SUPPLEMENTARY PAPER

Cicero and Isocrates*

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INTRODUCTION

The sources of Cicero's works on rhetoric, ethics and politics have for so long been a popular topic of research that any addition to the voluminous writings on the subject might seem unnecessary. It seems doubtful, however, whether it will ever be possible to determine the original sources of certain of his works with reasonable certainty as long as the evidence available for the theories of the Peripatetics and Middle Stoics is so incomplete. Often our sole important authority for the latter is Cicero himself, and his use of previous writers is most erratic. For Cicero was not and did not profess to be an original thinker, though his political treatises especially contain much original material. He was a popular writer in the best sense of the term. As a propagandist for the humane studies he would take the writings or theories of some well-known authority and on that basis construct an essay that was almost invariably charming and sometimes proved to be of lasting significance as well. Given such a method of composition, it was natural that there should be inconsistencies between the ideas expressed in individual works written at different stages in his career and with different ends in view. Moreover, Cicero was an omnivorous reader, and eclectic in his tastes. Even in a work such as *De officiis*, which is predominantly Stoic in approach, Cicero demands complete freedom of interpretation: "Sequimur igitur . . . potissimum Stoicos, non ut interpretes, sed, ut solemus, e fontibus eorum, iudicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus" (1.6). So his works contain hints and echoes from a wide variety of sources other than his main authorities, particularly when he is

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writing on some subject that was of especial personal interest to him such as politics and rhetoric. The source-problem is further complicated by the fact that throughout his life Cicero was attracted by the discipline of the Stoics, who in the Hellenistic period had adapted to their own system many ideas from different schools of philosophy. Consequently, while it is generally possible to determine Cicero's main authorities with reasonable certainty, minor sources pose a more difficult problem.

Nor can our enquiry be limited to source-criticism. All men, even if they do not aspire to a systematic philosophy of life, have certain standards of judgment, and those standards must necessarily color their writings. We must, therefore, ask the question: What was the general outlook on life of Cicero, the eclectic and Academic, and to what extent were his individual works influenced by that outlook? Since he was as writer and thinker animated by two great loves, oratory and politics, it is reasonable to look for the answer to our question in the books specifically devoted to these studies. Our approach must be different from that of most scholars who in examining the sources for Cicero's political theory have seldom tried to place it in its correct context as one aspect of his view of life and art as a whole. Our examination is not intended as an attempt to refute the more important conclusions reached by previous writers. Cicero's debt in the *Republic* and *Laws* to Panaetius or Polybius and to Plato is evident. Our judgment on minor sources, however, will be different. Viewed *in vacuo*, the *Republic*, for instance, has a plainly Stoic cast, so that it is not unnatural for the reader, when presented with a passage that seems to echo Isocrates, to conclude that the passage has been transmitted through Stoic tradition. But if it is discovered that Cicero acquired certain political ideas from Isocrates, possibly while studying the latter as a master of rhetoric, one cannot assert so positively that the passage reminiscent of Isocrates was not derived directly from the Greek original. It is the purpose of this paper, therefore, to examine in outline Cicero's political and cultural ideals and to investigate the possible relationship between them. Then, since it will be argued that Cicero was greatly indebted to Isocrates for his general theory of culture, we shall consider Isocrates as a minor source for Cicero's political theory also.

General Survey of the Sources

The problem is most complex. Even in his rhetorical works where Cicero writes, so to speak, as a professional, there is a wide

difference of opinion among scholars as to his most important sources. Cicero, for instance, acknowledges his debt to Isocrates in the form and style of oratory, and there are indications that he considered his position in the history of Roman literature as somewhat analogous to that of Isocrates in the Greek.[1] But when we turn to examine the theory of culture enunciated in *De oratore* we find that Isocrates, Philo and Antiochus have all been claimed as his main authority.[2] There is even less agreement concerning his political theory. Some see Plato as the main inspiration for Cicero's *Republic*, others look to a Peripatetic such as Dicaearchus, most to Panaetius or Polybius.[3] In many cases the disagreement among scholars is simply a matter of emphasis. Few would deny Plato's inspiration for the theme of the *Republic* and the *Laws* and for the general setting of the dialogues, while Cicero is clearly indebted to Panaetius or Polybius for much of his material. Differences of opinion are rather centered on specific points of the argument. Did Cicero, for instance, derive his theory of constitutional cycles from

[1] See J. F. D'Alton, *Roman Literary Theory and Criticism* (London and New York 1931) 249–50 and references.

[2] H. M. Hubbell, *The Influence of Isocrates on Cicero, Dionysius and Aristides* (New Haven 1913) 18 ff., has argued that Cicero, while borrowing certain information from later rhetoricians, derived his general attitude to the art of oratory from Isocrates. H. von Arnim, *Leben und Werke des Dio von Prusa* (Berlin 1898) 97 ff., believes Philo to be the main source for *De oratore*. W. Kroll, *RhM* 58 (1903) 552 ff., sees the influence of Antiochus. For some interesting observations concerning the influence of Isocrates on Cicero see also the beginning of the article by F. Solmsen, "The Aristotelian Tradition in Ancient Rhetoric," *AJP* 62 (1941) 35 ff.

[3] The main works on Cicero's political sources are the following: Ioh. Galbiatius (G. Galbiati), *De fontibus M. Tullii Ciceronis librorum qui manserunt de re publica et de legibus quaestiones* (Milan 1916), sees the influence of Panaetius throughout; A. Schmekel, *Philosophie der mittleren Stoa* (Berlin 1892) 64 ff., believes *De republica* 1 and 2 and *De legibus* 1 to be derived from Panaetius who was closely followed by Polybius; R. Hirzel, *Untersuchungen zu Ciceros philosophischen Schriften* (Leipzig 1877–83) 2.841 ff., takes a similar view. See also C. Hintze, *Quos scriptores Graecos Cicero in libris de re publica componendis adhibuerit* (Halle 1900) 39 ff. On Dicaearchus as a possible source see F. Solmsen, "Die Theorie des Staatsformen bei Cicero de republica 1," *Philologus* 81 (1933) 326 ff. V. Pöschl, *Römisches Staat und griechisches Staatsdenken bei Cicero* (Berlin 1936), takes the middle view that Cicero's theory of the mixed constitution is derived from Polybius who had Dicaearchus as his original source, though he admits (23) that this conjecture is impossible of proof. He also sees the direct influence of Plato. In the opinion of the present writer Pöschl's attempt (19–20) to find a parallel between the Platonic identification of *eleutheria* with democracy, *phronêsis* with aristocracy, *philia* with monarchy and the Ciceronian *libertas, auctoritas* (*potestas*), *consilium* (*Rep.* 1.41; 69; 2.57) is plausible rather than convincing.

Plato directly, or indirectly through Panaetius or Polybius?[4] How much does Cicero owe to Plato and the Stoics respectively for his theory of justice? When in the course of his argument on justice Cicero appears to draw on Plato and Aristotle, was his information gained directly or from some Stoic intermediary? Schmekel may be correct in maintaining that Cicero's informant was Panaetius, who taught a summary of Platonic and Aristotelian theories which he in turn had derived from Dicaearchus.[5] But no certainty is possible, especially when we consider that Cicero acknowledged as his teachers men of such widely differing views as Diodotus, Philo, Antiochus and Poseidonius.[6]

A further complication is caused by the fact that Cicero's works contain many commonplaces of political theory. When he states that the good man must take part in politics, if he is not to be ruled by the bad (*Rep.* 1.9), he may be echoing Plato's *Republic* (347C), Isocrates' *Nicocles* (14–15) or some Stoic writer, but it is just as probable that he is merely using his own common sense. His observation (*Rep.* 2.7 ff.) that by a fortunate chance Rome was situated inland and so not exposed to the vices of seapower may reflect Plato's *Laws* (705A) or Isocrates' *Peace* (64).[7] On turning to less trivial examples we note that the opening chapter of the third book of Cicero's *Republic* is reminiscent of Lucretius' famous disquisition on the origin of speech (5.1028 ff.), but also bears marked similarities to Isocrates' praise of *Logos* (*Ant.* 254–55). Scipio's preference for monarchy as stated in the same work (1.56) probably reflects Isocrates, but may derive from Plato (*Pol.* 302E) or from some Stoic source.[8] Furthermore, Cicero is quite capable of giving an extremely garbled version of an original source either through sheer carelessness, or because it suits his purpose. As an example of the first we may note in passing the chaotic confusion in *Orator* (193) of Aristotle's theory of prose-rhythm (*Rhet.* 3.8.4), a subject on which we might expect Cicero to be most precise: of the second, his distorted version of the theory of constitutional cycles.

[4] In the writer's opinion any discussion as to whether Panaetius derived his constitutional theory from Polybius or *vice versa* must remain insoluble as long as Panaetius' writings are lost.

[5] See above (note 3) 377.

[6] *N.D.* 1.6.

[7] Cf. Cicero on the fate of the tyrant (*Lael.* 15) with the accounts of Plato (*Rep.* 579B) and Isocrates (*Peace* 112). Such a list of commonplaces could be continued indefinitely.

[8] See below, 291–94, for a discussion of this point.

It seems fairly generally agreed that Cicero's main authority for the theory of mixed constitutions is Polybius or Panaetius, who adopted the well-known preference of Plato (*Leg.* 962c) and Aristotle (*Pol.* 1265b 33 ff.).[9] It has therefore been assumed by Schmekel and others that in his theory of constitutional cycles Cicero is also following Polybius (6.5 ff.).[10] Now all scholars admit that if Polybius was his original authority, Cicero has taken great liberties with the original theory. Polybius describes (6.10.2 ff.) a natural succession of constitutions similar to that of Plato (*Rep.* 545c ff.).[11] Despotism, the rule of brute force, on the advent of civilization is followed by monarchy, which is corrupted into tyranny. When the tyrant has been overthrown by the best men of the state, aristocracy ensues, which is in turn perverted into oligarchy. Progressive corruption of the state results in democracy, then ochlocracy and finally a reversion to tyranny. Cicero's scheme is confused (*Rep.* 1.45 ff.). Tyranny may give rise either to democracy or aristocracy: in the former case the sequence will be ochlocracy, tyranny, then aristocracy or oligarchy; in the latter case the Polybian cycle succeeds. Cicero's account is very different from that of Polybius. Consequently, Sabine and Smith have argued that while Cicero uses Polybius, he had modified the latter's theory to make it accord with the Roman constitution. Another reason for the confusion, they suggest, is that "Cicero's conception of Roman history commits him to the view that Tarquinius was expelled, not by aristocrats as ought to have been the case according to the Polybian cycles, but by the whole people, that is by an insurgent democracy."[12] Now Cicero himself informs us (*De div.* 2.6) that he first learned of the cycles of states from Plato, and his picture of extreme democracy

[9] For the comparable Stoic view see Diog. Laert. 7.131. It seems generally agreed among scholars that Panaetius because of his close association with the Roman state abandoned the traditional Stoic universalism for the orthodox theory of the city state. See M. van Straaten, *Panétius* (Amsterdam 1946) 203–11; B. N. Tatakis, *Panétius de Rhodes* (Paris 1931) 211–16; M. Pohlenz, *Die Stoa* (Göttingen 1948) 1.204–5.

[10] In addition to the writers cited in note 3 see also F. Cauer, *Ciceros politisches Denken* (Berlin 1903) 67 ff. and F. Taeger, *Die Archaeologie des Polybius* (Stuttgart 1922) 14 ff. and 69 ff.

[11] Cf. also Plato's classification of the six forms of government in *Pol.* 302c ff. and that of Aristotle (*Pol.* 1279a 22 ff.).

[12] G. H. Sabine and S. B. Smith, *Cicero on the Commonwealth*, Translated with an Introduction and Notes (Columbus 1929) 59. I have closely followed their interpretation (56–60) of Cicero's theory of cycles. Even if this interpretation cannot be considered as certainly proved, it has the merit of bringing order where before there was none.

(*Rep.* 1.65) is a close paraphrase of Plato's famous diatribe (*Rep.* 562C–563E). There seems no reason to conclude therefore with Sabine and Smith that "Cicero certainly understands and apparently intends to reproduce" the Polybian theory of the perversion of the three good forms of government into their evil counterparts when, as they admit, he does not follow this principle in the two accounts he gives of the succession of constitutions.

Cicero, in fact, is taking his usual liberty of using his sources, both Plato and Polybius, in his own way for his own purpose. He believes that the mixed constitution is best: that the Roman state (no doubt improved by the modifications he suggests later in the *Laws*) is the embodiment of his ideal: that it has progressed naturally from its beginnings under the kings to the perfection it attained in the years before the Gracchan reforms. In its evolution Rome has experienced all the traditional forms of simple or unmixed constitutions before attaining the ideal. This, I would suggest, is the reason why Cicero wishes to believe that monarchy was succeeded by democracy. Only in the early days of Roman history could be found in its pure form the third element that was necessary for his ideal of a mixed constitution. Though he nowhere says so in the text of the *Republic* as we have it, we may assume that aristocracy evolved later. Even if this suggestion does not seem susceptible of proof, we must admit that considering his acknowledgment to Plato, it is hazardous to state that Cicero "follows" Polybius in his account of the cycles when so many discordant facts have to be considered. One is tempted to suggest that Cicero was not really interested in elaborate scientific distinctions between different types of government: that with him, as with Isocrates (*Panath.* 132–36), it is the spirit which matters and the rule of the "best men."

The problem of elucidating Cicero's cyclic theory provides an extreme example of the difficulties of Ciceronian criticism. When we turn to a general consideration of Cicero's political works, it is plain that formally, at any rate, the *Republic* and the *Laws* are modelled after Plato's dialogues. In both *Republics* a large number of people are present of whom only a few take part in the discussion. The occasion is a sacred festival, and the discussion, which commences far from the subject of the ideal commonwealth, only later turns to the examination of the nature of justice and injustice, the ideal statesman, education, and forms of government, to end with the account of a mystical experience beyond the bounds of mortal

life.[13] But what of the content of Cicero's work? It is packed with commonplaces of Greek and Hellenistic thought, but also contains more original thought than any of his other treatises with the possible exceptions of *De oratore* and the *Laws*. Even the sources of the *Somnium Scipionis*, despite direct borrowings from *Phaedrus*, are complicated.[14] Moreover, notwithstanding his veneration for Greek thought, Cicero was a true Roman in his concern for what was practical.[15] It would seem improbable that Cicero, writing on a subject so close to his heart, would be content to base his dialogue on any single work, no matter how compelling or however suited to his own political views, when material from other writers well-known to him was at hand. Indeed, he writes to Quintus (2.14.1) that it was "spissum sane opus, et operosum," unlike many of his later philosophical works for which he merely provided words "in abundance" (*Att.* 12.52.2).

Unfortunately, researchers have often tended to concentrate on one possible main source, generally Polybius or Panaetius, and have tried to explain away obvious resemblances to other authorities by insisting that such borrowings were obtained at second hand. As an extreme example we may cite G. Galbiati whose work on the sources for the *Republic* is most exhaustive.[16] We may admit that he is correct in maintaining that the substratum of Cicero's political thought is based on the theories of Panaetius and Polybius.[17] More doubtful is his contention that Cicero has little concern for Plato's *umbra civitatis* and merely borrows from him the form of his dialogue.[18] The theory of constitutional cycles Galbiati considers to have been derived from Plato, who is also responsible for the diatribe against democracy.[19] Yet, while acknowledging these debts to Plato, Galbiati insists that Cicero's information was ob-

[13] See. R. Hirzel, *Der Dialog* (Leipzig 1895) 1.465.

[14] Cf. *Rep.* 6.27–28 (*Somn.* 19–21) with *Phaedrus* 245C–E. For the problem of the sources see M. Schanz, *Geschichte der römischen Litteratur*, 3 Aufl. (Munich 1909) 1.2.345.

[15] See Galbiati (above, note 3) Intro. 13. Cf. E. Schwartz, *Characterköpfe aus der antiken Literatur* (Berlin 1912) 71. Note the exordium of the *Republic* for a good example of Cicero's practical bent.

[16] See above, note 3.

[17] *Ibid.* 17–25, 39–40, 96–97, 307–33. Galbiati, who follows Schmekel (above, note 3), and R. Scala, *Die Studien des Polybios* (Stuttgart 1890), conclude that the teaching was that of Panaetius whose theories Polybius applied to actual history. To Galbiati, therefore, Polybius' theory of the state is for all practical purposes that of Panaetius.

[18] *Ibid.* 108–9.

[19] *Ibid.* 253–56, 263–87.

tained at second hand. He adopts a similar attitude towards Aristotle whom he believes only to have influenced Cicero through Panaetius.[20] Now there is nothing unreasonable in such a postulate.[21] It is not uncommon for a student to read an original source only after he has gained a certain amount of information from some secondary authority. It is, however, scarcely possible that such was the case with Cicero. Miss de Graff, who has examined his quotations from Plato, concludes that "Cicero's acquaintance with the Greek philosopher would appear to be rather intimate," though she concedes that this intimacy is somewhat careless.[22] The reason for such conflicting views is that Miss de Graff, unlike Galbiati, is not dealing with the source material for any particular theory.

Sources other than the Greek must also be considered, especially Cato, "whose name is always on your lips" says Atticus at the beginning of the *Laws* (1.6). It is not mere chance that Cicero's account of political theory opens with his famous reference to Cato (*Rep.* 2.2):

"Cato often used to say that what made the Roman constitution superior to those of other nations was that the latter generally owed their institutions and laws to a single legislator . . . whereas our republic has not been constituted by the genius of a single man, but by the contribution of many."

Now it is possible that Cato, who knew Greek, despite the fable that he only learned the language in his old age, may have learned of the biological interpretation of history from Aristotle or from

[20] So, Cicero's observations on the origin of the state (*Rep.* 1.41–42) are derived from Aristotle (*Pol.* 1253A) through Panaetius. For the influence of the *Politics* on Cicero see Hintze (above, note 3).

[21] See Pöschl (above, note 3) 118: "wie jeder, der Plato kennt, ein bestimmtes Platobild hat, das nicht allein aus der Platolectüre ist, sondern aus der Literatur über Plato stammt, so ist auch der Platotradition und Platodeutung verpflichtet." So Pöschl believes that Cicero derived through Panaetius the Platonic opposition of *basileus* and *tyrannos* which are exemplified in the second book of Cicero's *Republic* by Scipio and the Gracchi, and by Cicero and Catiline, while the Platonic *phylax* and *epimelêtês* (*Rep.* 412C) have as their Roman counterparts *tutor* and *rector*. Yet, Pöschl considers (119, 127 ff.) that the conception of the ideal statesman, his ideas on justice and the varieties of states set forth in his second book Cicero obtained from Plato directly. If Cicero could consult Plato's own works on the problem of justice, it is difficult to see why many of his other Platonic concepts were not similarly acquired from Plato himself. Such a distinction between first and second hand use of authorities would seem to be in the province not of the researcher, but the seer.

