

XVII.—Cicero and Dicaearchus

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Among the writers of the Hellenistic period whose works have been lost the Peripatetic, Dicaearchus of Messene, has a prominent place. Recently it has once more been maintained that Cicero's theory of the mixed constitution and much of the first book of his *Republic* is derived from Dicaearchus.¹ But little survives of his work except a few tantalizing fragments. Of these twenty-four are found in the works of Cicero who, nevertheless, makes no mention of Dicaearchus in the *Republic* and refers to him but once in the *Laws*.² On the other hand, we note that in the *Republic* Panaetius is cited twice, Polybius three times and Plato nine times, in addition to the fourteen occasions on which he is quoted in the *Laws*.³ Since it may be argued that such statistical details are not of great significance, it is the purpose of this paper to examine the importance of Dicaearchus in relation to Cicero's thought, with especial reference to his political theory.

What do we know of Dicaearchus? He was a voluminous writer whose works embraced history, both cultural and literary, biography, geography, philosophy, music, mythology and biology,⁴ and who exerted considerable influence on Eratosthenes, Panaetius, Posidonius and Cicero. The greatest importance of his work, however, would seem to rest on the fact that his writings provided

¹ By T. A. Sinclair, *History of Greek Political Thought* (London 1952) 251, 284.

² Cicero refers to him ten times in letters (fr. 4, 18a, 20, 25, 27, 28, 67–70); six times in the *Tusculans* (fr. 8c–e, 9, 43) of which five refer to Dicaearchus' denial of the immortality of the soul; four times in *De divinatione* (fr. 14–17); once in the *Academica Priora* (fr. 8f), *De officiis* (fr. 24) and *Laws* (fr. 67). Of them all only seven refer, even vaguely, to Dicaearchus' political theory or to titles of political works (fr. 25, 27, 28, 67–70).

In this paper all references to the fragments are cited from the edition of F. Wehrli, *Dikaiarchos* (Basel 1944), the first volume in the series 'Die Schule des Aristoteles.'

³ Panaetius: *Rep.* 1.10.15, 1.21.34. Polybius: *Rep.* 1.21.34, 2.14.27, 4.3.3. Plato: *Rep.* 1.10.16, 1.14.22, 1.17.29, 1.42.65, 2.1.3, 2.11.22, 2.29.51, 4.4.4, 4.5.5; *Leg.* 1.5.15, 1.21.55, 2.3.6, 2.6.14, 2.7.16, 2.15.38, 2.16.41, 2.18.45, 2.27.67, 2.27.69, 3.1.1, 3.2.5, 3.6.14, 3.14.32.

⁴ See E. Martini in *RE* 5.546 ff., based on A. Buttmann, *Quaestiones de Dicaearchone ejusque operibus quae inscribuntur flos* 'Ελλάδος et 'Αναγραφή 'Ελλάδος (Naumburg 1832); also fr. 1, 5, 18, 23, 37, 49, 69, 70, 75, 94.

a store of material for the cultural history of the ancient world, that his βίος 'Ελλάδος prompted several similar works,⁵ while the *Tripoliticus* was the first work to define and examine in detail the theory of the mixed constitution. His works were quoted by a wide range of writers throughout antiquity, including Cicero who is loud in his praises, except when he refers to Dicaearchus' lamentably materialistic opinions on the mortality of the soul.⁶

Now as Cicero tends to extravagance of language we could not on these grounds alone assume that Dicaearchus had influenced him greatly. In December of 60 he wrote to Atticus (*Att.* 2.2) that he has a "pile of Dicaearchus" (*magnum acervum Dicaearchi*) at his feet. There is no reason to suppose that Cicero was not well acquainted with his works, although he was not above striking a pose, especially to Atticus who knew him so well. Indeed, there was much in Dicaearchus' attitude to life and letters that would recommend him to his Roman admirer. He was learned, eloquent, and a stylist.⁷ In treating of the historical development of Greece he did not neglect its cultural aspects. He was, moreover, a practical man with no use for the philosopher who disdained to take part in politics (fr. 25). Rather his ideal citizen was Socrates to whom philosophy was a practical way of life (fr. 29), and the burden of his teaching was that philosophy was no bar to a political career.⁸ This viewpoint would obviously appeal to Cicero who not only treated of the orator as the cultured man *par excellence* in his *De oratore*, but who also tried in his political writings and, so he believed, in his political career to recapture the ideal of the orator-statesman which he believed to be characteristic of Greece in the fifth and fourth centuries B.C.⁹

