they came, whither they will return...” (1.61: *idemque cum caelum terras maria rerumque omnium natura perspexerit, eaque unde generata, quo recursura...*). But to these basic Epicurean concerns, Marcus adds standard Stoic notions with the continuation of the sentence: “and when he has seen how they will perish, what in them is mortal and perishable, what is divine and eternal...” (1.61: *quomodo obitura, quid in eis mortale et caducum, quid divinum aeternumque sit viderit...*). The suggestion that the universe will eventually perish is likely derived from the Stoic doctrine of ἐκπύρωσις.⁴⁰⁸ Through the addition of these Stoic elements, the workings of the universe suddenly become teleological, and of course for there to be a rational *telos* requires gods who oversee and lead it in its cycles:

⁴⁰⁸ See Dyck *ad. loc.*

“the very one [the god] who oversees and rules the universe...” (1.61: *ipsumque ea moderantem et regentem <deum> paene prenderit*). Therefore, in the same sentence, Atticus’s philosophical interests and inclinations are used to lead him from Epicureanism to a Stoicizing vision in which a god exercises control over the universe, and by implication, over human affairs. This doctrine serves as a necessary foundation for the discussion of religious laws which Marcus intends to take up in the next part of the conversation. If Atticus is to be anything more than a silent observant in Book 2, Marcus needs to gain his mind over to a doctrine which obliges him to take religion seriously.

The Lucretian overtones of Marcus’s initial remarks about the study of the physics engage the Epicurean Atticus as a first step in an argument that actually promotes the divine rule of the universe. Marcus’s words *caelum terras maria rerumque omnium naturam* (1.61) bear a striking resemblance to Lucretius, *de Rerum Natura* 5.91: *principio maria ac terras caelumque tuere*. There is a case to be made for an intentional intertext here. First, Cicero appears to have reversed the order of “seas-earth-sky” to “sky-earth-seas.” Secondly, he has added the phrase *rerum... naturam* as an unmistakable sign to Atticus to think of Lucretius’s text and theme. Third, Cicero has substituted his own verb of seeing, *perspicere*, for Lucretius’s *tuere*. Fourth, Cicero’s use of asyndeton imitates Lucretius’s frequent practice regarding the same terms in Book 5— see for example 5.68, *fundarit **terram caelum mare** sidera solem*; 5.115, ***terras et solem et caelum mare** sidera lunam*. Cicero’s imitation of Lucretian language and style is both a literary response to Lucretius addressing cosmological themes from a theistic point of view, but it is also

rhetorically calculated to capture the attention of Atticus the Epicurean as the first step in a Stoicizing correction of Epicurean non-providentialism.⁴⁰⁹

Marcus can be seen once again employing the same method in his description of the virtue of courage or fortitude: “when the soul... has escaped all fear of death and pain...” (1.60: *cum animus... omnemque mortis dolorisque timorem effugerit...*). Here, Cicero adds to the overcoming of the fear of death—standard Epicureanism—the overcoming of the fear of pain, which accords both with Stoicism and with traditional Roman sternness and striving for duty no matter the cost to one’s personal comfort. Atticus is, in effect, invited to modify his Epicureanism in order to live more in accordance with traditional Roman mores.

This and the other ethical insights resulting from self-knowledge are, of course, said to lead to happiness: “what greater happiness than this can be spoken of or even conceived?” (1.60: *quid eo dici aut cogitari poterit beatius?*). Marcus, then, replaces Epicurus’s vision of happiness with a completely different one. Someone who places the enjoyment of private pleasures and friendships at the summit of his activities has failed to know himself.

But the most daring part of Marcus’s argument comes when he claims that self-knowledge includes awareness of one’s status as a member of a particular political community. This realization leads to the conclusion that one must cultivate not only dialectic, the manner of speaking proper to philosophic conversation, but also oratory, the

⁴⁰⁹ See Gee 2013 for the thesis that Lucretius consciously imitates the language of Cicero’s *Aratea* even as he turns the providentialist, Stoic premises of the *Aratea* on their head. Given Gee’s thesis, Cicero could be seen as re-responding to Lucretius here in *De Legibus*.

manner of speaking proper for achieving political goals, as Marcus claims in the magnificent period on political engagement via oratory previously quoted above (1.62). The decision to embrace these publicly useful functions of oratory results, in Marcus's account, from the individual's pursuit of self-knowledge, which included the study of ethics and physics. Cicero is attempting to teach Atticus, and by implication all Roman would-be Epicureans, that the proper pursuit of the philosophic life leads logically to the pursuit of public life as well.

The study of physics is also linked in Marcus's account to the conclusion about embracing public life. Marcus emphasizes that knowledge of the cosmos leads to an awareness of one's status as a citizen of the whole world: "and when he realizes that he is not surrounded by the walls of a certain place, but is, rather, a citizen of the whole world, as if of one city..." (1.61: *cum... seseque non circumdatum moenibus alicuius loci, sed civem totius mundi quasi unius urbis agnoverit*). The cosmopolitanism inherent in this idea will doubtless have appealed to Atticus. And yet in the sequence of insights contained in *sapientia* as Marcus recounts them, what directly follows upon contemplation of the universe is the realization that one has born into a particular society. Marcus's qualification of cosmopolitanism in this passage suggests an implicit criticism of Atticus's removal from Rome to Greece, to Athens and Epirus, a semi-expatriation which was itself the cause of his friend's receiving the name *Atticus*. Perhaps this criticism is confirmed when, right after the speech's conclusion, Marcus addresses his friend by way of his Roman cognomen *Pomponi*. The use of Atticus's Roman family name in place of the familiar "Titus" or the all-too-Greek "Atticus" can be seen as a

serious attempt to remind his best friend of his native city, and of his obligations towards that city.⁴¹⁰

Thus Marcus argues to Atticus that the necessity of political engagement on behalf of one's own country is itself a philosophic insight. Marcus's earlier Stoic argumentation in the body of the first book (1.30-34) and in the *laudatio* (1.60)⁴¹¹ had established the sociability of human nature only in a general way. At the end of the *laudatio*, however, the generalizing *ad iustitiam nati sumus* (1.30) becomes the more specific and localized *cumque se ad civilem societatem natum senserit* (1.62). As in the *Somnium*, Marcus appears to teach that the comprehension of the grandeur of the universe and the part of it that is eternal will inspire a form of justice that is characterized above all by generosity on behalf of one's fellow citizens. Perhaps the philosopher is inspired by the example of the generosity witnessed in "the one tempering and ruling the natural universe" (*ipse... ea moderans et regens*, 1.61) to imitate it by "ruling peoples by means of oratory" (*qua [fusa latius perpetua oratione] regat populos*, 1.62).

Marcus occupying the middle ground

As soon as the speech is finished, Atticus asks Marcus to explain the relevance of this speech in praise of *sapientia* to law, ostensibly the main topic of their conversation "You have indeed praised her solemnly and truthfully, but what is the point of this?" (1.63: *laudata quidem a te graviter et vere, sed quorsus hoc pertinet?*). The very framing

⁴¹⁰ Pace Dyck 2004: 235-36, who gives the admittedly plausible explanation that addressing Atticus as *Pomponi* is in keeping with the solemn tone of the speech which has preceded.

⁴¹¹ "And when... he has entered into a society of friendship with his own, and considers as his own all those with whom he is joined by nature..." (*cum... societatemque caritatis coierit cum suis, omnesque natura coniunctos suos duxerit...*)

of the question, in which Atticus concedes that *sapientia* has been praised truly, indicates in the fiction of the dialogue that Atticus has indeed been persuaded.⁴¹² Marcus then answers that the first reason for this speech was the need to lend gravity to the disciplines of philosophy and rhetoric as the sources whence the law code of the following books will be derived, hence increasing this law code's authority (1.63). This statement lends credence to the notion of this passage's function as a persuasive prelude to the statutes of the next two books. But it also contains another important implication that has reference to the content of the speech itself. The word Cicero uses to describe the gravity or authority of the sources of law is *amplissima*, the same as was used earlier (1.61) in reference to commonly held notions of glory (*quae vulgo dicuntur amplissima*, "the things which are commonly called glorious"). What is truly glorious, it is implied, is not the esteem of other men, but rather the pursuit of the philosophic life and its practical application in judicial and political oratory that aims at the good of other men. The philosophic subjects and truths described above are themselves glorious and worthy of admiration, as are the philosophic and political lives themselves. Pursuing both is itself a glorious thing, regardless of the opinion of others.

Marcus's second reason bears on the exemplary function of his own way of life and of his education in, and ongoing pursuit of, philosophy and oratory: "I am unable to pass over in silence the one by whose pursuit I am held bound, and who has made me whatever it is that I am" (*eam cuius studio teneor, quaeque me eum quicumque sum*

⁴¹² Cf. Caspar 2011: 76, who asserts that Atticus is persuaded by Cicero's speech but provides little evidence for the claim besides the continuation of the conversation in the following books.

effecit, non possum silentio praeterire). The elusive phrase *quicumque sum*, placed as it is in the context of a circuitous reference to Marcus's love of wisdom (*eam cuius studio teneor*)—that is, his pursuit of philosophy and oratory—implies that Marcus is not simply an orator, nor a philosopher in the traditional Greek understanding of that word. He is something different—he is both. In fact, this concluding note to *De Legibus* 1 finds a striking parallel towards the beginning of Cicero's *Orator*: “I declare that I stand out as an orator, if that's what I actually am, or in any case, whatever it is I may be, not because of the workshops of rhetoricians, but rather due to the exercise tracks of the Academy” (*Orator* 12: *fateor me oratorem, si modo sim aut etiam quicumque sim, non ex rhetorum officinis, sed ex Academiae spatiis exstitisse*).⁴¹³ In both passages, Cicero implies that he is more than an orator, and proclaims the same philosophical-rhetorical ideal: the best orator is the one who is also a philosopher, and in particular, an Academic philosopher who combines training in the traditional departments of philosophy with training in rhetoric. Cicero, therefore, serves as an example to Atticus and Quintus of a person who properly understands and puts into practice the relationship between philosophy and rhetoric; as such, he occupies the middle ground between politically indifferent philosophy (Atticus) and philosophically indifferent politics (Quintus).⁴¹⁴ As a true philosopher, a true devotee of *sapientia*, he not only pursues the life of the mind, but also

⁴¹³ Also cited by Dyck 2004: 236; he refers the reader to Cicero's catalogue of his own works in *Div.* 2.1 ff., where the rhetorical and philosophical works are listed together. See Reinhardt 2000 on the probable features of Cicero's rhetorical training under Philo in the New Academy; see 531n5 for the scholarly disagreement on whether the union of philosophy and rhetoric was Cicero's own idea or someone else's.