[22] Thelma B. de Graff, "Plato in Cicero," *CP* 35 (1940) 143–53. Cf. also D'Alton (above, note 1) 158.

Dicaearchus' Βίος Ἑλλάδος, as Pöschl suggests.[23] More dubious is the latter's contention that Cicero's own interpretation was derived from Polybius' observations on νόμοι καὶ ἤθη.[24] He does not strengthen his case by insisting that Cicero's intention in writing the *Republic* corresponds closely to that expressed by Polybius in his third book (3.118.11). Belief in the didactic purpose of history was a commonplace in antiquity, and Pöschl is forced to admit that Polybius did not write of the development of Rome as a historical-political theory.

A more probable view is that Cicero was directly influenced by Cato's *Origines* just as the Censor's career did much to mould the tradition (at best a half truth) of the Romans as a race of farmers dedicated to selfless service of the state — a tradition that has Cicero's warm approval.[25] Cicero was not alone in his cult of the past. Varro, an Academic also, had nevertheless been taught, like Cicero, by Aelius Stilo, the Stoic famed for his studies on grammar and antiquities.[26] Varro would certainly be familiar with Cato's writings. Indeed, he seems to have left his mark on Varro in the latter's rugged but ostentatious simplicity, in the nationalism that is evident in his praise of the Italian peasantry, in the very title of his work *De vita populi Romani*, and in his concern for the decline of the ancient Roman piety.[27] Considering the vogue for antiquarianism at Rome and Cicero's often expressed admiration for Cato, it is more than probable that Cicero was thoroughly familiar with the *Origines* and drew on them to support his thesis.[28]

[23] See above (note 3) 25. Yet our knowledge of Dicaearchus' writings is so scanty that any confident assertion as to his influence is hazardous. See S. E. Smethurst, "Cicero and Dicaearchus," *TAPA* 83 (1952) 224–32.

[24] *Ibid.* 70–82.

[25] See S. E. Smethurst, "The Growth of the Roman Legend," *Phoenix* 3 (1949) 11–13.

[26] *Brut.* 56.205–7. See M. Pohlenz (above, note 9) 1.265. On Stilo and his influence see also F. Leo, *Geschichte der römischen Literatur* (Berlin 1913) 1.362 ff.

[27] Polybius, of course, had insisted on the importance of religion as a political instrument (6.56.6–12), just as Varro in his *Antiquities* (Augustine, *Civ. dei* 7.35) had ascribed the grandeur of the Republic to the piety of its citizens. Cicero took a similar view. There is no need, however, to postulate the exclusive influence of Polybius for Cicero's attitude to religion. Such a view seems to have been a commonplace in Rome from the time of Scaevola, who was the first to distinguish the gods of the state, philosophers and poets, of which he considered only the first to be important. See references on tripartite division of the gods in Pohlenz (above, note 9) 2.135, 137–38.

[28] It is significant that Cicero's conception of *libertas* (on which see below, 288) is substantially that adopted by the elder Cato. On Cato see Ch. Wirszubski, *Libertas as a Political Idea at Rome* (Cambridge 1950) 15.

Following "Cato's precedent," therefore, Cicero's account opens with "the origins of the Roman people" (*Rep.* 2.3). From the birth of the state he sees foreshadowings of the future greatness of Rome. After Romulus had laid the solid foundation of auspices and senate (2.17) the city grew to comparative maturity almost overnight (2.21). His successor established the two elements which make "the most conspicuous contribution to the stability of a state" — *religio atque clementia* (2.27). This culture was not borrowed from the Greeks, for the creation of the Roman state and its law was more important for the development of the world order than any philosophy. There are two paths to wisdom, one through learning and study, the other by practical experience. Cicero naturally prefers a combination of both (*Rep.* 3.6):

"But if we must choose only one of the two paths to wisdom, although some will prefer a tranquil life devoted to the noblest studies and arts, surely the life of the statesman is more deserving of praise and honor, since it is by such a life that the greatest men win glory, as did Manius Curius."[29]

Rome obtained her culture thanks to the native excellence of her own people, she advanced "in optimum statum naturali quodam itinere et cursu." Even when institutions were borrowed from abroad, these were improved until they were better than they had been in the country of their origin (*Rep.* 2.29–30; cf. 2.34). That Cicero in maintaining this credo was not temporarily carried away by the train of his argument is proved by the fact that later when writing in the *Tusculans* on a different theme he restates the same opinion even more forcibly (1.1 ff.):

sed meum semper iudicium fuit, omnia nostros aut invenisse per se sapientius quam Graecos, aut accepta ab eis fecisse meliora, quae quidem digna statuissent in quibus elaborarent . . . rem vero publicam nostri maiores certe melioribus temperaverunt et institutis et legibus.

Neither the Greek nor any other nation can, he continues, compare with the Roman in that practical statesmanship which is based on equity, piety, justice and fortitude.[30] His patriotism would debar

[29] See also *De orat.* 1.195 ff. In *Pro Archia* (14) he observes that literature is an incentive to noble action. Though he later (15) admits that not all the Roman heroes were cultured — and indeed, natural genius is preferable to culture — when there is found a combination of both, as in Africanus, Laelius, Furius and Cato, "nescioquid praeclarum ac singulare solere existere."

[30] Note, for example, that when Cicero has approved the mixed constitution of Lycurgus (*Rep.* 2.42) he is quick to add that such a form of government obtained under

Cicero from accepting without reservations even the Romanized form of Greek political theory that Panaetius taught.[31] So he can claim true Roman originality when he describes the Roman constitution as ideal. [32] In so far as Cicero adopts the Stoic viewpoint in his political theory, he does so because it accords with his own patriotic preconceptions of the national history in which Cato, also a provincial and *novus homo*, must have exerted considerable influence.[33]

With such varied influences, it is scarcely to be wondered that Cicero's use of his source-material is complicated. He himself gives the best indication of his method. In the first book of the *Republic* he hints at his debt to Panaetius and Polybius by observing that Scipio had often discussed such subjects with Panaetius in the presence of Polybius (1.34). Then, as we have seen, he suggests the influence of Cato. In the *Laws*, however, he dismisses Panaetius because Stoic theory is too theoretical and impractical. In his discussion of magistracies the Academics and Peripatetics will provide much of his material (3.14). This change of front is important when we consider that the *Laws* is a sequel to the *Republic* and that the political philosophy underlying both works is the same.[34] In short, it seems reasonable to conclude that while Cicero was prepared to use material from a variety of sources, of which Stoicism was the most important, he considered himself bound to no single school. We may, indeed, hazard the opinion that while the Stoics were probably the first to teach him to regard the Roman constitution from a philosophical viewpoint, he approves of Stoic theory because it provides intellectual support for his fervent patriotism, rather than venerating the constitution because it is a concrete representation of Stoic theory.[35] Despite his respect for the moral teaching of the Stoics, he remained an exponent of the New Academy whereby he was committed to a position of suspended judgment.

Romulus and has been improved since. For a good example of Cicero's practical approach see *Rep.* 5.5, and below, note 68.

[31] On patriotism see M. van den Bruwaene, "Étude sur le patriotisme de Cicéron," *Nova et Vetera: Revue d'enseignement et de pédagogie* (Brussels 1939) 177–86.

[32] *Rep.* 1.70; 2.21–22; 30; 52; 66; *Leg.* 2.23.

[33] So Wirszubski (above, note 28) 8 observes that the Stoic definition of abstract freedom, *potestas vivendi ut velis* (Cicero, *Parad.* 34; cf. *Off.* 1.70) stresses the subjective freewill of the agent whereas the Roman concept of *libertas* was the objective right to act, and cites R. von Ihering, *Geist des römischen Rechts* (Leipzig 1874) 2.1.219.

[34] *Leg.* 1.15; 20; 2.14; 23; 3.13.

[35] For an excellent example of his patriotism see *Off.* 1.57 and the first three chapters of the *Tusculans*.

General Culture

We must also observe that in his political works Cicero is not merely writing on constitutional theory. Indirectly, since he had devoted his life to fighting for the republican constitution, Cicero was also, perhaps unconsciously, making an *apologia pro vita sua*. But politics was only one facet of his career. Towards the end of the republican period Cicero had also to meet the assaults of the Neo-Atticists who would deprive him of his proud position as leader of Roman oratory. Now, in the passage from the *Laws* cited above (3.14) Cicero makes the single express statement to be found in his political works on the ideal of orator-statesman which he had already discussed at length in his rhetorical works. In our present enquiry, nevertheless, we are not justified in neglecting Cicero's earlier expressed opinions on the function of the orator. Indeed, we cannot understand and appreciate his very personal approach to politics unless we take into account this ideal. For to Cicero, orator and statesman in their highest degree were, or should be, synonymous terms, despite the eloquent dialectic of Plato to the contrary. In *De oratore* he deplores the loss of the old union between philosophy, statesmanship and eloquence which he felt to have been characteristic of fifth-century Greece (3.59–60):

"But as there have been certain persons and those a considerable number who either held a high position on account of their two-fold wisdom, as men of action and as orators — two careers that are inseparable — for instance Themistocles and Pericles and Theramenes, or other persons who were not themselves so much engaged in public life but were professional teachers of this same wisdom, for instance Gorgias, Thrasymachus, Isocrates, persons have been found who being themselves copiously furnished with learning and with talent, but yet shrinking on deliberate principle from politics and affairs, scouted and scorned this practice of oratory. The chief of these was Socrates . . . and whereas the persons engaged in handling and pursuing and teaching these subjects that we are now investigating were designated by a single title, the whole study and practice of the liberal sciences being entitled philosophy, Socrates robbed them of this general designation. . . ."[36]

[36] The translation is that of H. Rackham in the Loeb Classical Library. The concept of the orator-statesman was first enunciated by Gorgias and his pupil, Isocrates. See G. L. Hendrickson, "The Origin and Meaning of the Ancient Characters of Style," *AJP* 26 (1905) 249. In *Orator* (42 and 68) written some ten years later than *De oratore* Cicero does seem to change his front, and is anxious to distinguish the literary, sophistic and epideictic oratory of the Isocratean type from his own forensic oratory. This change of front need not be taken too seriously. In 46 B.C. Cicero was

This loss of unity does not, however, deter him from the facile assumption in *Brutus* (53 ff.) that the early Roman statesmen obtained their ends by the force of their native eloquence. Brutus, Claudius, Valerius, all the ancient heroes must, he asserts, have been distinguished by their powers of oratory. Such eloquence as theirs was no mere rhetorical facility. The state, through the medium of its religion, laws and customs, is the great storehouse of ethics, morality, politics and rhetoric. As the state provides the standard of national culture, so its leaders, the orators, must likewise aspire after perfect culture. In this respect Cicero believed that his own age was superior to any that had gone before. Even Crassus, despite his eloquence, was deficient in philosophy, law and history.[37] Catulus approached closer to Cicero's ideal: upright and wise, thoroughly versed in Greek literature and philosophy, preferring the rhetoric of Aristotle and Theophrastus to later Greek teaching, an outstanding speaker in either Greek or Latin, he was a man of preeminent merit.[38] But of them all only Cicero himself, as he hints not very delicately in the *Laws* (3.14), attained his lofty ideal and was "foremost in the pursuit of learning and in the actual government of a state."[39]

Now, Cicero had very little sympathy for the Stoic type of oratory with its plain style that was developed to replace the persuasion of rhetoric with logical reasoning.[40] While he admitted that the orator needed training in logic, Cicero felt that it was but the means to an end. In *Orator* he states that the system of either Aristotle or Chrysippus would be equally suitable (115). Apparently he is not concerned with the differences between the two systems, expecting that the orator would draw on whatever logic suited his ends.[41] If his disagreement with the Stoic rhetoricians were merely on stylistic

writing to defend himself and his style against the criticism of the Neo-Atticists who were much influenced by Stoic criticism (see Hendrickson, *ibid.* 272–73). He would, therefore, naturally be careful to avoid provoking the suggestion that his work had any taint of impracticality, especially since the Atticists under the leadership of Caesar and Brutus had gained the day.

[37] *Brut.* 161. Cf. *De orat.* 1.77; 2.1.

[38] *De orat.* 2.28; 3.173 ff.; *Brut.* 132; 259.

[39] Cf. the broad hint as to Cicero's attainments in *Brut.* 322 and 298.

[40] The Stoics could not subscribe to the definition of oratory which satisfied Cicero (*De orat.* 2.83–84). See also *Brut.* 201 and Cicero's strictures on the Atticists in *Orator* 28–31. On this subject see further D'Alton (above, note 1) 159, 161, 173–74 and Hubbell (above, note 2) 18.

[41] So *Topica* appears to bring forward as many different kinds of proof as Cicero could assemble from the logical theorists and his own practical experience.

grounds, we could for the purpose of this discussion neglect the difference between the two systems. Cicero, however, like many of the ancients, believed not only in the historical commonplace that man is the product of his age and environment, but also that eloquence especially responded to what has been described as the "rise and fall of the social and political barometer."[42] In defending his own rhetorical practice, which represented the highest level of republican achievement (*Brut.* 123), he believed he was defending what was best in the general culture of the Republic. In Rome eloquence had always been fostered and accorded the highest honor (*Orat.* 141; *Tusc.* 1.5). With the civil wars eloquence was muted — "perterritum armis hoc studium nostrum conticuit et obmutuit."[43] Atticus in *Brutus* (45) gloomily foreshadows the decline of eloquence which is the attendant of peace and tranquillity and, as it were, "the offspring of well established civic order" (cf. *De inv.* 1.1; *De orat.* 1.14; 30; 38; 2.33).

Considering this belief in the paramount importance of oratory, which Cicero consistently maintains in all his rhetorical writings, we may reasonably consider that the two major works of his republican period, *De oratore* and *De re publica*, are complementary, both written to defend different aspects of his republican ideal, even if Cicero did not expressly design them as such. By combining in his person the qualities of orator and statesman Cicero believed he was continuing the great tradition of Greece. His career, moreover, was the final consummation of a similar movement which he affected to detect in the Roman Republic towards the same synthesis of orator-statesman. It is this combination of oratory and politics which is the heart of Cicero's theory of general culture.

If we are justified in thus associating Cicero's political and rhetorical theories, before we can consider Cicero's political standpoint in its correct perspective it is first necessary to make a brief summary of his cultural ideal. This is mainly derived from Isocrates.[44] The latter's "philosophy," as he termed it, was designed to provide his students with a general practical training of use to statesmen, generals and even kings.[45] Although oratory was the foundation of his system, Isocrates boasted that his instruction would inculcate in his

[42] D'Alton (above, note 1) 195–99. Cf. *Orat.* 24 ff.

[43] *Brut.* 324. See also *ibid.* 6 ff.; 22; 332; *Off.* 2.67. Compare the very similar lament of Isocrates (*Peace* 145).

[44] See above, note 2.

[45] *Ant.* 30; 40; *Epist.* 4.2; *Ad Nic.* 51.

pupils all the requisite virtues of public and private life, since it provided a wide background of general knowledge useful for every occasion (*Ant.* 275–78):

"I do hold that people can become better and worthier if they have the ambition to speak well, if they desire to persuade their hearers. . . . For if in the first place a man elects to speak or write discourses worthy of praise and honor he cannot possibly plead cases that are mean and petty or concerned with private quarrels; rather will he support cases which are great and honorable, devoted to human welfare and the common good. . . . He will select from all the actions of men which bear upon his subject the most illustrious and most befitting examples; being accustomed to contemplate and appraise such examples he will be influenced by them not only in preparing the discourse to hand but in all the actions of his life. . . . The man who wishes to persuade people will not neglect character; rather will he devote himself especially to the object of acquiring a most honorable reputation among his fellow-citizens. . . . So the more a man desires to persuade his hearers, so much the more strongly will he strive for honor and esteem among his fellows."[46]

Logos is the great civilizer, the one essential element of all knowledge (*Ant.* 255–57):

"It is this [*Logos*] which has laid down laws about things just and unjust, things honorable and base; without such ordinances we could not live with one another. By this we confute the evil and extol the good. Through this we instruct the ignorant and judge the wise. . . . If I must make a brief summary of this power, we shall find that no action performed with intelligence takes place without the aid of speech, but that speech is our guide in all our actions as in our thoughts and that they use it most who have the most wisdom."[47]

It follows that all the great Athenians from Solon to his own day, statesmen and generals alike, had been excellent orators (*Ant.* 231):

"You will find that among our public men who are alive today or have but recently died those who devoted most study to the art of speech are the best of the men who stand before you on the rostrum: moreover, of the ancients the best and most illustrious orators brought the most blessings to the city."[48]

[46] Cf. *Against Soph.* 16. For his intensely moralistic approach see *Areop.* 29; 39–43.

[47] Cf. *Ant.* 46; 270–73; *Nic.* 5–6; *Paneg.* 47–56; 171.

[48] Cf. also *Ant.* 306–8. Note especially (*ibid.* 101–28) the praise he accords his pupil, Timotheus, who although physically unsuited for his profession, without military experience, was able to use skilled professionals to do the fighting for him, while thanks to the understanding of international relations provided by "philosophy" he could devote his attention to the larger issues of war: he knew with whom to fight, when to make peace, how to conciliate neutrals, and how to put an end to anarchy.

He did not, of course, profess to be able to turn geese into swans. To be a leader of men the student required certain innate abilities for which practice was no substitute.[49] Even the less gifted pupil who did not possess the natural qualities of statesman or orator could, nevertheless, profit by Isocrates' training, since his primary concern was right conduct in the man and citizen. Throughout his works he is concerned to inculcate sound moral sentiments, whether in writings like *Ad Nicoclem* which is merely a collection of "ideas," or in his major works, where the "ideas" are embellished at length. So in *Panathenaicus* (137) he appeals to those listeners who "gladly listen to a discourse which above all celebrates the virtues of men and the practice of a well-governed state. For if any have the desire and the power to follow such examples, they would spend their lives in high repute and render their cities happy and prosperous."[50] In pursuit of his end he adopted a standpoint that was, as Norlin has pointed out, in one sense narrower, in another broader than the disciplines of his contemporaries.[51] It was narrower in that he not only insisted that his "philosophy" was not a science and could not provide exact knowledge to meet all occasions, but also in that he disparaged all philosophic investigations which had no immediately practical end. "For since it is not in man's nature to acquire a science by the possession of which we may know what we should do or say, I consider that man wise who by conjecture is generally able to hit on the right course of action, and that he is a philosopher who engages in those studies from which he will quickest gain this kind of insight" (*Ant.* 271).[52] He held no brief for speculative ethics either, but was satisfied with a commonplace system of morality that was accepted by the mass of his contemporaries. Yet, his system was broader because he believed his culture to embrace all human relations.[53] The educated man was he who could most quickly

[49] *Ant.* 186–89; *Against Soph.* 14–15. See W. Jaeger, *Paideia, The Ideals of Greek Culture*, transl. by Gilbert Highet (Oxford 1947) 1.309 ff.

