

## XVI.—Cicero and Roman Imperial Policy

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Cicero's observations and comments on Roman imperialism have provoked both mordant criticism and intemperate praise according as the individual commentator has been impressed by Cicero's generally laudable ideals, or angered by his indecision, some would say cowardice, in the sphere of practical politics. So, Cauer once contemptuously dismissed Cicero's political theory with the gibe: "They [the Romans and the British] fight only for Right, Morality, Culture and other fine things."<sup>1</sup> By contrast, Conway had nothing but admiration for Cicero's burning love of justice, his concern for the rights of provincials, and his grand conception of a protectorate system of government, even though in the same article he condemned the greed, avarice, extortion, and bloody imperialism which disfigured the last century of the Roman Republic.<sup>2</sup> Certainly, on first sight Cicero's judgment in *De Officiis* on certain contemporary Roman imperialists, especially Caesar, is highly critical. But had this always been his considered opinion? More important, was this judgment based entirely on moral grounds, as he sincerely believed, or was it conditioned, partly at least, by political animus, when he saw his last hope of saving the republican system blighted by Caesar's dictatorship? In considering this problem we shall find that Cicero displays his usual blend of mixed motives — sound common sense and fervent patriotism, weakened by conceit and narrow partisan feeling.<sup>3</sup> Before we can pass judgment on Cicero's attitude towards Roman expansion and imperial policy, however, it is first necessary to summarize his theory of the obligations of government and to note his more important observations on Roman practice in the past.

To Cicero the common bonds of society are *iustitia* and *benevolentia* (*Off.* 1.20; cf. *Leg.* 1.28; 1.33).<sup>4</sup> Since men are not born for

<sup>1</sup> F. Cauer, *Ciceros politisches Denken* (Berlin 1903) 64.

<sup>2</sup> R. S. Conway, *Makers of Europe* (Cambridge 1931) 33–35.

<sup>3</sup> See H. Holden's edition of the *De Officiis* (Cambridge 1869) Intro. 30–31.

<sup>4</sup> All references to the *De Officiis* are in Miller's Loeb edition; to the *Republic* and *Laws* in Keyes' edition in the same series.

themselves alone, it is their duty to take nature as their guide in contributing to the general good by giving and receiving kindnesses and by using their talents to bind human society more closely together (*Off.* 1.22; cf. *Fin.* 2.45). "By nature," he declares in the *Laws* (1.43; cf. 1.35), "we are disposed to love mankind, and this is the foundation of the law." It follows that the basis of justice is *fides*, fidelity to agreements, since without it society cannot function. The great barriers to *fides* are avarice and ambition for power, the second of which is especially apt to lead to tyranny, the peculiar vice of "the greatest souls and most brilliant geniuses." As Ennius once said: "nulla sancta societas, Nec fides regni est" (*Off.* 1.24-26).<sup>5</sup>

In the political sphere, likewise, good government must rest on a solid foundation of mutual confidence between governor and governed. The ruler must look to the welfare of the whole body politic, not to that of any single party (*Off.* 1.85; cf. *Rep.* 5.8 after Plato, *Rep.* 341c ff.). Nor can any government be worthy of the name, unless it aspires to perfect justice, the natural goal of society (*Rep.* 2.70). It should be the ambition of the statesman, while keeping this final end in mind, "to increase the resources of the human race" and "to make the life of mankind safer and richer" (*Rep.* 1.3). It naturally follows that war can only be justified, if undertaken to maintain *fides* or national security (*Rep.* 3.34-35; cf. *Off.* 1.35). The Roman empire, he claims, evolved as a result of Rome's defence of her allies, and is justified on these grounds.<sup>6</sup> It is a protectorate — *patrocinium orbis terrarum* (*Off.* 2.27).

<sup>5</sup> There is, of course, no objection to private property, provided that it can be acquired without harming anyone. Indeed, one of the objects of justice (*Off.* 1.20) is to ensure "ut communibus pro communibus utatur, privatis ut suis." See J. Vogt, *Ciceros Glaube an Rom* (Stuttgart 1935) 89-92, who elaborates on *fides et iustitia* as the basis of Roman rule.

