

Rhetoric, Roman Values, and the Fall of the Republic in Cicero's Reception of Plato

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Dissertation submitted in partial fulfillment of
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ABSTRACT

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Abstract

This dissertation seeks to identify what makes Cicero's approach to politics unique. It is the strategy of this dissertation to turn to Cicero's unique interpretation of Plato as the crux of what made his thinking neither Stoic nor Aristotelian nor even Platonic (at least, in the usual sense of the word) but Ciceronian. As the author demonstrates in his reading of Cicero's correspondences and dialogues during the downward spiral of a decade that ended in the fall of the Republic (that is, from Cicero's return from exile in 57 BC to Caesar's crossing of the Rubicon in 49 BC), it is through Cicero's reading of Plato that the former develops his characteristically Ciceronian approach to politics—that is, his appreciation for the tension between the political ideal on the one hand and the reality of human nature on the other as well as the need for rhetoric to fuse a practicable compromise between the two. This triangulation of political ideal, human nature, and rhetoric is developed by Cicero through his dialogues *de Oratore*, *de Re publica*, and *de Legibus*.

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Introduction

Cicero not only occupies an important place in the history of political thought, but also presents a dynamic notion of political leadership that is not without relevance to the most pressing political problems of our own time—that is, the polarization of right- and left-wing politics, the fiasco of failed attempts to replace regimes in the Middle East with democracy, the guerilla tactics of our most aggressive enemies hiding in plain sight, and the fraught relationship with Russia that threatens to lead to another cold war. Underlying this recoil of bad decisions is a false premise, namely our undying faith in systems of justice that we expect to channel and redirect the tides of human passions, as if the latter were mere conduits of water to be channeled through a Roman matrix of aqueducts. What we are forgetting is that human nature does not flow in one direction. What we are ignoring are the necessary political tools of rhetoric and persuasion, by which human populations can be brought to a more advantageous relationship with the system in place.

If Cicero has anything to teach us today, it is this: The system is nothing without the people. It is one thing to have theory, but another to devise a pragmatic approach to that theory. It is one thing to have a good system in place, but another to instill concord in the hearts of the people, since it is ultimately up to them to make the system work. Concord is so important that it is better to have an imperfect system the people are convinced to trust than a perfect system that can only hope to function through coercion. Of course, the measure of a great state, I would argue, is the rhetorical ability of its leadership to win the people over to as close an approximation to perfection as is humanly possible, but such a view of politics necessarily spells out a prioritization of

rhetoric over the system (for Cicero, this ideal order would entail that the people entrust their interests to the senatorial elites, on the one hand, and that the senatorial elites make good on the people's trust on the other without resorting to compromises of their own estate, as the Gracchi had done in their confiscation and redistribution of private land).¹

This prioritization of rhetoric over the system is not something that we tend to take seriously; hence, the denigration of “mere rhetoric” in the rhetoric of our own politicians (which is itself an ancient rhetorical trick!); hence, the bafflement of politically active scientists and economists who expect the logic of their arguments to speak for itself. This systematic view of politics is not a modern phenomenon. In Cicero's time as well, the system was prioritized over rhetoric; hence, the Stoic Cato the Younger, instead of Cicero, rose to prominence in the political party opposed to Julius Caesar. Cato the Younger, as Cicero recounts to Atticus in his letters, had a keen sense for justice in the bills he legislated, but he was tactless in respect to his alienation of the equestrian class. Cato the Younger wanted to institute an audit to make the Equestrian tax-collectors, the Publicans, more answerable to their exploitation of Roman provinces. Cato prioritized the system and, in this respect, was monolithic in his thinking. Cicero, on the other hand, agreed with Cato in principle, but realized that the implementation of this system against the consent of the Equestrians would be too divisive and work against winning over an important constituency at a crucial time in the Republic's history (*Att.*

¹ To cite an example of where Cicero permits an imperfection to the system, see my discussion of Cicero's critique of Cato in *Att.* 2.1. In this letter, Cicero complains of Cato's pushing a bill that would make the Equestrian class more accountable in their taxing of provincials. Though Cicero agreed with Cato in principle, he faulted him for the alienation of the Equestrian class. Cicero's strategy was to permit the morally egregious practices of the Equestrians in return for their support in stabilizing the Republic.

2.1). Such internal conflict in turn became the opportunity Julius Caesar would exploit in his own consolidation of power and overthrow of the very institutions that allowed Cato to legislate at all. Cicero knew better, and we would do well to listen to him.

On the other hand, Cicero was not, as Shackleton Bailey posits, a rhetorical nihilist bent solely on his own glory.² Quite the opposite. He was deeply concerned with the institution of just practices and the maintenance of the parts of the system that he held to be most sound. It was rather his profound consideration for the tension between the ideal system and the tumultuous reality of human nature as well as the need for rhetoric to mediate between the two in forging a working product that allowed his thinking on politics to tower above the two monoliths so dominant in Roman thought: Stoic idealism and Optimate elitism (see Intro.4 below). Cicero thereby achieved a consummate subtlety of political thought that not only dwarfed the leading intellectuals of his own time, but is incomparable to anything that came before or after in the Roman world. Only the lyric wisdom of Horace and the epic complexity of Vergil even approach Cicero's political genius, and that is largely due to their coming right after him in time and therefore being challenged to meet in verse the standard he had set in prose—a standard long prized for its style, but undervalued, since the nineteenth century, for its content.

Significant efforts have been made to rediscover the subtle genius of the Ciceronian worldview. It is the strategy of this dissertation to turn to Cicero's unique interpretation of Plato as the crux of what made his thinking neither Stoic nor Aristotelian

² Bailey, *Cicero*, 114; for a fuller discussion of disparagement of Cicero as philosopher from Hegel to Ronald Syme, see Altman, "Cicero and the Fourth Triumvirate."

nor even Platonic (at least, in the usual sense of the word) but Ciceronian. As I shall demonstrate in my reading of Cicero's correspondences and dialogues during the downward spiral of a decade that ended in the fall of the Republic (that is, from Cicero's return from exile in 57 BC to Caesar's crossing of the Rubicon in 49 BC), it is through his reading of Plato that Cicero develops his characteristically Ciceronian approach to politics—that is, his appreciation for the tension between the political ideal on the one hand and the reality of human nature on the other as well as the need for rhetoric to fuse a practicable compromise between the two.

Intro.1 Outline of Chapters

My argument is comprised of four parts:

Ch. 1. The Letters. I first turn to the Platonic intertext of Cicero's correspondences in demonstration of two crucial principles behind Cicero's unique interpretation, as well as adaptation, of Plato: 1) Cicero treats the voice of Plato as author (which he finds authentically expressed in the so-called Letters of Plato) as distinct from that of the Platonic Socrates; 2) Cicero does not turn to the dialogues for doctrinal authority, but rather as a guide for thinking through the tensions between ideal and real, law and practice, system and humankind.

Ch. 2. *De Oratore*. In addition to being a technical treatise in dialogue form, Cicero's *de Oratore* is also an ethical exploration of rhetoric as a political tool. In this exploration, Cicero channels Plato's *Gorgias* and *Phaedrus*, among other dialogues, to dramatize the tensions between ideal and real in Crassus' interaction with his interlocutors. Though Crassus succeeds in defining a philosophically informed rhetoric

that is exemplary of maintaining Roman values and civic virtue, he demonstrably fails to show that such rhetoric is either definitive or even normative of successful practices in the forum. Thus Cicero invokes Plato to characterize the political necessity of rhetoric as well as its ethically fraught relationship with political principles. The *de Oratore* thus characterizes a problem rather than a solution.

Ch. 3. *De Re publica*. The solution to the problem of rhetoric, as explored in *de Oratore*, is a Platonic approach to rhetoric aimed at accommodating the souls of the Roman people to the higher values of the Roman Republic. The speeches and exchanges of Scipio, especially in his use of Roman myth in Books 2 and 6, are both a demonstration of, and argument for, this Platonic approach to Rhetoric through Platonic intertexts with the *Phaedrus*, *Republic*, and other dialogues as well as the Platonic Socrates more generally.

Ch. 4. *De Legibus*. Cicero's *de Legibus* then brings this Platonic approach up to date in applying it to the problems of Cicero's own day. I interpret Cicero's claim to follow Plato's *Laws* as the Ciceronian assumption of the *Laws*' most important theme: the need to complement the coercion of the system with the persuasion of the subjects to whom the system applies. In Book 1, Cicero's lesson *in propria persona* on natural law is presented alongside a demonstration of the need for rhetoric to align the people, being fallible in their baser instincts, with civic virtue. In Book 3, the Ciceronian persona addresses the most problematic institutions of the Late Republic: the tribune of the plebs and the popular ballot. Marcus, as Cicero is called in the dialogue, controversially allows for existence of both institutions. While conceding the inherent flaw they bring to the

Republic, he argues that their forced removal is not a viable option and again channels Plato on the need for rhetoric and persuasion to make the people attentive of Roman values and, therefore, disinclined to abuse the potentially subversive power that has been granted them. Rhetoric and persuasion are thus championed over the system, since the system can only function through the goodwill of the people it is meant to protect. It should be noted that this is an ethically informed system of rhetoric and persuasion. In *de Oratore*, rhetoric is explored as a medium that can appeal to the baser part of human nature to the detriment of stability. In *de Re publica* and *de Legibus*, an ethically informed rhetoric emerges to appeal to the better part of human nature and win the people over to a closer approximation of a life dedicated to the civic good.

Intro.2 My Contribution

Rhetoric and philosophy come together in Cicero's philosophy. As philosopher, Cicero stands out for his use and championing of rhetoric. While this approach to philosophy became popular in the Renaissance among figures such as Machiavelli and would later be championed by 18th-century commonsense philosophers, such as Francis Hutcheson and Adam Smith,³ it also attracted a deeply influential opposition during the Enlightenment. Hobbes, Rousseau, Kant, and Madison are four diverse thinkers, yet they share in common contempt for rhetoric, which they variously interpret as aiming at allure

³ Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 264–66.

rather than truth and being a vehicle for elites to trick the oppressed masses.⁴ The rhetorical appeal of Cicero's philosophy has caused some, therefore, to dismiss it. Moses Finley, for instance, says of Cicero's philosophy that "there is only rhetoric;"⁵ Theodor Mommsen and Shackleton Bailey have similarly dismissed Cicero as a thinker.⁶ George Sabine, though celebrating the rhetoric of Cicero's philosophical works, does not prize them for originality; he argues, on the contrary, that these works are important by virtue of historical accident: "Everybody read them."⁷ Thus, one of the chief ways that my research on Cicero makes a needed contribution is in appreciating Cicero as a thinker of the highest order.