⁵ Among them probably Varro's *De vita populi Romani*; see also fr. 48, 51. For his influence on Panaetius see Cicero, *Fin.* 4.28.79; on Posidonius see A. Schmekel, *Philosophie der Mittleren Stoa* (Berlin 1892) 454; on Cicero and Plutarch see R. Hirzel, *Der Dialog* (Leipzig 1895) 2.208.

⁶ Fr. 7, 8 d, e and f, 9.

⁷ See *Att.* 6.2.2, 2.12.4; *Tusc.* 1.18.41; *Off.* 2.5.16. It is worth noting that Cicero is the only writer to cite the *περὶ ἀνθρώπων φθορᾶς* (fr. 24) and that the *Tripoliticus* is named only by him (fr. 70), in a letter where he mentions a letter to Aristoxenus which is otherwise unknown, and by Athenaeus (fr. 72).

⁸ See M. Pohlenz, *Die Stoa* (Göttingen 1949) 1.261, and W. Jaeger, *SB Berl.* 1928, 412 ff.

⁹ *De orat.* 3.16.59; *Leg.* 3.1.14; cf. also *Brut.* 14.53 ff., 87.298, 93.322. The concept of the orator-statesman was first enunciated by Gorgias and developed by Isocrates. See G. L. Hendrickson, "The Origin and Meaning of the Ancient Characters of Style," *AJP* 26 (1905) 249.

When, however, we attempt to determine specific examples of Cicero's debt to Dicaearchus, we are hampered by a lack of material on which to base any really positive conclusions. All we know of Dicaearchus' political theory is derived from a few fragments of the *βίος Ἑλλάδος* and the *Tripoliticus*. The former work, which was in three books (fr. 1), sketched the evolution of mankind, tracing history from the golden age of Kronos, when the earth produced her fruits untilled, and men were untroubled by acquisitive desires, so that war and strife were unknown (fr. 47–50). He gave some account of primitive forms of society before men organized into city states (fr. 52), touching on Greek mythology, geography and antiquities as well as certain oriental cultures (fr. 55–58). He seems to have inclined to an Hesiodic interpretation of human development, believing that men had progressively degenerated. But we have little information about the arrangement of the work. The opinion of Buttmann, expressed over a century ago, is as reasonable and as incapable of proof, as any: that the first book dealt with general and possibly comparative history, while the others contained a description of Greece, with an account of the customs and institutions common to the several states, which maintained the superiority of the Greek to all other cultures.¹⁰ Our knowledge of the *Tripoliticus* is even scappier. From the title it is reasonable to infer, with Osann, that it contained an account of his political theory which later writers termed the *εἶδος Δικαιοκρατικόν*.¹¹ This type of constitution was a combination of the three best forms of state, monarchy, aristocracy and democracy. Such an idea was not, of course, a new one. Discussion of the various kinds of state had been mooted as early as Herodotus (3.80 ff.). Plato in the *Laws* (3.692, 4.712D) had briefly approved of the Spartan mixed state. Aristotle called his polity a "mixture of oligarchy and democracy," but was severely critical of the Spartan constitution (*Pol.* 4.1293B). According to Osann's probable hypothesis,¹² it was left to Dicaearchus to revive the hints contained in the *Laws* and to elaborate

¹⁰ See above (note 4) 7–12, 40. But contrast C. Müller's introduction to his edition of the fragments, *FHG* (Paris 1848), 2.229 and Martini's opinion in *RE* on their authenticity.