<sup>6</sup> It is disputed whether Cicero was the first to attempt some formal justification of Roman imperialism. The closest Polybius comes to tackling the problem in his extant works is in 36.9 (37.1) where he gives opinions current in Greece with reference to Rome's treatment of Carthage (36.2). Opinions differ as to whether the Greek philosophers advanced abstract justifications of imperialism. W. Capelle, "Griechische Ethik und römischer Imperialismus," *Klio* 25 (1932) 86-93 argues that the discussion between Philus and Laelius in Book 3 of the *Republic* represents the opinions of Carneades and Panaetius respectively, and that the latter prevailed in Rome. See also J. Kaerst, "Scipio Aemilianus, die Stoa und der Prinzipat," *NJbb* 5 (1929) 653-75. K. Sprey, *De M.T. Ciceronis Politica Doctrina* (Amsterdam 1928) 23-52 compares the argument in *De Rep.* 3 with similar arguments in *De Leg.* 1 and *De Off.* 3 to support his belief in their derivation from Panaetius. W. Nestle, "Politik und Moral in Altertum,"

So much for theory. When, however, we consider his more specific statements on Roman policy, we find that Cicero's practice falls far short of his ideals. We may readily admit that he does show a lively concern for provincial welfare, even though we must confess that Conway was somewhat ingenuous in praising Cicero's speech on the Manilian Law as the first attempt to support the grant of special powers on the grounds of provincial interests.<sup>7</sup> We cannot, in fact, place too much reliance on evidence from the speeches. The *Verrines* and the *Pro Lege Manilia* naturally emphasize the concrete advantages of empire to Rome and the consequent necessity of keeping the allies contented by sound administration and impartial courts of law.<sup>8</sup> But the impassioned eloquence of his condemnation of Verres is (like that of Piso later) matched by equally fervent pleas on behalf of Flaccus, Fonteius, and Scaurus whose guilt seems just as certain, even if less flagrant.<sup>9</sup> The evidence for his real sentiments is to be found, if anywhere, in the treatises and the letters, especially the famous first letter to Quintus on the duties of a provincial governor.<sup>10</sup> Here Cicero can write what he sincerely believes.

*NJbb* 41-42 (1918) 237-42 argues that Carneades' viewpoint prevailed. His contention has received little support.

O. Seel, *Römischer Denker und römischer Staat* ("Neue Wege zur Antike" 1 Reihe 13 [Leipzig 1937]) 68 distinguishes two lines of thought: that of those who accepted imperialism as the moral law of fate, the line of descent being Heracleitus, Poseidonius, Sallust, Horace, Tacitus: that of those who deriving their theory from Plato and Dicaearchus (i.e. Panaetius, Cicero, Lucan, Seneca) sought justification in Roman Law. Since our knowledge of the third and second century theorists is sketchy, we may be content to remark, with Sir Roger de Coverley, "Much might be said on both sides."

<sup>7</sup> See above (note 2) 35. Miss E. M. Sanford, "Romans and Provincials in the Late Republic," *CW* 42 (1949) 195-201 contrasts Cicero's ideal of a just protectorate with the picture that his speeches give of maladministration. On corruption see also the same writer's "Roman Avarice in Asia," *Journal of Near Eastern Studies* 9 (1950) 28-36; also R. O. Jolliffe, *Phases of Corruption in Roman Administration* (Menasha, Wis. 1919).

<sup>8</sup> Cf. *Div. in Caec.* 7-8; 26; 66-69; *Verr.* 2.3.94; 2.3.207; *Pro L.M.* 4-7; 14 ff.; 36-42. See *Div. in Caec.* 17-18 (cf. 66) for the idea that the extortion law is the foreigner's "charter of rights."