[50] Cf. *Ant.* 87. See Hubbell (above, note 2) 67–72 for an interesting discussion of the manner in which Isocrates embellished the "ideas" in other pamphlets.

[51] G. Norlin, Introduction to the Loeb edition of Isocrates, 1.25.

[52] Cf. *Ant.* 184; *Hel.* 5; *Peace* 8; *Against Soph.* 2. Contrast *Ad Nic.* 51.

[53] See Hubbell (above, note 2) 20–25 who argues that Cicero derived his idea that universal knowledge was necessary for the orator from Isocrates. The latter did not lay the same stress on the need for philosophy (in its accepted sense), since at the time when Isocrates was writing the breach between oratory and philosophy was not so wide as in the late Roman Republic. In his later years Isocrates was willing to give qualified praise to the part that philosophy might play in the development of the orator. On this see Jaeger (above, note 49) 3.148–50.

adapt himself to any given situation. Such a man would be able to conduct himself with poise and dignity in his daily life, would have the judgment to see what was expedient on any occasion, and would be able to maintain his intellectual balance even at the height of success. In short, he would be the "wise and finished man, possessing all the virtues" (*Panath.* 32).

It must be admitted that there was a certain naiveté in such professions.[54] Even so, he had a genuine respect for the best and highest that he knew, and granted his oversimplification of the problems of his age, his method of instruction was thorough and was intended to have abiding results, just as his pamphlets dealt with subjects that were of permanent interest and value.[55]

Even if Cicero had not stated that the literary theory propounded in *De oratore* was an adaptation of the writings of Aristotle and Isocrates (*Fam.* 1.9.9), his debt to the latter would be clear.[56] Cicero also exalts Speech as the great civilizing instrument of the world, the one faculty that distinguishes men from beasts. "For the one point in which we are particularly superior to animals is that we converse with one another and can reproduce thought in word. Who therefore would not rightly admire this faculty and think it his duty to excel men in that very quality where men are chiefly superior to beasts?" (*De orat.* 1.32; cf. *Off.* 1.50; 2.66; *De inv.* 1.1 ff.). Eloquence it is, he continues, which led man out of his brutish existence, which gave shape to laws, tribunals and civic rights. In short it is the "wisdom and control of the orator which . . . upholds the safety of countless individuals and of the entire state" (*De orat.* 1.34). So Isocrates had maintained in *Antidosis* (253 ff.) that "in the other powers we possess we are in no respect superior to other animals. . . . But since we have implanted in us the faculty to persuade each other and make clear to each other whatever we desire we are not only free from the life of beasts, but we have associated and founded

[54] Note *Ant.* 84 where he professes to teach the virtue "that is acknowledged by all men." Cf. *Areop.* 32. On this see R. C. Jebb, *The Attic Orators* (London 1876) 2.34–35.

[55] *Ant.* 46 ff.; *Panath.* 136; 271. His theme must always be elevating and touch on some subject of moral or political importance. Even in the *Helen* he includes a disquisition on the reforms of Theseus (18–37).

[56] See G. L. Hendrickson, "The Peripatetic Mean of Style and the Three Stylistic Characters," *AJP* 25 (1904) 129–36. D'Alton (above, note 1) 159 notes that Cicero is fond of contrasting the broad character of the Aristotelian dialectic with the hypersubtleties of the Stoic school. See also Hubbell's criticism (above, note 2, 29–30) of the theory that Poseidonius was Cicero's main source.

cities, made laws, and invented arts. . . ." Cicero's ideal also is one of broad learning and wisdom which is impossible of attainment except for the orator who has acquired a knowledge of all important subjects and arts: "omnia, quaecumque in hominum disceptationem cadere possunt, bene sunt ei dicenda, qui hoc se posse profitetur, aut eloquentiae nomen relinquendum est" (*De orat.* 2.5).[57] Thus, he objects to the attitude which would restrict oratory to the law courts, leaving politics and ethics to the philosopher alone (1.46; 3.70). He dislikes specialization on principle, in science no less than the liberal arts, since if the scholar pursues his desire for knowledge of any one subject too far, there is danger that he will neglect the supreme end of education, its practical application to the affairs of daily life (3.23–24; 86–89; 127; 132). Rhetoric especially, provided that it is laid on a broad foundation, needs no profound study of philosophy, although the latter is necessary for the cultural background it provides. It is sufficient for the orator, as a practical man of affairs, to have a wide acquaintance with a variety of subjects (3.76–80; 3.54). Granted such knowledge, the man of intelligence is ready to take his place as leader of the state, guiding senate and people alike (1.31; 214; 3.122).[58]

Cicero is not, of course, constrained to follow Isocrates' lead throughout. So, while accepting the latter's requirements for the orator — a liberal education, natural ability and enthusiasm — Cicero does not feel the same necessity for professional training in the technique of rhetoric (3.125; cf. Isocrates, *Ant.* 186–92). Indeed, as regards style, Cicero prefers the mixed type advocated in Aristotle's *Rhetoric*, and although in his later work he accords to Isocrates' house the title *officina eloquentiae*, he criticizes epideictic oratory as being unconnected with the strife of political life, "fitter for the parade than the battle" (*Orat.* 40–42; 37). Even in *De*

[57] Cf. *De orat.* 1.20; 72; 3.122; *De inv.* 1.2; *Div. in Caec.* 37–41; 44. See E. Gilson, "Éloquence et Sagesse selon Cicéron," *Phoenix* 7 (1953) 1–19.

[58] Here we may briefly note that one of the difficulties in the interpretation of Cicero is to decide how far the words put into the mouth of another speaker represent his own views. For example, though Scipio in the *Republic* and Crassus in *De oratore* seem to express sentiments that agree in general with what we know of Cicero's opinions from his other works, we can never be sure. But, of course, it is often doubtful whether all the opinions expressed in the political speeches (*Pro Sestio*, for instance, to say nothing of the "Caesarian" orations) represent his final and considered judgment rather than an *argumentum ad locum.* (Cf. note 81 below on *optimates.*) All the critic can do is to be as detached and unbiassed as possible in his selection of material which he must consider in relation to the general tenor of Cicero's thought as a whole. Even so, any conclusion must sometimes be tentative and subjective.

oratore he can censure Isocrates' "empty elegance" and accord high praise to the Aristotelian dialectic which, though following Plato in its subordination of rhetoric to philosophy, yet gave the former a prominent place in the curriculum (3.141).[59] It was from the Peripatetics (probably directly from Aristotle's *Rhetoric*) that Cicero derived the *officia oratoris — docere, conciliare, movere* (*De orat.* 2.115).[60] Elsewhere he acknowledges his debt to the Academy in "richness of style" and the raw material of oratory (*Orat.* 12; cf. *Brut.* 120). Only from philosophy can the orator achieve the optimum of copiousness and fertility. But this is the New Academy for whose teaching he was probably fired by his master Philo.[61] It is easy to forget that the New Academy emphasized the critical and destructive side of the Platonic writings, interpreting them as dialogues of research devoted to a search for truth without any attempt to propound a logical system. This view was widely current in Cicero's time (*N.D.* 1.11 ff.; *Acad. prior.* 74). Cicero himself was especially attracted to the teaching of Carneades not only because of the Academic's eloquence, but also because of his ability to argue both sides of a question — an accomplishment especially appealing to an orator and lawyer.[62] As an eclectic, Cicero naturally considered himself free to select material from all sources. Yet, even in his latest rhetorical works he still approves the ideal of universal culture (*Brut.* 322). He still insists, as had Isocrates before him, that it is treatment of the subject matter which makes a speech admirable: facts are easy enough to acquire (*Orat.* 122; cf. *Against Soph.* 16).

In the light of this continued insistence by Cicero on the paramount place of oratory to which philosophy, although important, must always be subject, it is difficult to agree with W. Jaeger's contention that it was a Platonic synthesis of style with the philo-

[59] See D'Alton (above, note 1) 159 and references.

[60] Cf. *De orat.* 2.128; 310; 3.104; *Orat.* 69; *Brut.* 185; 276. For his emphasis on emotional appeal see *Orat.* 128–32; *De orat.* 1.17; 53; 60 etc.; also Hendrickson (above, note 36) 260; F. Solmsen, "Aristotle and Cicero on the Orator's Playing upon the Feelings," *CP* 33 (1938) 390–404, especially 396–402, who cogently argues that the three *partes oratoriae* are derived directly from Aristotle's *Rhetoric*.

[61] *De orat.* 3.110; *Brut.* 306; *Tusc.* 2.9; see D'Alton (above, note 1) 158–59.

[62] *De orat.* 2.161; cf. *ibid.* 3.68; 71; *Fin.* 3.41; *Acad. post.* 46. For Carneades' method of argument see *De orat.* 3.80; cf. *ibid.* 3.67; *Acad. prior.* 98 ff. See also Lactantius, *Inst.* 5.14.5: "(Carneades) ut Aristotelem refelleret ac Platonem, iustitiae patronos, prima illa disputatione collegit ea omnia quae pro iustitia dicebantur, ut posset illam evertere."

sophic training of the intellect which formulated the ideal of culture presented in *De oratore*.[63] Is this culture "philosophic" in the Platonic sense? Surely the range of experience that Cicero advocates would in Plato's view preclude any possibility of accurate knowledge. Although Cicero did not pretend to the claims of a polymath, he quotes with approval the example of Hippias and the earlier sophists who were interested in the natural as well as the humane sciences (*De orat.* 3.126–29). Defining philosophy as "omnis rerum optimarum cognitio atque in iis exercitatio," he deplores the fact that Socrates and Plato robbed the liberal arts of the title "philosophy" (*De orat.* 3.60). His sympathies are closer to Isocrates, who expressly continued the earlier sophistic tradition. Nor, despite their formal resemblances, are Cicero's dialogues Platonic in method. The speakers make dogmatic statements of their point of view: there is almost no attempt to reach a valid generalization by a critical examination of definitions after the manner of Platonic dialectic.[64] On the contrary, Cicero in *De oratore* goes so far as to assert that the present topic of discussion is not which philosophical system is truest, but which closest to the orator. "Let us, therefore," says Crassus, "dismiss those [the teachers of philosophy] without any derogatory imputation, for they are excellent men indeed — and happy, because they seem so to themselves: only let us warn them to keep to themselves like a sacred mystery their proposition that a wise man should not take part in politics— even if it is quite true" (3.64). It was scarcely to be expected that Cicero with his sincere conviction of the pre-eminence of oratory could agree substantially with the views of the author of *Gorgias*. As he observes somewhat wryly, "what particularly struck my attention in that book was that in making fun of orators he seems,in my opinion, to show himself the supreme orator" (*De orat.* 1.47; cf. 3.60 and 3.129). Cicero wished to restore rhetoric to the high position from which it had been driven by philosophy — "de nostra possessione repulsi" (3.108; cf. 3.70). The orator had the right, no matter what Plato might say, to deal with questions of a political and ethical content from which the philosopher would exclude him.[65]

[63] See above (note 49) 3.191. Jaeger here follows von Arnim.

[64] The only examples of dialectic in his political and rhetorical works, so far as I can discover, are *Rep.* 1.38; 59–61; *Leg.* 2.12–14.

[65] *De orat.* 1.56; 3.109 ff.; *Orat.* 45 ff.; 125; cf. *Q.F.* 3.3.4: "nostrum instituendi genus esse paulo eruditius et θετικώτερον non ignoras."

It is, therefore, no accident that Cicero in *Orator* gives unqualified approval to the position taken by Socrates in *Phaedrus*, where Plato had been forced, possibly by the success of Isocrates' school, to make concessions to the claims of rhetoric.[66] For the ideal statesman in *Phaedrus* is the same Pericles who had been so roughly handled in *Gorgias* (515E; 516D). Pericles is the orator-statesman *par excellence* whose oratory has been strengthened by his association with Anaxagoras.[67] At the risk of seeming repetitious we must again emphasize the fact that in his later writings Cicero had not changed his front: philosophy is still the handmaid of rhetoric.

Accordingly Cicero's approach to politics must necessarily be different. To Plato true politics is philosophy: Socrates is the best, the only politician. But amid the turmoil of the age in which he lived Plato could only advise that the lover of wisdom "hold his peace and mind his own business, like a man in a storm sheltering behind a wall from the driving blast of wind and hail" (*Rep.*496D). Cicero, living in a no less troubled period, could yet exalt the life of the practical politician as the highest form of achievement.[68] Poli-

[66] See Jaeger (above, note 49) 3.185–86.

[67] *Orat.* 15 is a free paraphrase of *Phaedrus* 269A ff. Yet he observes (*Off.* 1.3) that no Greek had successfully combined philosophy and oratory except, possibly, Demetrius of Phalerum.

[68] *Rep.* 1.3; 12; 33. Pöschl (above, note 3) 167 affects to see no difference in outlook: "In Wahrheit ist zwischen den wahren Philosophen und den wahren Staatsmann letzlich kein Unterschied. Bei Cicero ebensowenig bei Plato. Den Staatsmännern wird gerade auch bei Plato der höchste Lohn." This is surely to equivocate on the very different concepts of the function of the statesman in the two writers. Cf. Lactantius, *Inst.* 3.16.5.

Despite his knowledge of the Roman law Cicero had a poor opinion of jurisconsults, since many of them preferred to keep out of public life. Cf. *Mur.* 20–22; *Phil.* 9.11. See T. Petersson, *Cicero, a Biography* (Berkeley 1920) 114–16, 259–60; also F. Schulz, *History of Roman Legal Science* (Oxford 1946). Cicero also (*Off.* 1.71–73) has little good to say for the man who refuses to take part in public life because, so he invidiously suggests, he is afraid of the discredit and humiliation of political defeat. Cf. *ibid.* 1.92 where he insists that the statesman's activities are most important; also *ibid.* 1.115 where he observes that regal powers, military commands, nobility, office, wealth and influence "in casu sita temporibus gubernantur." It was no accident that Cicero, who longed for military glory, should insist (*ibid.* 1.74) that the victories of peace are more important than those of war, and should prefer a Solon to a Themistocles. To Cicero, of course, *gloria* is the most cogent motive force in a man's life. (See *Marc.* 7–8 and *Q.F.* 1.1.43–44 for a definition of true glory.) While he admits that a military career provides the quickest means to attain it (*Off.* 2.45; *Mur.* 30), eloquence is no less worthy a means (*Off.* 2.48), since it is of importance in the service of the state — "in rebus maioribus administrandis" (*ibid.* 2.31). See also *Phil.* 1.29; 34, the ideal of Marcus Antonius — "libertate esse parem ceteris, principem dignitate"; *ibid.* 5.49; *Planc.* 66–67; *Sest.* 102; 137; *Mil.* 96–97; *Pis.* 98.

An interesting example of Cicero's intensely practical attitude to life is found in

tics is *munus adsignatum a deo*: the statesman is the source of all good things and the noblest function of wisdom is to acquire the arts that will make a man useful to his country: "virtus in usu sui tota posita est; usus autem eius est maximus civitatis gubernatio et earum ipsarum rerum, quas isti [*i.e.* philosophi] in angulis personant, reapse, non oratione perfectio" (*Rep.* 1.2; cf. *ibid.* 1.33 and *Tusc.* 1.32). He will give all and endure all for civic honor and glory.[69] In this judgment on the supreme importance of the statesman, who will, of course, have been given a thorough training in oratory, Cicero was not guided merely by naive optimism, or even by the desire to enhance his own career and attainments. His conviction arose partly from the belief widely held in antiquity of the essential worth and dignity of public service and also from the Stoic view that the state was a sacred institution (*Leg.* 1.22 ff.; *N.D.* 2.78 ff.; 133).

Political Theory

It is against this intellectual and emotional background that we must examine Cicero's political theory. This has as its philosophical basis the Stoic hypothesis of a Natural Law which is divine in character and which finds its most perfect expression in justice.[70] The *mundus* is governed by reason which in its perfect form is possessed only by God, but of which man, as a rational being, has some share (*Rep.* 1.19). The universe might be described as a commonwealth of which man is a citizen and over which Providence exercises supreme *imperium*. In this sense it exists for man to whom God has given a distinguished place in it (*Leg.* 1.22; 27; cf. *N.D.* 2.133). It extends beyond all boundaries and embraces the whole of human society (*Leg.* 1.61; *De fin.* 3.64). As such it can be comprehended only by intelligence whose function is to command right action and to recall men from wrong-doing. It is by exercise of this

Off. 1.153. According to his premises, wisdom is the highest virtue and the highest duties are those derived from the highest virtues. Wisdom he defines as concerned with the bond between gods and men, so that logically the duties enjoined by philosophy and religion should be the most important. Yet Cicero immediately displaces wisdom by *communitas* ("social instinct") and gives to "social duties" the place which he accorded wisdom; "etenim cognitio contemplatioque naturae manca quodam modo atque incohata sit, si nulla actio rerum consequatur." See the note *ad loc.* in W. Miller's Loeb edition and cf. *ibid.* 1.156.

[69] *Rep.* 5.9; 3.40; *Leg.* 1.32. See also *De orat.* 1.194; *Arch.* 14; *Pis.* 57; *Mil.* 97; *Phil.* 1.29.

[70] See Schmekel (above, note 3) 30, 220 ff.; also Pohlenz (above, note 9) 243–44, 263–64, 269.

reasoning faculty that man can measure justice and injustice.[71] For justice is closely allied to law and a sense of justice is a natural instinct in man (*Leg.* 1.40 ff.).[72] In the individual this emerges as a state of mind which prompts right conduct, while in the state, which is no artificial compact but the outcome of man's nature, it appears as the principle whereby the individual obtains his due (*Rep.* 1.39; 3.18).[73] Justice is, in fact, the foundation of the state (*Rep.* 2.70).

Cicero, however, is by no means clear when he attempts to define the relation of natural justice to justice in the state.[74] Positive law is, of course, derived from the natural: "lex est ratio summa insita in natura" (*Leg.* 1.18; cf. *De inv.* 2.65). This *vera lex* he describes but vaguely, and to cover the weakness of his position appeals to the consensus of philosophic opinion (except the New Academy) and to "all men who believe that what is right and honorable is to be desired for its own sake" (*Leg.* 1.37 ff.).[75] His reason is not far to seek. Whereas Plato had investigated the nature of justice in the individual and Aristotle had examined many existing constitutions before each proceeded to construct his ideal state on the basis of principles thus elucidated, Cicero has an ideal state already before his eyes, that of Rome (*Rep.* 1.70; 2.21 ff.; 52; *Leg.* 2.23; 3.12).[76] After his usual manner he accords a higher place to the practical statesman than to the scholar or philosopher: "illi verbis et artibus aluerunt naturae principia, hi autem institutis ac legibus." Even though the Romans as a race had the supreme gift of allying thought

[71] *Leg.* 1.18–19; 33; *Rep.* 3.33 and *passim.* Cf. *Off.* 3.72; *Fin.* 2.59.