There have been, to be sure, other approaches to Cicero that appreciate his philosophy, but a number of these seek to categorize Cicero as a Stoic. The scholarship of Viktor Pöschl, Thomas Pangle, and Walter Nicgorski read Cicero as accepting Plato's teaching on the philosopher-king without alteration in the Dream of Scipio at the end of *de Re publica*: Contemplation is the highest good; hence the eternal reward of heaven.⁸ Cary Nederman sees Cicero's philosophy as Stoic and a frank contradiction of his political thought in speech. According to Nederman's view, Cicero "emphasizes the centrality of reason alone as the source of public welfare and concomitantly diminishes

⁴ Hobbes, *Citizen and Man: De Cive and De Homine*, 230–31; Rousseau, *Discourse on the Sciences and Arts or the First Discourse*, 11, 13; Kant, *The Critique of Judgment*, 192; Madison cited in Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment*, 200–207.

⁵ Finley, *Politics in the Ancient World*, 128.

⁶ Mommsen, *Römische Geschichte*, 4:728–29; Bailey, *Cicero*, 114.

⁷ Sabine, *A History of Political Theory*, 161.

⁸ Pöschl, *Römischer Staat Und Griechisches Staatsdenken Bei Cicero; Untersuchungen Zu Ciceros Schrift De Re Publica*, 117–19; Pangle, "Socratic Cosmopolitanism: Cicero's Critique and Transformation of the Stoic Ideal," 245–46; Nicgorski, "Cicero's Paradoxes and His Idea of Utility," 566.

the active and discursive dimensions of citizenship [i.e., the very dimensions upon which his political speeches depend]."⁹ Daniel Kapust attempts to bridge these two spheres of Cicero's political speeches and philosophical discourses by defining a Ciceronian attitude towards rhetoric that is inextricably linked with rational idealism: "Cicero's faith in human rationality, and a reason-perceived natural law, serves as the cognitive foundation for decorum, enabling rhetoric to produce agreement without simply accepting conventional opinion and preventing mere sophistry without holding that knowledge and virtue are identical in oratory."¹⁰ Kapust arrives at this optimistic view of oratory largely through taking the interlocutor Crassus at his word in *de Oratore*. In my own study of this dialogue (Chapter 2), I argue that this rationalistic optimism of Crassus is demonstrably false. I distance myself from such readings of Cicero, in that I interpret Cicero, on the contrary, as highly skeptical of rationality, especially in the cases of the masses. It is not that the masses have no sense of rationality, but rather that this rationality must compete alongside irrational drives and passions. As I shall describe below, Cicero realized that there was a gulf between human nature and rationalistic idealism; it was culture, especially that transmitted through rhetoric, that was necessary to appeal to human nature in order to enable the rational side of human nature to gain more prominence. Only then would it be possible to negotiate the most practicable approximation of the ideal (see Intro.4 where I explain this more fully).

⁹ Nederman, "Rhetoric, Reason, and Republic: Republicanisms-Ancient, Medieval, and Modern," 253–54.

¹⁰ Kapust, "Cicero on Decorum and the Morality of Rhetoric," 95.

Alongside this Stoic or rationalist reading of Cicero's philosophy, is the Machiavellian approach. Joy Connolly has recently brought this interpretation of Cicero to the foreground of scholarship in her own rigorously argued reading of Cicero's *philosophica*. Her interpretation of *de Re publica* is worth citing here. Connolly argues that the harmony of the *rector rei publicae* of Scipio (*Rep.* 2.69) is, in fact, a manipulative stirring of conflict between the classes in an effort to keep the people from approaching the most privileged echelon of those in power.¹¹ In Chapter 3, I respond to this Machiavellian reading with my own interpretation, which seeks to analyze Book 2 of *de Re publica* structurally in light of the Dream of Scipio at the end of the dialogue.

My own reading of Cicero falls between the extremes of Stoic Idealism and Machiavellian Pragmatism. I believe that Ciceronian Pragmatism is both unique and worthy of our special attention. It is in this Ciceronian pragmatism of Cicero that philosophy and rhetoric come together. In this respect, I am in agreement with Walter Nicgorski, who argues for "his [Cicero's] insistence on the primacy of the work of the statesman and on important roles for the art of rhetoric and philosophy in the education of the model statesman (*perfectus orator*)."¹² Though I am not completely in line with the Stoicism of Bryan Garsten's reading, I do agree with Garsten's description of Cicero's commitment to a "politics of persuasion"...which "reflected his [Cicero's] understanding of what was necessary to protect the influence and sustainability of the practice of

¹¹ Connolly, *The Life of Roman Republicanism*, 57.

¹² Nicgorski, "Cicero's Paradoxes and His Idea of Utility," 568.

persuasion."¹³ Yelena Baraz also makes a contribution to the pragmatic reading of Cicero in her book on the interchangeability of the prefaces to Cicero's philosophical works. According to her study, the Ciceronian preface has two goals: 1) to convince the Roman elite to view philosophy with more respect; 2) to deploy a modified version of Greek philosophy in the service of saving or preserving the Roman Republic. Baraz's conclusion is that Cicero failed in both respects because he neither convinced the Roman elite to take philosophy more seriously, nor did he save the Republic.¹⁴ Though she is certainly correct about both goals, I would argue that there is another goal in Cicero's philosophical works: to maintain a presence in the world of politics after his death. It is Cicero's unique form of pragmatism that is left us. My own argument also takes up the role of rhetoric, specifically in regard to how rhetoric can serve as a corrective in an imperfect system controlled by vicissitudes and human passions. I argue that Cicero develops this pragmatic approach to rhetoric and politics in conversation with Plato, and that, to this end, it is necessary to understand Cicero's unique reading of the Platonic dialogue, i.e., as a dramatization of the tension between ideal and the contingencies of human nature. Indeed, it is now well acknowledged that the dialogues belonging to the trilogy under discussion are Platonic dialogues in form.¹⁵ There is a story of Ciceronian pragmatism waiting to be told in the tracing of Platonic structures and allusions both in the trilogy of dialogues and the correspondences of this period (the subject of Chapter 1).

¹³ Garsten, *Saving Persuasion : A Defense of Rhetoric and Judgment*, 142–43.

¹⁴ Baraz, *A Written Republic: Cicero's Philosophical Politics*.

¹⁵ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 23; Zetzel, *De Re Publica*, 5; Schofield, "Ciceronian Dialogue," 76.

Intro.3 Why Plato?

When the government was first established, it was possible to have kept it going on true principles, but the contracted, English, half-lettered ideas of Hamilton destroyed that hope in the bud. We can pay off his debt in fifteen years, but we can never get rid of his financial system. It mortifies me to be strengthening principles which I deem radically vicious, but the vice is entailed on us by the first error. . . **What is practicable must often control pure theory.**

Thomas Jefferson (on Hamilton's fiscal system), 1802¹⁶

Sed id, quod fieri natura rerum ipsa cogebat, ut plusculum sibi iuris populus adscisceret liberatus a regibus, non longo intervallo, sexto decimo fere anno, Postumo Cominio Sp. Cassio consulibus consecutus est; in quo defuit fortasse ratio, sed tamen vincit ipsa rerum publicarum natura saepe rationem.

But the people, not a long while after their liberation from the kings, in about the sixteenth year during the consulship of Postumius Cominius and Spurius Cassius, so that they [the people] might acquire more rights, pursued a course of action, which the very natural forces of the situation were bent on making happen. In this situation reason perhaps was absent, but **the very nature of politics often defeats reason.**

Cicero (on the secession of the plebs and the creation of the tribune of the people),
*Rep.2.57*¹⁷

I begin with these quotations of Cicero and Jefferson. Though the two are diametrically opposed in their democratic tastes, these citations reveal them to be of the same mind in their approach to the discrepancy between political theory and political reality. In this dissertation, I argue that Cicero, despite being an elitist, is a strikingly modern and subtle political thinker of the ancient world for his ability to negotiate between the static theory of a functioning body politic and the dynamic process of achieving the best practicable approximation of that system through rhetoric and Roman values.

This brand of pragmatism that makes Cicero uniquely Ciceronian in his thinking is directly linked to his privileging of Plato. Cicero's unique reception of Plato enabled him to rise above the elitist monolith of Roman political thought as well as the unapplied

¹⁶ Jefferson, "Limits of the Practicable: To P.S. Dupont de Nemours--Washington, Jan. 18, 1802."

¹⁷ All translations are my own, unless otherwise specified.

idealism of Greek thought and become the most subtle and penetrating mind of ancient political theory.

The fundamental question then is why Cicero's reception of Plato is singularly worthy of a monograph on its own right, when we know that Cicero's intellectual eclecticism took from a plethora of Greek philosophers, both from the Classical as well as the Hellenistic Age. In order to make my case for Plato stronger, I therefore contrast the influences of Aristotle, the Stoic school, and Isocrates on Cicero, since these not only are well studied, but also represent the most prominent schools of thought in Cicero's thinking. After my review of scholarship on Cicero's reception of these other thinkers, I shall return to Cicero's Plato, who will be shown not merely worthy of our attention for the comparatively little scholarship he has received, but as the source of the most fundamental principle behind Cicero's political thinking—and that which makes the Ciceronian worldview not just the most compatible with our world today, but the one we can least afford to lose.