<sup>9</sup> It is to be noted that Miss L. R. Taylor, *Party Politics in the Age of Caesar* (Berkeley 1949) 112-16 observes that by his successful prosecution of Verres Cicero probably obtained his opponent's seniority rights in the Senate. See *ibid.* 102-3 for her estimate of Cicero's mixed motives in leading the prosecution. Miss Sanford (above, note 7) 201, who quotes *Att.* 7.13.1, argues that Piso's guilt was confined to "shielding the provincials from the exactions of Roman capitalists," and observes (*ibid.* 198) that Cicero approved the acquittal of Aquilius because of his excellent military service, though he was plainly guilty of extortion; see *Pro Flacc.* 98.

<sup>10</sup> Yet even in this letter Cicero is anxiously aware of party politics and is most concerned that his brother, whose temper was hasty and manner brusque, should not

Certain conclusions emerge from an examination of this evidence. In case of any conflict of interests Rome naturally must have first consideration. So, Cicero did not scruple to hand the province of Macedonia over to the tender care of Antonius, his colleague in the consulship, doubtless with the object of making him more amenable to his own policy.<sup>11</sup> As proconsul of Cilicia he was irked by his absence from the capital at a critical period in the fortunes of the state (*Att.* 5.15.1; cf. *ibid.* 5.21.3; 6.2.6). When it was rumoured that he might be sent to Sicily by the Pompeians, to avoid such a misfortune he was prepared, if necessary, to surrender his *imperium* (and thus forego the possibility of a triumph) by entering Rome (*Att.* 7.7.4). Such an attitude is only to be expected from one to whom party politics were his very life. More significant is the fact that he takes for granted the impossibility of any system except one in which Rome will continue to rule the nations.<sup>12</sup> His attitude is paternalistic. Originally, Rome's right to rule depended on the moral character of her leaders and the justice of her constitution (*Rep.* 5.1); she has retained her predominance because, according to the Aristotelian maxim, natural justice demands the rule of the "best" over the weak for the benefit of the latter (*ibid.* 3.37).<sup>13</sup>

It is not surprising, therefore, that in his speeches there are often suggestions, if not of racial bias, at least of a certain consciousness of superiority. Many of these we may perhaps discount as being an appeal to the prejudices of his listeners. Some also we may

alienate the *publicani*, though Marcus confesses that to reconcile good government with the demands of the financiers may well require *divina quaedam virtus* which, of course, Quintus possesses (*ibid.* 1.11.33).

<sup>11</sup> "Ego Antonium conlegam cupidum provinciae, multa in republica molientem patientia atque obsequio meo mitigavi" (*Pis.* 5); cf. *Cat.* 4.23; *Att.* 2.1.3; *Fam.* 15.4.13; Plutarch, *Cic.* 12; on the whole question of the transfer of provinces see W. Allen, Jr., "Cicero's Governorship in 63 B.C." *TAPA* 83 (1952) 233-41. See also *Pro Flacc.* 87 on "the wretched conditions of provincial administration," and cf. *Pro Planc.* 63.

<sup>12</sup> See W. W. How, "Cicero's Ideal in the *De Republica*," *JRS* 20 (1930) 35.

<sup>13</sup> Rome ought not, therefore, to profit from empire. So H. Last in *CAH* 9.57-60 and K. Sprey (above, note 6) 185-86 think that Cicero was indirectly criticizing Gaius Gracchus for exposing the provincials to the rapacity of the knights. Yet, contrast *Verr.* 1.38 where Cicero has the effrontery to claim that as long as the law courts were in the control of the knights not a single suspicion of bribery ever tainted them! It is true that so early in his career Cicero would have to move cautiously. Even so, at the time the *Republic* was being written he still had hopes of the *concordia ordinum*. Cf. above, note 10, and below, notes 24, 26, 32.

On the nice distinction between "inferiority" and "subjection" see *Pro Balb.* 35 and cf. *Q.F.* 1.1.27-28 where the Greeks alone are accepted as equals since they are the cultural mentors of Rome.

excuse by Cicero's inability to hold his envenomed tongue and his use, to the extreme limit of outrageous scurrility, of the lawyer's old maxim, "If your case is weak, slang the opposition witnesses." Even so, after all allowances have been made, we are still left with an uneasy impression of somewhat contemptuous superiority to the lesser breeds without the Roman law.<sup>14</sup>