[72] In the *Republic* (3.27 ff.) Cicero puts into the mouth of Philus a spirited denial of this proposition. Using Carneades' arguments he maintains that even if justice exists, it is often found to be opposed to prudence. Laelius' reply apparently did not satisfy the ancients. See Lactantius' summary of the argument (*Inst.* 5.16.5–13), which is lost. For justice as co-operation with one's fellows see *Off.* 2.18 ff.

[73] Cf. *Fin.* 5.67; *N.D.* 3.38. For this definition of justice see Plato, *Rep.* 331A; *Leg.* 757B; Aristotle, *Pol.* 1301A 26 ff.; Isocrates, *Areop.* 21; *Nic.* 14 ff.

[74] See Cauer (above, note 10) 24. Cf. *Off.* 3.69: "sed nos veri iuris germanaeque iustitiae solidam et expressam effigiem nullam tenemus, umbra et imaginibus utimur." On Cicero's attempt to heal the dichotomy of Stoic political theory by introducing law as a bridge between god and man see K. Vossler, *Die Göttliche Komödie*, 2 Aufl. (Heidelberg 1925) 1.204–23, 294. On Cicero's concept of natural law see C. H. McIlwain, *Growth of Political Thought in the West* (New York 1932) 115–18.

[75] Cf. *N.D.* 2.12 where Cicero appeals to the general opinion that the gods exist. To Cicero their existence implies government of the world by their providence (*ibid.* 2.75).

[76] Note that whereas Cicero believes that the composition of the government determines the constitution (*Leg.* 3.12), Aristotle derives his general constitutions from the various possible bases of equality (*Pol.* 1294A 19; *Eth. Nic.* 1131A 20; *Pol.* 1280A 7).

with action, only in the Roman state itself could be found "incredibilis quaedam et divina virtus" (*Rep.* 3.4). Justice proves to be an attribute of the state embodied in the *mos maiorum* with the additions proposed by Cicero (*Leg.* 2.61–62; 3.12; 37). "Do you not think, then," says Cicero to Atticus in the *Laws* (2.23) "that since Africanus in my former work on the Republic seems to have proved that our early state was the best in the world, we must provide the ideal state with suitable laws? . . . If by chance I propose laws today which do not exist now and never have existed in our state, they will nevertheless generally be among the customs of our ancestors which in those days used to have the force of law." Therefore, although Cicero states that he will employ the same principles as those which Plato enunciated (*Rep.* 2.52), he is not concerned with the relation of justice to individuals, but rather of justice to the state. Justice is not a philosophic principle so much as an idea or spirit implicit in Roman custom, law, tradition and morality. In *De officiis* he observes that Roman court procedure had actually prepared the way for the growth of Natural Law: "So our forefathers felt that . . . the law of nations should also become the civil law of Rome" (3.68 ff.).[77] Consequently, Cicero is able to persuade himself that any action which contravenes the *mos maiorum* is unjust according to Natural Law.

To return: the law of the state is the sole bond holding a political society together; it is the one common factor which all its citizens, irrespective of wealth or family, can share (*Rep.* 1.3; 39; *Leg.* 2.12). As the mundane representation of divine law it is in political life the source of all authority (*Rep.* 1.48 ff.). To be effective it is embodied in the office of the magistrate: "It can truly be affirmed that the magistrate is law made vocal, while law is a voiceless magistrate" (*Leg.* 3.2). The magistrate will not, of course, wield power permanently. Authority is delegated to him as a man, according to Aristotle's dictum, worthy to rule and be ruled for the express purpose of judging what is lawful and what unlawful (*Leg.* 3.5; cf. Aristotle, *Pol.* 1283B). The state exists to ensure liberty, which Cicero, with the Stoics, elsewhere defines as voluntary acquiescence in laws and moral principles (*Parad.* 5.34; *De off.* 1.70 ff.). Naturally the magistrate will be guided in his public actions by the *mos maiorum*. Even so, the magistracies are so important that Cicero

[77] On this see T. Frank, "Cicero," *Proc. Brit. Acad.* 18 (1932) 12–13.

considers that the several types of state are determined by the arrangement of magistracies.

Starting with these principles he proceeds to describe his ideal state. Like the Stoics, he would, under ideal conditions, prefer monarchy: but since such a form of government is impracticable, following Panaetius and Polybius he advocates a mixed constitution (*Rep.* 2.65).[78] He was naturally concerned to prove the superiority of the Roman constitution to all others, but his historical position was far different from that of Polybius. When the latter wrote his *History* the fabric of the Roman state was comparatively unimpaired, so that he could quite sincerely illustrate Greek theory with Roman practice.[79] Cicero, on the other hand, in defending the constitution of his own day had to excuse, explain away, or ignore the failings of a century of imperialism and the exclusiveness of its senatorial oligarchy: he must condemn the self-seeking of the plebs while still admitting them to a partnership in the government without which it was impossible to maintain the fiction of a mixed constitution. It is no wonder that his arguments are sometimes lame and that he descends to sophistry even when discussing topics of the greatest importance. The weakness of his position becomes evident when he attempts to define equality.

In the first book of his *Republic* Cicero states as his main reason for preferring a mixed type of constitution the fact that only under such a form of government can stability be assured and equality maintained, so that every citizen has his own appropriate station (1.69): "This constitution has to a large extent a sort of equality (*aequabilitatem quandam magnam*) which free men can scarcely do without for long, and secondly it affords stability. . . . For there is no reason for change where every citizen is firmly established in his own station. . . ." In his ideal state he will retain the office of tribune, despite the lamentable history of the tribunate from the time of the Gracchi. We may, however, assume that the tribunes

[78] For the concept of *temperatio* cf. *Rep.* 1.69; 2.69; *Off.* 2.41. For Panaetius and Polybius as sources see especially Schmekel (above, note 3) 47–85; Galbiati (above, note 3) 307–33; Pöschl (above, note 3) 47–72. For our present purpose it is unnecessary to consider whether Polybius derived the theory of a balanced constitution as enunciated in the sixth book of his *History* directly from Panaetius, or whether he used some Peripatetic source. See above, note 4.

[79] Yet, even Polybius, possibly disillusioned by the career of Tiberius Gracchus, seems to have come to the conclusion that the fall of the Roman state was to be expected, though its dissolution might be retarded by its balanced constitution. Contrast the optimism of 18.35 with 32.11.

are to revert to their traditional role of aiding the senate. They will, he observes, realize the necessity for public order and restrain the people, while the retention of the tribunate will satisfy the political vanity of the commons and create the illusion that they are the equals of the wealthy: "quam ob rem aut exigendi reges non fuerunt aut plebi re, non verbo danda libertas; quae tamen sic data est, ut multis institutis praeclarissimis adduceretur, ut auctoritati principum cederet" (*Leg.* 3.25). The secret ballot he rejects, suggesting that all voting be conducted under the supervision of the chief citizens (*Leg.* 3.10).[80] With such powers of supervision the Optimates either as magistrates or senators would have all political initiative and control — a situation which Quintus (for Cicero is too canny to express such a preference himself) thoroughly approves: "Everyone knows that the law providing for a secret ballot has deprived the *optimates* of all their influence. Such a law the people never desired *when they were free*, but they demanded it only when they were subject to the tyranny of powerful men" (*Leg.* 3.34).[81]

[80] On dislike of ballot laws see also *Leg.* 3.34; 36; *Brut.* 97; *Sest.* 103; *Lael.* 41. To the commons they were the "safeguard of liberty" (*Leg.* 3.39); cf. *ibid.* 3.34; *Sest.* 103; *Leg. agr.* 2.4; *Planc.* 16.

[81] See Sabine and Smith (above, note 12) 98. The *optimates* are, of course, the proponents of senatorial government. The classic account of them is in *Sest.* 96–103; 137–38. For the purpose of this speech he describes all good citizens, including freedmen, as *optimates*: "qui et integri sunt et sani et bene de rebus domesticis constituti" (97; cf. 21). But he is especially concerned with the *principes optimatium* who guarantee "what all good citizens desire," *cum dignitate otium* (98), and who must be prepared to defend with their lives, if need be, the republic and all it stands for (102). As Wirszubski demonstrates (above, note 28) 40–42 the goal of the Optimates is *otium* for the people, *dignitas* for the aristocrats. Cf. *Sest.* 104; 137 with *Rep.* 1.52. H. Last in *CAH* 9.280, 286 points out that the constitution sketched out in *Sest.* is similar to that of Sulla. P. Boyancé, "Cum Dignitate Otium," *REA* 43 (1941) 171–91, after analyzing the excursus on the Optimates in *Sest.* concludes that it is relevant to the training of the statesman in the *Republic* and derives ultimately from Aristotle. On the Optimates see also Miss L. R. Taylor, *Party Politics in the Age of Caesar* (Berkeley 1949) 11–15, 227–28.

Dignitas in its political sense denotes either a specific office, or the prestige acquired through office. So H. Wegehaupt, *Die Bedeutung und Anwendung von dignitas in den Schriften des republikanischen Zeit* (Breslau 1932) 22; but for a different view see E. Remy, "Dignitas cum Otio," *Musée Belge* 32 (1928) 113 ff.; R. Reitzenstein, "Die Idee des Prinzipats bei Cicero und Augustus," *GöttNachr* 1917, 432 ff. According to Cicero, *dignitas*, once acquired, becomes a permanent possession of the office-holder and his descendants (*Sest.* 21; *Mur.* 15), endowing him with *auctoritas* (*De inv.* 2.166). It is closely allied to *nobilitas*, which to Cicero was the respect accorded to *dignitas* (*Sest.* 21), or the renown gained by *virtus*. See *Ad Hirt.* fr. 3 (Purser): "cum enim nobilitas nihil aliud sit quam cognita virtus"; cf. *Fam.* 3.7.5. As *nobilitas* and *dignitas* could be inherited, birth and name became so important that they might decide an election (*Pis.* 2; *Verr.* 2.5.180). For the difficulties of a *novus homo* trying to break into this charmed

It is to be observed that Cicero uses the term "liberty" in a connotation different from the Athenian or the modern. *Libertas*, as being the sum of civic rights granted by the laws, was thus determined by the Roman constitution with its keynote of moderation and restraint: "legum denique idcirco omnes servi sumus ut liberi esse possimus" (*Cluent.* 146; cf. *Off.* 2.41; *Top.* 9).[82] Equality before the law gives the nominal right to govern, but the exercise of this right should be subject to possession of *auctoritas* and *dignitas*.[83] So, though Cicero inveighs eloquently against the dangers of sectionalism (*Off.* 1.85) and insists that the mixed constitution can alone prevent despotism, oligarchy or ochlocracy (*Rep.* 1.69; 3.46–47; 1.55; 2.43), he insists that the senate must be supreme, since it is the only constitutional body which can hold the balance between absolutism and democratic egalitarianism, which itself may well lead to tyranny (*Rep.* 1.52; 65; 68).[84] It was to ensure senatorial

circle see below, note 134. On *novi homines* in general see W. Schur, "Homo Novus," *Bonner Jahrbücher* 134 (1929) 54–66; and J. Vogt, *Homo Novus: Ein Typus der römischen Republik* (Stuttgart 1926). On the supremacy of the aristocratic families see R. Syme, *The Roman Revolution* (Oxford 1939) 10 ff.; F. Munzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart 1920) 225 ff.; M. Gelzer, *Die Nobilität der römischen Republik* (Leipzig 1912) 43 ff. It is interesting to note that when it suits his purpose Cicero can claim to be *popularis* (*Phil.* 7.4). For the *populares* see *Ad Her.* 1.8, which seems to be a summary of popular propaganda; also W. Kroll, *Die Kultur der ciceronischen Zeit* (Leipzig 1933) 1.70–73.

[82] Cf. *Planc.* 94 and contrast *Flacc.* 15–16, *Rep.* 3.23 which criticize Greek ἐλευθερία as being close to *licentia*. In *Rep.* 1.47 one of the interlocuters identifies *libertas* with democratic egalitarianism, true government by the people, but Wirszubski (above, note 28) 10–12 points out that this definition is opposed to that of Livy and Seneca and also to Cicero's views as expressed later (*Rep.* 1.59) that it is *aequabilitatem quandam* (cf. *Planc.* 33; *Off.* 1.124). He concludes (81–83) that *aequa libertas*, *aequum ius*, and *aequae leges* mean the same thing, equality before the law, not equal political rights. *Libertas*, conceived as freedom from absolutism, whether of despot or people, is an indefeasible right; see *Caec.* 96 ff. The sweeping claim (*De domo* 77) that no citizen could lose *libertas* or *civitas*, except voluntarily, would, however, appear to be an argument to the case in hand; see Th. Mommsen, *Römisches Staatsrecht* (Leipzig 1888) 3.43 and 361, note 1; contrast *De orat.* 1.181.

[83] Cf. above, note 28. On *auctoritas* see R. Heinze, "Auctoritas," *Hermes* 40 (1925) 348–66, and *Von den Ursachen der Grösse Roms* (Leipzig 1921) 32 ff.

[84] See above, note 81. In Cicero's sketch of the ancestral constitution, "civitatem a nostris maioribus sapientissime constitutam" (*Sest.* 137), he represents the senate as the dominant element; cf. *De domo* 130. The freedom of the people is ignored (98), or mentioned only perfunctorily as depending on the authority of the senate (137), while *provocatio* and tribunician *auxilium* are passed over in silence. Cicero agrees with the Optimates in their view of the functions of the senate. Cf. his defence of the *s.c. ultimum* (*Rab.* 2 ff.; 35; *De orat.* 2.106; 132). His only point of disagreement is his contention that admission to the order should be based on merit (*Sest.* 136–37; *Rep.* 1.51); on this see below, note 134. On *mos maiorum* see Kroll (above, note 81) 1.39–41.

power that, like all the Optimates, he objected to the secret ballot, which the tribal assemblies had found a powerful weapon in attacking the Optimates. The state which Cicero prefers would in effect be an aristocracy, as Cicero implies when he quotes with approval the precedent of Servius Tullius: "curavitque, quod semper in re publica tenendum est ne plurimum valeant plurimi" (*Rep.* 2.39). Cicero is solely concerned to preserve for the commons the appearance, not the reality, of equality.[85]

This is not the end of his special pleading. As he believes the commons should be reduced to their appropriate minor status in the government of the state, so he must rationalize the position of the subjects of Rome. To justify Roman imperialism Cicero, who was bound in theory to insist on the natural equality of all men as sharing in the universal attribute of reason, took refuge in Aristotle's unconvincing thesis that the subjection of the "inferior" to the "superior" while apparently unjust was in reality perfectly just (*Rep.* 3.37). It is true that Cicero shows certain qualms of conscience. War used to be milder than in his own day, he laments in *De officiis* (1.38): in the old days the victor did, at least, accord clemency to the vanquished. Even so, his defense, for example, of the treatment of Corinth, which Florus (2.16) condemned as *facinus indignum* is not even specious (*Off.* 1.35; cf. *De leg. agr.* 1.19; 2.87–88). In his political treatises he seems content to assure himself that any wars of expansion were fought according to the niceties of international protocol with all the appropriate fetial ceremonies observed.[86] As Cauer once observed acidly, "They [the Romans and the British] struggle only for Right, Morality, Culture and other good things."[87]

[85] Cauer (above, note 10) 40 observes that nowhere in Cicero's extant work does he deal with the voting rights of the people as Polybius does (6.54). He would see the influence of Plato and Aristotle in this deliberate neglect of the people's rights. Cf. Sabine and Smith (above, note 12) 75, who concede that it is just possible that Cicero had treated the functions of the people in a lost book of the *Republic*. On the significance of Cicero's view that government depends on law and that this in turn is the expression of popular sovereignty see G. H. Sabine, *History of Political Theory* (New York 1937) 161–67. Yet, in the last few decades of the republic the popular assemblies scarcely expressed the will of the whole people. Only a small number of citizens attended meetings which became the scene of factious quarrels. By their willingness to delegate extraordinary powers and pass bills of dubious legality they were a disruptive, if not a subversive, factor in the state. Cicero's suspicion of the popular assemblies, though prejudiced, was not unfounded; see *De domo* 89 ff.; *Att.* 1.19.4; 1.16.11.

[86] *Leg.* 2.34; *Rep.* 2.31; 3.34–35; cf. *Off.* 1.36 ff. We may observe that in 50 B.C. Cicero did not scruple to contemplate deserting the proposed sphere of *imperium* in Sicily, if the interests of the state demanded his presence in Rome (*Att.* 7.7).

[87] See above (note 10) 64.

We may give Cicero the benefit of the doubt and grant that when justifying imperial policy he is merely quoting the version commonly accepted at Rome.[88] However, we should note that even his condemnation of Caesar's aggression (*Off.* 1.26; 3.82; cf. 2.83–84) is not prompted by any concern for Massiliots or Gauls, but merely by considerations of party politics. Despite his genuine sympathy for allies and subjects, his attitude to them is paternalistic. He cannot conceive of any system save one in which Rome will continue to rule the nations.[89] His conception of a protectorate, *patrocinium orbis terrarum* (*Off.* 2.27), makes no provision for the inclusion of provincials in the Roman state. Nor could he understand that extension of the franchise to the whole Italian peninsula had unbalanced the traditional city-state framework. Consequently, since he did realize that without some *concordia ordinum* the senatorial system must collapse, he strained every nerve to prop up the tottering edifice.[90] He was willing, if need be, to compromise with his conscience, and to conciliate political allies by means dubious, if not dishonest, in a manner scarcely in accord with his insistence (*Off.* 2.9 and *passim*) that expediency (*utile*) is inseparable from moral rectitude. Conscious that the reasons for his "trimming" may be misunderstood, he writes to Lentulus (*Fam.* 1.9.21; cf. *Planc.* 91 ff.): "non idem semper dicere, sed idem semper spectare debemus." Generally, we may assume, Cicero could satisfy any qualms of conscience by the reflection that it was necessary to make temporary political adjustments to ensure the success of his political ideal, stability of the Roman state, and, therefore, of the civilized world.

In commenting on these obvious weaknesses in Cicero's political theory it is not my intention to decry Cicero, who by his writings did more to perpetuate Greek thought than any of his countrymen. Such flaws, we may assume, would be apparent also in the political theory of the Stoic opponents of Caesar, if Cicero's specific arguments were derived from Stoicism. Of this we cannot necessarily

[88] On this topic see S. E. Smethurst, "Cicero and Roman Imperial Policy," in this volume, 216 ff. and references.