⁴¹⁴ Cf. *Leg.* 3.14, where Cicero calls attention to his ideal combination of political action and philosophic achievement. Van der Blom 2010: 302 notes Cicero's self-fashioning as an *exemplum* in this passage.

puts his knowledge, whether moral, physical, or dialectical, to good use as an orator in the service of his fellow citizens.⁴¹⁵ Cicero ultimately claims that his pursuit of the philosophic life, of true *sapientia*, has led him to political involvement and has in turn informed that involvement, specifically, the oratory that has been the chief means of his civic engagement. In the final analysis, this passage vindicates Plutarch's assertion about Cicero's self-understanding: "He often asked his friends not to call him an orator, but a philosopher; for he said he had chosen philosophy as his work, but made use of rhetoric as an instrument for his needs while engaging in politics."⁴¹⁶

Conclusion: Effect on Various Readers

The persona of Quintus and the arguments Marcus directs at him create the impression of a Roman elite reader committed to the traditional aristocratic ideal of serving the *res publica* but with limited taste or ability for philosophy. Roman elites of this sort, having partaken of a rhetorical education but not necessarily a philosophic one, are likely to have at least been intrigued by the more rhetorically ornate form of philosophical argumentation that Marcus employs in favor of natural justice and the natural foundation of the virtues (1.40-52). As for that argument's content, Cicero's attempt in this section to present a persuasive epitome of the ethical consensus of Stoics, Peripatetics, and Platonists seems likely to have found a decent reception among a number of elite readers who had at least a superficial interest in philosophy. Here I have

⁴¹⁵ It is the same call for the reconciliation of philosophy and rhetoric as we see in the youthful Cicero (*Inv. rhet.* 1.1-5), where he suggests that wisdom requires the cultivation of both disciplines. See also *De or.* 3.69, where Crassus makes a similar argument.

⁴¹⁶ Plut. *Cic.* 32: καίτοι πολλάκις αὐτὸς ἡξίου τοὺς φίλους μὴ ῥήτορα καλεῖν αὐτόν, ἀλλὰ φιλόσοφον· φιλοσοφίαν γὰρ ὡς ἔργον ἡρῆσθαι, ῥητορικῇ δ' ὀργάνῳ χρῆσθαι πολιτευόμενος ἐπὶ τὰς χρείας.

in mind people like Pompey and Lucullus, who employed house philosophers and, in the latter case, even patronized learning and collected libraries. While it is impossible to know for certain what such readers might have thought about Marcus's arguments, one might theorize with Joachim Sauer (2013) that the responses Cicero anticipated in readers of *De Legibus* are reflected in the comments of his dialogue characters. Thus, as Sauer would have it, when Quintus responds to the rhetorical argument (1.40-52) by telling Marcus that he is eager to continue with him to the next point (1.54), this should be seen as an indication of the way Cicero expected readers of similar bent to Quintus to respond.

However, rather than as an anticipation of reader reaction, the comments of the dialogical personae could have been intended by Cicero the author to coach his readers, to encourage them to react in the same way as those personae with which they identify or sympathize. On this reading, we might expect readers of practical orientation who identify with Quintus to be influenced in their own thinking by the way that Quintus reacts to Marcus's ideas. Thus, in the example cited above, when Quintus expresses enthusiasm for the rhetorical argument in favor of the natural basis of justice and the virtues, this should be taken not as evidence of actual reader reaction, but of desired reader reaction. The positive reaction attributed by the author to the fictional Quintus would thus be a rhetorical strategy on the author's part to persuade the reader who shares Quintus's character traits and inclinations to be receptive to the argument as well.

The persona of Atticus and the arguments directed at him form an impression of another kind of reader, one who is deeply intellectual and not actively involved in politics, and who, significantly, is open-minded and flexible despite his learned opinions

and philosophical commitments. Or, in keeping with the idea that the reactions of the personae are there to push the reader in a certain direction, Cicero might have intended Atticus's open-mindedness as a means of persuading Epicureans to be less dogmatic in their philosophical commitments. Moreover, Atticus's appreciation for a good thought experiment and his broad-minded interest in Plato create the image of a reader who is not necessarily an Epicurean like Atticus himself, but rather anyone of intellectual bent who maintains an appreciation for the philosophic life in general to such an extent that he pursues his philosophic interests at the expense of civic responsibility. Just as the persona of Tubero in *De Re Publica* suggested a reader whose interest in philosophy militated against concern for politics, whether this reader was actually a Stoic like Tubero, an Epicurean, or some other intellectual abstaining from political life, so in *De Legibus*, Atticus, despite his specific affiliation with Epicureanism, creates the image of any intellectual who neglects involvement in politics. This intellectually inclined reader, whatever his views, is presented with a logical argument that proceeds on the basis of a principle to the conclusion that human beings are social and have obligations in justice to one another (1.18-34). This reader is taught further in the *laudatio* that it also belongs to philosophical wisdom to know ourselves as citizens with an obligation to promote justice in the real world to our fellow citizens, and to know the art of rhetoric which lends effectiveness to our efforts in pursuit of that aim.

Finally, what of Marcus himself? It would be easy to assume that Marcus is merely an idealized Cicero, a self-fashioned image with no appeal to anyone other than Cicero himself. And yet there were likely some readers who would identify with Marcus

because of the way they already lived their lives and the views they already held: that is, public men who were deeply learned in philosophy and imbued with high ethical ideals, and who aspired to bring their philosophical commitments to bear on their public activity. In particular, Marcus's eclectic and eirenic validation of the ethical stance of the Stoics, Peripatetics, and Old Academics would certainly have appealed to the learned statesmen Brutus and Varro, followers of the philosophic syncretism of Antiochus of Ascalon; and since Cicero also approves of Stoicism's nobility in this passage, a Stoic statesman such as Cato would find much to admire as well. And yet since this minority of Cicero's readers was already in fundamental agreement with Marcus's ideal of philosophical politics, they did not stand to acquire this basic outlook from Marcus in Book 1.

However, Cicero may have intended to draw these readers into sympathy with Marcus in the first book in preparation for the lessons he had for them about the prudent application of philosophic principle in the formulation of his law code in Books 2 and 3. A politician such as Cato, for instance, was notorious for his impractical rigidity when it came to the way he pursued philosophic politics in practice. But in Books 2 and 3, Marcus is no Cato, as his law code is characterized by moderation in its application of philosophic principles.

To conclude, in *De Legibus* 1, Cicero makes the case for politics using similar strategies to those employed in *De Re Publica*. He makes use of the dialogical personae, especially an authoritative spokesman in each case, to promote not just involvement in politics *tout court*, but a particular vision of political engagement informed by philosophy, which is to exercise a normative influence on Roman statesmen personally

and on the policies they should pursue. In addition, the concluding passage of *De Legibus* 1 makes clear in a way that is not as evident from the fragmentary text of *De Re Publica* that oratory is to be the tool par excellence of the philosophic statesman's involvement in public life.

Conclusion

This dissertation has explored the timeless issues of engagement in politics and the relationship between philosophy and politics through a cross-generic study of Ciceronian oratory and political philosophy in the 50s BCE. We have seen that Cicero promotes a variety of personal motives for pursuing a political career, and is keen to advance his vision of the particular character engagement in politics should have in order to be legitimate.

But the place of philosophy in Cicero's vision for political engagement varies in accordance with historical circumstances and with genre, the former determining the latter. While the case for politics centers on appeals to traditional "Romanitas" in *Pro Sestio* and motives derived from philosophy are relatively sparse, in *De Re Publica*, the *Somnium Scipionis*, and *De Legibus*, Cicero argues for political engagement that is inspired and continuously informed by philosophy, in effect qualifying the Romanitas of the speech. Cicero turns to this argument after the renewal of the triumvirate. In political circumstances when republicanism no longer has the upper hand and those who gain glory are those who undermine the constitution, a change in strategy is required. Cicero has to find a way to convince people to support republicanism even if they are not going to gain accolades, and will be on the losing side for the foreseeable future. Roman political culture, he decides, needs a salutary injection of philosophy to save it from itself. From his political philosophy it emerges, *παρὰ προσδοκίαν*, that Romanitas is inferior to Greek philosophy as the basis of political engagement.

Romanitas is a double-edged sword, because while it inspires political engagement through some sentiments that do no harm to the Roman character, such as shame, patriotism, and the obligation in *pietas* to imitate the *maiores*, its strongest appeal is to the wrong reasons, to motives that undermine virtuous engagement benefitting the state. The most compelling motives offered by Romanitas are the desire to gain power, wealth, and especially glory. But these aims are potentially a drag on the moral character of an elite class increasingly inclined to undermine the Roman constitution for the sake of gain. The actions of the triumvirs, their allies, and Clodius abundantly demonstrate the willingness of some Roman elites to pursue the passion for glory at the expense of republican government rather than as a reward for preserving it. In addition to the self-destructive tendency of a political culture based on personal glory-seeking, Cicero was faced with the practical problem that once the triumvirate had been renewed in the aftermath of *Pro Sestio*, and Cicero and his allies in the senate saw their power and social standing plummet, it was much harder to make a convincing case for the proposition that the possession of glory is dependent on and inseparable from service to republican institutions.⁴¹⁷

Philosophy, however—properly understood and notwithstanding Roman assumptions—is superior to Romanitas in making the case for politics, because philosophy both inspires political engagement and supplies the elite with more worthy motives that ennoble the character of that engagement for the benefit of the state.

⁴¹⁷ We might make an analogy between Cicero's attempting to reconcile ambition with republicanism in *Pro Sestio* with his attempt to reconcile the useful and the noble in *De Officiis* 3.

Philosophy inspires engagement because through the study of ethics, one comes to understand that man is naturally inclined to virtue and thus to a concern with fostering justice for the benefit of his fellow men to whom he is naturally bound. It also simultaneously inspires engagement and ennobles the character of that engagement, because one learns through philosophy that happiness lies not in the possession of the fleeting goods emphasized by Romanitas, but in the exercise of virtue, whether understood as its own reward (a Stoic philosophic argument), or, in light of the immortality of the soul (a Platonic philosophic argument), as a means to an eternal reward (Platonic conjectural and mythical eschatology). It also ennobles engagement because the desire for fleeting goods is tempered by the superior attractions of philosophy itself as an activity and of other intellectual pursuits.