Intro.4 The Monoliths of Roman Thought vs Cicero's Triangulation of Nature, Culture, and Ideal

It must be conceded that elements of both Roman monoliths, i.e., Stoic idealism and Optimate elitism, are inextricable features of Cicero's thought, but what makes Cicero interesting is the extent to which he swerves from these mainstays of his class. The cases of Cato the Younger and the Ciceronian figure of Laelius in *de Re publica* are rather instructive here, because Optimate Elitism and Stoic Idealism come together in their worldviews.

To demonstrate Cicero's swerve from the union of Stoic Idealism and Optimate Elitism, I turn to the Ciceronian Laelius' defense of Roman law as an instantiation of natural law. Laelius makes this case in Book 3 of *de Re publica* as a counterargument to the Ciceronian Philus, who is compelled to argue that natural law does not exist. Due to the overlap of content between Laelius' defense of natural law against Philus and Cicero's own discussion of natural law through Marcus, Cicero's own person, in Book 1 of *de Legibus*, Dean Hammer assumes that Laelius wins the debate.¹⁸ Though I sympathize with Hammer in his emphasis on the tension in Cicero between the eternal and the contingent,¹⁹ I see significant contradiction between Laelius' conflation of natural law and Roman law on the one hand and Marcus' negotiation between the two in *de Legibus* on the other. Especially noteworthy is Marcus' defense of the Tribune of the Plebs, not as an ideal institution, but as a necessary one (*Leg.* 3.18-26). Indeed, Marcus' defense, as the repugnance of his elite interlocutors, Quintus and Atticus, demonstrates, puts him at odds with elitists and idealists alike. Cicero is at odds with idealists, because the institution is allowed to exist, despite its being unideal; he is at odds with elitists, because Cicero deems necessary ceding some representative power to the people.

In addition to contrasting Laelius' position to that of Marcus in *de Legibus*, there is also textual evidence in *de Re publica* itself that Laelius is, by Ciceronian standards, wrong. Jed Atkins makes the argument that Laelius could not possibly have won the debate based on the text that we have. Laelius' notion of natural law as *recta ratio* bears a

¹⁸ Hammer, "Cicero: To Save the Res Publica," 39–40.

¹⁹ *Ibid.*, 29.

strong similarity to Chrysippus' theory of "right reason," but Chrysippus also considered all existing laws and institutions to be in error. Laelius does not address this problem in the text we have.²⁰ "In his attempt to reconcile Rome's rule with natural law, he is forced to deny that contingency, temporality, and change are characteristic of all human affairs."²¹ Laelius naively bridges the ideology of Stoic idealism with Optimate elitism in his insistence that the rule of Roman officials over their subjects and slaves should be as unchallenged as the rule of reason over the body (*Rep.* 3.37a). The inherent fallacy of this connection is made apparent by Philus' argument on the logical inconsistency and double standard of certain Roman laws—especially the Voconian Law (*Rep.* 3.10 = 17). As James Zetzel notes, this law prohibits women from being named heirs, while allowing them to claim legacies up to a fixed percentage; what is especially backward about this law, however, is the fact that Vestal Virgins would still have all the rights of men.²² Thus, Philus calls it a law "which has indeed been invoked to the advantage of men, but is full of injustice towards women" (*Rep.* 3.10 = 17).

In Scipio's attempt to defend Rome, he does not arbitrarily turn the Republic into an ideal system in which justice is automatic, but describes it as meeting the minimum standards, according to which justice is a possibility. Contrasting Rome with the tyranny of Syracuse on the one hand and the factionalism of the thirty tyrants of Athens on the other, Scipio declares:

²⁰ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 39–40.

²¹ *Ibid.*, 41.

²² Zetzel, *On the Commonwealth and On the Laws*, 65 n. 15.

nihil enim populi et unius erat populus ipse. Ergo ubi tyrannus est, ibi non vitiosam, ut heri dicebam, sed, ut nunc ratio cogit, dicendum est plane nullam esse rem publicam.

Nothing indeed belonged to the people, and the very people were the property of one man. Therefore, when there is a tyrant, it must be said that there is not a defective republic, as I was saying yesterday, but, as rational reflection now compels me, that there is clearly no republic at all. *Rep.* 3.43

This is not to say that Rome is a manifestation of the ideal, as Laelius tried to argue, but a state in which justice is possible. The means by which justice is possible, as I argue, is the implementation of a political culture centered on rhetoric and Roman values.

At this point, I should say what I mean by political culture. Joy Connolly has an interpretation of nature and culture in Cicero that is worthy of our attention here. Studying the same dialogues under discussion in this dissertation, she concludes “Cicero links all men in a relation of *societas* that is at once of nature and of culture: it is not natural, but emerges when men restrain their natural desires; yet they have a natural desire to do just that.”²³ Whereas Connolly sees a binary relationship between nature on the one hand and culture on the other,²⁴ I see a triangulation of nature, culture, and ideal.²⁵ Human nature is composite for Cicero, as it is for Plato. There is a rational side to human nature which Cicero describes in detail in Book 1 of *de Legibus*, but there is also an irrational element consisting in passions and appetites, as Cicero also makes clear in the same work. The Stoic rational ideal of natural law, or *recta ratio*, championed by

²³ Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 115. Connolly goes on to say that “Cicero embarks on the project of making the whole world a male family of citizens (like his interlocutors);” the all-male cast of interlocutors in Cicero’s dialogues, however, is so conventional, that I find this unconvincing as evidence of sexism. At most Cicero can be faulted for sexist inertia, yet Philus’ critique of the Voconian Law (*Rep.* 3.10 = 17, as discussed above) is enough to suggest that even in this regard Cicero is no typical elite.

²⁴ *Ibid.*, 77–117, esp. 113–117.

²⁵ For a discussion of Nietzsche’s contribution to this discourse, see Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, 59–62.

Laelius, is therefore opposed to human nature taken as a whole, and above all to the corruptibility of the rational part of human nature to appetite and ambition, as depicted by Philus. The political culture that Cicero tries to instantiate in the figure of Scipio, particularly in his celebration of exemplary figures in Roman history in Book 2 as well as in his dream in Book 6, is the missing link between the two. For Cicero, political culture is a shared identity based upon celebrated figures of history and the societal values they embody. It is, furthermore, a political culture rooted in rhetoric—a concept Cicero develops largely in conversation with Plato’s *Phaedrus*—that channels the appetite and ambition of human nature to be converted into a more virtuous approximation of Stoic *recta ratio*.

The Ciceronian Scipio knows well that human psychology is not always malleable to philosophical reason.

Sed id, quod fieri natura rerum ipsa cogebat, ut plusculum sibi iuris populus adscisceret liberatus a regibus, non longo intervallo, sexto decimo fere anno, Postumo Cominio Sp. Cassio consulibus consecutus est; in quo defuit fortasse ratio, sed tamen vincit ipsa rerum publicarum natura saepe rationem.

But the people, not a long while after their liberation from the kings, in about the sixteenth year during the consulship of Postumius Cominius and Spurius Cassius, so that they [the people] might acquire more rights, pursued a course of action, which the very natural forces of the situation were bent on making happen. In this situation reason perhaps was absent, but **the nature of politics often defeats reason.**

Cicero *Rep.*2.57

Hammer interprets these words of Cicero to mean that politics only "seem to defy reason."²⁶ I would rather say, following the Latin, that the nature of politics does defy reason. Though Cicero prefers the company and protection of wealthy elites, he does appeal to the interest of the people at large as overlapping with elite interest. In this

²⁶ Hammer, "Cicero: To Save the Res Publica," 36.

regard, the objects of his persuasion are twofold: 1) he must convince the Optimates to permit the people minimal participation and not pursue their own advantages to the people's detriment; 2) he must convince the people that they can entrust the Optimates with their collective interests as joint shareholders in the republic.

Joy Connolly, reading this aspect of Cicero's thinking according to his theory of *decorum* in *de Officiis*, offers a Machiavellian interpretation. "Cicero's views on decorum lead him to insist that the public speaker must treat his audience of citizens as equals in an ongoing dialogue of equals.... not, to be sure, because he believes that they are his equals, but because the pretense of equality enables him to reinforce the group's sense of communal identity, and to persuade the group."²⁷ If Cicero is a Machiavellian, he is fortunately also a Machiavellian of accidental utility: "In point of fact, the pretense of equality works much like the thing itself: if the elite speaker does not moderate and popularize his speech, he risks humiliating and infuriating his audience. Worse, he risks preaching to the converted, contributing to stasis and destructive factionalism."²⁸ Thus, the eloquence of Cicero is saved at the cost of Cicero's soul.

My reading of Cicero, as modifier of Plato, is more optimistic and comes closer to Dean Hammer's reading of Cicero's coinage *aequabilitas* from *de Re publica*, which does not quite mean equality, but comes closer to our meaning of equity or fairness.²⁹ Rather

²⁷ Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 272.

²⁸ Ibid.

²⁹ Hammer, "Cicero: To Save the Res Publica," 62–64.

than defining Liberty as something negative,³⁰ Hammer brings a positive definition to Libertas as "a form of power that is organized around the possession and disposal of property, including oneself and public things."³¹ His positive definition has the advantage of acknowledging more statements about liberty and property in both dialogues *de Re publica* (1.37 = 47; 2.23 = 43) and *de Legibus* (3.7.17) as well as the important speech *de lege agraria* (2.11.29).³² As we shall see throughout my thesis (especially Chapter 3), Cicero's elitism is not merely a manipulation of the public for the maintaining of privilege, but a moral elitism, which celebrates its elitism as being genuinely deserved for taking the people's interest into account and thereby winning a ratification of authority from the people.³³ It is no coincidence that Cicero's first meaningful political triumph, that is, his prosecution of Verres, though addressing itself to the nobles rather than the people, proceeds in a spirit of moral criticism (*Verr.*1.1). In Cicero's critique of Cato the Younger for speaking his mind as if he were "in the republic of Plato and not in the dung-heap of Romulus," the dung-heap (*faex*) does not refer to the people (as it admittedly does in *Att.*1.19.4), but to the Publicans, the taxmen of Cicero's own Equestrian order who gouge Rome's provincial subjects and thereby cause the trust of foreign peoples to fray (*Att.*2.1.8, cited in greater detail below). In Cicero's council to Quintus, when the

³⁰ For such a construal of *libertas*, see Brunt, *The Fall of the Roman Republic and Related Essays*, 283; Pettit, "Freedom as Antipower," 576–77; Skinner, *Liberty before Liberalism*, 38–47; Roller, *Constructing Autocracy: Aristocrats and Emperors in Julio-Claudian Rome*, 220–33; Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 159.