[89] See W. W. How, "Cicero's Ideal in the *De Republica*," *JRS* (1930) 35. On Caesar see also below, note 145.

[90] See H. Strasburger, *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros* (Leipzig 1931) 68; M. Gelzer, s.v. "Tullius," *RE* 935 ff.; on Cicero's "trimming" in the interests of *concordia* see H. Hill, *The Roman Middle Class in the Republican Period* (Oxford 1952) 163–65.

be sure. An eclectic of Cicero's wide reading must have acquired scattered items of information from a variety of sources. Consider, for example, the preference for monarchy which Scipio expresses in the first book of the *Republic* (1.55 ff.).[91] Whence was it derived? The view that under ideal conditions monarchy was the best form of government was a commonplace of Hellenistic thought.[92] Cicero may first have learned of the theory from the Stoics, Polybius, Antiochus or Stilo. It is impossible to say, nor is the question important.

When, however, we turn to examine the various opinions put forward concerning his application of the monarchical principle, we find that disagreement among scholars is more pronounced and more serious. It has been argued that it was to emphasize the monarchical element in his ideal state that Cicero proposes the *gubernator*, *moderator*, or *rector rei publicae*.[93] Now, Cicero does see the necessity for "quiddam in re publica praestans et regale" (*Rep.* 1.69) which he later identifies with the consulate (*ibid.* 2.56), but such a *rector* or *princeps* (if the two dignities are to be considered equivalents)[94] would be no dictator, in whose power Cicero saw the final expression of that factious spirit which he believed to have ruined the republic, but the first citizen of a free society.[95] Scholars disagree on the exact function of the *rector* and his place in the state. So Meister in his survey of the discussion concludes that the *rector* did play a part in Cicero's constitution, but is uncertain, considering the fragmentary state of the *Republic*, how he was fitted into the republican framework.[96] Sabine and Smith, on the other hand, in

[91] On Cicero and monarchy see R. Heinze, *Vom Geist des Römertums* (Leipzig 1938) 160–61.

[92] See E. R. Goodenough, "The Political Theory of the Hellenistic Kingship," *YCS* 1 (1928) 55–102. On Isocrates see *ibid.* 57, and F. Taeger, "Isocrates und die Anfänge des hellenistischen Herrscherkultes," *Hermes* 72 (1937).

[93] The following are the main passages where Cicero uses the terms *rector* etc.: *Rep.* 2.51; 5.5; 8; 6.1; 13; *De orat.* 1.211. For the related terms *princeps*, *principes* see *Rep.* 1.34; 5.9; *Leg.* 3.32; *De domo* 66; *Fam.* 1.9.11; 2.6.4; *Phil.* 14.17; *Sest.* 84. See also *Sest.* 97–98 and above, note 81.

[94] This is, of course, by no means certain, since *princeps senatus* was the term regularly applied to prominent consulars; see Syme (above, note 81) 10.

[95] For a statement of this view see C. N. Cochrane, *Christianity and Classical Culture* (Oxford 1944) 59 ff. On faction and *contentio dignitatis* with their destruction of senatorial power see *Fam.* 6.6.4; *Phil.* 2.23; cf. *Fam.* 8.14.2; on *contentio dignitatis* see *Att.* 7.11.1; 7.3.4; 8.11.2; 10.4.4; *Lig.* 18; *Marc.* 25; *Off.* 1.26; 64. On this whole topic see Ch. Wirszubski (above, note 28) 77–79.

[96] R. Meister, "Der Staatsdenken in Ciceros *De re publica*," *WS* 57 (1939) 57–112. A. Magdelain, *Auctoritas Principis* (Paris 1947), traces the idea of *princeps* from

the introduction to their translation of the *Republic*, are doubtful whether Cicero ever intended the concept of the ideal statesman to be a practical contribution to Roman politics.[97] There is an equally sharp difference of opinion concerning the effects of Cicero's theory on Roman politics. When describing the *rector* did Cicero have any real person in mind? To what extent did his theory influence his contemporaries or Augustus? Meyer, who believes that Cicero's description owes much to Plato's *Politicus*, sees Scipio Africanus as an historical archetype;[98] when describing the *princeps* Cicero had a living Roman in mind, Pompey.[99] Heinze, on the contrary, could see no *Tendenzschrift* in the *Republic* which he thought was written "simply to show what a fine state the Roman Republic had once

Ciceronian and republican precedent. A. Oltramare, "La réaction cicéronienne et les débuts du principat," *REL* 10 (1932) 58–90 gives qualified assent, arguing that though Cicero had little direct effect on the career of Augustus, his influence on Roman society forced Augustus to conciliate republican sentiment. M. van den Bruwaene, "La Notion du Prince chez Cicéron," *Études sur Cicéron* (Brussels n.d.) 59–77 argues that Cicero, who derived his theory from Theopompus through Polybius' description of Aemilianus, was an important influence on Augustus. Pöschl (above, note 3) 171 ff. and K. Sprey, *De M. Tullii Ciceronis Politica Doctrina* (Amsterdam 1928) 258 ff., believe the *Republic*, inspired by Plato, to have been the philosophical forerunner of the Principate. M. Hammond, *City-State and World State* (Cambridge 1951) 154–55, who also thinks that Cicero was influenced by the Platonic philosopher-king, considers that Cicero conceived of the leaders of the state as a limited group, not necessarily as a single person.

[97] See above (note 12) 97–98.

[98] E. Meyer, *Caesars Monarchie und das Principat des Pompejus* (Stuttgart 1922) 184. For Scipio as the ideal of Panaetius see Pohlenz (above, note 9) 203–4.

[99] Meyer (above, note 98) 176. Cf. W. E. Heitland, *The Roman Republic* (Cambridge 1909) 476. See also R. Reitzenstein (above, note 81) 399–436, 481–89. W. W. How (above, note 89) argues that Cicero adapted the theories of Plato and Aristotle concerning the ruler to apply to Romans like Aemilianus and himself. The *princeps* would have no unusual powers, but simply be *optimus civis*. He is doubtful of Cicero's influence on Augustus. Wirszubski (above, note 28) 86–87 observes that Cicero considers ambitious pursuit of *dignitas* as responsible for Rome's political crisis (cf. above, note 81) and is concerned that the "elder statesman," *princeps civitatis*, should devote himself to selfless service of the commonwealth (*Att.* 8.11.1; cf. *Off.* 1.85) without any thought of reward, except honor (*Rep.* 5.9) and eternal bliss in the after-life (*ibid.* 6.13; 29). So far, then, from advocating an institutional principate, Cicero, who defines the *Republic* as "de optimo statu civitatis et de optimo cive" (*Q.F.* 3.5–6.1), was justifying the old constitution and calling on his contemporaries for a change of heart, though he later realized that the republican leaders did not share his idealism (*Att.* 7.11.1; 8.11.1). On the other hand, P. Grenade, "Remarques sur la Théorie Cicéronienne dite du 'Principat,'" *MélRome* 57 (1940) 32-35, 61–63, while he does not think that too much importance should be attached to the word *princeps*, does not seem to deny the possibility that Augustus took up and developed views advanced by Cicero, even if they were not derived from him directly.

been."[100] When such contrary interpretations are made of material actually in the texts, it is plain that discussion of sources no longer extant must often be quite subjective, often dogmatic. In the case of monarchy it would be quite plausible to argue that while Cicero's application of the monarchical principle was his own and that he drew on Plato, as Meyer believes, to elaborate it, yet he first learned of the theory from the Stoics.[101]

When, however, we examine Scipio's description of monarchy, we find that not only are there remarkable parallels between passages of the *Republic* and statements of Isocrates on the same theme, but that Scipio's defense of monarchy as a pattern writ in heaven, the efficacy of which is proved in time of war, is precisely that used by Isocrates in the *Nicocles*. The passages are as follows:

"SCIPIO. It is proper for us to start our discussion with the one god whom all men admit, learned and unlearned alike, to be king of gods and men. LAELIUS. Why?

SCIPIO. Why do you think, except for the reason that lies before your eyes. Possibly the rulers of states have introduced this principle for its utility in practical life — the belief that there is one king in heaven who moves all Olympus with a nod, as Homer says, and who is both king and father of all: if so, we have an important precedent and the witness of many men (if all can be called 'many') to the fact that nations have agreed — namely, by the decisions of their rulers — that nothing is better than a king, since they believe all the gods are ruled by the authority of one" (*Rep.* 1.56).

"If I must make some mention of things old in story, it is said that even the gods are ruled by Zeus as king. If this saying is true, it is plain that the gods also prefer this state of affairs; if, on the other hand, nobody knows the truth of the matter and we have conjectured and supposed it to be so, here we have proof that we all hold monarchy in the greatest esteem, since otherwise we should never have said that the gods enjoyed it, unless we believed it to be far superior to all other forms of government" (*Nic.* 26).

The parallel is so close that Galbiati, most ardent exponent of the view that Panaetius was Cicero's single direct authority, is forced

[100] See above (note 91) 144–45. M. Wheeler, "Cicero's Political Ideal," *GaR* 21 (1952) 49–56 suggests that the "metaphorical character" of the terms *gubernator* etc. make it reasonable to infer that Cicero's "elder statesman" was not intended to hold any office at all, and that as the "external architect of the ideal state" the *moderator* would be Cicero himself.

For a different view of Cicero's intention in writing the *Republic* see Wirszubski (above, note 28) 79 who, like Pöschl (above, note 3) and Sprey (above, note 96), believes that he wrote to remedy the crying evils of the state.

[101] For this compromise see also Pöschl (above, note 3) 34–39.

into an untenable position to explain away the coincidence. "I would believe," he says, "that Cicero is here quoting Isocrates, *unless I were sure that Panaetius was his source*" (italics mine).[102] Even so, he is forced to admit that Cicero had read the *Nicocles*. Readers who do not lay claim to such academic intuition as Galbiati professes may be pardoned for their scepticism. It seems certain, as far as *Quellenkritik* can be certain, that Cicero was familiar with the *Nicocles*, and if this is so, there is no valid reason for supposing, without examination, that Isocrates was not among Cicero's authorities on a subject on which their general outlook was so similar. We must, therefore, consider certain points of similarity in their political outlook.

Despite the admiration for monarchy expressed in the *Nicocles*, Isocrates was not advocating that the Athenians adopt a monarchical constitution any more than Cicero desired one at Rome. Like Cicero, Isocrates was in effect a proponent of aristocracy. While retaining faith in the democratic ideal he preferred the polity of Solon and Cleisthenes, "the democracy of our forefathers," in which the people chose the best leaders and then submitted themselves to them. This government did not "train the citizens in such a way that they thought that insolence was democracy, lawlessness liberty, bold speech equality, and license to do whatever they chose happiness. . . . What made the greatest contribution to good government of the state was the fact that of the two current types of equality — one which accords the same honors to all alike, the other which gives each man his due — they did not fail to recognize which was more serviceable. They rejected as unjust that which holds the bad and the good to be worthy of the same awards and preferred . . . that which selects the best and ablest for the several functions of state" (*Areop.* 20–22; cf. *Panath.* 131 and *Nic.* 14 with *Rep.* 1.69). Both men were aware that it was necessary to maintain the appearance of popular government if their respective states were to remain stable: they were both equally insistent that justice was no mere mechanical egalitarianism, but existed to ensure that those who were most fitted to rule should control the state. In this sense the state could be termed a partnership of all the citizens (*Areop.* 31; *Rep.* 1.49).

Cicero, therefore, could deny that everything found in the "customs or laws of nations" was necessarily just, and argue that

[102] Cf. also *Nic.* 23–24 and *Rep.* 1.63.

"unjust statutes" are the complete negation of law, which exists to distinguish between what is just and what is unjust (*Leg.* 1.42; cf. 2.13).[103] His object in making this distinction was to find a firm basis for the rule of law and, therefore, for the republican constitution. His very personal application of the Stoic theory of natural law to ensure that the constitution should be above the legislative competence of the tribal assembly (cf. *Leg.* 2.14) was guided by the best motives.[104] Nevertheless, he was naive to believe that natural law provided the best solution to the problem, or that his own code embodied it. His code was tendentious in the extreme. By it he could prove, to his own satisfaction, that the laws of Titius, Saturninus and Drusus were not really laws because, in his opinion, they "neither punished the wicked nor defended and protected the good" (*Leg.* 2.11 ff.; 31).[105] To ensure good government and stability there must be definite distinctions of rank among the citizens. It was this neglect of all distinction in the citizen-body which made it impossible for the Athenians to maintain their former renown, once the Areopagus had been deprived of its powers (*Rep.* 1.43). In the same way Isocrates had insisted that statutes do not necessarily contribute to good government, but that the state where the citizens cherished justice in their souls was best (*Areop.* 39–42; cf. *Panath.* 144; *Paneg.* 78). It was an excess of democracy which ruined the Athenian state (*Areop.* 16–18; 50; 51).

While both men found a similar solution to the problem of reconciling liberty and good government, Isocrates was even more critical of the effectiveness and beneficial results of law-making by itself (*Areop.* 40). Public spirit and not legislation must be the guiding factor in the state. In the good old days of the Athenian polity the citizens were frugal and incorruptible (*Areop.* 24 ff.; *Paneg.* 76). They were animated by the virtues of piety and sobriety. Envy was unknown. The poor felt that the wealth of the rich was a guarantee of their own well-being: the rich in their

[103] As, for instance, Flaccus' law concerning Sulla's dictatorship. Cf. *Leg. agr.* 3.5; *Verr.* 2.3.82.

[104] See C. W. Keyes, "Original Elements in Cicero's Ideal Constitution," *AJP* 13 (1921) 311; Cauer (above, note 10) 28; Sprey (above, note 96) 217.

[105] So, Cicero can assert that the removal of Tiberius Gracchus by Nasica provided a service equal to the victories of Aemilianus (*Off.* 1.76)! Cf. *Rep.* 1.31; 2.49; *Leg.* 3.20–24; *Off.* 1.109; 2.43; 80; *Phil.* 8.13; *De domo* 82; 91; *De har. resp.* 41. Yet, contrast *Sest.* 105 where he admits that the Gracchi obtained power by the "hope of advantage" which they induced in their supporters, the common people. Needless to say, their opponents were the *graves et magni.*

turn were restrained from injustice by fear of losing their possessions. The whole state was united in the mutual confidence thus inspired (*Areop.* 31 ff.). In this polity "all men were agreed that no truer democracy could be found, nor one more stable or beneficial to the commons than that which gave the people exemption from such cares [i.e. of public office] and at the same time sovereign power to fill the offices and bring to justice those who offended them . . ." (*Panath.* 147).

As we have seen, Cicero likewise justifies government by the *optimates*, since only thus can his definition of justice be implemented so that honor is given to worth and inferior citizens relegated to their appropriate place (*Rep.* 1.53).[106] So-called equality is in fact most unjust, since the superior are of no more account than their inferiors. He plainly has Athens in mind when he criticizes election by lot which produces such an inequitable state of affairs:

"If [the state] were to leave it [the selection of its rulers] to chance, it would capsize as quickly as a ship whose pilot was chosen by lot from among the passengers. But if a free people chooses those to whom it is to entrust its interests, and, if only it wishes to be safe, chooses the best men, then assuredly the safety of the state depends on the wisdom of its best men, especially since Nature has provided not only that those outstanding in virtue and spirit should command the weaker, but also that the weaker should be willing to obey their superiors" (*Rep.* 1.51).

The result of such a happy state of affairs will be comparable to that delineated in the passage of the *Panathenaicus* quoted above.

"So, between the weakness of a single ruler and the rashness of the many the best men (*optimates*) have occupied an intermediate position of the utmost moderation: when the latter rule the state, the citizens must of necessity enjoy the greatest happiness since they are free from all cares and worry once they have entrusted the preservation of their peace and quiet (*otium*) to those whose duty it is to protect it, without giving the people cause to think that their interests are neglected by their rulers" (*Rep.* 1.53).[107]

Seldom have politicians been so guilty of bland, wishful thinking as Cicero and Isocrates.

Both men, despite the very partisan nature of their definition of true justice, cannot rid themselves of the tacit assumption, common

[106] See above, note 69.

[107] Plato (*Rep.* 558C and *Leg.* 757B) and Aristotle (*Pol.* 1301A) express similar views, but in consideration of the close verbal parallels between the passages quoted in the text and Cicero's express reference to the Areopagus, it seems at least as probable that he had Isocrates in mind. Cf. Galbiati (above, note 3) 290.

in antiquity, that the constitution and the law must be the principal reformers of vice and the most positive incentive to virtue.[108] Their very moral earnestness, ill-directed though it may have been, together with their patriotic interest in practical politics prevented them from seeing what was obvious to Plato, namely that without radical reforms their respective states could no longer continue to perform their traditional moral function of providing a norm whereby the conduct of the individual might be regulated. Time brought disillusion to them both. The striking feature of their careers, however, is not their loss of faith in the constitutions they revered, but the persistence of the hopes to which they held for so long before they were driven to propose a constitution which, while democratic in form, had strongly aristocratic elements.[109] As they grew older both men, by nature lovers of the past, consoled themselves with a wish-fantasy. In the days of Solon and Scipio, their respective heroes, the citizens were just, Athens and Rome well governed. All, then, that was required was to turn back the clock and by reverting to the constitution of those happy times so to revive automatically the good old days. Endowed with the wisdom of hindsight as we are and realizing the futility of such dreams, we must not discount this emotional and romantic yearning for the past. Love of antiquity was a common bond between them and provides a clue to our understanding of their purpose. We cannot say whether Isocrates, except in his last years of revulsion from the failure of Athenian democracy to live up to his demands, was ever aware that his heart was leading his head. Certainly, Cicero at times seems conscious of some inconsistency between his moral and political philosophy on the one hand, and his normal Academic scepticism on the other. So in the *Laws* (1.39), when the discussion turns on a point of morality, he bids the New Academy be silent, since it has often introduced confusion into such problems.

[108] "Vitiorum emendatricem legem esse oportet commendatricemque virtutum" (*Leg.* 1.58). On this viewpoint see below, 307.

[109] On Isocrates see especially E. Havet's introduction to A. Cartelier's translation of *Antidosis* (Paris 1862) 22 ff.; also Jaeger (above, note 49) 153–54. On Isocrates' political theory in general see G. Mathieu, *Les Idées politiques d'Isocrate* (Paris 1925). On Cicero see Heinze (above, note 91) 59–151: whether Heinze is correct or not in arguing that Cicero was a democrat until 64, certainly he was more liberal in the earlier years of his political career than when he wrote the *Republic* and the *Laws*. From the time of the First Triumvirate Cicero became increasingly aware that many Romans were discontented with senatorial rule, and was discouraged accordingly. See *Att.* 2.21.1; 2.16.2; 2.9.2; cf. 1.18.3; 2.1.8; 2.18.2; 2.7.3. Note his despair after Luca: *Fam.* 1.81; *Q.F.* 2.7.3; *Att.* 4.18.2; *Q.F.* 3.5 and 6.4.

