INTRODUCTION

1. CONTEXT

When Cicero looked back in 44 on the impressive series of philosophical treatises that he had composed during the preceding decade, he differentiated between the works written after the Civil War and *De re publica*, which he said he had written *cum gubernacula rei publicae tenebamus*.[1] In the years from 54 to 51 when he was writing it, however, the helm of the ship of state seemed far from his grasp. At the end of October 54, he wrote to Atticus that 'there is no Republic any longer to give me joy and solace'; two months later, he wrote in a similar vein to his brother Quintus.[2] C.'s despair at the quality of public life at Rome began nearly a decade earlier. The moment of his greatest public triumph came on 5 December 63, when he was hailed as *pater patriae* and escorted home by grateful citizens of all classes after the execution of the Catilinarian conspirators; but less than a month after that, one of the new tribunes (Metellus Nepos) prohibited the customary speech of a retiring consul on the grounds that C. had put citizens to death without a trial.[3] Over the next few years, dissension between senatorial and equestrian interests, and between followers of Pompey and the optimate oligarchy, disrupted the civic consensus of 63 which C. had shaped and led; he found himself unappreciated by Pompey, scorned by the optimates for his *nouitas*, and attacked by *populares* (above all, P. Clodius Pulcher) for violating the rights of citizens. His

[1] *Div.* 2.3. Text and discussion of all the Ciceronian evidence for the composition of *Rep.* in Heck 17–21; for the background to *Rep.* cf. also Pfligersdorffer 7–11. The account given here is summary; for details of C.'s life between 63 and 51, the most useful modern accounts are those of Gelzer 105–218; Rawson (1975) 89–145; and T. Mitchell 63–203. For the historical background, cf. Wiseman in *CAH*[2] IX 327–423.

[2] *Att.* 4.18.2 (cf. 4.20.2); *Q. fr.* 3.7.2. Translations of Cicero's correspondence are from D. R. Shackleton Bailey, *Cicero's letters to Atticus* (Cambridge 1965–8 = Harmondsworth 1978) and *Cicero's letters to his friends* (Harmondsworth 1978 = Atlanta 1988). The complaint was not new: during the turmoil of Caesar's consulate in 59 he had complained to both Quintus and Atticus of the death of the Republic (*Q. fr.* 1.2.15, *Att.* 2.25.2).

[3] Cf. 1.7.1n.

exaggerated sense of his own importance and of the strength of his support left him increasingly vulnerable as the coalition of Pompey, Caesar, and Crassus known as the First Triumvirate took shape at the end of 60, and through the violent and frightening events of Caesar's consulate in 59. His lack of strong political connections and the hatred of Clodius (who became tribune at the end of 59) led to his exile in early March of 58; he was banished for having put citizens to death without trial, and his property was confiscated.

Although after his return from exile in September 57 C. attempted to reassert himself and to play a significant political role, he found little encouragement or support. He felt betrayed by the optimates and by Pompey; he was appalled at the short-sightedness and intransigence of Cato and his allies; he had a vivid sense of the precariousness of his own position as politics became increasingly polarized and violent. In March 56 C. delivered *Pro Sestio*, an elaborate defence of his own career and the traditional constitution; but shortly thereafter he gave in to the domination of the dynasts. For the next five years, although he remained active in the courts, he largely withdrew from public affairs. With the exception of a few speeches (notably *Pro Milone* of 52) he cooperated with the dynasts, defended their supporters, and abstained from active politics. Between 56 and 51, he wrote two major poems (now lost), one on his own deeds and one on Caesar's; he also wrote his two most elaborate and original theoretical works, the three books of *De oratore* (completed by November 55), and the six books of *Rep.*[4] The three years which C. took for *Rep.* are longer than the time taken to compose the entire collection of philosophic works written under Caesar's dictatorship: a treatise *de optimo statu ciuitatis et de optimo ciue*, as he described it to Quintus, was C.'s political testament, and a work dear to his heart.[5] *Rep.* was made public at the time of C.'s reluctant departure in the spring of 51 to assume the governorship of

[4] For *De temporibus suis* and the epic on Caesar, cf. Soubiran 33–41, 51–4. During this period C. also wrote much, if not all, of *De legibus*, which was however never published during his lifetime and was probably never completed. For the most thorough analysis of the chronological problem, see Schmidt (1969) with the comments of Rawson (1991) 125–9; for its implications for the interpretation of *Rep.*, see below, pp. 27–8.

[5] *Q. fr.* 3.5.1. C. judged himself against the standard of the ideal statesman he described in book 6; cf. *Att.* 7.3.2.

Cilicia;[6] the care and effort that went into its composition reflect his devotion to the collapsing institutions of republican Rome.