³¹ Hammer, "Cicero: To Save the Res Publica," 53–54.

³² *Ibid.*, 54.

³³ For Cicero's championing of the people's liberty to invest their interests in the authority of the senate, see *Ibid.*, 49ff, esp. 58–59; Schofield, *Saving the State: Philosopher-Kings and Other Classical Paradigms*, 191.

latter assumed the role of Praetor, Cicero refers to himself and his brother as realizations of Plato's philosopher king and clearly takes pride in honoring the people's interests as the primary reason for which the position of praetor exists at all (*Ad Q. Fr.* 1.1.29-32). Furthermore, the rhetoric of equality in Cicero is no illusory matter of words without action. The historical figure of Drusus, to whom Cicero sympathetically alludes in *de Oratore*, was unpopular among the senatorial elite for pushing a bill on agrarian reform that also granted Italian allies a measure of citizen rights; it was both the loss of Crassus as Drusus' defender and the resemblance of Drusus' bill to measures taken by the Gracchi that ultimately led to elitist obstruction right before the outbreak of the Social Wars in 91-87 BC.³⁴ Cicero's own bipartisan approach to Caesar's agrarian law in his speech *de lege agraria* was to protect the landed nobles from confiscation on the one hand, but to purchase and redistribute the depopulated regions of Italy among the urban poor on the other (*Att.* 1.19.4). Cicero's plan for Roman political values, instantiated through rhetoric and model figures of history, was to raise the attentiveness to these values not only in the minds of the people, but also in the minds of the elite.³⁵

Intro.5 Plato or Aristotle?

Plato has long been acknowledged as the most important philosopher for Cicero, both by sheer number of citations as well as Cicero's unequivocally high estimation of

³⁴ Mankin, *Cicero De Oratore. Book III*, 24–26.

³⁵ Although Hammer views Cicero as approving of the immoral means that financed the ascent of his Equestrian class (Hammer, "Cicero: To Save the Res Publica," 88), I disagree. In fact, Hammer's evidence for this comes almost entirely from Cicero's speech *de Imperio Cn. Pompei* (*Ibid.*, 88 n. 193). The letters to Atticus and Quintus, cited above, indicate the opposite, and as Habicht notes "he [Cicero] had no large fortune, and he did not plunder provinces as many other senators did" (Habicht, *Cicero the Politician*, 6..

Plato and the Platonic Socrates.³⁶ Thelma deGraff has published an invaluable article on all the direct references and allusions to Plato. Her evidence demonstrates that Plato had then for Cicero the same literary cachet that Shakespeare has for us; furthermore, he also compared favorably with other schools of thought, which Cicero either traces back to Plato as their origin or debunks when scrutinized from the perspective of Plato.³⁷ Vittorio Hösle, more recently, has updated deGraff's list and similarly demonstrated that Plato is "the philosopher for Cicero."³⁸ Both authors have noted Cicero's fairly limited deployment of the Platonic forms, which, Sandys' criticism notwithstanding,³⁹ they defend as a strength rather than a weakness.⁴⁰

Aristotle is indeed one of the most important philosophers that Cicero traces back to Plato.⁴¹ Indeed, there are a number of political ideals held commonly between Plato and Aristotle that manifest themselves in the trilogy of dialogues, such as the preference for geometric equality over arithmetic equality in respect to participation in government and the disparagement of island states.⁴² In *de Re publica*, Cicero also owes something to

³⁶ Hösle, "Cicero's Plato"; deGraff, "Plato in Cicero."

³⁷ deGraff, "Plato in Cicero," 147.

³⁸ Hösle, "Cicero's Plato," 152.

³⁹ Cicero and Sandys, *Ad M. Brutum Orator*, 11–12.

⁴⁰ Caroline Bishop recently published a dissertation, which dedicates a chapter on Cicero's use of Plato (Bishop, "Greek Scholarship and Interpretation in the Works of Cicero."). Her argument, however, focuses on Platonic allusions as a source of literary cachet rather than as philosophical drama to which Cicero responds.

⁴¹ See for example Stem, "Cicero as Orator and Philosopher: The Value of the Pro Murena for Ciceronian Political Thought," 220 on Cicero's equivocation between Aristotle and Plato; for the ancient view of Aristotle and Plato being in agreement more generally, see Karamanolis, *Plato and Aristotle in Agreement? Platonists on Aristotle from Antiochus to Porphyry*.

⁴² Atkins, "Cicero on the Relationship between Plato's Republic and Laws"; Gurd, *Work in Progress: Literary Revision as Social Performance in Ancient Rome*, 53–55.

Aristotle in his historical approach to constitutional theory.⁴³ That said, it is unlikely that Cicero read Aristotelian texts as we have them today: Anthony Long has recently asserted that Plato's dialogues and letters are likely the only philosophical source that Cicero consulted in the original; Aristotle, important though he be, was more readily available through Hellenistic handbooks and word-of-mouth than in publications of the treatises, as we have them.⁴⁴

Cicero also distinguishes himself from Aristotle in important ways. One is in respect to Cicero's ideal about the human fellowship. As Dean Hammer and Cary Nederman note, although Cicero's description of the human fellowship as a people's natural inclination to come together bears some overlap with Aristotle, it is ultimately different because there is no natural end or ineluctability to this movement.⁴⁵ Cicero is less optimistic. Cicero is also distinct from Aristotle in his approach to the problematic forms of Plato. There is some disagreement about how seriously Cicero took the forms. Unlike Hoesle, Long makes a case that Cicero, contrary to detractors, does honor Plato's ideal world of forms in his treatment of ideas, particularly in his treatises of the 40's.⁴⁶ My reading falls somewhere between Hoesle and Long, in that I read Cicero's imitation of Plato in the 50's BC as characterized by a meaningful silence on the Platonic theory of

⁴³ Zetzel, *De Re Publica*, 179.

⁴⁴ Long, "Cicero's Plato and Aristotle," 52–58. Tyrannio, an important Aristotelian, was a close associate of Cicero. For the possibility that Cicero derives his material on Aristotle from Tyrannio, see Johnson, "Cicero and Tyrannio: «Mens Addita Videtur Meis Aedibus»."

⁴⁵ Hammer, "Cicero: To Save the Res Publica," 34–35; Nederman, "Nature, Sin and the Origins of Society: The Ciceronian Tradition in Medieval Political Theory," 5–11.

⁴⁶ Long, "Cicero's Plato and Aristotle," 45–50; see also Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 248–75.

forms.⁴⁷ The meaning behind this silence can be interpreted diachronically through Cicero's approach to politics as a pragmatist, especially in regard to the measures he takes (or tries to take) in preventing Caesar's power from overcoming the Republic. By "pragmatist" I mean to say that Cicero, unlike the Stoic Cato, does not expect the republic of Rome to meet any principles of absolute justice (whether "Platonic," Stoic or otherwise); instead, he must engage in a struggle of deliberation and compromise in order to achieve the best system within the realm of human possibility and in response to the vicissitudes of political factions with competing interests. This will become especially clear in the first letter I analyze where Cicero criticizes Cato for acting as if he were "in Plato's Republic" (see Chapter 1).

In terms of rhetoric, Cicero certainly owes much to Aristotle in his understanding of how rhetoric works. The commonalities between *de Oratore* and Aristotle's *Rhetoric* have been especially well discussed in scholarship.⁴⁸ It is useful to study the traces of Aristotle in Cicero's *de Oratore* to answer the question *how*, but, as I shall demonstrate in my own study of this complex philosophical drama, the Platonic allusions are crucial to ascertaining Cicero's understanding of the ethical problems surrounding rhetoric.

⁴⁷ It is significant that all of Long's evidence comes from the 40's; for the difference between the 50's and the 40's in respect to Cicero's use of the ideas, see Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations."

⁴⁸ Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C.-A.D. 300*, 2:205–30; Schütrumpf, "Non-Logical Means of Persuasion in Aristotle's *Rhetoric* and Cicero's *de Oratore*"; Kapust, "Cicero on Decorum and the Morality of Rhetoric," 98; Fantham, *The Roman World of Cicero's « De Oratore »*, 385; Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, esp. 283–285, for instance, on Aristotle's influence on Cicero's theory of memory. Again, for Cicero's relationship with Tyrannio as a potential teacher on this topic, see Johnson, "Cicero and Tyrannio: «Mens Addita Videtur Meis Aedibus»."

Intro.6 The Stoic School

In the dialogues under discussion, as throughout Cicero's philosophy, the influence of Stoicism on Cicero's thought is unmistakable. The influence of Stoicism manifests itself especially in Cicero's understanding of natural law and cosmopolitanism, that is, the perception of the cosmos as a universal city of gods and men (this influence is especially pronounced in *de Legibus*). For Stoics, the universe is a natural and rational structure with divinely ordered laws. Dean Hammer summarizes well the core belief of Stoic rationalism: "What it means to be a reasoning creature is to be able to bring clarity to the perceptions and inclinations of the law that nature plants in us."⁴⁹

Even in Cicero's latest philosophical works, however, the Roman statesman distances himself from Stoicism. The problem with Stoic rationalism is that its goal and purpose is, as Katja Vogt explains, "to recognize that actual cities do not ultimately 'live up' to being cities; actual laws are not real laws, and actual cities are not real cities." For Cicero, however, no city was realer than Rome. When Cicero criticizes Cato for "speaking his mind as if he were in the republic of Plato" (*Att.* 2.1), he acknowledges a tension between the ideal city of Cato's Stoicism and the actual city, in which Cato quixotically struggles to attain the purism of his values through systematic legislation (in this case, Cato strives for fairness in legislating an audit for taxmen in the provinces). As I shall argue, Cicero imitates and looks to the philosophical drama of Platonic dialogue as encapsulating this tension between real and ideal.