Now this veneration for antiquity is not solely due to a trait common to them both. Possibly it was also partly conditioned by the extensive use of history in the rhetorical curriculum.[110] Protagoras states in Plato's dialogue that it was the custom in Athens to use traditional accounts of the exploits of great heroes or nations as models to be imitated (*Prot.* 325E). Isocrates was apparently the first to realise the importance of history as part of the training necessary for the orator. Whether Jaeger is correct or not in implying that Isocrates drew on Thucydides to provide a series of historical examples, certainly he did use such examples constantly to lend weight to his political arguments.[111] But in his interpretations Isocrates is often quite indifferent to historical fact.[112] History he regards as a source-book for the orator or the statesman in which he will find precedents to support his arguments or actions.[113] This is not to imply that Isocrates showed a cynical disregard for truth, or that he was unaware that to support a case he had at times used pious fictions, "not the kind that are wont to injure one's fellow citizens, but those which, when employed by a man of wide culture, can benefit or delight his audience" (*Panath.* 246). Isocrates, who had a faculty for self-deception that is not unknown to modern politicians, might justify his distortions on the grounds that his advice was for the ultimate benefit of Athens.

So it was with Cicero. When he is not arguing a case, Cicero is second to no man in his admiration for true history: "testis tem-

[110] N. Wilsing in his dissertation *Aufbau und Quellen von Ciceros Schrift 'de re publica'* (Leipzig 1929) 89 sees Cicero's praise of the early Roman state as a "biography" written in the Isocratean manner. Certainly, it was to be expected that Cicero in writing on a subject so dear to his heart would use all his rhetorical art to give cogency to his argument. Yet surely Wilsing is mistaken in trying to ascribe the many resemblances that occur in the works of the two men merely to their use of similar rhetorical formulae. Even if we grant that his over-subtle analysis of the first book of the *Republic* according to the established categories of rhetoric is sound, we need more cogent evidence to prove that Cicero's political theory also was derived in part from Isocrates. Wilsing makes little attempt to do this. His parallels (63–72) are often close, but often only *communes loci* that might with equal justification be compared to similar sentiments in Plato and Aristotle.

On the cult of the past and the role of history in the rhetorical curriculum see K. Jost, *Das Beispiel und Vorbild der Vorfahren* (Paderborn 1936) 119 ff.; also Gisela Schmitz-Kahlmann, *Das Beispiel der Geschichte im politisches Denken des Isocrates, Philologus* Suppl. 31 Heft 4 (1939).

[111] See above (note 49) 3.102.

[112] See H. Peter, *Wahrheit und Kunst* (Berlin 1911) 144 ff.; F. Blass, *Die attische Beredsamkeit* (Leipzig 1887–88) 2.48–49, lists the contradictions in Isocrates' own accounts of early Greek history.

[113] See R. von Scala, *Isocrates und die Geschichtschreibung* (Leipzig 1892) 108.

porum, lux veritatis, vita memoriae, magistra vitae" (*De orat.* 2.36). Knowing that the historian must reveal the whole truth without being swayed by personal dislikes in his arduous task, Cicero can draw an accurate distinction between history and encomium, between facts and parables, and can censure writers who prefer the fabulous to fact (*Rep.* 2.18–19; *Leg.* 1.7; *Att.* 1.19.10; *De fin.* 5.64). Unfortunately, his judgments are inconsistent, because he often regards history from the standpoint of the orator: "concessum est rhetoribus ementiri in historiis, ut aliquid dicere possint argutius" (*Brut.* 43). Viewed in this light history is useful as part of that wide culture necessary for the orator who will learn wisdom from the examples of bygone ages.[114] Thus he considers Ennius a reliable historical authority and regards the poem on his consulship as an historical work, despite its introduction of the supernatural (*Brut.* 57; *Att.* 1.19.12; *De div.* 2.116). It was with a clear conscience, therefore, that he could write his notorious letter to Luccieus asking the latter to write an account of the illustrious consul of 63 B.C. which would be somewhat larger than life and in which the strict laws of historical composition might be neglected to increase the drama of the narrative.[115] It is not remarkable that the outline which Cicero gives of the regal period in Rome in the second book of his *Republic* differs from the account in Livy's first book rather in degree than kind.

It is to be noted that history can be used not only to point a political argument, but that both Cicero and Isocrates can descend to the most outrageous sophistry in their use of history to support the thesis that the statesman is also the orator *par excellence.* As an illustration of the way in which they can use fallacious historical parallels to lend strength to their argument we may cite two pas-

[114] *De orat.* 1.18; 158; 201; *Brut.* 161; 322; *Orat.* 120. See G. Boissier, *Tacitus and other Roman Studies*, transl. by W. G. Hutchinson (London 1906) 43–50 for a nicely balanced judgment on Cicero's conception of the art of history, and especially his interpretation of the notorious phrase *opus oratorium maxime* (*Leg.* 1.5).

[115] *Fam.* 5.12. R. Reitzenstein in *Hellenistische Wunderzählungen* (Leipzig 1906) 84 ff. has pointed out that the proposed work should be considered as encomium, not history. M. L. W. Laistner, *The Greater Roman Historians* (Berkeley 1949) 35 ff., has attempted to defend Cicero on the grounds that the requirements for biography were less rigid than those of history. Even so, it must be admitted that Cicero's respect for the truth is conditional, to say the least. Moreover, Laistner concedes that Cicero would be the first to disapprove of a description of the proposed work as "drama." See also *Att.* 1.19.10, on his consulship. On the difference between history and biography in the ancient world see Hirzel (above, note 3) 2.896; P. Scheller, *De Hellenistica Historiae Conscribendae Arte* (Leipzig 1911).

sages from *Antidosis* and *De oratore*. Both men are concerned to add lustre to their profession by proving the supremacy of their ideal of the orator-statesman. Isocrates in refuting the contention that rhetoric turns men into "intriguers and sycophants" first maintains that the great contemporary statesmen of Athens were excellent orators who brought great profit, not harm, to the state, and then assumes that because Solon and his successors were great statesmen they were necessarily excellent orators (*Ant.* 230–36). Cicero follows a similar line of argument in *De oratore* (3.55–56):

"The stronger this power [of eloquence] is, the more essential it is that it be combined with integrity and the highest wisdom, since if we grant fluency of speech to persons without these virtues, we shall not have turned them into orators, but shall have given weapons to madmen. This method of thinking and expressing thought, this faculty of speech was, I say, called by the ancient Greeks wisdom; from this source were produced men like Lycurgus, Pittacus and Solon, and after their likeness were our own Coruncanii, Fabricii, Catos and Scipios, not perhaps because they were trained so much as inspired by a similar intention and will (*impetu mentis simili et voluntate*)."[116]

These passages are important because they show clearly the interrelation of the political and cultural theories set forth by the two men. Both are asserting their claims to be considered the true heirs of what was best in the thought of their respective states; both striving desperately to convince their fellow citizens of the necessity to recover that wholeness of outlook which they believed or wished to believe characteristic of the great statesmen of former times. What better way could there be to attain this end than by recalling to mind the greatness and prosperity that Athens or Rome had once enjoyed in the days when men were willing to serve the state tirelessly and devotedly without any thought for selfish interests? By their patriotic apostrophes Isocrates and Cicero hoped to recreate the old spirit of service to the state and at the same time justify their own political philosophy.

An interesting question presents itself: Were they responsible for the growth of a national myth, and if so, were they consciously attempting to create one? Jaeger has implied that this was Isoc-

[116] Note how Isocrates (*Ant.* 235) equates "sophist" with "sage" and how Cicero similarly is quick to identify *eloquentia* with *sapientia* (cf. *De inv.* 1.5). This collocation of wisdom and oratory was, of course, common in the Hellenistic age. See Gilson (above, note 57) 11–19. In addition to the passage quoted in the text cf. also *De orat.* 3.139 where Cicero cites Timotheus as Isocrates' most famous pupil.

rates' intention and adduces as evidence his extravagant claims for Athens as the originator of all Greek culture.[117] In the *Panegyric* where Isocrates, while defending Athenian imperialism, professes to be giving an historical account of the development of civilization, praise of his ancestors and Athenian culture is intermingled.

"It is admitted by all men that our city is the oldest and greatest and most renowned in the world. . . . We are of such pure descent that we have possessed the land from which we are sprung throughout our history. . . . [If we recount our history we shall find] that the social order which we enjoy, with which we live as citizens and through which we are able to live is almost entirely due to her" (*Paneg.* 23–27).

The city provided the first necessity demanded by man's nature. It was in kindness for services rendered that Demeter gave to Athens the two choicest gifts, "the fruits of the earth and the blessing of the Eleusinian Mysteries," which Athens "being devoted to mankind" freely shared with all men (*ibid.* 28–29). Later, when Greece was distracted by internal dissensions Athens initiated the Ionian migration and thus paved the way for the later era of colonization (*ibid.* 36). But her work was still not done.

"Finding the Hellenes living without law in scattered settlements, some oppressed by tyrants, others being destroyed by anarchy, she rid them of these evils also by making herself mistress of some and setting an example to others; for she was the first to establish laws and set up a constitution. . . . The general management of her economy she ordered with such hospitality and consideration to all that it was equally suited both to the needy and those who wished to enjoy their possessions . . . since the former were afforded the pleasantest pursuits, the latter the safest refuge" (*ibid.* 39–41).

No Thyestes ever sullied the fair face of Attica (*Panath.* 122 ff.). Instead, from the time of her assistance to Adrastus against Thebes Athens was the protectress of the weak and the oppressed (*Paneg.* 55; *Plat.* 53). So great was her fame even in antiquity that Lycurgus was glad to copy her institutions (*Panath.* 153). It was the inspiration of such a national past that animated the men of the Golden Age, the days of Aristeides and Miltiades (*Peace* 75).

Cicero was, of course, familiar with this tradition of Athenian supremacy in all the arts. "Adsunt Athenienses unde humanitas, doctrina, religio, fruges, iura, leges ortae atque in omnes terras distributae putantur" (*Pro Flacco* 62). Even had such been his

[117] See above (note 49) 3.76 ff.

aim, he could make no such extravagant claims for his own city as had Isocrates centuries before. Cicero was, nevertheless, concerned to bear witness to the advanced culture that prevailed in his own country from its first beginnings and to prove that Rome's reputation did not rest on fabulous evidence. "This age [of Romulus], which was already cultured, mocked and rejected especially everything which could not possibly have happened" (*Rep.* 2.19). Moreover, this culture was native; "tamen facile patior," says Manilius (*ibid.* 2.29), "non esse nos transmarinis nec importatis artibus eruditos." Cicero cannot make the same claim for Rome's pre-eminence in the arts as had Athens, but he does consider Romulus comparable to Lycurgus as being the architect of the Roman people, which by his genius was brought into being already full-grown (*Rep.* 2.15; 21; 50). Naturally, since Cicero subscribed to Cato's view of the cumulative wisdom of the nation, he could not, even had he had the material, emphasize the careers of great individual statesmen once he had dealt with the regal period. Instead, he stresses the growth of Roman law as the expression of the natural genius of the people.[118] So when discussing the burden of debt that oppressed the commons of the young republic, he underlines the different Roman method of solution (*Rep.* 2.59):

"Perhaps our ancestors to relieve the pressure of debt might have used some method like that of Solon the Athenian. . . . For always when the plebeians were prostrate under the expenses induced by some great calamity some remedy or relief was sought to ensure the safety of the citizen-body. But such a policy was not undertaken at that time, and through the creation of plebeian tribunes (obtained through insurrection) the people were given the opportunity to diminish the power and influence of the senate. This power, however, remained respected and great because the wisest and bravest still protected the state by arms and counsel. . . . And the attainments of each patrician (*virtus cuiusque*) were regarded with greater esteem because they were most scrupulous to protect individual citizens in their private affairs by action, advice and practical aid."

Even so, though he must put the class before the individual, Cicero believes the Roman citizen-body to have been at least the equal of any other community (*Rep.* 2.24; 42; 58). But these civic virtues were only observed and respected until the Golden Age — the happy days of Scipio before the Gracchan Rogations.[119]

[118] See above, 270, 285.

[119] On Cicero's idealization of the age of Scipio see Cauer (above, note 10) 33 ff.; T. Zielinski, *Cicero in Wandel der Jahrhunderte*, 3 Aufl. (Berlin 1912) 183–88. For Cicero's contribution to the national myth see Smethurst (above, note 25) 3–7.

Certainly, the two writers do exaggerate the greatness of their national past. To suggest, however, that either one deliberately attempted to create a national myth must not only be a subjective opinion, but one which neglects the emotional love of the past which characterizes them both and might well have prompted them to an excess of praise that was sincere enough — at any rate, at the time it was written. One might go further and suggest that this strain of romance is not unexpected in two men who professed to be so practical and who yet spent their lives and great talents in trying to dam the torrent of contemporary events. It would also account to a considerable extent for their willingness to excuse the crimes of Athenian and Roman imperialism.[120] The brigand of one century, if his malefactions are on a sufficiently grandiose scale, is the hero of the next.

In *Orator* (169) Cicero admits this reverence for the past, and his reason is illuminating: "habet autem ut in aetatibus auctoritatem senectus, sic in exemplis antiquitas." This emphasis on authority and precedent, which is common to both men, is prompted partly by their belief in the polity, partly by the lamentable political situation of their times. We have already observed their preference for aristocracy or what was, at most, a limited democracy.[121] Both are agreed that only the community governed by the "best" men will have the stability that is gained by maintaining the interests of the people as a whole (*Ant.* 309; *Rep.* 1.52).

Stability and authority must be assured. But how? Like many of their contemporaries, both Cicero and Isocrates give the same answer: By cleaving to the ancient religion. We have already remarked how Isocrates associates Athenian progress with the introduction of a nobler form of personal religion, that of the Eleusinian Mysteries. In *Areopagiticus* he goes further. As evidence

[120] On Cicero's defence see above, 289–90. Isocrates' apology for fifth century Athenian imperialism is equally lame (*Paneg.* 100 ff.; *Panath.* 62 ff.). Yet, when he has no position to defend, no writer (not even Cicero) is a more ardent advocate of justice than Isocrates (cf. *Panath.* 187; *Archid.* 35; 59–60; *Peace* 28 ff.). This tendency to regard his own age by standards different from those by which he judges the earlier leads to the "realism" (one might say "cynicism") of *Panath.* 118. Similarly his plan for "peace with honor" in the *Peace* ill accords with the curious combination of reasons he gives when he urges the Athenians to renounce their empire because it is unjust, untenable and unprofitable (*Peace* 63–73). Neither Cicero nor Isocrates, despite their apparent concern for justice, has more than a hazy appreciation of the rights of subject states when they descend from theory to the practice of their own communities.

[121] See above, 294.

of the decay in contemporary culture he adduces the vacillation of the Athenians in their religious practices. At one time, he accuses (29), they ostentatiously offer three hundred beasts to the gods, at another let the ceremonies fall into disuse. They are most religious, when religion entails a public spectacle on the occasion of the importation of some foreign cult. Their ancestors, on the contrary, believed that piety consisted not in empty display, but in the determination to change none of the traditions of antiquity. "This was their sole care — not to destroy any institution of their fathers and to introduce nothing that was not approved by custom, since they considered that piety consists not in extravagance, but in disturbing none of the rites which their forefathers had handed down" (*Areop.* 30; cf. *Peace* 135). His politics and religion are two aspects of the same conservatism.

Cicero also sees religion as the bulwark of the Roman constitution, and, as Atticus puts it (*Leg.* 2.23), would go back to Numa. "Separatim nemo habessit deos neve novos neve advenas nisi publice adscitos; privatim colunto, quos rite a patribus cultos acceperint" (*Leg.* 2.19). Citing the example of Athens in a passage strongly reminiscent of Isocrates he points to the Mysteries as the great civilizing force in Attica and deplores the immoderate introduction of foreign cults into Rome. "For by their means we have been brought out of our barbarous and savage mode of life and educated and refined to a state of civilization (*humanitatem*); just as the rites are called 'initiations,' so we have learned from them the beginnings of life, and have received the faculty not only of living happily, but also of dying with a better hope" (*Leg.* 2.36; cf. *Paneg.* 28). A few paragraphs later Cicero further clarifies his views on the specific rites to be practiced by quoting a response of the Pythian Apollo to the effect that the best rites are those to be found among the customs of one's ancestors: "et profecto ita est, ut id habendum sit antiquissimum et deo proximum, quod sit optumum" (*ibid.* 2.40).

Neither man, while emphasizing the need for religion, is disconcerted by his own scepticism. Isocrates was agnostic on the question of whether the dead have any perception (*Aegin.* 42; *Plat.* 61; *Evag.* 2). He can observe that in Egypt religion and warfare afforded the greatest protection for private property and that Busiris introduced many religious practices simply to keep the masses in order (*Bus.* 15; 26).[122] Cicero's attitude to religion is

[122] On the *fraus pia* of religion see Blass (above, note 112) 2.42–43.

also pragmatic. When discussing the importance of the augurate in reply to Atticus, who has asked whether the science of augury is possible, he can maintain that it is both possible and useful, even though the art has been lost in his own time (*Leg.* 2.32–33). Yet, in *De divinatione* he combats this Stoic doctrine.[123] Such an attitude was, of course, common in Rome from the time of Panaetius and Polybius.[124] Nevertheless, there is a marked difference in Cicero's approach from Polybius' dispassionate observations, as can be noticed in the care with which Cicero lists the names of the ancients skilled in augury: Polyidus, Melampus, Amphiaraus, Mopsus and the rest. He is not making a parade of knowledge, not, after the Stoic manner, appealing for proof to the consensus of opinion. Rather, one many suggest, he is fascinated by the thought of countless generations of men and nations who have practiced the art, and is carried away by the sonorous roll of names and places. The romantic and patriot is, as so often, for the time being superior to the sceptic.

Cicero and Isocrates would both have indignantly denied this suggestion of romanticism, since they prided themselves on their

[123] Cicero was, of course, always attracted to Stoic ethics: his system in *De officiis* and *De finibus* is almost entirely Stoic. It is instructive to observe, however, that in the *De natura deorum* his personal sympathies conflict with his intellectual judgments. So, in 1.12 he states his Academic approach, that of suspended judgment. At the end of the dialogue he concludes that while to Velleius the arguments of Cotta (an Academic) were truest, in his own opinion Balbus' Stoic views were more probable. This attitude is at least intelligible. Not so his attitude to divination. In *De divinatione* he rejects the possibility of divination on moral grounds and then admits the haruspices into the state because their admission is in "the interests of religion and the state" (2.28; cf. 2.148). What he considers to be for the ultimate welfare of the community must be superior to private moral scruples. The belief that the political end justifies the means cannot be defended on philosophic grounds and possibly explains Cicero's tendency to consider that philosophy is primarily concerned with ethics (*Tusc.* 5.5).