2. COMPOSITION, SETTING, FORM

For his first dialogue, *De oratore*, C. chose a dramatic setting in his own lifetime, with speakers whom he had met and heard. It takes place in the autumn of 91 B.C.E. on the eve of the outbreak of the Social War; the protagonist is the orator Crassus, one of the leading conservatives in the politics of the time.[7] In approaching the composition of *Rep.*, C. chose a similar scene a generation earlier: Scipio Aemilianus and his friends, conversing early in 129 B.C.E., during the crisis over the legal powers of the Gracchan land commission. Within a few months of beginning work, however, C. reconsidered his plan. In October 54, C. wrote to his brother, his friend Sallustius (not the historian) had listened to a reading of the draft of the first two books of *Rep.* and had objected to the choice of setting.[8] C., Sallustius said, was an eminent statesman, and should speak on public affairs in his own voice, not through other characters; he should not imitate the dialogues of the Platonist Heraclides of Pontus, which were set in a distant and fictitious past and in which the author took no part,[9] but should follow Aristotle, who was the major speaker in his own dialogues.[10] The setting in the distant past, according to Sallustius, made *Rep.* seem fictional. Sallustius' criticisms made sense (*Q. Fr.* 3.5.2):

> This shook me, all the more so as I was debarred from touching upon the greatest upheavals in our community because they took place after the lifetimes of the interlocutors. In point of fact that was my object at the time, to avoid giving offence in any quarter if I came into contact with our own period. Now, while avoiding

[6] *Fam.* 8.1.4 (Caelius to C.) *tui politici libri omnibus uigent.*
[7] For Crassus' influence on C., cf. Rawson (1991) 16–33.
[8] *Q. fr.* 3.5.1–2.
[9] Cf. Schmidt (1969) 27–8, against the interpretation of Wehrli on Heraclides fr. 24.
[10] The works of Aristotle that C. knew were the 'exoteric' works, including the lost dialogue *Politicus*; cf. *Att.* 4.16.3, where he refers to the prefaces of these works. He almost certainly did not know the *Politics* or the *Nicomachean Ethics* directly.

> this, I shall speak myself in conversation with you; none the less I shall send you what I had begun when I return to Rome. I think that you will appreciate that it cost me some heartburning to give up those two books.

The letter is not entirely clear, but the change described here probably resulted in the form that we have: a dialogue set in the past, in order to avoid offending contemporaries, but with prefaces addressed to C.'s brother Quintus (to whom the dialogue is dedicated), in which he could touch on more immediate concerns than the dramatic setting of the dialogue would permit. What emerges is – to use the terms C. himself employs in this letter – a combination of Heraclides and Aristotle: the colour given by the evocation of great men of the past, and the credibility given by the weight of the author's own voice.

Why did C. give *Rep.* a dramatic date more than twenty years before his own birth? 'To avoid giving offence in any quarter' is his own explanation; and the offence he feared was political.[11] After his confrontation with Caesar and Pompey in 56, he had no interest in raising their hackles by an honest discussion of the problems of his own time; and if he did not mean to be honest, there was little point in writing about public life at all. But the choice of a distant setting had positive merits as well as the defensive value of self-protection: in particular, it was a means to evoke the model uppermost in Cicero's mind, the dialogues of Plato.

[11] Schmidt (1969) 33–41 interprets the letter differently; in particular, he suggests that the offence C. wanted to avoid by the historical setting was the omission of the names of friends to whom he was indebted, but the parallel passages he cites are not germane. The main difficulty in interpretation lies in the sentence (3.5.2) *nunc et id uitabo et loquar ipse tecum et tamen illa quae institueram ad te, si Romam uenero, mittam.* The most plausible meaning is (1) 'I will avoid offence' (i.e. by setting the dialogue in the past); (2) 'I will speak to you in my own voice' (i.e. in the prefaces of the dialogue); and (3) 'I will still send my first draft to you' (even though I am going to have to alter it to accommodate the new style of preface). Schmidt understands (1) and (2) to mean 'I will avoid offending friends by addressing you alone' (because, since a brother is a special case, there will be no cause for offence at the omission), and thus that C., at the time of the letter, was planning to revise *Rep.* to be a two-person conversation set in the present. That such a work would be far less compelling than the extant dialogue does not need demonstration, and it is hard to imagine C. entertaining it for long enough to write this letter. A third interpretation of (2), 'I will talk it over with you' is not possible, as Quintus was in Gaul.