Turning to a review of the particular works analyzed, we can see that Cicero adjusts his arguments in accordance with historical circumstances and genre, the former determining the latter, and the latter in turn conditioning the specific arguments. We have seen in the first chapter that in the *Pro Sestio*, Cicero aims to motivate his listeners to defend republican government primarily through appeals to traditional Roman culture. Cicero appeals to the need to avoid the shame of neglecting Roman manliness, the obligation to imitate the patriotism of the ancestors, and the prospect of gaining civic glory for the present or with posterity. At the end of the speech, however, a philosophical idea emerges when Cicero argues that the soul is immortal and great statesmen can expect the reward of immortal glory in a conscious, postmortem state. And yet given the strong emphasis on civic glory with posterity that comes just before this final argument,

and given the way Cicero illustrates his claim with the myth of Hercules rather than a philosophical argument, it is likely that most of his audience would have understood the soul's immortal glory in the traditional Roman sense of perpetual civic memorialization.

The relative absence of philosophical ideas is fitting given the genre of public oratory whose audience does not chiefly consist of intellectuals. More fundamentally, however, Cicero's emphasis throughout the speech on the glory to be won from public service is fitting for the historical context. The speech was delivered at a moment when the triumvirate was weakening. Cicero sought to take advantage of the opportunity to inject new life into the republican cause, assuring the ambitious that they could have immediate gratification of their desire for glory by taking a courageous stand against other politicians who were undermining the Republic, freely alluding to Clodius and less obviously to the triumvirs, especially Caesar; Pompey had already begun a rapprochement with Cicero and the senatorial conservatives. The argument for glory delivered in this context suggests that, with Cicero and Pompey in the lead and with the backing of the Roman people who have already recalled and generously welcomed back Cicero from exile, those who engage in politics on their side will be gratefully rewarded with civic glory.

In the second chapter, we have seen how Cicero was prompted by his loss of public standing after the renewal of the triumvirate to make the case for politics in a new genre, the philosophical dialogue. In *De Re Publica*, philosophy becomes the foundation of political engagement in two ways. First, Cicero subtly promotes ethical ideals, drawn from the Stoics but not expressly attributed to them, to inspire and inform political action.

Secondly, the activity of studying philosophy writ large, including ethics, cosmology, and mathematics, is promoted as a continuous complement to political activity. In these two ways, noble ethical ideals and contemplative pursuits are, in Cicero's vision, to take their place in Roman political culture as ennobling influences in the stead of ideals held out by traditional Romanitas. Some of these ideals are positively corrupting—the drive for power, money, and fame—while others are no longer effective: due to the decline of moral customs, appeals to shame or the obligation to be a Roman *vir*, and to the sacred cause of patriotism, will not affect those surrounded by a corrupt culture in the same way as they might have affected former generations. One simply may no longer find it shameful to abstain from politics, especially if fortified by the example of one's peers—Atticus certainly did not, Lucullus felt no shame in retiring with his friends to tend his estate, and Catullus and his circle seem to have positively gloried in their political indifference. Or one may have no love for a political system that prevents him from amassing greater power and fame or from rewarding his friends, as Caesar, Pompey, Crassus, Clodius, and others seem to have felt. I do not, however, suggest that Cicero intended his promotion of philosophical political engagement to have an effect on these men. It seems more likely that Cicero had his sights set only on a minority of those from his own generation, and most of all on the younger generation, his concern for which is reflected in his avid letter-writing to young elites in the 50s BCE, and again in the philosophical works of the 40s.

It is also significant that Cicero's rhetorical strategy before his potentially resistant Roman audience consists in adopting an initial pose of hostility towards

philosophy even as he begins advancing a Stoic understanding of virtue as the inspiration of political engagement. He proceeds to put philosophical ideas in the mouths of his Roman dialogical personae and has some of them speak in favor of philosophical activity. In this way, any readers prejudiced against philosophical ideas are steered clear of their Greekness through the impression that the leading men of the Roman version of “the Greatest Generation” themselves subscribed to philosophical ethical ideals and engaged in philosophical pursuits.

Therefore, while *De Re Publica* is thematically concerned as a whole with the case for politics and the role of philosophy in the active life, a variety of ideas on the subject are explored through different dialogic voices. Not everyone agrees, and different readers may be inclined to side with different points of view expressed in the dialogue, although Scipio’s *auctoritas* is likely to influence readers’ point of view. The first dialogical voice is that of Cicero’s authorial persona in the preface. He begins the work’s turn to philosophy by downplaying the motive of civic glory in favor of less mercenary motives drawn from Greek ethical philosophy, our natural inclination to practice virtue by securing the common safety regardless of the outcome for ourselves in terms of glory. Early in Book 1, before the conversation has turned to the question of the best form of government, Scipio promotes philosophy and contemplative pursuits as inherently enjoyable, seconded by Tubero, while Laelius resists and demands a focus on political and ethical philosophy—though it is also significant that he does not designate them with that Greek term. Later, in the fragments of his speech in Book 3, we find Laelius defending, with greater depth and development than the Ciceronian persona of the

preface, the Stoic concept of virtue as well as the closely allied concept of natural law. Not only in the absence of glory, but even if one is unfairly considered by everyone to be an evil man, the awareness of one's possession of virtue is a sufficient reward for one's virtue. From other fragments of Laelius's speech, it appears that the reason for virtue's self-sufficiency is the existence of natural law, which enforces itself by rewarding or punishing a man in the court of his own conscience.

The third chapter takes up the grand conclusion of *De Re Publica*, the *Somnium Scipionis*, analyzing the way Cicero uses this philosophico-political myth to complete the work's exhortation to engage in politics as inspired and informed by philosophy. Scipio completes the case he made earlier for the necessity of practicing the contemplative life alongside or as an active, ongoing complement to the active life. Knowledge of the cosmos is beneficial for statesmanship because the cosmos provides models of the republican political order and of altruistic public service. Furthermore, gazing at the cosmos and thinking about the immortality of the soul elevate the individual morally, detaching the person from the pursuit of earthly goods through politics and teaching rather than virtuous engagement is a means to an eternal end.

In addition, the extended emphasis of the *Somnium* on the futility of glory with posterity marks a radical departure from the case for political engagement in *Pro Sestio*. Thus in the conclusion of *De Re Publica*, Cicero refuses to allow the fallback position he advocated towards the end of *Pro Sestio*, namely the certainty of being compensated with glory in the eyes of subsequent generations even if one misses out on recognition from one's contemporaries.

And yet from another point of view, *Pro Sestio* and *De Re Publica* taken as a whole display a certain similarity in internal development. In both works, a series of motives for political engagement are capped by a final consideration that looks beyond any kind of temporal glory from one's fellow humans, whether contemporary or posthumous, to eternity itself, to a posthumous state in which those who have served the Republic may attain a certain godlike status and consciously enjoy unending personal happiness. For, in the stirring peroration of *Pro Sestio* (143), the motives of engaging out of patriotism and or for the sake of posthumous glory cede to still more noble considerations, first to doing the right thing for its own sake regardless of the outcome, and finally to acting for the sake of postmortem apotheosis and immortal glory. Similarly, in *De Re Publica*, considerations of patriotism and *pietas*, and even the philosophical motives of following a natural inclination to virtue or pursuing virtue for its own sake, ultimately cede to the motive of joining the society of the just as a brilliant god-star and enjoying eternal contemplation of the decus of the cosmos.

But while in *Pro Sestio* the promise of such eternal glory and conscious enjoyment of an eternal reward was left merely implicit and undeveloped, as these ideas were intelligible only by reading the peroration (143) in light of an earlier paragraph in the speech (47), in the *Somnium*, Cicero advances this ultimate of all motives for republican political engagement much more explicitly and at great length. The greater explicitness and volume are evident both in the *Somnium*'s expressly deconstructing the allure of temporal glory throughout the Dream, and in its fuller exposition of the nature of the eternal reward in question. *Pro Sestio* established only the general notion that this

eternal reward is characterized by some sort of conscious state (*Sest.* 47) in which one enjoys immortal glory through some sort of apotheosis (*Sest.* 143). The *Somnium*, however, fills out the picture through a philosophical myth in which the conscious state consists in contemplation of the cosmos's beauty (*decus*, with its connotations of both "beauty" and "honor"), and apotheosis takes the form of a return of the soul, which is in fact already a god, to its celestial origins to join other great men. In the *Somnium*, what Cicero previously called "immortal glory" (*Sest.* 143) takes on the double sense of the object of the soul's contemplation (the eternal *decus* of the cosmos) and its admittance to a special society of other great men-turned-gods who are literally shining stars forming part of the heavenly tapestry. The philosophical myth of the *Somnium* also gives a fuller explanation of the metaphysical basis for the conscious enjoyment of an eternal reward by republican statesman, revealing that it depends on the immortal nature of the human soul and on the existence of a god who takes his greatest pleasure in well-run states.

In the *Somnium*, Scipio also offers a correction of Laelius's stance on virtue, now to be seen as a path to the enjoyment of eternal *verum decus* rather than as an end in itself, worth possessing for the sake of virtue's own *decus*. The contrast between Scipio and Laelius on the finality of virtue is ultimately the difference between a dogmatic Platonic metaphysical eschatology and dogmatic Stoic ethics. Where Cicero himself personally stands is, as always in his philosophic writings, unclear, especially in light of his practice of concealing his own views (*Tusc.* 5.11; *Nat. Deor.* 1.10). It is surely striking, however, that Cicero ends *De Re Publica* with the same Platonic argument for the immortality of the soul from self-motion that bookended his public speech *Pro Sestio*,

where it was even more incongruous than in the midst of the Dream vision at the end of the philosophic dialogue. This common thread suggests that for Cicero, the obligation to engage in politics virtuously does in fact require that there ultimately be a necessary connection between glory and virtuous devotion to the right kind of politics—in other words, it requires that the basic premise of *Pro Sestio* about glory as a reward for virtuous political service be true in some sense.⁴¹⁸ But the immortal glory argument suggests, in a Platonic mode, that the civic glory that is the chief aspiration of Romanitas and dominates most of *Pro Sestio* is merely a deceiving image of permanent, lasting glory, of the permanent, lasting recognition which can only be had in some non-earthly condition. That is the explicit lesson of the *Somnium*, which draws out at much greater length the basic idea implicit in the immortal glory argument at the end of *Pro Sestio*. Paullus tells Scipio Aemilianus that what people on earth call life is actually death, presumably because it is mortal; so glory on earth may be called glory but is not lasting, and is mortal. In the *Somnium*, the earth, like the Cave in Plato's *Republic*, is the place of

⁴¹⁸ There are, of course, many other ways of interpreting the continuity of this theme. We could read it as Cicero the Academic skeptic offering limited assent to an argument that he temporarily found persuasive from 56-51 BCE. Or one could see Cicero the rhetorician simply resorting in each case to the argument he feels is most likely to inspire and spur the reader to engage in politics. But it seems unlikely that Romans would have found this argument convincing. It might be inspiring and strike one with admiration, but is unlikely to have gained ready assent from a cynical elite. I get the sense, rather, that Cicero thinks this is not the most effective argument in practice but a logical necessity nonetheless, an idea that must be posited to justify the notion that there is a right way to engage in politics that truly matters. To justify an objective code for political engagement, he is logically required to posit some kind of vindication and reward that lasts. This does not prove that Cicero believed in the justification he advances, but it is likely he thought something like this—a divine and eternal sanction for justice—needed to be true if political engagement was to be justified.

deceiving appearances, while the heavens, like the heavens outside the Cave, are the abode of reality and truth.