It is this strain of arrogance which possibly best explains Cicero's attitude to Rome's wars of expansion. As we have seen, theoretically he cannot condone war, except when waged to maintain good faith or national security. He insists, moreover, that since men have a duty even to those who wrong them, punishment must only be inflicted to ensure repentance, or as a deterrent (*Off.* 1.33). Even so, force must be the last resort, when persuasion and discussion have failed (*ibid.* 1.80). Man's object should be peace. He must, therefore, spare all but the barbarous and uncivilized (*ibid.* 1.35). The application of fetial law will ensure this humane conduct of war (*ibid.* 1.36; cf. *Rep.* 2.31; *Leg.* 2.34).<sup>15</sup>

Matters were not always so, it is true. The wars against Sabines, Samnites and Carthaginians, for instance, were, he admits, fought for glory and supremacy (*Off.* 1.38).<sup>16</sup> Being somewhat uneasy about the moral justification for the Punic Wars (so we may suspect), he is careful to point out the glaring contrast between the *fides* displayed by Regulus and the perjury (during the Hannibalic War) of the ten ambassadors who were, of course, degraded by a righteous senate (*ibid.* 1.39). Yet, even at the end of his life, Cicero describes without a qualm the plunder and destruction of cities in wartime, provided that there is no cruelty or wantonness (*ibid.* 1.82; cf. *Verr.* 2.1.54-57). His views have not changed from the time when thirty years before he had shown a nice sense of discrimination in judging the various accepted practices in disposing of booty. So, in the *Verrines* (2.4.4) he observes that when Mummius stripped Corinth of its works of art, he left Praxiteles' "Cupid"

<sup>14</sup> For a representative selection of his aspersions on foreigners see: *Pro Flacc.* 9; 11; 17; 19; 31; 57; 60; 65-66; *Post Red. in Sen.* 13-15; *Pro Font.* 15-16; 27 ("An, si homines ipsos spectare convenit . . . non modo cum summis civitatis nostrae viris, sed cum infimo cive Romano, quisquam amplissimus Galliae comparandus est?"); 30 ff.; 33; 41; *Pro Scaur.* 20; 41; 44; *Pro Lig.* 11; *Phil.* 5.13-15; *Fam.* 7.24.2. See also Miss Sanford (above, note 7) 197-98.

<sup>15</sup> See T. Frank, *Roman Imperialism* (New York 1914) 8-10.

<sup>16</sup> Cf. *Phil.* 8.12 and 8.23 where he admiringly recounts Popilius' arrogant treatment of Antiochus IV.

— because it had been consecrated to the gods. Marcellus, on the other hand, displayed a wise moderation; he merely took the finest pieces to Rome instead of denuding Syracuse of all its treasures (*ibid.* 2.4.120–22). “The result of his division of the treasures was that his humanity preserved at least as much for Syracuse as his conquest secured for Rome. . . . Though his victory entitled him to treat everything as unconsecrated, he was prevented by religious scruples from touching the paintings.” Aemilianus alone of this galaxy of heroes showed magnanimity, since after the destruction of Carthage he restored all the works of art pillaged from Sicily to their rightful owners (*ibid.* 2.4.73–74). To Cicero disposal of the loot is plainly of minor importance. “Our ancestors let the Greeks keep their works of art,” he concludes, “as they enjoy so much the things for which we care so little.” Their paintings and statues may console them in their state of subjection (*ibid.* 2.4.134).

Now, in the examples cited Cicero was considering the good old days. The protectorate system, however, was modified before Sulla’s time and has been altogether abandoned since. Sulla, Cinna, Pompey, and Caesar, all aspired to a *regnum*, a term which in the political jargon of the day denoted not monarchy, but the possession of excessive power within the framework of the republic.<sup>17</sup> Sulla’s unrighteous victory disgraced a righteous cause, and after the precedent provided by his bloody career the standard of political morality progressively declined.<sup>18</sup> So, lamentable sight! the statue of Marseilles, one of Rome’s most ancient allies, was carried in Caesar’s triumph. When the Romans ceased to be regarded with affection and became objects of fear, civil war followed as the wages of sin. Caesar’s ambition dealt the deathblow to constitutional government. Such is Cicero’s bitter indictment in the second book of his *De Officiis* (2.27 ff.) which we may assume represents his final and considered judgment on the most aggressive of Roman imperialists. Later in the same work (*ibid.* 3.46) he condemns the argument for expediency in the destruction of Corinth and classes the Senate lower than pirates for mulcting the tributary allies. Yet even in this work (1.35) he had already weakly tried to excuse the fate of