The dialogues that C. created in *De orat.* and *Rep.* were something new in Latin literature. The jurisconsult M. Brutus seems to have written his *responsa* in the form of a conversation with his son, and Varro's *Menippean Satires*, some in dialogue form, were probably written before C.'s dialogues. But in essence, the Ciceronian dialogue is an original creation: it is largely Platonic in inspiration, with the addition of prefaces in his own voice after the model of Aristotle's dialogues.[12] The closeness with which C. studied Plato is revealed by *Att.* 4.16.3, in which C. says that the character of Scaevola in *De orat.* was drawn from Cephalus in the *Republic*: just as in that work the old man only takes part in the first book and then withdraws, so too C. felt that the aged Scaevola should not take part in a long conversation on technical rhetoric. In *Rep.* as in *De orat.*, the Platonic model influences setting as well as content: just as in most of the dialogues the dramatic date is well before Plato's own maturity and the protagonist is Socrates, who was long dead at the time of writing, so too C. sought to recreate portions of his own intellectual ancestry. In C.'s third Platonic dialogue, *De legibus*, the situation is very different: that work (whenever it was written) has a contemporary setting and C. is his own protagonist, just as in Plato's *Laws* the principal speaker is not Socrates, but the anonymous Athenian (generally understood to be Plato himself). C. shaped his own two political dialogues to emphasize the parallels with Plato's works; and as the ostensible purpose of *Leg.* was to make suggestions about law and government in C.'s own time, a past setting would have been as inconsistent with his subject as with his model.

Rep. is set in the past for many reasons: it was politically expedient to do so, and it was a function of its literary model. More than that, the choice of setting is an important ingredient in C.'s argument. In both *De orat.* and *Rep.* the dialogue takes place just before the sudden and unexpected death of its protagonist; each is presented as if it were the last tranquil moment before Rome took a decisive downward turn, and each reports the inspired last words of a great statesman. The conversation of Scipio and his friends is the vehicle for C.'s argument, but it is also an illustration of the ideal behaviour of Roman senators.

[12] On C.'s dialogues and their background, cf. Hirzel 1 433–93 and Zoll 25–72; Schütrumpf provides detailed study of C.'s use of Plato in *De orat.*

Similarly, the transmission of knowledge and experience from one generation to the next is simultaneously extolled and displayed.[13] Scipio has learned from the previous generation – Cato, Manilius, and the dream-vision of his grandfather – the proper conduct of public life; and the reader of *Rep.* sees him transmit what he has learned to Scaevola and Fannius, Tubero and Rutilius. The setting of *Rep.* is meant to give a background for the setting of *De orat.* and the education of C. himself, and the links between the two works are important: Q. Mucius Scaevola the Augur, present in *Rep.* as the son-in-law of Laelius and as a representative of the younger generation, was the father-in-law of Crassus and the senior participant in the conversation of *De orat.* in 91; P. Rutilius, one of the other junior members of the cast of *Rep.* and C.'s alleged source for the conversation, was the uncle of C. Cotta, one of the junior members of *De orat.* and C.'s alleged source for that dialogue.[14] The chain of connection with the great statesmen of earlier days was important to C. in providing a pedigree, however fictional, for his own ideas. That the two dialogues present the final thoughts of Crassus and Scipio as delivered to their younger protégés is meant to offer a retroactive aetiology for C.'s own work in writing them: he offers his own considered reflections to the next generation in the guise of reporting the similar words of his own heroes to their successors. The dramatic setting is not the frame: it is part of the picture.

The conversation of *Rep.* takes place at a precisely defined place and time that readers were expected to recognize and appreciate. The participants gather on the estate of Scipio just outside Rome, during the *Feriae Latinae* early in 129 B.C.E., four years after the tumultuous tribunate of Tiberius Gracchus.[15] Gracchus, acting with the advice and support of senior members of the Senate, including the *princeps senatus* Appius Claudius Pulcher (Gracchus' father-in-law, cos. 143)

[13] The presence of two generations is seen as a Platonic trait by Zoll 63.

[14] C. returned in 44 to the same milieu for *De senectute*, a conversation between the elder Cato, Scipio, and Laelius in 150, and *De amicitia*, a conversation between Laelius and his sons-in-law Fannius and Scaevola shortly after Scipio's death in 129.