For a somewhat different view of the scepticism of *De div.* see M. van den Bruwaene, *La Théologie de Cicéron* (Louvain 1937) 183–84, and A. S. Pease, *M. Tullii Ciceronis De divinatione* (Urbana 1920–23) 11, note 16. Pease argues (10–13) that in general Cicero distinguished between religion and scepticism, and concurred with the Stoic acceptance of religion as against Academic doubt (cf. Bruwaene 246). Though in his own day an educated man might prefer to be guided by reason rather than augury and divination (*Fam.* 6.6), the latter still had political value to direct the ignorant (*De div.* 2.70; cf. *N.D.* 2.12). He therefore specifically denied the view that religion was opium of the people (*N.D.* 1.118), and the Epicurean standpoint, considering that even superstition, if properly directed, was a useful simplification of religious truth to guide the ignorant. Cf. *De senect.* 11: "(Fabius) dicere ausus est optimis auspiciis ea geri, quae pro rei publicae salute gererentur; quae contra rem publicam ferrentur, contra auspicia ferri."

[124] See above, note 27.

common sense. Yet, it is precisely this suspicion of theory which led them astray. Both were conceited, respectable citizens with a genuine love for humanity, men of unusual talents who could rise to the heights of patriotism or descend to a vulgar prudence, plunged into two of the greatest crises in human history. The problems that faced them both were *mutatis mutandis* similar: the breakdown of political institutions and the collapse of the moral standards that had been produced by or reflected those institutions. Here was the dilemma of these practical men: How to support the tottering state and halt the decay of traditional morality? But they were moralists, not political philosophers. Quintilian's description of Isocrates fits them both (10.1.79): "in inventione facilis, honesti studiosus." Moreover, their whole approach to the problem was conditioned by their literary training with its emphasis on the model.[125]

In the first place, the past is the model for the future (*Leg.* 2.23; *Ad Dem.* 34; *Ad Nic.* 35). Cicero and Isocrates are not content merely to draw general conclusions from the wisdom of antiquity. They have specific advice to offer, often couched in the form of apothegms of Theognis, or Ennius and other Roman poets — maxims of practical use in daily life.[126] Naturally their advice is mainly directed towards the conduct of the leader, but they are little concerned with the broader implications of leadership. Isocrates does, it is true, charge Nicocles that it is the king's business to "relieve the state in distress, maintain it in prosperity, make it great when it is small" (*Ad Nic.* 9). Cicero also agrees that the aim of the *gubernator* should be "a happy life for his fellow citizens — a life *opibus firma, copiis locuples, gloria ampla, virtute honesta*" (*Rep.* 5.8). Their primary interest, however, is in the statesman's moral deportment.[127] Even when discussing specifically political prob-

[125] See Havet (above, note 109) 22, on this aspect of Isocrates' culture. For Cicero see W. H. Litchfield, "National *exempla virtutis* in Roman Literature," *HSCP* 25 (1914) 6 who notes that Cicero was not only extremely fond of appealing to the *exemplum* but considers his own career to be an outstanding example (*Sest.* 48–50; cf. *Planc.* 90).

[126] See *Lael.* 18 where Cicero disapproves of the Stoic ideal wisdom as unattainable: he is only interested in the practical morality useful for everyday life. For echoes of Theognis in Isocrates see: *Ad Dem.* 19; 26; 29; 38; 42; cf. *Ad Nic.* 43. W. Zillinger, *Cicero und die altrömischen Dichter* (Würzburg 1911) 58, notes that such quotations are especially frequent in Cicero's rhetorical and philosophical works. For a table of Cicero's quotations see *ibid.* 89 ff.

[127] On the moral deportment of the leader in Isocrates see: *Ad Nic.* 12; 29; 33; 37 and *passim; Areop.* 42; *Antid.* 209–14. For Cicero see *Rep.* 2.69 and below, 308, 310 f.

lems they adopt a moral rather than a legal or constitutional standpoint.[128] Naturally the focal point of all action is centered on the *mos maiorum*, which provides the final standard of morality. Consequently, all political judgments tend to become moral judgments.

This attitude, common in antiquity, has the advantage that, given the perfect constitution, it is possible to set up a clearly defined moral and political ideal to be observed by the leaders of the state, whether individuals or bodies like Areopagus and senate. Clarification of such an ideal has for Cicero and Isocrates a peculiar urgency, because they are both agreed that a state should be deathless and that its immortality can only be assured by preserving moral standards unimpaired (*Peace* 120; *Ad Brut.* 1.10.5; *Rep.* 3.34).[129] The leaders of the state, therefore, must not only be prudent administrators, but also men who can provide an example of conduct for the majority, and they will in particular observe sound moral principles and self-control — the most important civic virtues.[130] "Virtute vero gubernante rem publicam quid potest esse praeclarius?" (*Rep.* 1.52).

Given such a state, where men observe good faith, self-control and a sense of duty towards their fellows, Isocrates is confident that liberty will never degenerate into license (*Paneg.* 79–82; *Panath.* 131; *Areop.* 20). But all depends on the conduct of the rulers. So in *Nicocles* (57; cf. 37) we read that the king "should turn the young to virtue not only by precepts but by conduct which shows what good men ought to be." In *Areopagiticus* (37–40) he elaborates this point:

"Our forefathers emphasized sobriety of conduct to such an extent that they placed the Areopagus in charge of decorum (εὐκοσμία), a body which no one was permitted to enter except those who were of noble birth and had displayed in their lives virtue and sobriety. This body naturally excelled all other councils in Greece. One may judge the former character of that institution even by the situation of the present day. For

[128] See C. W. Keyes (above, note 104) 319 ff. Cf. Augustine, *Civ. dei* 2.21. For Isocrates see: *Areop.* 29 ff.; *Peace* 90; 95; 119–20. The historical *paradeigma* or *exemplum* was, of course, a commonplace of antiquity. For the *paradeigma* in Greece see Jaeger (above, note 49) 3.102; also Jost and Schmitz-Kahlmann (above, note 110). On Rome see H. W. Litchfield (above, note 125).

[129] J. Vogt, *Ciceros Glaube an Rom* (Stuttgart 1935) 35–39, notes that Cicero believes that all things human finally decline, but contrasts (72–101) Cicero's inconsistent contention that Rome will be eternal, even though in his profounder moments he was conscious that only the divine spirit is immortal.

[130] *Ant.* 180; 290; *Ad Nic.* 29; 31; 37; *Rep.* 1.52; 3.37; 4.1; *Fam.* 1.9.

even now we see that men, although intolerable in all else, on entering the Areopagus are afraid to indulge their true nature and are rather governed by its customs than their own evil desires. . . . Such a memorial of its own virtue and sobriety did its members leave behind them. . . . For they [our ancestors] thought that virtue is not promoted by [written laws] but by the habits of daily life, since the majority of men tend to adopt the manners and morals in which they happen to be reared."

Cicero is even more specific. The statesman has one single duty: "ut nunquam a se ipso instituendo contemplandoque discedat, ut ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus" (*Rep.* 2.69). When the ruler has learned to rule himself, then virtue really rules, for as obeying the laws which he imposes on the citizens he "holds up his life as the law before his citizens" (*Rep.* 1.52). A good ruler suggests a father, since he cares for his people and their problems as does a father for his son (*Rep.* 1.54). His three primary attributes should be justice, virtue and wisdom.[131] The principle of the model Cicero extends to include the aristocracy as a whole. "The character of our leading men," he states in another passage (*Leg.* 3.31; cf. *Rep.* 1.47), "has been reflected in the whole state: whatever change took place in the leaders has followed in the people." This is a much better theory, he adds maliciously, than that of Plato who believed that music could change the national character. It is the aristocracy which sets the moral tone, and if they become corrupt the whole commonwealth must be affected, since they alone possess wisdom.[132] He would, therefore, strengthen the influence of the senate even by deceit, if necessary (*Leg.* 2.30–31). That body in turn must be conscious of its high responsibility: "is ordo vitio careto, ceteris specimen esto" (*Leg.* 3.28 ff.). For the senate, as he claimed later in the *Philippics*, is the "council of the world" (3.34; 4.14;7.19)[133].

[131] See L. K. Born, "Animated Law in the 'Republic' and the 'Laws,'" *TAPA* 64 (1933) 131. Born argues that in his political works Cicero employs the exact terminology that was used in Hellenistic theories of monarchy with reference to the ideal leader, and concludes that Cicero is repeating Hellenistic theory. However, Born admits (136, note 55) that "many of the ideas suggested by these terms are to be found in earlier writers" (see his list 131, note 26). While it seems clear that Cicero was using Hellenistic terminology that had been popularized at Rome either by the Stoics or the Neo-Pythagorean, Nigidius Figulus (*ibid.* 189), I see no reason to suppose that Cicero had not reinforced his argument with references to earlier Greek authorities.

[132] See Keyes (above, note 104) 321, and Cauer (above, note 10) 41 ff., 88 ff.

[133] Similarly the Roman people is *imperator omnium gentium* (*De domo* 90; cf. *Planc.* 11; *Mil.* 19; *Flacc.* 2; *Phil.* 14.32; *Q.F.* 1.1.29). See A. N. Sherwin-White, *The Roman Citizenship* (Oxford 1939) 270–71.

Yet, like Isocrates (*Areop.* 26 ff.), Cicero concedes that though an aristocracy alone can govern wisely, without the consent of the people it cannot govern at all (*Leg.* 3.28).[134]

Now, the principle of the model is admirable while the state is running smoothly and its citizens are prosperous. But it is of little help in a political crisis, where there is no established precedent to follow. Furthermore, it tends to induce a static and mechanical attitude to life. Love of wisdom, virtue and patriotism are admirable qualities, provided that reverence for them does not degenerate into a blind worship of the past.[135] Unfortunately, this was the error that both Cicero and Isocrates made: in their political and cultural synthesis they scarcely attempted to adapt ancient wisdom to modern needs. Despite their eloquent praise of liberty, their attitude to the commons was repressive, and the fact that there was considerable justification for their disgust with popular license made their failure all the more complete.[136]

Seeing that the Athenians had lost their former *sôphrosynê* Isocrates in *Areopagiticus* advocated a return to the control over the young and the general censorship of morals which the Areopagus had formerly exercised.[137] His concern was sincere and well-founded. In the general collapse of traditional morality in Athens towards the end of the fifth century and the beginning of the fourth the virtue of *sôphrosynê* had been attacked, its meaning perverted until it was even used cynically as a synonym for cowardice.[138] He wished to restore *sôphrosynê* to its rightful place in the canon of Greek virtues (*Areop.* 3; 4; 20 ff.; cf. *Peace* 119 ff.). With his aims we can have no quarrel, but his methods were hopelessly inadequate. Patriotic apostrophes and moralistic diatribes were not

[134] See above, notes 81, 84. It is to be remarked that Cicero's admiration for the aristocracy was not always so evident. In his earlier political speeches he is bitterly conscious of the difficulties experienced by the *novus homo* in political life. So (*Leg. agr.* 2.3), he insists that there is no doubt that all men of the appropriate age and character are entitled to stand for the consulship, but are barred by the noble families. Merit, not birth, should be the only criterion of eligibility (*Pis.* 2). See also *Verr.* 2.1.35; 2.3.7; 2.4.81; 2.5.180–82; *Planc.* 18; *Cat.* 1.28; *Mur.* 16–17; *Leg. agr.* 2.100; *Quint.* 31.

[135] See Litchfield (above, note 125) 10 ff. on the preeminence of patriotism over other moral duties.

[136] For an unflattering view of the people's intelligence see *Planc.* 9–11.

[137] See Jebb (above, note 54) 2.211–13.

[138] See Miss Helen F. North, "Opposition to Sôphrosynê," *TAPA* (1947) 9. Cf. *Ant.* 283–84; *Areop.* 20. See also V. Ehrenberg, "Polypragmosyne: a Study in Greek Politics," *JHS* 67 (1947) 57–58.

sufficient. Ironically enough his attempt, admirable in intention, merely made his failure more certain because of the confusion that often clouded his own thought. He was attempting to solve moral problems by purely political methods, while at the same time, because he was so concerned by the moral decline of Athens, he was unable to appreciate the very real achievements of Athenian democracy in the second half of the fifth century. His failure was partly that of his age, which retained many of the earlier habits of thought although it had discarded to a considerable extent the manners and morals which had given strength and vitality to that mode of regarding the function of the citizen in the state. But the chief reason for his failure was his own poverty of thought. A synthesis such as that to which he aspired could only be firmly constructed on a philosophical basis profounder than his superficial understanding could fathom.

Cicero likewise could see no solution to the evils of his time except some form of political supervision and censorship of morals. But whereas Isocrates confined his recommendations for moral reform to vague generalities, or hopefully supposed that a thorough training in Isocratean culture would have the desired effect, Cicero had his own personal ideal — that of *humanitas*.

As used by Cicero the term denoted the complete intellectual and moral refinement of the educated man.[139] It also provides the clearest indication of his approach to life since neither the term "orator" nor "philosopher" (except in the Isocratean sense) adequately describes his personal ideal.[140] *Humanitas* is more comprehensive in scope than the severer qualities of the old Roman *virtus*, since while it includes a stern sense of duty to the state, it stresses the more universal and higher sense of duty to mankind (*Off.* 3.32; *Leg.* 1.43). "Quis enim hunc hominem rite dixerit, qui sibi cum civibus, qui denique cum omni hominum genere nullam iuris communem, nullam humanitatis societatem velit?" (*Rep.* 2.48). In his use of the term we can see very clearly how Cicero has adapted to his own needs the *humanitas* of Panaetius and the Scipionic Circle. To Cicero *humanitas* comprises that universal culture of which he had

[139] For an analysis of its meaning see M. Schneidewin, *Die antike Humanität* (Berlin 1897) 28–40; Pohlenz (above, note 9) 1.273 and his *Antikes Führertum*, "Neue Wege zur Antike" 2.3 (Leipzig 1934) 140 ff.; O. E. Nybakken, "Humanitas Romana," *TAPA* 70 (1939) 396–413; E. K. Rand, *The Building of Eternal Rome* (Cambridge, Mass. 1943) 18–30.

[140] See A. Gwynn, *Roman Education from Cicero to Quintilian* (Oxford 1926) 119–28.

learned from Isocrates, broadened and deepened by the Stoic concept of the brotherhood of mankind. As a rational animal man must owe allegiance to the *societas humana*, but among the highest achievements of his rational faculty are culture and learning. There is, therefore, no conflict between humanism and humanitarianism. The term includes both. Though Cicero considered *humanitas* to be especially characteristic of his hero, Scipio Aemilianus, his own concept was never fully understood by his contemporaries.[141] Among the Stoics it generally denoted kindness, geniality and a forgiving spirit, with none of the broader implications in which it was used by Cicero.[142] After his death only Gellius appears to have approached the true significance of the term. In a short note (13.17) he points out that Varro and Cicero especially did not give to *humanitas* the meaning commonly attributed to it in his own time — "dexteritas quaedam benevolentiaque erga omnis homines promiscua," which the Greeks termed *philanthrôpia*. Rather, Gellius observes, the word denotes the Greek *paideia* — "eruditionem institutionemque in bonas artes." Gellius is mistaken in thus attempting to limit the meaning of the word, but correct in pointing out that *humanitas* denotes, among other things, culture and learning.[143] It is significant that between Cicero and Gellius the only writer who came close to appreciating the idea of a broader Roman *humanitas* was Quintilian, who was primarily interested in those excellencies which he regarded as necessary for the orator.

Now, Cicero believes that the *vir humanus* is animated by two forces — *honestum*, an impelling sense of moral duty, and *decorum*, an inner sense of propriety (*Fin.* 2.45–47; *Off.* 1.93–141; cf. *Off.* 2.18). "Omnes participes sumus rationis praestantiaeque eius, qua antecellimus bestiis, a qua omne honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur" (*Off.* 1.107). Here we are only concerned with the Stoic *decorum* to which Cicero gives his own peculiar emphasis. In passing we may note that Cicero, true to his *humanitas*, considers decorum to be an aesthetic and literary principle as well as a moral ideal: "huius [*sc.* decori] ignoratione non modo in vita, sed saepissime in poematis et in oratione pec-

[141] See Nybakken (above, note 139) 401 ff., 410 for Cicero's praise of Scipio.

[142] *Ibid.* 411. So, in the empire it was not Scipio, but Cato who was canonized by the Stoics. See Miss L. R. Taylor (above, note 81) 178–82; also R. Syme (above, note 81) 317 ff.

[143] See Gilson (above, note 57) 18, note 49.

catur" (*Orat.* 70).[144] As a standard of conduct *decorum* is based on the Golden Mean: "mediocritas optima est" (*Off.* 1.130; cf. 1.89; 2.59). Man must avoid all extremes, whether of speech, dress, deportment, or even domestic architecture: he must keep his emotions strictly under control and discipline his instincts within their proper limits (*Off.* 1.129–31; 140–41; 153). No one will deny that the individual and community alike must have their established customs and conventions, if the existence of the state is to be assured. But Cicero would go further. Ideally at any rate, he demands from the individual a uniform consistency in every single action as well as in life as a whole: "Omnino si quidquam est decorum, nihil est profecto magis quam aequabilitas universae vitae, tum singularum actionum. . . . Ut enim sermone eo debemus uti, qui notus est nobis . . . sic in actiones omnemque vitam, nullam discrepantiam conferre debemus" (*Off.* 1.111; cf. 1.125). The reason for the necessity of such consistency he explains later. "Sed quoniam decorum . . . positum est in tribus rebus, formositate, ordine, ornatu ad actionem apto . . . in his autem tribus continetur cura etiam illa, ut probemur iis, quibuscum apud quosque vivamus . . ." (*Off.* 1.126). We may assume that in enjoining the individual to conduct himself in a way that will win the approval of his associates Cicero is concerned only with the standards of conduct prevailing among the aristocracy, and especially the minority who appreciated Ciceronian *humanitas*. While there is much to admire in this Stoic ideal, were it applied to politics (and its bearing on Cicero's politics is plain) it must inevitably tend to rigidity and formalism, since, in his opinion, what was best in the Roman state was inherited from the *mos maiorum*.