But while the *Somnium* issues a sharp rebuke to and a correction of the dominant argument about civic glory in the *Pro Sestio*—whether present or posthumous, all glory on earth is ephemeral—the *Somnium*’s position on the connection between glory and virtue is at least analogous to that of the *Pro Sestio*, and for that reason, is in greater agreement with the *Pro Sestio* than with the Stoic conception of virtue as its own reward (advanced by Cicero in *Rep.* 1 and Laelius in *Rep.* 3) due to its own inherent glory or beauty (*decus*). For both *Pro Sestio* and the *Somnium*, virtue is rather *for* something else distinct from itself that the virtuous person stands to gain, namely some form of glory outside of virtue itself. In *Pro Sestio*, that glory comes from being talked about by one’s fellow citizens, but it is only temporary; in the *Somnium*, it is the eternity of *verum decus*, which designates both the glory of belonging to the *coetus* of great men in the heavens and being mutually appreciated, and the glory of the heavens that one contemplates.

The Platonic conception that implicitly lies behind the distinction between the false, fleeting civic glory of the *Pro Sestio* (and traditional Romanitas) and the true glory of belonging to a select group in the heavens in the essentially “philosophical” peroration of the *Pro Sestio* and in the *Somnium* illustrates the relationship between rhetoric and philosophy, or more specifically between oratory and philosophy. The speech is guided by and advances the same basic premise as the philosophical view of the *Somnium*, namely that glory is the reward of virtue. The speech thus orients the reader towards the same moral end—the practice of virtue, of virtuous political engagement—but in a

different manner. The method of the speech is to link virtue to a lower form of glory, one that is familiar to the experience of his audience, the majority of whom are not philosophic.

It is just such a conception of the relationship between philosophy and rhetoric that Cicero advances at the conclusion of *De Legibus* 1, as we saw in the fourth chapter. In *De Legibus*, Cicero advances a concept of natural law that establishes man's social nature and obligation to practice the virtues. This argument culminates in a grand speech in praise of *sapientia*, according to which a person who has acquired knowledge of natural law, justice and virtue through the study of philosophy will also be aware of his obligation to promote them among his fellow citizens through public oratory, which becomes the chief means of engaging in public life. *Sapientia*, therefore, consists in both *theoria* and *praxis*; it leads to and provides moral grounding for political rhetoric.

In the body of the first book, Marcus is confronted with the problem that Atticus is inclined to *theoria* but holds philosophical views that prevent *praxis*. Marcus directs at his intellectually inclined friend a logical argument in favor of a more Stoic outlook that seamlessly leads to the obligation to engage in politics to promote the bonds of justice among men. Quintus, meanwhile, has *praxis*, but with no *theoria* to ground law and morality in nature; his personal morality is superficial, relying solely on the social sanctions; the laws and policies that he would promote through the spoken word as a member of the conservative elite have no moral standards to guide them. To Quintus, Marcus makes a more rhetorically ornate argument that the virtues are grounded in natural law, are to be practiced for their own sake, and should serve as the guide for the

statesman's personal conduct in political life and for the civil law. The *laudatio sapientiae* that concludes the first book integrates the previous arguments in a passionate rhetorical appeal to both men to follow Marcus's lead in mastering philosophy and rhetoric, and to use both for the benefit of their fellow citizens in the political arena by cultivating the very style exemplified by Marcus's speech.

The Case for Politics makes several important contributions to Ciceronian scholarship, demonstrating in contrast to previous approaches that Cicero's rhetorical aims in a judicial speech can go far beyond getting his client acquitted, and that his dialogues on political philosophy can be read in terms of rhetorical aims and strategies through special attention to dramatic setting and dialogical personae. It also shows that despite the way historical circumstances and genre affect the kinds of arguments emphasized, we can nonetheless discern a unified voice in Cicero's writings, as the orator consistently strives to promote involvement in politics on behalf of the Roman Republic.

However, the dissertation's most important contribution is to show that Cicero, far from being the smug believer in Roman superiority to Greek culture for whom he is so often taken, thought that Roman political culture needed to be reformed through Greek philosophy. To the timeless question of which life is better, the active versus the contemplative, Cicero responds that this is a false dichotomy, and while Roman tradition has emphasized the former and Greek philosophy the latter, the contemplative life properly understood actually inspires and informs the active. Furthermore, the dissertation's analysis of the relationship between philosophy and the cultivation of rhetoric in public life at the end of *De Legibus* 1 shows that contrary to the scholarly

communis opinio, philosophy in Cicero's view, is not, at least in *De Legibus*, merely a branch of rhetoric useful for making effective arguments. Rather, philosophy provides rhetoric with a moral basis, and thus grounds the orator-statesman, both personally and in the policies he pursues, in a concern for truth and justice.

The project initiated by this dissertation can naturally be extended with additional investigation of this last insight about the relationship between philosophy and rhetoric—which for Cicero means engagement in public life through oratory—in Cicero's rhetorical theory. The addition of a chapter on Cicero's rhetorical theory is also necessary to extend the exploration of Cicero's arguments for political engagement in multiple genres; in the dissertation, I have only explored two. Moreover, the major work to be considered is *De Oratore* (*On the Ideal Orator*), a dialogue on rhetoric written in the 50s BCE that forms a natural complement to *De Re Publica* and *De Legibus*, which were written in the same period. The scholarly consensus on Cicero's *De Oratore* holds that the work advances a theory of rhetoric in which the study of philosophy has a purely instrumental value, providing the orator with superior dialectical ability and greater knowledge of human nature through the study of ethics, but with no bearing whatsoever on the orator's moral character or the morality of his policies.

However, a number of passages and dramatic features suggest just the opposite. For example, the dialogue character Crassus promotes the same concept of *sapientia* as Cicero did in *De Legibus*. *Sapientia* for Crassus comprises right thinking and speaking. Eloquence is a virtue, but this virtue is not possessed by someone who has technical knowledge of rhetoric but lacks “moral integrity and prudence” (*probitas et prudentia*—

see 3.55). Scholars have rightly observed that Cicero's theory of rhetoric in *De Oratore* assigns a particularly important place to emotional appeals to one's audience, but with the notable exception of Gary Remer's new monograph (2017), they have not seen that these emotional appeals, to be morally licit, must be regulated by the pursuit of moral ends.⁴¹⁹ This idea may seem immoral—as indeed it did to the Stoics, whom the dialogue characters thoroughly criticize—since it seems to justify the Machiavellian principle that the ends justify the means. But for Cicero, there is nothing immoral about this; it is simply the nature and purpose of rhetoric to promote the truth through a combination of appeals to reason, to the trustworthiness of the speaker, and to emotion. If appeals to ethos and especially to emotion are lacking, rhetoric ceases to be rhetoric and becomes philosophy; but philosophical discourse is in itself ineffective before the many, and then truth and justice fail to win out (cf. the preface of Cicero's *De Inventione* and of Aristotle's *Rhetoric*).

And yet philosophic knowledge on the part of the orator is necessary to ensure the morality of the purpose for which his rhetoric is applied. In *De Oratore*, the character Antonius, who emphasizes the importance of pathos and natural talent but dismisses Crassus's demands in Books 1 and 3 that the orator study philosophy, represents the traditional Roman position of a morally rudderless rhetoric. Crassus, by contrast, is represented as someone who employs an emotionally charged rhetoric that is also exercised in the pursuit of moral ends (3.2-5) learned through philosophic contemplation,

⁴¹⁹ Zetzel 2003: 131-32 and Prost 2017: 149 claim in passing that the ideal orator in *De Oratore* is supposed to be a good man in the moral sense, but do not develop an argument.

a truth that is shown dramatically in Crassus's moment of Socratic contemplation (3.17). Crassus's criticism of Socrates is thus misleading; he criticizes Socrates's rejection of public oratory and political engagement (3.60ff.), but also implies that he agrees with Socrates's criticism in the *Gorgias* of orators who lack knowledge of and concern for justice (3.55). The content and dramatic setting of *De Oratore* suggest that the emotional pathos of an Antonius without the philosophically grounded morality of a Crassus leads to a Sulpicius, one of the younger interlocutors, whom the reader is told became a seditious revolutionary after the dramatic date of the dialogue (3.11).

Another useful way to extend this intergeneric project while maintaining a special focus on the relationship between philosophy and rhetoric involves the addition of a fourth genre, ethical theory, through a study of *De Officiis* in relation to Cicero's last efforts at public oratory, the *Philippics*. A comparison of these two works would make an ideal case study of the extent to which, and the specific manner in which, Cicero employed rhetoric in practice to promote ethical ideas from philosophy about the right way to be engaged in politics. Considering the *Philippics* in light of *De Officiis* is also fitting because Cicero composed most of these speeches only shortly after the ethical treatise. Scholars have noted some thematic similarities in passing, but a comprehensive comparison of the arguments advanced in these works about the right way to engage in politics is still lacking. How does the oratorical context affect the way Cicero promotes the same ethical ideas from *De Officiis*? In other words, how does Cicero use the standard features of rhetoric—stylistic adornment, appeals to his own person and to

emotion—to inculcate ideals about the proper way to be engaged in politics that were previously set forth in the more logical, philosophical discourse in *De Officiis*?⁴²⁰

One of the more obvious themes that the philosophic treatise and the speeches have in common is Cicero's teaching about the morally legitimate way to seek glory—a theme that will nicely link this final chapter to the book's first chapter on *Pro Sestio*, which was also centrally concerned with this question. But the *Philippics* do this in a particularly off-putting way, with their constant personal attacks on Marc Antony, whom Cicero pillories as seeking glory and power at the expense of justice. The invective to which Cicero so frequently resorts in these speeches raises important questions for our own day, when personal insults have become increasingly common in political discourse. Can such insults be justified in terms of legitimate moral purpose, or was Cicero violating the principles about *decorum* that he himself had expressed in *De Officiis*?⁴²¹

I will close with a few remarks that bear both on the argument of the dissertation and the case I intend to make about Ciceronian ethics, politics, and rhetoric when I expand on this present study. Suggesting that Cicero intended knowledge of ethics to serve as a guide for the politician's personal conduct, policies to be pursued, and laws to

⁴²⁰ To approach the question of philosophy in the *Philippics* in this way—that is, in terms of the way the speeches promote moral ideas drawn from philosophy—would also be a marked departure from Gildenhard's (2011) analysis of philosophy in Cicero's speeches. Gildenhard's monograph is solidly in the tradition of scholarship that holds that for Cicero, philosophy's value for the orator is as a tool to make more effective arguments. Cicero emerges as an opportunist who incorporates philosophical ideas not out of a concern to promote the truth or make justice prevail, but to the extent that they help him win a given case. Thus Cicero is “constructing reality,” as the title of the book suggests, rather than infusing his speeches with moral ideas he considered through his study of philosophy to be (provisionally) true and necessary for the preservation of a just society.