[15] The most important modern account of Tiberius Gracchus remains that of Earl (1963); cf. also Badian (1972), Bernstein, and Stockton 23–94. Astin (1967) 190–226 examines Gracchus' tribunate in the context of Scipio's life.

and the brothers P. Mucius Scaevola (cos. 133) and P. Licinius Crassus Dives Mucianus (to become pontifex maximus in 132, cos. 131), had promulgated a law for the distribution of *ager publicus* to landless citizens under the supervision of an agrarian commission with considerable judicial powers. A majority of the Senate had opposed this proposal; the tribune M. Octavius, who had attempted to veto Gracchus' legislation, had been removed from office; the law had been passed and Gracchus had financed it through a law devoting the estate of Attalus III of Pergamum, bequeathed to Rome in that year, to the purposes of the agrarian law; and, in seeking re-election to the tribunate, Gracchus had been killed in rioting by a mob led by the pontifex maximus, P. Cornelius Scipio Nasica Serapio. The strong divisions aroused by the agrarian law, by the tactics of Tiberius and his allies, and by the violent death of a sacrosanct tribune of the *plebs*, had long-lasting repercussions: for C. as for other conservatives, the tribunate of Gracchus was a terrible illustration of popular rule gone wild, a sign of the failure of the traditional aristocratic constitution of Rome.

During the year of Gracchus' tribunate, Scipio was absent from Rome in Spain, commanding the final siege, surrender, and destruction of Numantia. His position on the substantive issues of the agrarian law is not clear, but Gracchus, although Scipio's first cousin and his brother-in-law,[16] was his political opponent, the son-in-law of his greatest rival, Appius Claudius. Scipio Nasica, the leader of the mob against Gracchus, was also Scipio's cousin. In 131, the tribune Carbo asked Scipio in a public gathering his opinion of Gracchus' death and Scipio's response, though guarded, is not sympathetic to Gracchus: *si is occupandae rei publicae animum habuisset, iure caesum uideri*.[17] The result of both the Gracchan legislation and its aftermath was a great loss of popularity for Scipio, a man who had built his career on popular, rather than senatorial, support; in the last year or so of his life he emerged as the leader of senatorial opposition to the Gracchan law.[18]

[16] Gracchus' mother Cornelia was the daughter of the elder Scipio Africanus, Scipio's grandfather by adoption; his sister Sempronia was Scipio's wife.

[17] For the various versions of Scipio's comments on the death of Gracchus, cf. Astin (1967) 263–6.

[18] For Scipio's last years, cf. Astin (1967) 227–41; in general, Astin's interpretation of Scipio is followed here.

Although the agrarian law was popular among Roman citizens, it created considerable unhappiness among the non-citizen inhabitants of Italy, particularly because they were subject, in their view unfairly, to the judicial powers of the land commission. Early in 129, at Scipio's urging, the Senate transferred the judicial powers of the commission to the consul Sempronius Tuditanus until the complaints of the Italians could be considered. Scipio apparently intended to propose passage of a law permanently to weaken or end the judicial powers of the commission, but before anything could be done, he died unexpectedly in his sleep. It seems probable that his death was natural, but C. in *Rep.* (6.12.4) implies that he was murdered.[19]

It is during the disturbances (*hoc praesertim motu rei publicae*, 1.14.3) surrounding Scipio's proposal to suspend the judicial powers of the land commission that the conversation of *Rep.* takes place.[20] The question of the treatment of Rome's allies by the Gracchans is important within the dialogue, as it was in 129: Laelius in 1.31.4 refers to the disturbance of the allies and the violation of treaties, and at 3.41 he repeats the charge that the Gracchans have neglected the rights and treaties of the allies; in the *Somnium Scipionis* the dream-figure of the elder Africanus places the allies and Latins at the climax of a list of those who look to Scipio as a leader (6.12.3). Laelius, in fact, made the mistreatment of the allies by the Gracchans the final sign of the deterioration of Rome from *ius* to *uis*, and thus a portent of its ultimate decay and demise. It may also be significant that C., in his revision of *Rep.*, changed the dramatic date from the *Feriae nouendiales*, which took place to expiate an unknown portent in 129, to the *Feriae Latinae*, which commemorated the treaty between Rome and the Latins.[21]

[19] On Scipio's death, cf. Astin (1967) 241. The evidence for a natural death is found in a corrupt fragment (22 *ORF*) of Laelius' funeral oration for Scipio, on which see Badian (1964) 249 and (1971) 1–3.

[20] The *Feriae Latinae* have no fixed date, and the date of Scipio's death is unknown; it is thus impossible to determine exactly what chronology C. had in mind. Scipio died just after the passage of the *senatus consultum* on the judicial powers of the agrarian commission, and the dramatic date of *Rep.* must be earlier than that.

[21] The *Feriae nouendiales* were normally connected to the portent of a rain of stones (cf. Wissowa 301–2) and thus may have had nothing to do with the portent of the double sun discussed in 1.15ff. (although C. may have thought that they did); Pohlenz 78 believes they were related. On the connection

There are nine participants in the dialogue: four young men, four older men, and the protagonist, Scipio.