<sup>17</sup> See W. Allen, Jr., “Caesar’s *Regnum*” in this volume, 227 ff. I am grateful to Professor Allen for allowing me to see his paper in manuscript, and also for many helpful suggestions and references which I have incorporated in this paper. On *regnum* see also *Phil.* 2.116 quoted in note 21 below; also W. Kroll, *Die Kultur der ciceronischen Zeit* (Leipzig 1933) 11–15.

<sup>18</sup> See Frank (above, note 15) 218–42, 329–47.

Corinth, condemned by Florus (2.16) as *facinus indignum*. Perhaps, he says, its annihilation may be excused because of its strategic position,<sup>19</sup> forgetting that years before (*Pro L.M.* 11) he had stated as the real reason the insolent behavior of the Corinthian ambassadors.

It is clear that even if we give Cicero the benefit of the doubt and grant that when excusing aggression he is merely quoting the commonly accepted version, he has little positive to say about the fundamental issues at stake in his justification of imperialism. It has been pointed out, that while the Verrines and the speeches on the Manilian Law and Rullan Agrarian Law emphasize the concrete advantages of empire that were being undermined by maladministration or intrigue, or were prompted by the career of Pompey, he says little about the relation of the provinces to the central government, little concerning the theoretical justification of Roman rule.<sup>20</sup> While he does in the *Republic* and *Laws* show some consciousness of her imperial obligations, he is not primarily concerned with the nature of justice between governors and governed, but with a system of politics, ethics and education suited to his theory of a self-sufficient sovereign state.<sup>21</sup>

It is against this background that we must judge his criticism of Caesar. Cicero was long attracted by him, partly because of the fascination exerted on the man of letters by the man of action, partly through genuine admiration of his talents and the hope that Caesar would restore constitutional government to Rome.<sup>22</sup> It was

<sup>19</sup> Cf. *De Leg. Agr.* 3.87 ff. where he argues for the destruction of Carthage, Capua and Corinth on the grounds that they were a threat to Rome. Cf. *ibid.* 1.5.

<sup>20</sup> M. Hammond, "Ancient Imperialism: Contemporary Justifications," *HSCP* 68-69 (1948) 118-19. See also Kroll (above, note 17) 1.100-101.

<sup>21</sup> This, of course, is a criticism which may be directed against almost the entire body of ancient political theory. For passages which state the necessity of preserving good faith towards the allies, instead of regarding the provinces as sources of revenue see: *Rep.* 3.41; 4.7; *Leg.* 3.9; 3.17 ff.; *Off.* 2.27; on unjust protection of home products see *Rep.* 3.16.

<sup>22</sup> Concerning the sincerity of Cicero's admiration for Caesar (which seems genuine to the present writer) see the abstract of a paper by Miss M. N. P. Packard, "The Question of Cicero's Sincerity in his Addresses to Caesar," *TAPA* 77 (1946) 321. For his mingled feelings of admiration and dislike see G. Boissier, *Cicero and his Friends*, trans. by A. D. Jones (London n.d.) 253-76, 297-302 and contrast J. Carcopino, *Les Secrets de la Correspondance de Cicéron* (Paris 1947) 1.352-72 who is unfairly critical of Cicero's behavior from 49-43 B.C. It is worth noting that the virtue which Cicero especially praises in Caesar is his clemency. The following passages seem to be sincere, if at times too fulsome, in their praise: *Pro Rab.* 42-44; *Pro Marc.* 1; 4-10; 12; 21-23; 25; 28 ff.; *Pro Lig.* 6; *Fam.* 4.4.4; 6.6.8. His final view of Caesar is perhaps best ex-