⁴²¹ In addition to Remer 2017, Kapust 2011 will be an essential starting point for the study of this issue.

be framed, and oratory to be employed as a tool for these last two purposes might also come up against the following problem: Cicero was, after all, an Academic skeptic who held that one could not have certain knowledge of anything, including ethics. However, as scholars have shown, a mitigated skeptic such as Cicero claimed he could live his skepticism, and Cicero could, consistent with his search for the *probabile* or *verisimile*, embrace for himself and promote to others a probabilistic ethics as a guide for personal conduct and political ends. Alternatively, one might suppose that Cicero did, in fact, despite frequent professions of Academic skepticism, claim for himself certain knowledge of some ethical truths,⁴²² since the philosophical position of the skeptical Academy is incoherent and self-defeating. There is, after all, a logical contradiction in the character Cicero's statement that Socrates "made only one exception" to the claim that nothing can be known, namely that "he knew that he knew nothing" (*Ac.* 2.74)⁴²³, and an intelligent man such as Cicero was surely aware of the arbitrary nature of an exception for which no justification is given. Whatever the position one takes, I hope to have shown that in *De Re Publica* and *De Legibus*, Cicero employs his powers of persuasion to promote the idea that philosophical ethics and the activity of philosophy itself should inspire and regulate the Roman elite's participation in political life.

⁴²² In *Leg.* 1.58, in any case, knowledge of the virtues is not presented as probable. The passage is followed, moreover, by Marcus's declaration that *sapientia* (which includes such ethical knowledge) has made him whatever it is that he is (1.63).

⁴²³ *excepit unum tantum, scire se nihil se scire.* In *Ac.* 1.45, the Academic skeptic Arcesilaus seems to be more consistent when he is cited as having said that since nothing can be known, Socrates did not even know this. And yet Arcesilaus, too, by making a truth claim about the impossibility of knowing, *ipso facto* embroils himself in contradiction.

List of Abbreviations

<i>AClass</i>	<i>Acta Classica</i>
<i>AJP</i>	<i>American Journal of Philology</i>
<i>ANRW</i>	<i>Aufstieg und Niedergang der Römischen Welt</i>
<i>BAGB</i>	<i>Bulletin de l'Association Guillaume Budé</i>
<i>BStudLat</i>	<i>Bolletino di Studi Latini</i>
<i>ClAnt</i>	<i>Classical Antiquity</i>
<i>ClassStud</i>	<i>Classical Studies</i>
<i>CJ</i>	<i>Classical Journal</i>
<i>CJPS</i>	<i>Canadian Journal of Political Science</i>
<i>CP</i>	<i>Classical Philology</i>
<i>CQ</i>	<i>Classical Quarterly</i>
<i>CW</i>	<i>Classical World</i>
<i>EJPT</i>	<i>European Journal of Political Theory</i>
<i>ExClass</i>	<i>Exemplaria Classica</i>
<i>GIF</i>	<i>Giornale Italiano di Filologia</i>
<i>G&R</i>	<i>Greece and Rome</i>
<i>HPTh</i>	<i>History of Political Thought</i>
<i>HThR</i>	<i>Harvard Theological Review</i>
<i>ICS</i>	<i>Illinois Classical Studies</i>
<i>JRS</i>	<i>Journal of Roman Studies</i>
<i>LCM</i>	<i>Liverpool Classical Monthly</i>

<i>MEFRA</i>	<i>Mélanges de l'École Française de Rome</i>
<i>OLD</i>	<i>Oxford Latin Dictionary</i>
<i>PCPS</i>	<i>Proceedings of the Cambridge Philological Society</i>
<i>PSR</i>	<i>Political Science Reviewer</i>
<i>PT</i>	<i>Political Theory</i>
<i>REA</i>	<i>Revue des Études Anciennes</i>
<i>REL</i>	<i>Revue des Études Latines</i>
<i>RPh</i>	<i>Rheinisches Museum für Philologie</i>
<i>ROP</i>	<i>The Review of Politics</i>
<i>SCI</i>	<i>Scripta Classica Israelica</i>
<i>SO</i>	<i>Symbolae Osloenses</i>
<i>TAPA</i>	<i>Transactions of the American Philological Association</i>

Bibliography

- Achard, G. 1990. "Le *De Republica*: une candidature déguisée?" *Latomus* 49.2: 370-82.
- , 2000. "L'influence des jeunes lecteurs sur la rédaction des discours cicéroniens." In G. Achard and M. Ledentu, eds., *Orateur, auditeurs, lecteurs: à propos de l'éloquence romaine à la fin de la République et au début du Principat*, 75-88. Lyons.
- Adomeit, K. 1980. "'Rechts' und 'links' bei Cicero." In M. von Harder and G. Thilman, eds., *De iustitia et iure: Festgabe für Ulrich von Lübtow zum 80 Geburtstag*, 81-91. Berlin.
- Ahl, F. 1984. "The Art of Safe Criticism in Greece and Rome." *TAPA* 105: 174-208.
- , 1985. *Metaformations: Soundplay and Wordplay in Ovid and other Classical Poets*. Ithaca, NY.
- Altman, W. H. F. 2009. "Womanly Humanism in Cicero's *Tusculan Disputations*." *TAPA* 139: 407-41.
- , 2013. Review of Yelena Baraz, *A Written Republic: Cicero's Philosophical Politics*. *Ancient Philosophy* 33.2: 454-7.
- , 2016. *The Revival of Platonism in Cicero's Late Philosophy: Platonis Aemulus and the Invention of Cicero*. Lanham, MD.
- André, J.-M. 1966. *L'otium dans la vie moral et intellectuelle romaine, des origines à l'époque augustéenne*. Paris.
- , 1974. "Cicéron et Lucrèce: loi du silence et allusions polémiques." In *Mélanges de philosophie, de littérature et d'histoire ancienne offerts à Pierre Boyancé*, 21-38. Rome.
- Andreoni, E. 1979. "Sul contrasto ideologico fra il *De re publica* di Cicerone e il poema di Lucrezio (la genesi della società civile)." In *Studi di poesia latina in onore di Antonio Traglia*, 1: 281-321. Rome.
- Annas, J. 2013. "Plato's *Laws* and Cicero's *de Legibus*." In M. Schofield ed. *Aristotle, Plato, and Pythagoreanism in the 1st Century BC. New Directions for Philosophy*, 206-24. Cambridge.
- Arena, V. 2012. *Libertas and the Practice of Politics in the Late Roman Republic*. Cambridge.

- Asmis, E. 2001. "The Politician as Public Servant in Cicero's *De Re Publica*." In C. Auvray-Assayas and D. Delattre eds. *Cicéron et Philodème: la polémique en philosophie*, 109-28. Paris.
- , 2004. "The State as a Partnership: Cicero's Definition of *Res Publica* in His Work *On the State*." *HPTH* 25.4: 569-99.
- , 2005. "A New Kind of Model: Cicero's Roman Constitution in *de Republica*." *AJP* 126: 377-416.
- , 2008. "Cicero on Natural Law and the Laws of the State." *ClAnt* 27: 1-33.
- , 2014. "Cicero *Mythologus*: the Myth of the Founders in *de Republica*." *CJ* 110: 23-42.
- Atkins, E. M. 1990. "'Domina et Regina Virtutum': Justice and Societas in *De Officiis*." *Phronesis* 35.3: 258-89.
- Atkins, J. W. 2013a. *Cicero on Politics and the Limits of Reason: The Republic and Laws*. Cambridge.
- , 2013b. "Cicero on the Relationship between Plato's *Republic* and *Laws*." In A. Sheppard ed. *Ancient Approaches to Plato's Republic*, 15-34. *BICS* Supplement 117. London.
- , 2015. "Zeno's Republic, Plato's Laws, and the Development of Stoic Natural Law Theory." *Polis* 32: 166-190.
- Balsdon, J. P. 1960. "*Auctoritas, Dignitas, Otium*." *CQ* 10: 45-50.
- Baraz, Y. 2012. *A Written Republic: Cicero's Philosophical Politics*. Princeton, NJ.
- Barlow, J. J. 1987. "The Education of Statesmen in Cicero's *De Republica*." *Polity* 19.3: 353-74.
- Bartsch, S. 1994. *Actors in the Audience: Theatricality and Doublespeak from Nero to Hadrian*. Cambridge, MA.
- Batstone, W. 1994. "Cicero's Construction of Consular *Ethos* in the *First Catilinarian*." *TAPA* 124: 211-66.
- Benardete, S. 1987. "Cicero's *De Legibus* I: Its Plan and Intention." *AJP* 108.2: 295-309.