¹¹ So Photios (fr. 71). See F. Osann, *Beiträge zur griechischen und römischen Literaturgeschichte* (1839) 2.8 ff., Martini, *RE* 5.550 and F. Solmsen in *Philologus* 88 (1933) 338 and notes.

¹² See above (note 10); also E. Zeller, *Philosophie der Griechen*, 3 *Auf.* (Leipzig 1879) 2.2.893 and note 1.

them in his *Tripoliticus* which was written both from a theoretical and practical standpoint, since it ended with a sketch of the Spartan constitution as the best extant.

Cicero seems to follow a similar method of procedure in the *Republic* where Scipio, defining the ideal constitution, describes it as *quantum quoddam genus rei publicae . . . moderatum et permixtum tribus* (1.29.45; cf. 2.39.65). But it is discovered at the end of the first book (1.46.70), *mirabile dictu!* that the old Roman constitution was, after all, the best in the world, so that Scipio, using this government as a pattern, will fit to it, as far as possible, all that he has to say about the ideal state (cf. 2.11.21–2, 2.16.30, 2.30.52, 2.39.66; *Leg.* 2.10.23). Now, it would be quite reasonable to suppose that Dicaearchus did treat the Spartan constitution in such a manner. But we do not know. As far as our evidence goes Dicaearchus, on the contrary, may have discussed the ideal constitution at length and added his description of the Spartan as an example of the best extant, instead of disingenuously starting as Cicero does with the Roman constitution and adapting his ideal theory to the real state. We must remember also that once Cicero proceeds to sketch the evolution of Rome he follows “Cato’s precedent” (2.1.3), presumably that of the *Origines*, and proudly asserts the superiority of the native constitution as being the work not of a single individual genius, but of many minds in many ages.¹³ All we can safely say then is that Cicero may first have come across the theory of mixed constitutions in Dicaearchus.

But there are no specific allusions to Dicaearchus in the *Republic*. He is mentioned once in the *Laws* (3.6.14) together with Academics and other Peripatetics (Plato, Aristotle, Heraclides, Theophrastus and Demetrius) as one of the writers who did not disdain to treat of politics in a practical manner. Cicero proposes to draw on these writers in dealing with the functions of the magistrates. He will for the moment dismiss the Stoics whose discussions were (except those of Panaetius and Diogenes) too theoretical for his present purpose.

Now since the *Laws* was intended as a sequel to the *Republic* (*Leg.* 1.15.20; 2.14.23: 3.4.12) the implication of the passage is surely plain; that in general the theory of the *Republic*, in so far as

¹³ It is possible that Cato, who knew Greek, derived his “biological” interpretation of Roman history from Dicaearchus. On this see V. Pöschl, *Römisches Staat und griechisches Staatsdenken bei Cicero* (Berlin 1936) 25.

it is derived, stemmed from Panaetius and Polybius as he hints in the first book (1.21.34).¹⁴ This does not mean to say that the eclectic Panaetius was not familiar with Dicaearchus' works. "Panaetius," so Cicero tells us (*Fin.* 4.28.79) "was always quoting Plato, Aristotle, Xenocrates, Theophrastus, and Dicaearchus, as his works make plain." But this fact does not help us much. If Polybius' well known account of the balanced Roman constitution (6.3-9) was prompted by Dicaearchus, as Sinclair believes,¹⁵ either directly or through conversation with Panaetius in the Scipionic Circle, we are still not clear as to what precisely was the nature of the *εἶδος Δικαιαρχικόν*. In what way did this "fusion" differ from Aristotle's middle-class polity? How much did it actually owe to Plato? Even if any certain answer to these questions is possible, before we can estimate Cicero's debt to Dicaearchus, it is first necessary to take into account his purpose and method in writing.