only when this hope was disappointed that Cicero finally turned against him. But then, we must note, he did not attack Caesar for his aggression in Gaul, concerning which we have not a single disapproving word either in the speeches or, what is more important, in the letters and treatises, except the solitary allusion to the statue of Marseilles. On the contrary, his criticism of Caesar is motivated solely by considerations of Roman politics, or rather by Cicero's interpretation of the political scene. Caesar, to gain power (*principatum*), overthrew all laws, sacred and profane (*Off.* 1.26). Moreover, like Sulla, he was too liberal with the possessions of others (*Off.* 1.43). By his debt laws he destroyed *fides* (or that aspect of it peculiarly dear to the knights) and *fides* is the foundation of government (*ibid.* 2.83–84). This passion for wrong-doing was so over-mastering that he committed injustice (by scaling down debts) without motive or excuse. No wonder that he later enslaved Rome and triumphed over Marseilles (*ibid.* 3.82 ff.)! Herein, then, lies Caesar's unpardonable crime, and herein also lies the explanation for the irreconcilable differences between him and Cicero.

To be quite fair to Cicero, we must admit that he was sincere in his condemnation of what he believed to be Caesar's infamy. A humane man in a brutal age, he would probably have been the first to assent to any measure that would alleviate the economic distress of Rome and the provinces, provided that such measures did not interfere with the inviolability of private property, though it never seems to have occurred to him that there might possibly be something wrong with the Roman financial and economic system. So, paradoxically enough, despite his concern for *fides*, he could not appreciate the larger issues which it involved. Despite his genuine sympathy for the allies and subjects, despite his legal pleadings on their behalf, he was limited in his comprehension of international politics

pressed in *Phil.* 2.116; "fuit in illo ingenium, ratio, memoria, litterae, cogitatio, diligentia; res bello gesserat, quamvis rei publicae calamitosas, attamen magnas: multos annos regnare meditatus magno labore, magnis periculis, quod cogitarat effecerat: muneribus, monumentis, congiariis, epulis, multitudinem imperitam lenierat: suos praemiis, adversarios clementiae specie devinxerat. Quid multa? attulerat iam liberae civitati partim metu, partim patientia, consuetudinem serviendi."

For hopes of the restoration of the Republic see *Fam.* 9.17.2–3; cf. 6.6.8 ff. and *Pro Marc.* 28 ff. for a not undignified plea that Caesar realize his true nature and win for himself undying fame by safeguarding the constitution. On Cicero's political ideal see H. Wheeler, "Cicero's Political Ideal," *GaR* 21 (1952) 52–53. On the relations of Cicero and Caesar generally see H. Willrich, *Cicero und Caesar: Zwischen Senatsherrschaft und Götterkönigtum* (Göttingen 1944) especially 125–57, 235–44; Kroll (above, note 17) 1.57–59.



by the fact that he could never conceive of the inclusion of provincials in the Roman state. Nor could he realize that extension of the franchise to the whole Italian peninsula had unbalanced the traditional city-state system since the Italians, despite their importance in the elections, carried little weight in the legislative assembly.<sup>23</sup>

Cicero, in fact, was blinded by his preoccupation with party politics. He rightly saw that without some *concordia ordinum* the senatorial system must collapse.<sup>24</sup> It was natural, therefore, that he should seek to prop up the tottering edifice even at the high cost of provincial welfare. Consequently, in balancing the often immoral interests of the knights and the just claims of the provincials, Cicero shows in his works an acrobatic versatility of mind that can arouse our amazement, even if it cannot command our respect. He can criticize Gaius Gracchus for employing largesse on such a scale that he exhausted the treasury and yet shut his eyes to the fact that it was Gracchus who let loose many an equestrian vulture on the province of Asia Minor,<sup>25</sup> although in the same work (*Off.* 3.22) he insists that to despoil others to increase our personal wealth is a violation of natural and divine law. Nor when he condones, admittedly with some reluctance, the use of lavish expenditure to win popularity (*ibid.* 2.56–60) does he pause to consider its effects on the unhappy provincials who sooner or later would have to foot the bill. He can give his brother excellent advice on how to govern a province