- Benferhat, Y. 2005. *Cives Epicurei: Les épicuriens et l'idée de monarchie à Rome et en Italie de Sylla à Octave*. Collection Latomus 292. Bruxelles.
- Bishop, C. B. 2011. *Greek Scholarship and Interpretation in the Works of Cicero*. Diss. University of Pennsylvania.
- , 2015. "Roman Plato or Roman Demosthenes? The Bifurcation of Cicero in Ancient Scholarship." In W. H. F. Altman ed. *Brill's Companion to the Reception of Cicero*, 283-306. Boston, MA and Leiden.
- , Forthcoming. *Cicero's Intellectual Politics: Greek Learning and the Making of a Roman Classic*.
- Blössner, N. 2001. *Cicero gegen die Philosophie: Eine Analyse von De re publica 1.1-3*. Nachrichten der Akademie der Wissenschaften zu Göttingen, Philologisch-Historische Klasse, no. 3. Göttingen.
- Boyancé, P. 1936. *Etudes sur le Songe de Scipion*. Limoges.
- , 1941. "Cum Dignitate Otium." *REA* 43: 172-91. (Reprinted in Boyancé, P. 1970. *Etudes sur l'humanisme Cicéronien*, 114-34. Collection Latomus 121. Bruxelles.)
- , 1962. "La réponse de l'humanisme cicéronien." *Miscelanea Carvalho* 8: 849-54. (Reprinted in *Etudes sur l'humanisme Cicéronien* [Collection Latomus 121], 342-50. Bruxelles 1970.)
- , 1967. "Cicéron et la vie contemplative." *Latomus* 26: 3-26. (Reprinted in *Etudes sur l'humanisme Cicéronien* [Collection Latomus 121], 89-113. Bruxelles 1970.)
- , 1975. "L'éloge de la philosophie dans le *De Legibus* I, 58-62." *Ciceroniana* n.s. 2: 21-42.
- Bréguet, E. 1980. *Cicéron: La République*. 2 Vols. Paris.
- Bringmann, K. 1971. *Untersuchungen zum späten Cicero. Hypomnemata* 29. Göttingen.
- Brittain, C. 2012. "Augustine as a Reader of Cicero." In R. C. Taylor, D. Twetten, and M. Wreen eds. *Tolle lege: Essays on Augustine and on Medieval Philosophy in Honor of Roland J. Teske*, S. J., 81-114. Marquette, WI.
- Brown, E. 1997. *Stoic Cosmopolitanism and the Political Life*. Diss. Chicago.

- Brunt, P. A. 2013. M. Griffin and A. Samuels eds. with M. Crawford. *Studies in Stoicism*. Oxford.
- Bücher, F. 2006. *Verargumentierte Geschichte: Exempla Romana im politischen Diskurs der späten römischen Republik*. Stuttgart.
- Büchner, K. 1984. *M. Tullius Cicero. De Re Publica*. Heidelberg.
- Caspar, T. 2011. *Recovering the Ancient View of Founding: A Commentary on Cicero's De Legibus*. Lanham, MD.
- Castner, C. J. 1988. *A Prosopography of Roman Epicureans*. Frankfurt.
- Christes, J. 1988. "Cum dignitate otium (Cic. Sest. 98): eine Nachbereitung." *Gymnasium* 95: 303-15.
- Classen, C. J. 1985. *Recht, Rhetorik, Politik: Untersuchungen zu Ciceros rhetorischer Strategie*. Darmstadt.
- Claassen, J.-M. 1992. "Cicero's Banishment: Tempora et Mores." *AClass* 35: 19-47.
- , 1999. *Displaced Persons: The Literature of Exile from Cicero to Boethius*. London and Madison, WI.
- Cohen, S. T. 2006. "Cicero's Roman Exile." In J. F. Gaertner, ed., *Writing Exile: The Discourse of Displacement in Greco-Roman Antiquity and Beyond*, 109-28. Leiden.
- Cole, S. 2013. *Cicero and the Rise of Deification at Rome*. Cambridge.
- Coleman, R. 1964. "The Dream of Cicero." *PCPS* n.s. 10: 1-14.
- Courcelle, P. 1969. "Cicéron et le précepte delphique." *GIF* 21: 109-20.
- Craig, C. P. 1993. *Form as Argument in Cicero's Speeches: A Study of Dilemma*. Atlanta, GA.
- , 2001. "Shifting Charge and Shifty Argument in Cicero's Speech for Sestius." In C. Wooten, ed., *The Orator in Action and Theory in Greece and Rome: Studies in Honor of George A. Kennedy*, 111-22. Leiden.
- Dalfen, J. 2000. "Ciceros 'cum dignitate otium': einiges zur (nicht unproblematischen) Freizeitkultur grosser Römer." In E. Sigot, ed., *Otium - Negotium: Beiträge des Interdisziplinären Symposions der Sodalitas zum Thema Zeit, Carnuntum*, 28.-

30.-8.1998, 169-87. Vienna.

D'Anna, G. 1965. *Alcuni aspetti della polemica antiepicurea di Cicerone*. Rome.

De Saint Denis, E. 1938. "La Théorie Cicéronienne de la Participation aux Affaires Publiques." *RPh* 12: 193-215.

Dolganov, A. 2008. "Constructing Author and Authority: Generic Discourse in Cicero's *De Legibus*." *G&R* 55.1: 23-38.

Douglas, A.E. 1968. (2nd ed. 1979.) *Cicero*. *G&R New Surveys in the Classics* No. 2. Oxford.

Dugan, J. 2005. *Making a New Man: Ciceronian Self-Fashioning in the Rhetorical Works*. Oxford.

Dyck, A. 2004. *A Commentary on Cicero, De Legibus*. Ann Arbor, MI.

Emlyn-Jones, C. and Preddy, W. 2013. *Plato: Republic*. 2 vols. Loeb Classical Library 237 and 276. Cambridge, MA and London.

Englert, W. 1990. "Bringing Philosophy to the Light: Cicero's *Paradoxa Stoicorum*." In Apeiron 23.4, M. Nussbaum ed. *The Poetics of Therapy: Hellenistic Ethics in its Rhetorical and Literary Context*, 117-42.

-----, 2014. "Epicurean Philosophy in Cicero's *De Republica*: Serious Threat or Convenient Foil?" *Etica & Politica* 16.2: 253-66.

Ferrary, J.-L. 1974. "Le discours de Laelius dans le troisième livre du *De Re Publica* de Cicéron." *MEFRA* 86.2: 745-71.

-----, 1977. "Le discours de Philus (Cicéron, *De Re Publica* III, 8-31) et la philosophie de Carnéade." *REL* 55: 128-56.

-----, 1995. "The Statesman and the Law in the Political Philosophy of Cicero." In A. Laks and M. Schofield eds. *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy. Proceedings of the Sixth Symposium Hellenisticum*, 48-73. Cambridge.

Fish, J. 2011. "Not all politicians are Sisyphus: what Roman Epicureans were taught about politics." In J. Fish and K. R. Sanders eds. *Epicurus and the Epicurean Tradition*, 72-104. Cambridge.

Föllinger, S. and Müller, G. M. eds. 2013. *Der Dialog in der Antike: Formen und*

Funktionen einer literarischen Gattung zwischen Philosophie, Wissensvermittlung und dramatischer Inszenierung (Beiträge zur Altertumskunde 315). Berlin.

- Fontaine, J. 1966. "Le Songe de Scipion premier Anti-Lucrèce?" In *Mélanges de archéologie e d'histoire offerts à André Piganiol*, 3: 1711-29. Paris.
- Fowler, D. 1989. "Lucretius and Politics." In M. Griffin and J. Barnes, eds., *Philosophia Togata: Essays on Philosophy and Roman Society*, 120-50. Oxford.
- Fox, M. 2007. *Cicero's Philosophy of History*. Oxford.
- Fuhrmann, M. 1960. "Cum dignitate otium." *Gymnasium* 67: 481-500.
- Gallagher, R. 2001. "Metaphor in Cicero's *De Re Publica*." *CQ* 51: 509-19.
- Gardner, R., ed. 1958. *Cicero: Pro Sestio, In Vatinius*. Loeb Classical Library 309. Cambridge, MA and London.
- Gastaldi, S. 2014. "Vita politica e vita philosophica nei proemi del *De republica* di Cicerone." *Etica & Politica* 16: 379-94.
- Gee, E. 2013. *Aratus and the Astronomical Tradition*. Oxford.
- Gildenhard, I. 2007. *Paideia Romana: Cicero's Tusculan Disputations*. Proceedings of the Cambridge Philological Society. Supplementary Vol. 30. Cambridge.
- , 2011. *Creative Eloquence: The Construction of Reality in Cicero's Speeches*. Oxford.
- , 2013. "Of Cicero's Plato: Fictions, Forms, Foundations." In M. Schofield ed. *Aristotle, Plato, and Pythagoreanism in the 1st Century BC: New Directions for Philosophy*, 225-75. Cambridge.
- Gigon, O. 1977. *Die antike Philosophie als Masstab und Realität*. Zurich.
- Gilbert, N. 2015. *Among Friends: Cicero and the Epicureans*. Diss. Toronto.
- Girardet, K. 1983. *Die Ordnung der Welt: Ein Beitrag zur philosophischen und politischen Interpretation von Ciceros Schrift De Legibus*. Wiesbaden.
- Giusta, M. 1967. *I Dossografi di Etica*. Vol. 2. Torino.
- Görler, W. 1974. *Untersuchungen zu Ciceros Philosophie*. Heidelberg.

- , 1988a. "From Athens to Tusculum: Gleaning the Background of Cicero's *de Oratore*." *Rhetorica* 6: 215-35.
- , 1988b. "Cicero zwischen Politik und Philosophie." *Ciceroniana* n.s. 7: 61-73.
- , 1995. "Silencing the Troublemaker: *De Legibus* 1.39 and the Continuity of Cicero's Scepticism." In J. G. F. Powell ed. *Cicero the Philosopher: Twelve Papers*, 85-113. Oxford.
- Glucker, J. P. 1988. "Cicero's Philosophical Affiliations." In J. Dillon and A. A. Long eds. *The Question of "Eclecticism"*, 34-69. Berkeley, CA.
- , 1992. "Cicero's Philosophical Affiliations Again." *LCM* 17.9: 134-38.
- , 2001. "Carneades in Rome: Some Unsolved Problems." In J. G. F. Powell and J. A. North eds. *Cicero's Republic (BICS Supplement 76)*, 57-82. London.
- Griffin, M. 1989. "Philosophers, Politics, and Politicians at Rome." In M. Griffin and J. Barnes eds. *Philosophia Togata: Essays on Philosophy and Roman Society*, 1-37. Oxford.
- , 2001. "Piso, Cicero, and Their Audience." In C. Auvray-Assayas and D. Delattre eds. *Cicéron et Philodème: la polémique en philosophie*, 85-100. Paris.
- Grilli, A. 1971. *I proemi del De re publica di Cicerone*. Brescia.
- , 2002. "Cicerone tra retorica e filosofia." In E. Narducci ed. *Interpretare Cicerone: Percorsi della critica contemporanea: Atti del II Symposium Ciceronianum Arpinas*, 53-65. Florence.
- Grillo, L. 2015. *Cicero's de Provinciis Consularibus Oratio*. Oxford.
- Grimal, P., ed. 1966. *Cicerón Contre L. Pison*. Paris.
- Gruen, E. S. 1966. "P. Clodius: Instrument or Independent Agent?" *Phoenix* 20: 120-30.
- , 1974. *The Last Generation of the Roman Republic*. Berkeley, CA.
- Habinek, T. 1998. *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome*. Princeton, NJ.
- Hahn, D. 1999. "Plato, Carneades, and Cicero's Philus (Cicero, *Rep.* 3.8-31)." *CQ* 49: 167-83.