Cicero was not especially concerned with Greek political theory *per se*; his object was to glorify the Roman constitution, a system which depended to a far greater extent than any Greek on personal rule and personal influence. In so doing he was at the same time, consciously or not, making an apology for his own political career. Starting with the preconceived opinion that the Roman state, as governed by the *optimates*, was best, he was trying to fit or force Greek political theory into Roman practice, to create for Roman tradition a respectable ancestry which it could not honestly claim. Much of what he has to say, therefore, is original, if not with Cicero, at any rate in the sense that it reflects the conservative opinion of the Roman aristocracy and middle classes rather than Greek theory.

¹⁴ With our present evidence any positive conclusion as to the precise relationship between Panaetius and Polybius seems hazardous. The general opinion, however, of scholars is that Polybius applied the teaching of Panaetius to actual history. So Schmekel (above note 5) 64 ff.; Hirzel (above note 5) 2.841 ff.; G. Galbiati, *De fontibus M. Tullii Ciceronis librorum qui manserunt de re publica et de legibus quaestiones* (Milan 1916) 17-25, 39-40, 96-7, 307-33; R. Scala, *Studien des Polybios* (Stuttgart 1890); R. Reitzenstein, *Ciceros Staat und das Principat des Augustus*, *GöttNachr* 1917; C. Hintze, *Quos scriptores Graecos Cicero in libris de re publica componendis adhibuerit* (Halle 1900) 39 ff. But see below, 230. It is certainly debatable whether Polybius was a Stoic. E. Schwartz, *Charakterköpfe aus der antiken literatur* (Berlin 1912) 1.75 believes he was. This is the view also of F. Walbank, *CQ* 37 (1943) 85, 88. E. Kornemann "Zum staatsrecht des Polybios" (*Philologus* 86, 1931) builds up a fantastic theory of the revision of the sixth book of the *Republic* on the strength of the reference 1.21.34.

¹⁵ Above (note 1) 271. Sinclair admits (note 3, 270) that Polybius does not mention Dicaearchus.

Cicero himself implies this in the first book of his *Republic* (1.22.36) when he expresses dissatisfaction with the works which have come down from the "greatest and wisest" men of Greece. In this connection he is probably thinking especially of Plato's *Republic*, but as he had mentioned Panaetius and Polybius two chapters earlier we are justified in including them. Cicero, therefore, was ready to quote a Greek authority, whenever it suited his purpose, to lend persuasiveness to his theme, but would not hold himself bound to follow in detail the theory of any single writer.¹⁶ As he wrote to Quintus (2.12.1) the work was *spissum sane opus, et operosum*, unlike many of his later philosophical works for which, he confessed to Atticus (12.52.2), he merely provided words "in abundance."

Small wonder then that the source-problem of the *Republic* and *Laws* is complicated.¹⁷ We may summarize our position thus. Formally the two dialogues are modelled after Plato's works, and contain several passages which are brief paraphrases of their originals.¹⁸ They contain also many commonplaces which Cicero may have acquired in the course of his wide reading, but which may simply be, and more probably are, the reflections of his own common sense or innate conservatism and desire for order at all costs.¹⁹ In

¹⁶ Even in the *De officiis* where his debt to Stoicism is plain, he demands complete freedom of approach (see *ibid.* 1.2.6). We may also note that such eclecticism is what we might expect from one who acknowledged as his teachers men of such divergent views as Diodotus, Philo, Antiochus and Posidonius: see *N.D.* 1.3.6.

¹⁷ On the confusion of sources generally see M. Pohlenz, *Festschrift für R. Reitzenstein* (Leipzig 1931) 105 ff.

¹⁸ So *Rep.* 1.43.66 (Plato, *Rep.* 562c-563e), 1.40.62 ff. (Plato, *Pol.* 298-299), 3.17.27 (Plato, *Rep.* 2.361-62); *Leg.* 2.27.67-68 (Plato, *Leg.* 12.958d-e). But note that despite borrowings from the *Phaedrus* (245c-e) in the *Somnium Scipionis* (*Rep.* 6.25.27-26.28) the sources of this part of the *Republic* are manifold. On this see M. Schanz, *Geschichte der römischen Litteratur* (Munich 1909) 3 *Auf.* 1.2.345.