P. Cornelius Scipio Aemilianus Africanus (*RE* Cornelius 335), consul in 147 and 134, censor in 142, the destroyer of Carthage in 146 and of Numantia in 133, was the son of L. Aemilius Paullus, who defeated the Macedonians at Pydna in 168; he was adopted by P. Cornelius Scipio, the son of the great Africanus. Born probably in 185, he was one of the dominant public figures of the second century, renowned equally for his political and military skills and for his cultural attainments. His natural father appropriated the library of the Macedonian kings for his use; he was taught by the historian Polybius, who left a memorable record of conversation with Scipio as a youth (31.23–30), and he was later friendly with the Stoic philosopher Panaetius. Among his Latin literary associates were the satirist Lucilius and the comic poet Terence. Scipio is by far the most prominent speaker in the surviving portions of *Rep.*: it is he who is asked by Laelius (1.33.3) to speak about the *optimus status ciuitatis*, and who consequently delivers lengthy speeches about the theory of constitutions and the development of the Roman constitution in books 1 and 2 respectively; he apparently summarized and extended the argument about justice in book 3; and it is his dream which concludes the work.[22]

C. Laelius (*RE* Laelius 3), given the cognomen Sapiens for his wisdom and judgment, was consul in 140; he was Scipio's elder and his closest friend throughout his life; his father had been equally close to Africanus. In 132 he played an active role in the *quaestio* set up to prosecute the supporters of Tiberius Gracchus. In the opening portions of *Rep.*, Laelius' scepticism about the worth of astronomical discussion turns the conversation to political theory; throughout the first two books, he is Scipio's principal interlocutor; and in book 3, he delivers

of the *Latinae* with the treaty, see Macrob. *Sat.* 1.16.16–17, D. H. 6.95.2–3; also Scullard 111–15. The first version (described in *Att.* 4.16.2 and *Q. fr.* 3.5.1) reveals three other differences from the extant text: Sp. Mummius is not listed as a speaker; there were to be nine books, not six; and there were to be prefaces in each book, not alternate books.

[22] For Scipio's life and career, see Astin (1967). For the sake of clarity, in this edition 'Scipio' refers to Scipio Aemilianus, while 'Africanus' refers to his grandfather, the conqueror of Hannibal.

the (unfortunately very fragmentary) argument that a state cannot survive without justice.

L. Furius Philus (*RE* Furius 78), consul in 136, is frequently grouped with Scipio and Laelius in the ancient sources (see below, pp. 12–13). As consul he was in charge of the inquiry into the treaty made by the consul C. Hostilius Mancinus and the Numantines in 138 (and negotiated by Mancinus' quaestor, Ti. Gracchus), resulting in the repudiation of the treaty and the surrender of Mancinus to the Numantines. His major contribution in the extant portions of *Rep.* is in book 3, where he reluctantly delivers a version of Carneades' argument that a state cannot exist without injustice.

M'. Manilius (*RE* Manilius 12), consul in 149 and one of the great jurists of his age, is the representative in *Rep.* of the generation before Scipio, who was his subordinate in 149 at the opening of the Third Punic War (6.9.1).[23] He apparently spoke in book 5, but he says very little in the extant portions of the text.

Sp. Mummius (*RE* Mummius 13) never reached the consulate. His brother Lucius, the destroyer of Corinth, was Scipio's colleague in the censorship of 142, during which the two had serious disagreements; Spurius himself, with L. Caecilius Metellus Calvus, took part with Scipio in the embassy to the eastern Mediterranean in 140–139 on which the philosopher Panaetius also accompanied Scipio.[24] C. (*Brut.* 94) reports that he was a Stoic, and also that he sent witty verse letters to his friends when he was at Corinth with his brother (*Att.* 13.6.4). He says almost nothing in the extant portions of the text, but was apparently a representative of anti-democratic views (cf. 3.46–8).

Q. Aelius Tubero (*RE* Aelius 155), the son of Scipio's sister Aemilia, held the tribunate at an uncertain date before 129. He was a serious Stoic, to whom Panaetius and his pupil Hecaton dedicated works, and he attempted to apply his philosophy to the study of law.[25] His impractical rigidity (ridiculed by C. at *Mur.* 75–6) caused him to

[23] Manilius was certainly over 60 in 129; according to *Rep.* 3.17, he was already speaking in public (albeit as an *adulescens*) before the passage of the lex Voconia in 169. For his writings (*monumenta* and *actiones*), cf. Schanz–Hosius 1 239; Schulz 90, 92.

[24] For the embassy, see Astin (1967) 127 with further references.

[25] A collection of testimonia in Schanz–Hosius 1 222.