- Harder, R. 1929. *Über Ciceros Somnium Scipionis*. Halle.
- Heinemann, I. 1928. *Poseidonius' Metaphysische Schriften*. Vol. 2. Breslau.
- Heinze, R. 1924. "Ciceros 'Staat' als Politische Tendenzschrift." *Hermes* 59: 73-94.
- Hirzel, R. 1895. *Der Dialog. Ein literarhistorischer Versuch*. 2 Vols. Leipzig.
- How, W. W. 1930. "Cicero's Ideal in his *De Republica*." *JRS* 20: 24-42.
- Hunt, H. A. K. 1956. *The Humanism of Cicero*. Melbourne.
- Kapust, D. 2011. "Cicero on Decorum and the Morality of Rhetoric." *EJPT* 10: 92-112.
- Kaster, R. A. 2005. *Emotion, Restraint, and Community in Ancient Rome*. Oxford.
- , 2006. *Cicero: Speech on Behalf of Publius Sestius*. Clarendon Ancient History Series. Oxford.
- Kenter, J. P. 1972. M. L. Leenheer-Braid trans. *M. Tullius Cicero. De Legibus. A Commentary on Book I*. Amsterdam.
- Keyes, C. W. ed. and trans. 1928. *Cicero: De Re Publica, De Legibus*. Loeb Classical Library 213. Cambridge, MA and London.
- Krarup, P. 1956. *Rector rei publicae*. Copenhagen.
- Krebs, C. 2008. "The Imagery of 'The Way' in the Proem of Sallust's *Bellum Catilinae* (1-4)." *AJP* 129: 581-94.
- Kretschmar, M. 1938. *Otium, studia litterarum, Philosophie und βίος θεωρητικός im Leben und Denken Ciceros*. Diss. Leipzig.
- Kronenberg, L. 2009. *Allegories of Farming from Greece and Rome: Philosophical Satire in Xenophon, Varro, and Virgil*. Cambridge.
- Kurczyk, S. 2006. *Cicero und die Inszenierung der eigenen Vergangenheit: autobiographisches Schreiben in der späten Römischen Republik*. Köln.
- Lacey, W. K. 1962. "Cicero, *Pro Sestio* 96-143." *CQ* 12: 67-71.
- , 1970. "Boni Atque Improbi." *G&R*: 17.1: 3-16.
- Leach, E. 2000. "The *Spectacula* of Cicero's *Pro Sestio*: Patronage, Production, and

Performance.” In S. K. Dickison and J. P. Hallett, eds., *Rome and Her Monuments: Essays on the City and Literature of Rome in Honor of Katherine A. Geffcken*, 369-97. Wauconda, IL.

-----, 2006. “An gravius aliquid scribam: Roman seniores write to iuniores.” *TAPA* 136: 247-67.

Leonard, W. E. and Smith, S. B. eds. 1942/1970. *T. Lucreti Cari. De Rerum Natura. Libri Sex*. Madison, WI.

Leonhardt, J. 1999. *Ciceros Kritik der Philosophenschulen. Zetemata* 103. Munich.

Lepore, E. 1954. *Il princeps ciceroniano e gli ideali politici della tarda repubblica*. Naples.

Levene, D. S. 2004. “Reading Cicero’s Narratives.” In Powell and Paterson, eds., 117-46. Oxford.

Lévy, C. 2012a. “Philosophical Life versus Political Life: An Impossible Choice for Cicero?” In W. Nicgorski, 58-78.

-----, 2012b. “Cicéron et le problème des genres de vie: une problématique de la voluntas?” In T. Bénatouïl and M. Bonazzi eds. *Theoria, Praxis, and the Contemplative Life after Plato and Aristotle*, 57-74. Leiden.

Leeman, A. D., Pinkster, H., and Wisse, J. eds. 1996. *M. Tullius Cicero de Oratore Libri III, Kommentar, 4 Band: Buch II, 291-367; Buch III, 1-95*. Heidelberg.

Lintott, A. W. 2008. *Cicero as Evidence: A Historian’s Companion*. Oxford.

Long, A. A. 1995a. “Cicero’s Politics in *de Officiis*.” In A. Laks and M. Schofield eds. *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy. Proceedings of the Sixth Symposium Hellenisticum*, 213-240. Cambridge.

-----, 1995b. “Cicero’s Plato and Aristotle.” In J.G.F. Powell ed. *Cicero the Philosopher: Twelve Papers*, 37-61. Oxford.

Lübtow, U. von. 1984. “Ciceros Rede für Publius Sestius.” In V. Giuffrè, ed., *Sodalitas: Scritti in onore di Antonio Guarino, Vol. 1*, 177-201. Naples.

Luck, G. 1956. “Studia Divina in Vita Humana: On Cicero’s ‘Dream of Scipio’ and Its Place in Graeco-Roman Philosophy.” *HThR* 49: 207-18.

MacKendrick, P. 1989. *The Philosophical Books of Cicero*. London.

- , 1995. *The Speeches of Cicero: Context, Law, Rhetoric*. London.
- Mankin, D. ed. 2011. *Cicero: De Oratore III*. Cambridge Greek and Latin Classics. Cambridge.
- Manuwald, G., ed. 2007. *Cicero, Philippics 3–9. Vol. 1*. Berlin and New York.
- Maslowski, T. 1974. “The Chronology of Cicero’s Anti-Epicureanism.” *Eos* 62: 55-78.
- , 1986. *M. Tullius Cicero, Scripta quae manserunt omnia, Fasc. 22: Oratio pro P. Sestio*. Bibliotheca Teubneriana. Leipzig.
- Maso, S. 2008. *Capire e dissentire: Cicerone e la filosofia di Epicuro*. Elenchos 48. Naples.
- May, J. 1988. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill, NC.
- May, J. M. and Wisse, J. eds. and trans. 2001. *Cicero: On the Ideal Orator*. Oxford.
- McConnell, S. 2015. *Philosophical Life in Cicero’s Letters*. Cambridge.
- McDonnell, M. 2006. *Roman Manliness: Virtus and the Roman Republic*. Cambridge.
- Meyer, E. 1918. *Caesars Monarchie und das Prinzipat des Pompejus*. Stuttgart.
- Michel, A. 1960. *Rhétorique et philosophie chez Cicéron*. Paris.
- Mitchell, T. N. 1991. *Cicero: The Senior Statesman*. New Haven, CT.
- Momigliano, A. 1941. Review of Benjamin Farrington, *Science and Politics in the Ancient World*. *JRS* 31: 149-57.
- Morrow, G. 1960. *Plato’s Cretan City: An Historical Interpretation of the Laws*. Princeton, NJ.
- , 1997. “Letters.” In J. M. Cooper ed. *Plato: Complete Works, 1634-1676*. Indianapolis, IN.
- Müller, R. 1968. “βίος θεωρητικός bei Antiochos von Askalon und Cicero.” *Helikon* 8: 221-37.
- Narducci, E. 1989. *Modelli etici e società: Un’idea di Cicerone*. Giardini-Pisa.

- , 1997. *Cicerone e l'eloquenza romana: Retorica e progetto culturale*. Roma and Bari.
- , 2002a. "Brutus: The History of Roman Eloquence." In J. May ed. *Brill's Companion to Cicero: Oratory and Rhetoric*, 401-25. Leiden.
- , 2002b. "Orator and the Definition of the Ideal Orator." In J. May ed. *Brill's Companion to Cicero: Oratory and Rhetoric*, 427-43. Leiden.
- Nicgorski, W. 1978. "Cicero and the Rebirth of Political Philosophy." *PSR* 8.1: 63-101.
- , 1991. "Cicero's Focus: from the Best Regime to the Model Statesman." *PT* 19: 230-51.
- , ed. 2012. *Cicero's Practical Philosophy*. Notre Dame, IN.
- , 2016. *Cicero's Skepticism and His Recovery of Political Philosophy*. New York.
- Nicolai, R. 2000. "Opus oratorium maxime: Cicerone tra storia e oratoria." In E. Narducci ed. *Cicerone. Prospettiva 2000. Atti del Symposium Ciceronianum Arpinas*, 105-25. Florence.
- Nisbet R. G. M. 1961. *In L. Calpurnium Pisonem Oratio*. Cambridge.
- North, H. F. 2002. "Sequar... divinum illum hominem... Platonem: Cicero, *De Legibus* 3.1." *ICS* 27: 133-43.
- Pangle, T. L. 1992. "Socratic Cosmopolitanism: Cicero's Critique and Transformation of the Stoic Ideal." *CJPS* 31.2: 235-62.
- Perelli, L. 1971. "L'Elogio della vita filosofica in *de re publica*, I, 26-29." *BStudLat* 7: 389-401.
- , 1990. *Il pensiero politico di Cicerone: tra filosofia greca e ideologia aristocratica romana*. Bibliotheca di cultura 170. Florence.
- Pocock, L. G. ed. 1926. *A Commentary on Cicero In Vatinius*. London.
- Pohlenz, M. 1931. "Cicero *De Re Publica* als Kunstwerk." In E. Fraenkel and H. Fränkel eds. *Festschrift R. Reitzenstein*, 70-105. Leipzig.
- Pöschl, V. 1936. *Römischer Staat und griechisches Staatsdenken bei Cicero: Untersuchungen zu Ciceros Schrift de republica*. Berlin.

- Powell, J. G. F. 1990. *Laelius, On Friendship and The Dream of Scipio*. Warminster.
- , 1994. "The *rector rei publicae* of Cicero's *De Republica*." *SCI* 13: 19-29.
- , 1995. "Introduction: Cicero's Philosophical Works and their Background." In J. G. F. Powell ed. *Cicero the Philosopher: Twelve Papers*, 1-35. Oxford.
- , 1996. "Second Thoughts on the Dream of Scipio." *Papers of the Leeds International Latin Seminar* 9: 13-27.
- and J. J. Paterson, eds. 2004. *Cicero the Advocate*. Oxford.
- , 2005. "Dialogues and Treatises." In S. J. Harrison ed. *A Companion to Latin Literature*, 223-40. Oxford.
- , 2006. *M. Tulli Ciceronis. De Re Publica, De Legibus, Cato Maior de Senectute, Laelius de Amicitia*. Bibliotheca Oxoniensis. Oxford.
- , 2012. "Cicero's *De Re Publica* and the Virtues of the Statesman." In W. Nicgorski ed. *Cicero's Practical Philosophy*, 14-42. Notre Dame, IN.
- , 2013. "Cicero's Reading of Plato's *Republic*." In A. Sheppard ed. *Ancient Approaches to Plato's Republic (BICS Supplement 117)*, 35-57. London.
- Prost, F. 2017. *Quintus Cicéron: Petit Manuel De La Campagne Électorale. Marcus Cicéron: Lettres À Son Frère Quintus I, 1 et 2*. Paris.
- Rackham, H. 1931. *Cicero: De Finibus Bonorum et Malorum*. Loeb Classical Library 40. Cambridge, MA and London.
- , 1951. *Cicero: De Natura Deorum, Academica*. Loeb Classical Library 268. Cambridge, MA and London.
- Rawson, E. 1985. *Intellectual Life in the Late Roman Republic*. Baltimore, MD.
- , 1989. "Roman Rulers and the Philosophic Advisor." In M. Griffin and J. Barnes eds. *Philosophia Togata: Essays on Philosophy and Roman Society*, 233-57. Oxford.
- Reitzenstein, R. 1924. "Zu Cicero De Re Publica." *Hermes* 59: 356-62.
- Remer, G. 2017. *Ethics and the Orator: The Ciceronian Tradition of Political Morality*.