⁴⁹ Hammer, "Cicero: To Save the Res Publica," 36. Hammer goes on to discuss Cicero's understanding of the social contract in *de Officiis* as deeply rooted in the Stoicism of Panaetius.

Gretchen Reydams-Schils, who sees Cicero as a Stoic, qualifies his Stoicism, since Cicero is “deeply suspicious of philosophical ideas that oppose the social norms to which he adheres.”⁵⁰ In terms of these social norms, David Daube argues that the *societas* of Roman politics had an atmosphere of informality, a situation which Dean Hammer describes as “a subjective notion of ongoing agreement (more than explicit objective conditions).”⁵¹ A Romanization of Stoic values could certainly be useful in such a situation, but that also would require, in my reading of Ciceronian pragmatism, the medium of culture to appease human nature and direct it towards an attentiveness to higher ideals.

Just how unique Cicero is in his use of rationalism and rhetoric towards this end is in dispute. Joy Connolly argues that “Rhetoric’s role in transmitting and inculcating masculinist and imperialist values, from the infant’s first controlled vocalizations to the adolescent’s advanced exercises in declamation, makes it a major resource for scholars seeking insight into the history of class, gender, and national identity.”⁵² For Connolly and a number of other scholars, Cicero is no exception in this transmission of traditional ideology.⁵³ At the other end of the spectrum, Ingo Gildenhard argues for Cicero’s “sophisticated use of theoretically informed concepts and categories, the forceful, indeed unconditional endorsement of a civic ethics, and the application of formal techniques that

⁵⁰ Reydams-Schils, *The Roman Stoics*, 97; Griffin, “Philosophy, Politics, and Politicians at Rome,” 35.

⁵¹ Daube, “Societas as Consensual Contract,” 398–99; Hammer, “Cicero: To Save the Res Publica,” 47.

⁵² Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 5.

⁵³ *Ibid.*; Corbeill, *Controlling Laughter*; Habinek, “Ideology for an Empire in the Prefaces of Cicero’s Dialogues”; Dugan, *Making a New Man: Ciceronian Self-Fashioning in the Rhetorical Works*.

enable untraditional views."⁵⁴ As Hammer notes, however, the Ciceronian Antonius in *de Oratore* argues that “philosophic knowledge imposes a logical strictness that...is incompatible with the thoughts and feelings of a community.”⁵⁵ The Ciceronian Crassus as well voices his own critique of Stoic rationalism from the viewpoint of rhetoric:

Stoicos autem, quos minime improbo, dimitto tamen nec eos iratos vereor, quoniam omnino irasci nesciunt; atque hanc eis habeo gratiam, quod soli ex omnibus eloquentiam virtutem ac sapientiam esse dixerunt. Sed nimirum est in his, quod ab hoc, quem instruimus oratore, valde abhorreat; vel quod omnis, qui sapientes non sint, servos, latrones, hostis, insanos esse dicunt, neque tamen quemquam esse sapientem—valde autem est absurdum ei contionem aut senatum aut ullum coetum hominum committere, cui nemo illorum, qui adsint, sanus, nemo civis, nemo liber esse videatur.

The Stoics however, of whom I have the least disapproval, I still dismiss, and I don't fear their anger, since anger is something they have no comprehension of; and I am thankful for them, inasmuch as they alone have said that eloquence is a virtue and a form of wisdom. But it is no wonder that there is something in them which is very much at odds with what we are laying out for the orator; indeed, there's the fact that they assert that all who are not wise men are slaves, thieves, enemies, madmen, and that nonetheless no one is the wise man—it would be very stupid then to entrust a public meeting or the senate or any assemblage of people to one that sees none of those present as sane, as civil, as free.

de Or.3.65

Cicero allows for degrees of goodness without succumbing to the Stoic scales of virtue and vice. What makes Plato, therefore, a better philosopher to be in dialogue with than any of the Stoics is the former's dramatization of the ideals of Socrates on the one hand and the reality of human beings on the other. Though the Platonic Socrates argues for the one, the Platonic dialogue grants existence and expression to both. The Stoics might be useful in arriving at rational ideals, natural law, and cosmopolitanism, but Cicero turns to Plato for negotiating between what is ideal and what is real.

⁵⁴ Goldenhard, *Creative Eloquence: The Creation of Reality in Cicero's Speeches*, 10.

⁵⁵ Hammer, “Cicero: To Save the Res Publica,” 71–72; see *de Oratore* 1.223–227; 2.159

Intro.7 Isocrates and Plato

The influence of Isocrates is a special case and needs to be addressed alongside the influence of Plato. In my own interpretation of Cicero, I do not see him as reading Plato and Isocrates as being opposed in their definition of philosophy, and I am perhaps alone in this regard.⁵⁶ To certain interpretations of Plato, a Plato favorable to rhetoric might seem a contradiction in terms.⁵⁷ The Ciceronian interpretation of Plato, however, not only sees compatibility between Isocrates and Plato, but even overlap.

What Cicero owes to Isocrates specifically is the ideal of a politically active philosophy, in which rhetoric and philosophical argument are inextricably bound. Furthermore, Cicero's leaving behind himself as a paradigm to later generations is a thoroughly Isocratic gesture, as Melanie Möller argues in her diachronic study of the equation of man and style in ancient aesthetic theory:

Die Analogie von Mensch und Stil avanciert in seinem (Ciceros) philosophisch-rhetorischen System zur *lex communis*, und ihre römische Inkarnation ist niemand anders als Cicero, wie es -- aber weit weniger eindeutig -- auf griechischer Seite der von Cicero bewunderte Isokrates gewesen war.⁵⁸

Where I slightly disagree with Möller is her differentiation between Plato and Isocrates in Cicero's reception:

⁵⁶ For what has become the definitive account of the opposition between Plato and Isocrates in defining philosophy, see Nightingale, "Plato, Isocrates, and the Property of Philosophy."

⁵⁷ For a more traditional reading, see Janaway, *Images of Excellence: Plato's Critique of the Arts*; for a more dynamic reading, see Nussbaum Martha, "« This Story Isn't True. » Poetry, Goodness, and Understanding in Plato's Phaedrus;" Halliwell, *The Aesthetics of Mimesis: Ancient Texts and Modern Problems*.

⁵⁸ Möller, *Talis Oratio - Qualis Vita: Zu Theorie Und Praxis Mimetischer Verfahren in Der Griechischen-Römischen Literaturkritik*, 164–65. See also her description of Isocrates' similar practice regarding his own self-portrait: "Der Redner schafft über der Verfertigung der schriftlichen Rede ein ideales, für die Ewigkeit gedachtes Bild seiner selbst, und die Voraussetzungen dazu erlangt er durch Begabung und Erziehung."

Mit Isokrates ist Cicero vor allem die Distanzierung von der Platonischen Separation der Bereiche *Philosophie* und *Rhetorik* gemeinsam.⁵⁹

In the Ciceronian reading of Plato, can this separation of philosophy and rhetoric rightly be called “Platonic?” I argue that it is more accurate to describe the divorce of the “heart and tongue” (*de Or.*3.61) as Socratic.⁶⁰ I base my argument on the very passage of *de Oratore* which Möller cites to locate Cicero’s formulation of this divorce.

The formulation is put in the mouth of Crassus, one of two main interlocutors in Cicero’s dialogue *de Oratore* (the subject of Chapter 2). It is a rich passage and deserves to be considered in its entirety.

...inveni sunt, qui, cum ipsi doctrina et ingenii abundarent, a re autem civili et a negotiis animi quodam iudicio abhorrent, hanc dicendi exercitationem exagitant atque contemnerent; quorum princeps Socrates fuit. Is qui omnium eruditorum testimonio totiusque iudicio Graeciae cum prudentia et acumine et venustate et subtilitate tum vero eloquentia, varietate, copia, quam se cumque in partem dedisset omnium fuit facile princeps, eisque, qui haec, quae nunc nos quaerimus, tractarent, agerent, docerent, cum nomine appellarentur uno, quod omnis rerum optimarum cognitio atque in eis exercitatio philosophia nominaretur, hoc commune nomen eripuit sapienterque sentiendi et ornate dicendi scientiam re cohaerentis disputationibus suis separavit; cuius ingenium variosque sermones immortalitati scriptis suis Plato tradidit, cum ipse litteram Socrates nullam reliquisset. Hinc discidium illud existit quasi linguae atque cordis, absurdum sane et inutile et reprehendendum, ut alii nos sapere, alii dicere docerent.

There have been found those, who, though themselves abounding in learning and genius, would nonetheless recoil from political action and dealings by a certain prejudice of the mind, while dethroning and belittling the practice of speaking—their foremost representative has been Socrates. He, who by the testimony of all educated persons and by the judgment of all Greece, whether for his prudence and acumen and charm and subtlety or for his eloquence—and that in the truest sense of the word—, variety, and unstoppable ability, has been the foremost advocate of all men, regardless to which side of an issue he’d given himself, and from them—the theorists, agents, and teachers of the topics now under discussion, which were then called by a single name, inasmuch as all thought on the highest principles as well as the active pursuit of them has the name of philosophy—he stole this one common name and by his argumentative conversations severed two things that cohere in fact: the science of wise perception and supple language; it was

⁵⁹ Ibid., 163.

⁶⁰ Even if this means “Socratic” in the sense of Plato’s representation of Socrates, it must be emphasized that the Platonic figure of Socrates does not have to be interpreted as Plato’s mouthpiece. In my interpretation of Cicero’s reading of Plato, in fact, I argue that Cicero sees as much sense in the interlocutors of Socrates as in Socrates himself. This observation leads us to the question as to whether the points of view represented by Socrates’ interlocutors are themselves no less “Platonic.”

then Plato that, by means of his own writings, handed off the former's genius and various dialogues to immortal fame, since Socrates would not leave a single letter behind for himself. And so there has come to be that divorce, as it were, of the heart and the tongue—a wildly absurd and useless and reprehensible thing!—that some teach us wisdom, others speech.