¹⁹ Cicero's discussion of the monarchical principle provides a good example of such a commonplace. He sees the need for *quiddam in re publica praestans et regale* (*Rep.* 1.45.69) which he later (2.32.56) identifies with the consulate. Where did Cicero gain this preference for monarchy which Scipio expresses (*Rep.* 1.35.55 ff.)? The view that monarchy was the best form of government was a commonplace of Hellenistic thought; see E. R. Goodenough, "The Political Theory of the Hellenistic Kingship" (*YCS* 1 [1928] 55-102). He may first have learned of the theory from the Stoics, Polybius, Antiochus or Stilo. Yet the passage is so closely reminiscent of Isocrates' *Nicocles* (26) that we must conclude that Cicero had the latter work in mind if not actually open before him when he wrote the *Republic*.

But a second question arises. Did Cicero ever intend to introduce the monarchical principle into his ideal state through the *gubernator*, or *rector civitatis* (2.29.51)? And if so, was his proposal prompted merely by the anxiety of a patriot (and a man of property) living in an anarchic age, or was it suggested by some earlier source? Scholars

addition, we know, on Cicero's own authority, that he drew on Polybius and Panaetius. But to what extent? I am inclined to suspect that the Stoic contribution to political theory is less important than we have often been given to understand,²⁰ and that Panaetius' contribution to Ciceronian thought was mainly concerned with moral leadership and the conduct and deportment of the Roman gentleman in theory and practice.²¹ On turning to Polybius we are on firmer ground since part of his writings are extant. We note that in 6.47 he regards the classic Spartan state, with its balanced constitution of kings, elders and people as an efficient machine as long as the aim of a state is to preserve its independence and secure private property. This account Sinclair believes to be derived from Dicaearchus.²² If we accept this view, we may trace the line of descent straight to Cicero who was intent, as Cochrane acidly observed, to make the world safe for private property.²³ But, then, Cicero may simply be expressing the some-

can come to no agreement. G. H. Sabine and S. B. Smith, *Cicero on the Commonwealth, Translated with an Introduction and Notes* (Columbus 1929) 97-8, doubt whether Cicero ever considered the concept of the ideal statesman as a practical contribution to Roman politics. R. Heinze, *Vom Geist des Römerturns* (Leipzig 1938) 145-6, takes a similar view. E. Meyer, *Caesars Monarchie und das Principat des Pompeius* (Stuttgart 1922) 184, believes the concept stemmed from Plato's *Politicus* and that while Scipio Africanus was the historical archetype Cicero had Pompey in mind as *gubernator*. C. N. Cochrane, *Christianity and Classical Culture* (Oxford 1944) 59 ff., also argues that Cicero's proposal was put forward in all seriousness, and quotes the letter to Atticus (12.11) to support this thesis. Considering the political situation when Cicero wrote the *Republic* we may perhaps be justified in consigning the *gubernator* to the realm of wishful thinking rather than to the sphere of practical politics.

²⁰ See, for example, M. Pohlenz (above note 8) 191-207, 257-63, who draws freely on *Rep.* 1 for Panaetius. Contrast the collection of M. van Straaten, *Panētiūs* (Amsterdam 1946) who only includes fragments which Cicero expressly refers to Panaetius.

²¹ Cicero probably derived his theory of cosmic justice from the Stoics, with additions from Plato; but when attempting to define the relation of natural justice to justice in the state he is forced to dispense with theory and dogmatically assert that only in the Roman state was found that *incredibilis quaedam et divina virtus* (*Rep.* 3.3.4). In the *Laws* justice turns out to be an attribute of the state as embodied in the *mos maiorum* (2.10.23). It is not a philosophic principle, but a spirit implicit in Roman custom, law, tradition and morality (cf. *Rep.* 1.2.3, 1.25.39; *Leg.* 2.5.12; *Off.* 3.17.68) so that any action which contravenes the *mos maiorum* is contrary to natural law. If Schmekel is correct in maintaining that Panaetius taught a summary of Platonic and Aristotelian theories which he had in turn derived from Dicaearchus, we must confess that there is considerable probability that the latter's teaching suffered a profound change at Cicero's hands. How much of Plato's political philosophy could we deduce from Cicero's account, despite his many references to the Greek? On Dicaearchus see Schmekel (above note 5) 64 ff.