Chicago.

Riggsby, A. M. 1999. *Crime and Community in Ciceronian Rome*. Austin, TX.

-----, 2002. "The *Post Reditum* Speeches." In J. May, ed. *Brill's Companion to Cicero: Oratory and Rhetoric*, 159-95. Leiden.

Robinson, A. 1993. "Cicero's References to His Banishment." *CW* 87: 475-80.

Ronconi, A. 1967. *Cicerone: Somnium Scipionis*. Firenze.

Roskam, G. 2007. *Live Unnoticed (Lathe Biosas): On the Vicissitudes of an Epicurean Doctrine*. Boston, MA and Leiden.

Rudd, N. and Wiedemann, T. eds. 1987. *Cicero: De Legibus I*. Bristol.

-----, trans., Powell, J. G. F. ed. 1998. *Cicero. The Republic and the Laws*. Oxford.

Sauer, J. 2013. "Dialog, Argument, und der implizite Leser in Ciceros staatsphilosophischen Schriften." In Föllinger and Müller, 173-97.

Schmidt, P. L. 1959. *Interpretatorische und chronologische Grundfragen zu Ciceros Werk de Legibus*. Diss. Freiburg.

-----, 1969. *Die Abfassungszeit von Ciceros Schrift über die Gesetze*. Rome.

-----, 1973. "Cicero 'De re publica.' Die Forschung der letzten fünf Dezennien." *ANRW* 1.4: 262-333.

-----, 1978. "Cicero's Place in Roman Philosophy: a Study of His Prefaces." *CJ* 74.2: 115-27.

-----, 2001. "The Original Date of the *De Re Publica* and the *De Legibus*." In J. G. F. Powell and J. A. North eds. *Cicero's Republic* (BICS Supplement 76), 7-16. London.

Schofield, M. 1995a. "Cicero's Definition of *Res Publica*." In J.G.F. Powell ed. *Cicero the Philosopher: Twelve Papers*, 63-83. Oxford.

-----, 1995b. "Two Stoic Approaches to Justice." In A. Laks and M. Schofield eds. *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy. Proceedings of the Sixth Symposium Hellenisticum*, 191-212. Cambridge.

- , 2008. "Ciceronian Dialogue." In S. Goldhill ed. *The End of Dialogue in Antiquity*, 63-84. Cambridge.
- , 2009. "Republican Virtues." In R. K. Balot, ed., *A Companion to Greek and Roman Political Thought*, 199-213. Malden, MA.
- , 2012. "The Fourth Virtue." In W. Nicgorski ed. *Cicero's Practical Philosophy*, 43-57. Notre Dame, IN.
- , 2013. "Writing Philosophy." In C. Steel ed. *The Cambridge Companion to Cicero*, 73-87.
- Schütrumpf, E. 1988. "Platonic Elements in the Structure of Cicero *De Oratore* Book 1." *Rhetorica* 6: 237-58.
- , 2014. "Cicero's View on the Merits of a Practical Life in *De republica* 1: What is Missing? A Comparison with Plato and Aristotle." *Etica & Politica* 17.2: 395-411.
- Sedley, D. 1989. "Philosophical Allegiance in the Greco-Roman World." In M. Griffin and J. Barnes eds. *Philosophia Togata: Essays on Philosophy and Roman Society*, 97-119. Oxford.
- , 2007. "Philosophy, the Forms and the Art of Ruling." In G. R. F. Ferrari ed. *The Cambridge Companion to Plato's Republic*, 256-83. Cambridge.
- Seager, R. 1972. "Cicero and the Word *Popularis*." *CQ* 22: 328-38.
- Shackleton Bailey, D. R. 1965. *Cicero's Letters to Atticus, Vol. 1*. Cambridge Texts and Commentaries. Cambridge.
- , 1999. *Cicero: Letters to Atticus, Volume II-III*. Loeb Classical Library 8 and 97. Cambridge, MA and London.
- , 2002. *Cicero: Letters to Quintus and Brutus, Letter Fragments, Letter to Octavian, Invectives, Handbook of Electioneering*. Loeb Classical Library 462. Cambridge, MA and London.
- Sharples, R. W. 1986. "Cicero's *Republic* and Greek Political Theory." *Polis* 5.2: 30-50.
- Smith, R. E. 1966. *Cicero the Statesman*. Cambridge.
- Stang, N. 1932. "Philosophia, philosophus bei Cicero." *SO* 11: 83-93.

- Steinmetz, P. 1989. "Beobachtungen zu Ciceros philosophischem Standpunkt." In W. Fortenbaugh and P. Steinmetz eds. *Cicero's Knowledge of the Peripatos*, 1-22. Rutgers, NJ.
- Stem, R. 2006. "Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought." *ROP* 68: 206-31.
- Steel, C. 2005. *Reading Cicero: Genre and Performance in Late Republican Rome*. London.
- , 2006. *Roman Oratory*. Cambridge.
- , 2009. Review of Ingo Gildenhard, *Paideia Romana: Cicero's Tusculan Disputations*. *Phoenix* 63.3/4: 406-08.
- , 2013a. "Structure, Meaning and Authority in Cicero's Dialogues." Föllinger and Müller, 221-34.
- , 2013b. "Introduction." *The Cambridge Companion to Cicero*, 1-6. Cambridge.
- , 2014. Review of Yelena Baraz, *A Written Republic: Cicero's Philosophical Politics*. *Gnomon* 86: 646-47.
- Stevenson, T. 2005. "Readings of Scipio's Dictatorship in Cicero's *De Re Publica* (6.12)." *CQ* 55: 140-52.
- Stroh, W. 1975. *Taxis und Taktik. Die advokatische Dispositions Kunst in Ciceros Gerichtsreden*. Stuttgart.
- , 2008. *Cicero: Redner, Staatsmann, Philosoph*. München.
- Stroup, S. C. 2010. *Catullus, Cicero, and a Society of Patrons: The Generation of the Text*. Cambridge.
- Stull, W. 2011. "*Deus ille noster*: Platonic Precedent and the Construction of the Interlocutors in *De oratore*." *TAPA* 141.2: 247-63.
- Subacus, M. 2015. *Duae Patriae: Cicero and Political Cosmopolitanism in Rome*. Diss. New York.
- Sullivan, F. A. 1941. "Cicero and Gloria." *TAPA* 72: 382-91.
- Syme, R. 1939. *The Roman Revolution*. Oxford.

- Takahata, T. 1999. "Politik-Philosophie-Rhetorik in *cum dignitate otium* Ciceros." *ClassStud* 16: 60-97.
- Theiler, W. 1930. *Die Vorbereitung des Neuplatonismus*. Problemata. Forschungen zur Klassischen Philologie 1. Berlin.
- Van der Blom, H. 2010. *Cicero's Role Models: The Political Strategy of a Newcomer*. Oxford.
- Vasaly, A. 1993. *Representations: Images of the World in Ciceronian Oratory*. Berkeley and Los Angeles.
- , 2013. "The Political Impact of Cicero's Speeches." In C. Steel, ed., *The Cambridge Companion to Cicero*, 141-59.
- Weische, A. 1970. "Philosophie grecque et politique romaine dans la partie finale du *Pro Sestio*." *BAGB*, 483-88.
- Westman, R. 1980. *M. Tulli Ciceronis. Scripta quae manserunt omnia. Fasc. 5: Orator*. Bibliotheca Teubneriana. Leipzig.
- Wirszubski, Ch. 1954. "Cicero's *Cum Dignitate Otium*: a Reconsideration." *JRS* 44: 1-13.
- Wood, N. 1988. *Cicero's Social and Political Thought*. Berkeley and Los Angeles.
- Woodman, A. 2012. *From Poetry to History: Selected Papers*. Oxford.
- Woolf, R. 2015. *Cicero: The Philosophy of a Roman Skeptic*. New York.
- Zarecki, J. 2014. *Cicero's Ideal Statesman in Theory and Practice*. London and New York.
- Zetzel, J. E. G. 1995. *Cicero: De Re Publica. Selections*. Cambridge.
- , 1996. "Natural Law and Poetic Justice: A Carneadean Debate in Cicero and Virgil." *CP* 91.4: 297-319.
- , 1998. "*De Re Publica* and *De Rerum Natura*." In P. Knox and C. Foss eds. *Style and Tradition: Studies in Honor of Wendell Clausen*, 230-47. Stuttgart and Leipzig.
- , 1999. *Cicero: On the Commonwealth and On the Laws*. Cambridge.

- , 2001. "Citizen and Commonwealth in *De Re Publica* Book 4." In J. G. F. Powell and J. A. North eds. *Cicero's Republic* (BICS Supplement 76), 83-97. London.
- , 2003. "Plato with Pillows: Cicero on the Uses of Greek Culture." In D. Braund and C. Gill eds. *Myth, History, and Culture in Republican Rome: Studies in Honour of T. P. Wiseman*, 119-38. Exeter.
- , 2011. Review of S. C. Stroup, *Catullus, Cicero, and a Society of Patrons: The Generation of the Text*. *ExClass* 15: 381-88.
- , 2013. "Political Philosophy." In C. Steel ed. *The Cambridge Companion to Cicero*, 181-95.
- Ziegler, K. 1969. *M. Tulli Ciceronis Scripta Quae Manserunt Omnia. Fasc. 39. De Re Publica*. Bibliotheca Teubneriana. Stuttgart and Leipzig.
- Zoll, G. 1962. *Cicero Platonis Aemulus. Untersuchung über die Form von Ciceros Dialogen, besonders von De oratore*. Zürich.

Curriculum Vitae