*de Or.*3.59-61

My argument is that Cicero distinguishes between Socrates and Plato, and that the absurd divorce between tongue and heart, of which he accuses Socrates, is not associated with Plato. The word *hinc* (“from this point on”) seems to make this argument impossible, as it implies that every philosopher that came after Socrates maintained the two as separate. However, a closer look at this passage as well as an observance of later statements made by Crassus about Plato (especially *de Or.*3.139, cited below) will reveal that Cicero does not interpret Plato as maintaining the divorce contrived by his master.

A closer analysis of the passage will reveal that the Ciceronian Crassus makes a fine distinction between Socrates and Plato. In demonstration of this point, the passage can be broken down into six logical movements: 1) there was a school of talented and educated men, who shunned political life and held rhetoric in contempt (admittedly, these are contrasted with Gorgias, Isocrates, and the like); 2) Socrates was foremost of this school; 3) Socrates himself is known by all to be a master of rhetoric; 4) Socrates denied to teachers of rhetoric the name of philosophy, which once signified a composite practice of rhetoric and philosophy, and this denial is absurd, since the two in fact (*re*) do adhere and philosophy is a composite practice; 5) it is thanks to Plato that we have any record of Socrates' gifts, since the latter shunned writing; 6) the reprehensible divorce, originating from the event of Socrates' life, has led to the disastrous state of affairs in education, whereby some teach wisdom, others speech.

Of these logical movements, I first draw our attention to 5). The difference between Socrates and Plato is that the former shunned writing, but the latter wrote (movement 5). When we add to this the observation of movement 3), i.e. that Socrates is universally known as a master of rhetoric, it is possible to infer from these two movements that Cicero's Plato also differed from Socrates in appreciating rhetoric as inextricably bound to the practice of philosophy, for it is Plato that makes the effort to preserve the rhetorical talent of Socrates.

Indeed, this thesis becomes likelier when we compare the Ciceronian irony of Socrates against the usual irony of Socrates. Socratic irony usually refers to Socrates' claim to know nothing, when he is in fact well-versed on many issues. For Cicero, Socratic irony resides in Socrates' denial of rhetoric's relevance to philosophy (movement 4), when he is only capable of making this philosophical argument against rhetoric *seem* correct by his own talent for rhetoric (movement 3). Plato then differs from Socrates in two respects: i) Plato, unlike Socrates, turns to writing, in order to preserve the rhetorical genius of his teacher; ii) Plato makes an argument for rhetoric by cushioning even Socrates' critique of rhetoric in rhetoric.

Of course, questions still need to be answered, if the Ciceronian reading of Plato as a teacher of rhetoric as well as philosophy is to be taken seriously. Despite the Ciceronian irony of Socrates' rhetorical brilliance in the Platonic dialogues, does Cicero genuinely see Plato as a teacher of rhetoric as well as philosophy? Furthermore, does Cicero cite a positive theory of rhetoric—as opposed to a mere demonstration of rhetoric through the Platonic figure Socrates—that belongs to Plato?

I shall answer each of these questions in turn. The Ciceronian Crassus, despite what he says in movement 6), i.e. that teachers of rhetoric since Socrates have taught rhetoric and philosophy separately, sees Plato and Isocrates as being more or less the same in their unified approach to philosophy and rhetoric. The Latin speaks for itself:

Quid Critias? Quid Alcibiades? Civitatibus quidem suis non boni, sed certe docti atque eloquentes, nonne Socraticis erant disputationibus eruditi? Quis Dionem Syracosium doctrinis omnibus expolivit? Non Plato? Atque eum idem ille non linguae solum, verum etiam animi ac virtutis magister ad liberandam patriam impulit, instruxit, armavit. Aliisne igitur artibus hunc Dionem instituit Plato, aliis Isocrates clarissimum virum Timotheum Cononis praestantissimi imperatoris filium, summum ipsum imperatorem hominemque doctissimum?

What about Critias? What about Alcibiades? Sure, they were no good for their own states, but were certainly learned as well as eloquent, and weren't they educated by the argumentative talks of Socrates? Who refined Dion the Syracusan with all forms of learning? Wasn't it Plato? And that same man, a teacher not only of tongue, but also of mind and of virtue, compelled, instructed, armed him to liberate his fatherland! Did Plato teach to Dion, then, certain skills, while Isocrates taught other skills to the illustrious man Timotheus, who was the son of the most exceptional general Conon and as consummate a general himself as he was impressively learned as a human being?

*De Or.*3.139

It is interesting to note here that, in the comparison of teacher and pupil, Plato and Isocrates have more in common with each other than Plato does with his own master, Socrates. Socrates taught men that were “no good for their states,” but Plato and Isocrates both educated heroes of the 4th Century BC, and they imparted the same unified skillset of rhetoric and philosophy. Specifically, the Ciceronian Crassus distances Plato from Socrates by echoing and reversing his own earlier formulation of the reprehensible divorce:

*Hinc **discidium** illud exstitit quasi **linguae atque cordis**, absurdum sane et inutile et reprehendendum, ut **alii** nos sapere, **alii** dicere **docerent**.*

*De Or.*3.61

*Non Plato? Atque eum idem ille **non linguae solum, verum etiam animi ac virtutis magister** ad liberandam patriam impulit, instruxit, armavit. **Aliisne ... instituit** Plato... **aliis** Isocrates...?*

*De Or.*3.139

And so there has come to be that **divorce**, as it were, **of the heart and the tongue**—a wildly absurd and useless and reprehensible thing!—that **some teach** us wisdom, **others** speech.

*De Or.*3.61

Wasn't it Plato? And that same man, **a teacher not only of tongue, but also of mind and of virtue**, compelled, instructed, armed him to liberate his fatherland! Did Plato **teach... some skills**, while Isocrates taught **others**...?

*De Or.*3.139

The Latin, particularly the words put in boldface in the above citation, speaks for itself. Socrates caused there to be a schism between “tongue and heart,” but Plato brings them together as “a teacher not only of tongue, but also of mind and of virtue.” It is because of Socrates that now some teach us wisdom, others speech, but this schism was not yet manifest in the figures of Plato and Isocrates, who essentially teach both. In this sense, the dichotomy between Plato and Isocrates so rigorously documented by Andrea Nightingale is nowhere to be found in the Ciceronian reading of Plato.

Thus, the first of our questions, i.e. whether the Ciceronian reading sees Plato as a teacher of philosophy as well as of rhetoric, is answered in the affirmative (the second question will be answered by the rest of my dissertation). Furthermore, Cicero's Isocratic practice of leaving behind a model in words of this philosophical-cum-rhetorical ideal receives further nuancing from Cicero's unique reading of Plato. Cicero makes this clear in his own explanation of how his fictive embodiment of Crassus is analogous to Plato's depiction of Socrates:

Neque enim quisquam nostrum, cum libros Platonis mirabiliter scriptos legit, in quibus omnibus fere Socrates exprimitur, non, quamquam illa scripta sunt divinitus, tamen maius quiddam de illo, de quo scripta sunt, suspicatur; quod item nos postulamus non a te quidem, qui nobis omnia summa tribuis, sed a ceteris, qui haec in manus sumunt, maius ut quiddam de L. Crasso, quam quantum a nobis exprimetur, suspicentur.

And indeed not one of us, when reading the wonderfully written books of Plato, in almost all of which there is some impression of Socrates, does not, though they are divinely written, suspect that there is something still greater in that man, about whom the books were written. We likewise do not require at all from you, who attribute to us all things of the highest order, but from the rest of those, who take into hand these writings, to suspect that there is something greater about L. Crassus than however great an impression is made by us.

*de Or.*3.15

Melanie Möller is correct that there is a paradox in the model Cicero leaves in himself: On the one hand, there is an exemplification of principles through the persona of Cicero; on the other hand, Cicero has left behind traces of individual particulars that make him more complex than a mere representative of this or that virtue.⁶¹ It is interesting to note that Cicero, by his own admission, has learned this mimesis of character from Plato. As Cicero explains in *propria persona*, both the Platonic Socrates as well as the Ciceronian Crassus not only represent the arguments for which they are mouthpieces, but also point to human beings who exist beyond the books that contain their arguments and who cannot be contained even by the arguments they themselves make.⁶²

Plato's model of Socrates is different, therefore, in degree rather than in kind from Isocrates' of himself: there is something sublime in Plato's mimesis of Socrates' character, which Cicero imitates in the depiction of his own interlocutors (himself included in *de Legibus*). Melanie Möller identifies three models throughout the Ciceronian corpus, in which character and style are unified: These characters are Socrates, Cato the Elder, and Cicero himself.⁶³ In this respect as well Cicero has learned from Plato. In *de Re publica*, there are striking parallels between the Ciceronian Scipio's

⁶¹ Möller, *Talis Oratio - Qualis Vita: Zu Theorie Und Praxis Mimetischer Verfahren in Der Griechischen-Römischen Literaturkritik*, 165.

⁶² See also Möller, "Exemplum and Exceptio: Building Blocks for a Rhetorical Theory of the Exceptional Case."

⁶³ Möller, *Talis Oratio - Qualis Vita: Zu Theorie Und Praxis Mimetischer Verfahren in Der Griechischen-Römischen Literaturkritik*, 165.

appraisal of Plato's literary creation of Socrates and the Ciceronian Scipio's praise of

Cato the Elder:

Tum Scipio: 'sunt ista ut dicis; sed audisse te credo, Tubero, Platonem Socrate mortuo primum in Aegyptum discendi causa, post in Italiam et in Siciliam contendisse, ut Pythagorae inventa perdisceret, eumque et cum Archyta Tarentino et cum Timaeo Locro multum fuisse et Philolai commentarios esse nactum, cumque eo tempore in his locis Pythagorae nomen vigeret, illum se et hominibus Pythagoreis et studiis illis dedisse. Itaque cum Socratem unice dilexisset, eique omnia tribuere voluisset, leporem Socraticum subtilitatemque sermonis cum obscuritate Pythagorae et cum illa plurimarum artium gravitate contexit.'