<sup>23</sup> So, Cicero (*Att.* 14.12.1) considers Caesar's extension of Latin rights to Sicily almost as unpardonable as Antony's gift of full citizenship. On the importance of Italians in the elections see Miss Taylor (above, note 9) 45, 61–62, 109; cf. Cic. *Phil.* 12.27: "non enim ut eriperent nobis socii civitatem, sed ut in eam reciperentur, petebant." For a different view from that of Miss Taylor see M. Hammond, *City-State and World State* (Cambridge 1951) 138–39, who argues that "popular sovereignty in fact was vested in the mob and (that) the bulk of Italian citizens were disenfranchised."

<sup>24</sup> On *concordia* see H. Strasburger, *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros* (Leipzig 1931); also M. Gelzer, s.v. "Tullius," *RE* 935 ff. See above note 10, below notes 26 and 32.

<sup>25</sup> *Off.* 2.72; cf. *Tusc.* 3.48; *Pro Sest.* 103. The crime of Gracchus, of course, like that of the demagogue Philippus (*Off.* 2.73) was that he hit at property rights. It is to be noted that in the same passage Cicero does not openly disapprove of a "moderate" dole such as that of Octavius — naturally, since Octavius was on the right side of the political fence.

One should not exaggerate the extent of provincial corruption. Against the career of a Verres one may set that of Rutilius, though they were both probably exceptions to the general standard of gubernatorial honesty. On this topic see H. Hill, *The Roman Middle Class in the Republican Period* (Oxford 1952) 83–84; J. M. Cobban, *Senate and Provinces, 78–49 B.C.* (Cambridge 1935) 52–60. On Cicero's sacrifice of provincial interest to secure *concordia* see, in addition to Strasburger and Gelzer (above, note 24), Hill, *ibid.* 165–66.

and at the same time broadly hint that he should not antagonize the *publicani* by refusing to make any concessions to their demands; otherwise, "we shall alienate from ourselves and the Republic an order which has done us excellent service and has been brought into sympathy with the Republic by our efforts" (*Q.F.* 1.11.32).<sup>26</sup> Throughout his career Cicero vigorously condemned the practice of appointing businessmen to the position of *praefectus* which gave the recipients considerable authority as governors' deputies to browbeat provincial debtors,<sup>27</sup> and while governor of Cilicia he rightly refused to extend the praefecture of the infamous Scaptius, agent of Brutus. Yet, though he proved himself an incorruptible governor, he did not scruple to grant a similar office to two rascally financiers in the kingdom of Cappadocia, though he knew that Ariobarzanes had no money with which to meet their demands.<sup>28</sup> After all, Cappadocia was not part of his province, and Brutus and Pompey, whose political support was essential, were both among the creditors of the king.

It is perhaps too much to expect that a practical politician, one moreover who was an idealist in a world of cynical and ruthless materialism, should always be consistent. We may, indeed, argue that it was his very concern that the republican form of government should survive which led him in the speech on the Manilian Law to propose the appointment of Pompey, although such a proposal meant the temporary suspension of the collegiate principle and (in the event) paved the way for Caesar's dictatorship. But before we censure Cicero for submitting to the demands of "expediency," we must remember that *utile*, as he conceived it, was inseparable from *honestas* (*Off.* 2.9 and *passim*).<sup>29</sup> He sincerely believed that it was necessary for the long-term interest of Rome to make temporary political adjustments so as to ensure the success of his political ideal. He seems to be aware that certain of his political manoeuvres were

<sup>26</sup> The whole passage (32–35) provides an interesting example of Cicero's ability to argue from contrary points of view at the same time; cf. *Att.* 2.16.4. For some examples of Cicero's attempts to conciliate the knights and yet ensure amicable relations between them and the senate or provincials see: *Verr.* 2.2.6 ff.; *Pro L. M.* 4; 17; *Pis.* 41; 64; *Rab. Post.* 13 ff.; *Prov. Cons.* 10 ff.; *Cat.* 4.15; *Fam.* 1.9.26; 2.13.2–3; 3.8.4 ff.; 13.9.2; *Att.* 5.14.1; 6.1.15 ff.; 6.2.4 ff.; 6.3.3; *Q.F.* 3.2.2; *Off.* 3.88 etc.