Consequently, the whole of Cicero's literary and political thought (bolstered by Stoic ethics) makes him *laudator temporis acti*. He becomes blind to the obvious. Nowhere is this failing more clearly demonstrated than in his attitude to private property, about which he takes the comfortable attitude of the man of means. No doubt, Cicero was as concerned as most by the plight of the urban proletariat, but since one of his fundamental objects is to ensure the rights of contract, he simply cannot understand that it was the shortcomings of the senatorial system which had produced such unrest

[144] This aesthetic and ethical concept is at least as old as Plato (*Leg.* 669A ff.) and may be earlier. See W. Kroll, *Historische Stellung von Horazens Ars Poetica* (Berlin 1918) 91; also Max Pohlenz' study of τὸ πρέπον in *GöttNachr* 1933, 53–92.

at Rome. As one critic has observed, his object was to make the world safe for private property.[145] To Cicero the most important bond of civil society, as we have seen, is justice, the philosophic basis of which he had delineated in the *Republic* and *Laws*. In *De officiis*, which is in this sense complementary to his political treatises, Cicero turns to examine the nature of justice in the individual. This has two provisions: "ne cui quis noceat, nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis (*Off.* 1.20). Tracing back its origins Cicero concludes, with Aristotle, that property constitutes a right, violation of which implies the negation of the purpose underlying society. It is the function of the state, therefore, to respect the right of property and see that every man may get and retain his due. "In primis videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat, neque de bonis privatorum publice diminutio fiat" (*Off.* 2.73; cf. *Att.* 8.11). He also draws the corollary that injustice owes its origin to selfishness and greed when the natural limits of wealth are exceeded, and points to M. Crassus as an example (*Off.* 1.25). In states this greed engenders political and economic imperialism which he vigorously attacks (*Off.* 1.33 ff.). The moral sentiment is admirable, but it never seems to occur to Cicero, who condemns Phillipus' inflammatory statement that there were not two thousand property-holders in Rome. — "capitalis oratio est, ad aequationem honorum pertinens" (*Off.* 2.73) — that perhaps it was the unequal distribution of wealth in the Roman Empire that was itself unjust. The truth is that Cicero has only the sketchiest notion of the importance of economics, with which he is concerned only in so far as it applies to the code of morals which is so admirably suited to the constitutional theories of the *Republic* and *Laws*. Cicero was a kindhearted man. We may be sure that he would have favored

[145] See Cochrane (above, note 95) 45. Yet, Cochrane's observation is somewhat unfair, since he stresses only the economic and (to Cicero) the less important aspect of his theory. To Cicero *iustitia* and *benevolentia* are the common bonds of society, which exists for the mutual co-operation of mankind (*Off.* 1.20; *Leg.* 1.28; 33), and the basis of justice is *fides*, fidelity to agreements whether political or financial. The great barriers to *fides*, therefore, are avarice and ambition for power (*Off.* 1.24–26), the second of which leads to tyranny, the peculiar vice of "the greatest souls and most brilliant geniuses." So, Cicero could justify assassination in the interests of fatherland (*Off.* 3.90; cf. 3.19; *Phil.* 2.117; 11.28; 10.19–20) and regard Caesar, who did most, in his opinion, to destroy *fides* in its constitutional application, as the arch-enemy of the state. Cf. his strictures on Caesar and Pompey alike for the harm they did to the state: *Att.* 10.4.

any method of relieving the burden of debt that oppressed the commons, provided that this end could be accomplished without undermining the foundation of the commonwealth, credit and good faith. "Nec enim ulla res vehementius rem publicam continet quam fides, quae esse nulla potest, nisi erit necessaria solutio rerum creditarum" (*Off.* 2.84).

Cicero was not alone in his neglect of economics.[146] There is, however, a more serious criticism of his political and moral theory. How, we may ask, does a ruling class first acquire the virtues that Cicero demands?[147] He is silent on this question. He merely assumes that the senate from the time of Romulus possessed them. Once acquired these qualities of leadership will, of course, be maintained by an aristocracy educated in the culture which Cicero prescribes. Another question immediately presents itself — a question that the critic with equal justice could pose to Isocrates. If the Roman (or Athenian) constitution was so excellent, and if it is the constitution which inculcates the requisite qualities of leadership, why did the Republic decline? The question is possibly invidious and the answer clear. Cicero, like Isocrates and many others, has fallen into a common error of antiquity — that of regarding a sound constitution as the one essential factor needed to ensure the happiness and prosperity of the citizen-body. "The constitution," says Isocrates in an often quoted passage, "is the soul of the state," and Cicero's works imply a similar belief.[148] They exaggerate the moral and educational functions of the state. But granted that a healthy moral tone prevails in the state, granted that the aristocracy must set the social and moral standards, what can the traditionalist advise if for any reason those standards break down? A feeling of *noblesse oblige* cannot be created overnight. Yet, this is precisely what these two "practical" men hoped to do. When they failed they could only beat their breasts and lament the passing of the established order of things. Of the two Isocrates was the more realistic. In his old age he turned to Philip to put his ideals into practice. Cicero strove long for his *concordia ordinum*.[149] The failure of his attempt demonstrated that his concept of *cum dignitate otium* appealed neither to the Optimates who too often were

[146] For Isocrates' attitude to property see *Ant.* 160; *Areop.* 34 ff.

[147] *Leg.* 3.31; 40 ff.; cf. *De inv.* 1.5. Contrast *Rep.* 3.44; 5.11.

[148] *Areop.* 14; cf. *Panath.* 138; Aristotle *Pol.* 1295A 40; Demosthenes, *Against Tim.* 210.

[149] See above, 290 and notes.

more concerned with personal *dignitas* than the integrity of the constitution, nor to the people who only wanted peace and security.[150] In the *Laws* (3.29) he can only express the hope that his treatise, which was not suited for the degenerate Romans of his own day, may be of use to some future generation which has, he does not explain how, returned to the virtues of their ancestors.[151]

Of their sincerity there can be no doubt. They were fighting for the best and the highest that they knew, and even that narrowness of outlook that we have already remarked was at least partly caused by a reverence for honor, justice and morality such as too few of their contemporaries possessed. Cicero, moreover, does catch glimpses of a larger view of the citizen's function; that men must serve their country and adhere to the principles of justice and fair dealing because they recognize a universal society of all men which is founded on reason. That he failed in his attempt to integrate the Roman state with this *civitas humana* so that his political treatises became works of special pleading for a decaying ideal should not prevent us from remembering his aim. His instincts were sound. The intensity and pervasiveness of Greek city life were not all good. The self-sufficiency of the *polis*, its domination over all the material and spiritual interests of the citizen entailed a loss of individual privacy and independence. By stressing to the exclusion of all else the citizen's public duties and obligations Plato and Aristotle leave no room for any real concept of private rights. The state is considered to be a predominantly ethical relationship, so that its educational purpose is far more important than the political or legal. An even more serious result of such a theory is that it is almost impossible for the citizens of different states to have any large area of common interest. Consequently, Aristotle denies in effect the possibility of just relations between states, who must therefore settle their differences by expediency or force.[152] Isocrates was able to get away from this purely ethical standpoint (though he likewise insists on the paramount importance of education in the state) by declaring that Hellenic culture was the possession not of any state,

[150] On *cum dignitate otium* see above, note 81. Cicero at times seems to be aware of the general desire for peace and security. See *Leg. agr.* 1.23; 2.102; *Mur.* 78; 86; *Phil.* 1.16; 5.41; 8.11; *Att.* 7.7.5; 8.13.2; 15.2.3; *Ad Brut.* 1.15.4. But desire for peace may mean slavery: *Phil.* 2.113; 8.12.

[151] Despite his confident assertions after the assassination of Caesar that the people were eager to recover republican liberty (*Phil.* 3.32; *Fam.* 10.12.4).

[152] See Cochrane (above, note 95) 49.

or even of any Greek, but of the man trained in Greek culture. "The name Hellene no longer suggests a race, but an intelligence, and the term 'Hellene' belongs rather to those who share our culture than to those who share our common blood" (*Paneg.* 50; cf. *Evag.* 47 ff.).[153]

Cicero, following the Stoics, went farther. Taken singly, his moral and political works are an impressive contribution to civilized thought. But though he did try to see life as a whole, he never succeeded in creating an integrated system, since his was not a synoptic mind. Nevertheless, he was able to advance far beyond the Greek concept of the state as one big family. Even though we have criticized him for trying to make the world safe for the private property of a few, this very fault results from his conception of *res publica* and *res privata*, a meaningless distinction to the Greek theorist who was scarcely aware of the existence of private rights.[154] He was the first extant writer to conceive of freedom as a natural right, the product of *ius naturale*, a concept that was to have a long and honorable history in the Empire.[155] He was, however, too much under the influence of traditional thought to make the break clean. While realizing that one function of the state was to ensure these private rights, he still left it the supreme arbiter of morals. The impression the reader gets from Cicero's writings is that the *res publica* is not merely a form of government, but also a way of life in which free political activity among equals, with honor as its goal, is the lifeblood of republicanism and the only satisfying vocation, for a senator at least.[156] Consequently, Cicero could not rid himself of the city-state mentality. Though he was aware that Rome's empire depended on her regard for the interests of allies and subjects, there is no indication that he thought of including provincials in the Roman state. Nor did he realize that the extension of Roman citizenship to the whole of Italy made the traditional constitution difficult, if not impossible.[157] Though the Italians played an im-

[153] On the failure of Panhellenism see V. Martin, *La Vie Internationale dans la Grèce* (Paris 1940) especially 577–94, "L'Anarchie Panhellénique."

[154] See Cochrane (above, note 95) 46.

[155] See W. W. Buckland, *A Text Book of Roman Law* (Cambridge 1921) 52 ff. In the Republic *libertas* was considered a civic right, so that all foreigners, though not treated as slaves, were without rights and could claim no legal protection if deprived of their liberty. See Th. Mommsen (above, note 82) 3.590, 596, 598. On individual rights see *De domo* 33; on punishment without trial *ibid.* 43; 47; 77; *Leg. agr.* 1.42; *Verr.* 2.33; 5.175; *Rep.* 2.53; *Leg.* 3.6.

[156] See *Phil.* 14.17 ff.; *Arch.* 29; and Wirszubski (above, note 28) 88.

[157] M. Hammond (above, note 96) 138–40, 162–63.

portant part in elections, they rarely attended the legislative assembly, so that political sovereignty was vested in the Roman mob, which must, therefore, Cicero concluded, be reduced to its former dependence on *auctoritas senatus*.[158] We may also find fault with his concept of international relations. He was led astray by his patriotism into attempting to defend aspects of Roman imperial policy for which no defense is possible.[159] Yet, in theory, if not in practice, he did recognise the mutual claims of justice between states which Aristotle had denied to exist, and so looked forward to the modern theory of the state.[160] His failure seems the greater because he aimed so high.

Conclusion

How far Cicero's system was consciously influenced by Isocrates it is difficult to determine with certainty. It would seem inconceivable that Cicero, who had studied Isocrates carefully for his rhetorical theories, could fail to be affected in his political thinking by one whose approach was so similar. We have noticed many parallel passages in the works of the two writers and many echoes. Some of these, no doubt, Cicero would have acquired from the Stoics, but it would be hazardous to state they were all so derived. We may take as reasonably certain that the framework of Cicero's political theory and much of his ethics is Stoic, and probably derived from Panaetius. We may assume that Cicero was, through his teachers, familiar with the Stoic concept of natural law and of the state as the embodiment of that law even before he wrote a single treatise. Possibly also he was first introduced to the theories of Plato and Aristotle by Stoic teaching. But in trying to trace the development of his thought we must take two facts into consideration. The first is that among his teachers Antiochus, one of the most influential, was an Academic with Stoic leanings who preached a diluted Stoicism, while Poseidonius, although a Stoic, was far more eclectic in his philosophy than most members of that sect. It is not unreasonable to argue that Cicero from the first may have been led by training as well as personal taste to steer a middle course.

The second fact we must consider is the obvious one that Cicero was primarily an orator, no matter how fervently he might aspire

[158] For the importance of the Italians in elections see Miss Taylor (above, note 81) 45, 61–62, 109.

[159] See above, 289.

[160] See Sabine and Smith (above, note 12) 98–99.

to the dignity of "elder statesman." As such we have noted his belief that the orator needs a broad cultural training, a theory which stems from Isocrates. On his return from exile in 57 he appeared for a time in the law courts. In 55, however, he withdrew even from forensic practice to devote his leisure to study. Now if Cicero, as he plainly did, observed Isocrates' injunction that the orator read widely, it is hard to credit that Cicero's evident borrowings from Plato and Aristotle were not the product of personal reading undertaken to refresh his memory before he began his first major rhetorical work, *De oratore*, in 55. But in preparing for this work it was natural that Cicero should turn to Isocrates, the originator of his cultural theory, for material to support his argument.

This was, then, the position when Cicero began to write the *Republic* in 54 (*Q.F.* 2.12.1; 3.5.1-2) and which Atticus did not see until 51 (*Att.* 5.12). He had done considerable reading in the Greek writers including Isocrates. He was disgusted with the political situation in Rome, so that whatever democratic sympathies he had previously entertained were now stifled.[161] His feelings were analogous to those of Isocrates when the latter wrote his *Areopagiticus*. What was more natural, therefore, than that Cicero should use arguments that he had found in Isocrates which were applicable to his own thesis? To what extent exactly Cicero borrowed directly from Isocrates it is hard to determine, since we have noted that many of Isocrates' proposals — a return to traditional religion, the conduct of the statesman as a model for others and similar themes — were commonplaces of ancient thought. Nevertheless, when we find passages in the two authors which have pronounced similarities of content or illustration, it is hazardous to assume that Cicero was not familiar with the original source. It is much more reasonable to consider Isocrates as a minor, but important, authority for Cicero's political thought. Any conclusion as to which of Isocrates' works particularly influenced Cicero must be subjective. Judging by the frequency with which parallel passages occur in the two writers we may tentatively suggest: *Nicocles*, *Ad Nicoclem*, *Antidosis*, *Areopagiticus* and possibly *Panathenaicus*.

In defense of this judgment we may add one further note. Isocrates has been neglected possibly because no modern writer apparently can believe that Cicero, when he could draw on the teaching of Academy, Lyceum and Porch, would pay attention to a second-rate

[161] See above, note 109.

thinker. This is to mistake Cicero's purpose, which was not to add the weight of approval to any single political or philosophical system, but rather to create a new synthesis of practical value to his contemporaries or a more appreciative posterity. In pursuit of this aim he would not so much be concerned with the reputation of any particular authority as the application of this or that concept to his own system. Moreover, both Isocrates and Cicero have often been roughly handled by modern scholars: they have been dismissed as mere journalists. Such criticism is unfair, since both advocated a cultural programme which (according to its lights) was very thorough and was intended to have permanent, not ephemeral, results. The criticism also obscures the fact that Isocrates had a much greater reputation in antiquity than he now enjoys. Few people, except classical specialists, read the *Archidamus*, for example. Yet, the speech was widely admired in the ancient world for its lofty expression of true patriotism.[162] The chances are that Cicero was more familiar even with Isocrates' less popular works than we might on first reflection suppose.

A second consideration arises. In this brief study it has been maintained that in his general approach to contemporary problems Cicero's political, ethical and literary theories cannot be dissociated from each other. Viewed from this standpoint the training of the orator-statesman as described in his rhetorical works and the duties prescribed for the citizen of the world in *De officiis* alike contribute to the development of that well-rounded personality which Cicero requires of the magistrate in the *Republic* and *Laws*. Despite inconsistencies between individual books (and sometimes within single works themselves), taken as a whole Cicero's writings present a fairly uniform picture of life as he wished to see it. For this wholeness of outlook Isocrates must claim some share of the credit.

If this thesis is sound, what is needed is a detailed analysis of Cicero's treatises as seen in the light of his general social and literary theory, since scholars have been so concerned to elucidate the sources of one treatise or another that they have often lost sight of his final end, and to support their contentions have resorted to dogmatic statements of belief.[163] Such a project would involve not only an

[162] Dion. Hal. *Isocrates* 9; cf. Philost. *Vita Soph.* 505.

[163] So Galbiati (above, note 3) 207 follows Schmekel in denying the influence of Antiochus as far as the *Republic* is concerned. Plainly the basis of the argument is Stoic, and Galbiati may be correct in his contention, though this is, in my opinion, im-

examination of the treatises and essays of his last ten years, but also of the speeches. As a lawyer Cicero realized the need for general principles, but he knew that Roman law, despite its moral basis, might be interpreted or altered for reasons of political expediency, or even in response to the changing mood of the people. *Pro Caecina*, *Pro Cluentio* and the *Verrines* all attack some clause of the civil law on the ground of equity, intention or reasonable interpretation — all problems which have a bearing on his social theory.[164] *Pro Sestio* contains one of his clearest statements on what he understands by the term *optimates* (45–46; 96–99). Even in the bitterness of defeat, Cicero amid the unseemly flattery of the *Pro Marcello* could still give Caesar words of statesmanlike advice and counsel (19–20).[165]

Any study of Cicero must also be undertaken with sympathy for the man himself. He was hampered by his admiration, often characteristic of the scholar, for the man of action and decision, even though Pompey did not merit the trust that Cicero placed in him.[166] It was possibly this sense of his own lack of decision in a crisis that made him yearn for a complete and clearly defined social system. Yet, though he closely approached the Stoics when writing on law, justice and ethics, he was too intellectually honest to accept their metaphysics, and remained true to his Academic scepticism. In his day it required courage to be a Neo-Academic.

possible of proof. He is on much less secure ground when (footnote to 453) he attempts to prove that while Cicero had read Isocrates, the latter had no influence on the *Republic*. The reason Galbiati gives is that whereas Isocrates disapproved of any form of government except that in which "the best fitted are chosen for office" (*Areop.* 27), Cicero (speaking in the person of Scipio) approves of the Rhodian constitution where the citizens are plebs and senators by turn (*Rep.* 3.48). Such is an extreme example of the nebulous proofs which may be adduced when a critic is concerned to prove a set thesis without paying any attention to Cicero's general view-point, or his unhappy facility for self-contradiction.

[164] *Caec.* 33; 38; 51 ff.; *Cluent.* 144 ff.; *Verr.* 2.1.105 ff.

[165] But in *Marc.* and *Lig.* the republican ideal of *libertas* — that citizen rights are guaranteed by law alone — has gone. Both speeches emphasize the victor's clemency, since Cicero was aware that on this depended the life of everyone (*Marc.* 2; 27; cf. *Fam.* 4.4.4).

Despite their excessive adulation, the "Caesarian" speeches seem sincere to the present writer. On this see Smethurst (above, note 88) 222 f. and references. Cf. also the dignified plea (*Marc.* 20) for consideration and clemency to patriots who opposed Caesar through "political idealism" — "specie quadam rei publicae" (*Lig.* 17–19).

[166] Cf. the similar trait of Isocrates. He writes to Philip (*Ad Phil.* 12) as a man "who can talk and act." On Isocrates' hero-worship see Blass (above, note 112) 2.199.