Rep.1.16

Cum omnes flagrarent cupiditate audiendi, ingressus est sic loqui Scipio: Catonis hoc senis est, quem, ut scitis, unice dilexi maximeque sum admiratus cuique vel patris utriusque iudicio vel etiam meo studio me totum ab adolescentia dedidi; cuius me numquam satiare potuit oratio; tantus erat in homine usus rei publicae, quam et domi et militiae cum optime, tum etiam diutissime gesserat, et modus in dicendo et gravitate mixtus lepos et summum vel discendi studium vel docendi et orationi vita admodum congruens.

Rep.2.1

Then Scipio: "It is as you say; however, I believe, Tubero, that you have heard that Plato, at the death of Socrates, first traveled to Egypt for the purpose of his education, and afterwards to Italy and Sicily, so that he could acquire the discoveries of Pythagoras, and that he was around Archytas of Tarentum and Timaeus the Locrian a good deal, and that he acquired the commentaries of Philolaus, and that since, at this time, the name of Pythagoras was thriving in these areas, **he dedicated himself both to the followers of Pythagoras and those studies.** And so, **seeing as he loved Socrates alone** and wanted to attribute all things to him, he **interwove Socrates' wit** and subtlety of speech with the obscurity of Pythagoras and **with the weightiness** of the greatest number of arts."

Rep.1.16

While everyone burned with desire to hear him, Scipio thus began to speak: "here's something about the old Cato, **whom**, as you know, **I loved alone** and admired most of all, and **to whom**, whether by the judgment of both fathers or even my own zeal, **I dedicated myself** fully from the time of my youth; I could never get enough of hearing him talk; in this mortal man was so much experience in the Republic, which he had managed, both at home and at war, not only exceptionally well, but also for an exceptionally long time, and there was measure in his speaking, and **wit mixed with weightiness**, and utter passion, whether for learning or teaching, and his life was every bit equal to his speech."

Rep.2.1

I analyze the above passages in greater detail in Chapter 3, but there is one observation here that must be made: The points of overlap between the Ciceronian Scipio's description of how Plato created Socrates as literary figure and his own praise of Cato the Elder imply that Scipio is following Plato in creating a model for his Roman audience. Indeed, in Cicero's later dialogue *Brutus*, the interlocutor Atticus calls out the lie in

respect to Cato's rhetorical ability (*Br.*293-7). Thus, Cato is ostensibly a literary invention and political model, and the Ciceronian Scipio, in creating this model, points outside himself as literary figure to Cicero as the demiurge of the dialogue *de Re publica* and all its figures, Scipio himself included. In this sense, the Ciceronian creation of characters worthy to be followed is something Cicero is proud to have derived from Plato. This adds a dimension to the dialogues of Cicero not present in those of Plato: Cicero breaks the fourth wall in reflecting on the artistry of his dialogues as dialogues, because their form is as much a part of their arguments as the content.

The arguments of Cicero's trilogy of dialogues under discussion, of course, are numerous, and it is not my intention to reduce them to a single theme. There is, however, one argument in particular that is central to them all, and it is this argument that separates Cicero from his contemporaries as well as establishes a kinship with Plato. This argument is for the necessary role of rhetoric and persuasion in compelling the people to an attentiveness of higher principles. In *de Legibus*, Cicero most clearly addresses Plato as author (rather than as the Platonic Socrates) and identifies him as *the* philosopher of persuasion:

...ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit idemque separatim de legibus, idem mihi credo esse faciendum, ut priusquam ipsam legem recitem, de eius legis laude dicam. Quod idem et Zaleucum et Charondam fecisse video, quom quidem illi non studii et delectationis sed rei publicae causa leges civitatibus suis scripserint. Quos imitatus Plato videlicet hoc quoque legis putavit esse, persuadere aliquid, non omnia vi ac minis cogere.

I believe that I must do the same as Plato, simultaneously the most learned man and the most important of all philosophers, who definitively wrote on the republic, and separately did the same thing for the laws: before I cite the law itself, I will speak in praise of that law. I observe that both Zaleucus and Charondas have done the same thing, when they drafted laws not for the sake of study and intellectual enjoyment, but for the sake of their own states. It is in imitation of them, of course, that Plato came as well to the following thought about law: some persuasion is needed, since not everything can be coerced through force and threats.

As I argue in my final chapter on *de Legibus*, as throughout my dissertation, the mantra of *persuadere, non omnia... cogere* is part and parcel with the other element of Ciceronian Pragmatism owed to the Platonic dialogues: the tension between what is ideal and what is practicable. What is practicable is never a manifestation of the ideal, but an approximation at best, which relies on rhetoric and persuasion to come as close to the ideal as it does. It is not the system that supports itself, but the willing participants of the system, and they must be won over. Rhetoric and persuasion achieve this end by appealing to the emotions in such a way that the rational aspect of human nature gains more prominence.

Intro.8 The Triad of Rule, Exemplarity, and Singularity

The tension between ideal and real, system and rhetoric is one that has a unique narrative in Enlightenment- and Postmodern- Philosophy in terms of the triad of rule, exemplarity, and singularity. In my recapitulation of this history, I am indebted to Michèle Lowrie. For Kant, the rule is more important than the example: sound judgment means the grouping of observed instances under general laws or rules, and the ability to do this is intelligence, while the inability to do this is stupidity. Example, on the other hand, works by means of analogy; thus, particulars and instances are subsumed under generals, which are privileged.⁶⁴ Kant views examples as problematic for being too singular, i.e., for threatening to distort the pure contemplation of the rule through

⁶⁴ Lowrie and Lüdemann, "Introduction," 4.

containing particulars that cannot be subsumed; according to Foucault's worldview, on the other hand, examples are problematic for not being singular enough. Wanting to resist the power wielded by examples in compelling us towards this virtue or away from that vice, Foucault therefore took an interest in infamous men rather than heroes of the state.⁶⁵

Exemplarity in antiquity, argues Michèle Lowrie, somehow manages to demonstrate the rule while maintaining its singularity: Oedipus, for example, in Sophocles' *Oedipus the Tyrant* is inimitable in his moral failing, yet somehow stands for a general truth about humanity.⁶⁶ In terms of Roman antiquity in particular, she thus characterizes the basic assumptions:

The basic assumptions underlying the Roman practice of exemplarity can be characterized, not entirely unfairly, as the value of authority over science, morality over knowledge, rhetoric over philosophy, assumed and informal cultural norms over formal rules, narrative over logic...⁶⁷

Here we are given several valuations, but the single valuation of "rhetoric over philosophy" is the one under discussion in this dissertation, as it is a complex relationship with profound implications for politics. I would further argue, by contrast, that this view is more Ciceronian than it is Roman and more refined than the opposite valuation, for example, of science over authority. If we take the contemporary example of the foolish debates between creationists and evolutionists, the first party is nonsensical for its lack of science, but the other is equally foolish for its lack of rhetoric. Scientists who think that scientific facts speak for themselves will continue to be disappointed when addressing audiences that are more attached to the pundits of conventional religion than they are

⁶⁵ Ibid., 4–5.

⁶⁶ Ibid., 6.

⁶⁷ Ibid., 8.

patient to learn the tenants of modern science. When more important issues are under discussion, rhetorical ineptitude becomes catastrophic.

To characterize Cicero's unique approach to rhetoric and political pragmatism, I cite his critique of Cato the Younger, where he makes an allusion to Plato:

nam Catonem nostrum non tu amas plus quam ego; sed tamen ille optimo animo utens et summa fide nocet interdum rei publicae; dicit enim tamquam in Platonis politeiai, non tamquam in Romuli faece sententiam. quid verius quam in iudicium venire qui ob rem iudicandam pecuniam acceperit? censuit hoc Cato, adsensit senatus; equites curiae bellum, non mihi; nam ego dissensi. quid impudentius publicanis renuntiantibus? fuit tamen retinendi ordinis causa facienda iactura. restitit et pervicit Cato. itaque nunc consule in carcere incluso, saepe item seditione commota, aspiravit nemo eorum quorum ego concursu itemque ii consules qui post me fuerunt rem publicam defendere solebant.

See, you don't love our friend Cato more than I, but that man still, through his reliance on his own best mind and utmost consistency, meanwhile does harm to the Republic; he speaks his mind indeed, just like he were in Plato's *Politeia*, not, as he is, in the dung-heap of Romulus. What could be closer to the truth than requiring one come to court who received money on account of a matter that must be judged in court? Cato made this bill-proposal, the senate gave their assent—the equestrians made war on the House, not on me—see, I dissented. What thing is more impudent than the Publicans [taxmen] who were refusing? For the sake of retaining the order, nonetheless, a concession had to be made. Cato held out and won the day. And so now, with a consul locked up in prison, a sedition likewise often on the rise, not one of them was favorable by whose attachment I and subsequent consuls were accustomed to defend the Republic.

Att. 2.1.8–SB 21

I discuss this letter in greater detail in Chapter 1. Here it suffices to say that Cicero's channeling of Plato is one that draws a connection between Plato and the tension between ideal and real. The reason Cicero cites Plato's *Republic* instead of Zeno's is that Plato dramatizes this tension, and this tension, therefore, is part of the lesson of Plato's *Republic*. Cicero agrees with the ideal that Cato is trying to realize in his bill, but he faults it for being impracticable and too divisive at this critical point of the Roman Republic.

To demonstrate the affinity that Cicero has with modern political method, I cite Niklas Luhmann, who is increasingly recognized as one of the most important social

theorists of the 20th century.⁶⁸ Cicero's interpretation of Plato's *Republic* compares favorably with Niklas Luhmann's discussion of "complexity" in System-Theory:

[Plato... cau]sas requisivit civitatemque optandam magis quam sperandam, quam minimam potuit, non quae posset esse, sed in qua ratio rerum civilium perspicere posset, effecit. Ego autem, si [quo] modo consequi potuero, rationibus eisdem, quas ille vidit, non in umbra et imagine civitatis, sed in amplissima re publica enitar, ut cuiusque et boni publici et mali causam tamquam virgula videar attingere...