²² See above (note 1) 270.

²³ See above (note 19) 45. Cf. *Off.* 2.21.73 quoted by Sinclair.

what wishful thinking of a conservative man of property who lives in an anarchic age. In any case, if Cicero did apply this hypothetical theory of Dicaearchus to the Roman state, we must admit that the parallel of Rome and Sparta was forced, since the third element in the mixed constitution of Rome had little, if any, property at all. At the risk of seeming to labour the point we must repeat that in Cicero's hands the theory of the balanced constitution, whatever it may have been in Dicaearchus, has been woefully distorted. The Roman constitution, as Cicero describes it, is not balanced. It is, in fact, an aristocracy, possessing what Cicero calls "a sort of equality" *aequabilitatem quandam*, which will ensure stability, a stability by which "every citizen is firmly established in his own station" (*Rep.* 1.45.69), to accord with (or justify) Cicero's curious conception of justice.²⁴

The theory of constitutional cycles is similarly distorted by the careless, or possibly disingenuous, Cicero. The fairly straightforward accounts which we have in Plato (*Rep.* 545c ff.) and Polybius (6.5.4. ff.) are so confused in his *Republic* (1.29.45 ff.) that Sabine and Smith, who consider that Cicero's version stems from Polybius, are forced to admit that Cicero modified the theory to accord with his own account of the evolution of Rome.²⁵

This last example has been cited because it gives clear warning that we should not place too much trust in Cicero's evidence when he has an axe to grind, as he generally has. It is idle to reproach him for mishandling his sources. His own avowed purpose was not to give an account of Greek political theory but to state as cogently as possible Rome's claim to have the best of all possible constitutions. In so doing, as an orator he was concerned primarily to choose material that might lend force to his argument and (dare we add?) possibly to impress his readers by an imposing array of authorities. But as a Roman Cicero would be the first to confess that authorities, no matter now eminent, were inferior to

²⁴ In the *Laws* he is even more specific. The tribunes are to revert to their former role of ministers of the Senate's authority which is to be paramount (3.10.25). There will be no secret ballot (3.3.10) since the people never desired it when they were free (3.15.34). (An astonishing definition of freedom!) In turn, the Senate, conscious of its political and social responsibilities, must set itself up as the model of conduct for the rest of the state (3.12.28).

²⁵ See above (note 19) 59 ff. This is also the view of F. Cauer, *Ciceros politisches Denken* (Berlin 1903) 67 ff., and of F. Taeger, *Die Archaeologie des Polybius* (Stuttgart 1922) 14 ff. and 69 ff.

the majesty of the Roman Republic which had evolved through the genius of its own people and which needed no justification by foreign political theory.²⁶

We may conclude, therefore, that except when Cicero expressly acknowledges his debt to others, it is hazardous to argue that a specific passage derives from any particular author. At the most, we may concede that Cicero, directly or indirectly, first obtained the theory of the mixed constitution from Dicaearchus, but that his application of this theory was to a great extent original, owing little to his reading in Dicaearchus. This would appear to be the only safe conclusion when we consider how commonplace in political theory was the balanced constitution. The conservatism of Wehrli in refusing to accept as authentic any fragment of Dicaearchus that is not specifically assigned to his writings by an ancient authority is thoroughly justified. Therefore, the ascription to Dicaearchus of any considerable debt on the part of Cicero must, with the present evidence at our disposal, rest merely on personal opinion.

²⁶ For Cicero's originality see C. W. Keyes, "Original Elements in Cicero's Ideal Constitution," *AJP* 13 (1921) 309-23. For examples of Roman political genius see *Rep.* 2.34.59; *Leg.* 2.10.23; *Off.* 3.17.68 ff.