<sup>27</sup> See Hill (above, note 25) 82 and references.

<sup>28</sup> *Att.* 6.1.3; 6.3.5. The first three letters of this book are important evidence for Cicero's willingness to compromise for the financial benefit of others and, we may add, for his own political advantage. Yet contrast Brutus' financial relations with Ariobarzanes and Cicero's own position — "με ἀδωροδόκῳν praebui, regem regnumque servavi" (*Att.* 5.20.6).

<sup>29</sup> See P. F. Izzo, "Cicero and Political Expediency," *CW* 42 (1948–49) 170–72.

liable to be misunderstood. So, in a letter to Lentulus (*Fam.* 1.9.21; cf. *Pro Planc.* 91 ff.) Cicero excuses his political "trimming" with the plea: "non idem semper dicere sed idem semper spectare debemus."<sup>30</sup> He believed that the Roman state should be immortal,<sup>31</sup> that the empire was created by the will of heaven (*Har. Resp.* 19), and that the state was a sacred institution (*Leg.* 1.22 ff.; *N.D.* 2.78 ff.; cf. 2.133), so that it must survive at all costs. Confident that *libertas*, as he conceived it, could not exist except under a republican constitution, he had to compromise with his conscience — reluctantly, we may well believe — and to sacrifice the interests of the provincials, if need be, to what he considered the larger end, the political stability of Rome and, therefore, the world.<sup>32</sup> We may blame Cicero for shortsightedness in not realizing that the interests of Rome and the provinces were inextricably connected. Nevertheless, in his last treatise Cicero, his judgment no longer obscured by the fury of partisan strife, did analyse the events of recent history calmly and clearly, so that he could condemn injustice and rise to a new dignity in his appeal for a *patrocinium orbis terrarum*. It was ironical that Cicero should have spent so much of his career deferring to, or at least conciliating, some of the most worthless of his own class while Caesar — to Cicero the arch-tyrant — should have shown in his career more practical concern for the interests of the provincials whom it was the duty of Cicero's republicans to protect from injustice caused by avarice and the selfish pursuit of power.<sup>33</sup>

<sup>30</sup> Nor must we forget that personal loyalty was an important factor in Roman politics. See M. Gelzer, *Die Nobilität der römischen Republik* (Berlin 1912) passim; Miss Taylor (above, note 9) 25–49; Kroll (above, note 17) 67–69.

<sup>31</sup> *Ad Brut.* 1.105; on this topic see Vogt (above, note 5) 72–101; Kroll (above, note 17) 7. On Cicero's ideal see the brief account of Wheeler (above, note 22) 49–56.

<sup>32</sup> *Att.* 2.16.4; cf. *Pro Flacc.* 98–100. On *concordia* see above, notes 24 and 26. On Cicero's interpretation of *libertas* see Ch. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* (Cambridge 1950) 70–87.

*Pro Sest.* 98 indicates (in descending order) the main objectives of the *optimates* (in this case all who would support *concordia*). *Fides*, the provinces and the allies rank below the preservation of religion, magisterial power, senatorial *auctoritas*, law courts and *mores maiorum*, but before the army and the treasury. On this conception of *otium cum dignitate* (*ibid.* 98; cf. *Fam.* 1.9.21) see Wirszubski 93–94.

<sup>33</sup> For example, his extortion law of 59 (*Sest.* 135; *Pis.* 37; cf. *RE* 12.2389), his edicts abolishing the Graccho-Pompeian tax system in the East, and his substitution of a fixed sum in place of tithes (Appian, *B.C.* 5.4; Plutarch, *Caes.* 48; Cicero, *Fam.* 15.15.2) all demonstrate a practical determination that the provinces should not be a field for exploitation and that the rights of provincials should be respected. See Frank (above, note 15) 344; T. A. Holmes, *The Roman Republic* (Oxford 1923) 1.319–20; 3.325; C. H. Stevenson in *CAH* 9.470–71, etc.