Plato sought the causes and created a state more to be wished than hoped for, [he made it] as small as possible, not one that could exist, but in which the rationality behind civil phenomena could be discerned. I, by contrast, if I've been in any way able to follow through, shall rely on the same principles that he observed, not in the shadow and reflection of a state, but in the biggest republic, so that I may appear to touch, as if with a divining rod, the cause of each public good and evil...

Rep.2.52

Ein Planer formuliert ein Modell des Systems. Er vereinfacht das System in einer Weise, die im System selbst nicht üblich ist; vielleicht ist er raffinierter, ausgerechneter, theoretischer, rationaler.⁶⁹

For both Luhmann and the Ciceronian Scipio, from whom this interpretation of Plato is excerpted, the problem with the rationalized system is that it is too simple to be implemented in a more complex framework. Thus, Scipio contrasts the small republic of Plato with the "biggest republic" of Rome. It is in the larger republic of Rome (as well as in the larger republic of Plato; cf. *R. 2.372e-ff*) that the nature of good as well as evil can be discerned. The larger societal structures are more complex than Plato's ideal system, which is "more to be wished than hoped for" and "as small as possible." The main reason for this is human nature, as both Cicero and Luhmann further explain:

Atque huic tuae voluntati ac diligentiae difficultatem magnam afferunt publicani: quibus si adversabimur, ordinem de nobis optime meritum et per nos cum re publica coniunctum et a nobis et a re publica diiungemus; sin autem omnibus in rebus obsequemur, funditus eos perire patiemur, quorum non modo saluti, sed etiam commodis consulere debemus.

And to this, your goodwill and diligence, the Publicans (taxmen) present a tremendous obstacle: if

⁶⁸ Bechmann and Stehr, "The Legacy of Niklas Luhmann."

⁶⁹ Luhmann and Baecker, *Einführung in Die Systemtheorie*, 181.

we oppose them, we will alienate both from ourselves and the Republic an order that has been deserving of our best and one united with the Republic through us; if, however, we obey them in all matters, we shall allow to perish utterly the very ones, on behalf of whose safety and well-being we should be making provisions.

Ad Q. Fr.1.1.32-SB 1

Das Problem ist jedoch, dass dieser Planer oder Reflexionsinstanz beobachtet wird. Und was passiert in einem System, das einen reflexionsüberlegenen Teil ausdifferenziert und ihn beobachtet, sodass der Beobachtete in die beobachtete Reflexionskapazität hineinreflektieren müsste, dass sie beobachtet wird und dass das System, wenn es anfängt, geplant zu werden, nicht mehr dasselbe ist, sondern dass die Leute sich darauf vorbereiten, dass sie jetzt geplant werden, dass sie jetzt aufpassen und Vorkehrungen treffen, Daten verheimlichen und frisieren müssen? Das kennen Sie alle aus Budgetverhandlungen oder aus dem, was darüber in den Zeitungen zu lesen ist.⁷⁰

The principle of reflection in a system under the observance of participants that do not all agree on policies implemented is illustrated by Cicero's description of the need to conciliate the Equestrian taxmen (the same class that Cato alienated in his purist approach to justifiable taxation). In fact, as I discuss in Chapter 1, there is significant overlap between Cicero and Plato's *Laws* in this letter to Quintus. Thus, what enables Cicero's political philosophy to compare so favorably to the modern theory of Luhmann is a lesson he derives from Plato.

Intro.9 Attentiveness (Aufmerksamkeit), Roman Values, and Platonic Forms

The problem of the complexity of human nature interfering with the rationalistic simplicity of theory is thus clear to Cicero. As we shall see in Chapters 3 and 4, Cicero's solution to this is using rhetoric to heighten the public's attentiveness of Roman Values.

It is instructive at this point to review what "attentiveness" means to the German Enlightenment and differentiate its meaning for Cicero. Jeanine Grenberg explains the

⁷⁰ Ibid.

philosophical implications of "Aufmerksamkeit," which she translates as "attentiveness," in her comparison of Leibniz, Kant, and Husserl in the conclusion of her book. According to Leibniz, we have certain innate ideas in our mind from which the needs of our lives and the cacophony of sensory data distract us; however, Leibniz's solution was not to follow Descartes in abstracting these ideas from all sensible experience, but rather to attend to a selection of certain sensory triggers that bring us to a fuller awareness of these intelligible objects of the mind.⁷¹ Kant, on the other hand, did not believe in intelligible objects in the same way as Leibniz. For Kant, there were categories of the mind that make intelligible perception and interpretation of things-in-themselves possible. Kant, however, does follow Leibniz in rejecting the Cartesian abstraction of ideas away from sensory data and opting, instead, for an attentiveness that selectively chooses sensory data, in order to lead us to a better understanding of the unknowable being of things-in-themselves (or "noumena," as they came to be called).⁷²

Leibniz is better for us to think with than Kant, so long as we belabor one crucial distinction between Leibniz and Cicero: Cicero was not interested in whether the ideas of "justice," "order," "natural law," etc. were ultimately a priori or a posteriori. What most interested Cicero was rhetoric as a trigger to bring the people of Rome not only into a clearer understanding, but also a deeper appreciation of these concepts. This means, of course, a rhetorical means of heightening the audience's awareness of Roman values,

⁷¹ Grenberg, *Kant's Defense of Common Moral Experience: A Phenomenological Account*, 191; see also Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, 15 n. 4 for explanation of Christian Wolff's interpretation.

⁷² Grenberg, *Kant's Defense of Common Moral Experience: A Phenomenological Account*, 192.

while undermining the attraction of material pursuits and petty ambitions that threatened the stability of the Republic as Cicero perceived it: a humane fellowship stabilized by the shared *mores* of the Roman tradition. Hannah Arendt's definition of culture is also useful in understanding attentiveness: "Culture indicates that the public, which is rendered politically secure by men of action, offers its place of display to those things, whose essence it is to appear and to be beautiful."⁷³ Arendt's emphasis on both appearing and being beautiful is important, as the distraction of pleasure and political importance merely appear beautiful, but the Roman values of civic duty, which Cicero aims to instantiate in the minds of the people through his rhetoric, are beautiful. In order for things that are beautiful to seem beautiful, they are in need of the cultural medium of rhetoric in order to compete with the things that merely appear beautiful.

In the dialogues this dissertation shall analyze, Roman values come to take on the force of the Forms in Plato. It is not that they empirically exist, but that they are pragmatically useful as categories, toward which the mind can be directed. To illustrate the Ciceronian sense of heightening one's attentiveness to the forms, I cite Cicero's explanation of the form of beauty in his later work *Orator*:

Sed ego sic statuo nihil esse in ullo genere tam pulchrum, quo non pulchrius id sit unde illud ut ex ore aliquo quasi imago exprimat; quod neque oculis neque auribus neque ullo sensu percipi potest, cogitatione tantum et mente complectimur. Itaque et Phidiae simulacris, quibus nihil in illo genere perfectius videmus, et eis picturis quas nominavi cogitare tamen possumus pulchriora; nec vero ille artifex cum faceret Iovis formam aut Minervae, contemplabatur aliquem e quo similitudinem duceret, sed ipsius in mente insidebat species pulchritudinis eximia quaedam, quam intuens in eaque defixus ad illius similitudinem artem et manum dirigebat.

But I thus propose that nothing of any kind that is so beautiful, than which that is not more beautiful, from which it has been copied, like a mask taken from someone's face; [it is a thing]

⁷³ Arendt, *Between Past and Future*, 218 as cited in Hammer, 85.

which cannot be perceived by the eyes or the ears or any other sensory organ, [and it] is only grasped by thought and mind. And so we can nonetheless think of things more beautiful than the statues of Pheidias, which are more beautiful than anything in that genre of art, and the paintings, which I mentioned; nor indeed was that artist, back when he was making the statue of Jupiter and Minerva, thinking of someone, whose image he was copying, but rather a certain outstanding form of beauty itself was residing in his mind, and reflecting on this and fixated on this, he was directing his craft and hand to its imitation.

Or.8-9

As Gildenhard notes, Cicero uses Platonic language (especially from the *Symposium*) in his own appraisal of the intelligible form of beauty being more beautiful than the statues of Pheidias that derive their beauty from it.⁷⁴ According to Melanie Möller, furthermore, this is an instance of attentiveness in action: It is the stimuli of the perceptible world that lead the mind to an intensified appreciation of the intelligible world—in this case, of the idea of beauty behind all things beautiful.⁷⁵ In Chapter 3, I argue that Cicero uses rhetoric and Roman history to create a similar pathway to attentiveness to Roman civic values. This time, the stimuli of historical figures, i.e., good and bad models, leads to a heightened awareness of the Romanized values of Plato's *Republic*. I cite the most explicit instance of this here:

Quare prima sit haec forma et species et origo tyranni inventa nobis in ea re publica, quam auspicato Romulus condiderit, non in illa, quam, ut perscripsit Plato, sibi ipse Socrates tripartito illo in sermone depinxerit, ut, quem ad modum Tarquinius, non novam potestatem nactus, sed, <ea,> quam habebat, usus iniuste totum genus hoc regiae civitatis everterit... [Plato... cau]sas requisivit civitatemque optandam magis quam sperandam, quam minimam potuit, non quae posset esse, sed in qua ratio rerum civilium perspici posset, effecit. Ego autem, si [quo] modo consequi potuero, rationibus eisdem, quas ille vidit, non in umbra et imagine civitatis, sed in amplissima re publica enitar, ut cuiusque et boni publici et mali causam tamquam virgula videar attingere...

Wherefore, let this be the primary **form** and kind and origin of the tyrant, which has been found by us in the Republic that Romulus founded under the auspices, not in that which, as Plato has written, Socrates painted for himself in that tripartite dialogue, so that, to the extent Tarquin did

⁷⁴ Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 248–58.

⁷⁵ Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, 290–91.

not acquire new power, but used unjustly the power he already had, he overturned the whole category of monarchic government...

Plato sought the causes and created a state more to be wished than hoped for, [he made it] as small as possible, not one that could exist, but in which the rationality behind civil phenomena could be discerned. I, by contrast, if I've been in any way able to follow through, shall rely on the same principles that he observed, not in the shadow and reflection of a state, but in the biggest republic, so that I may appear to touch, as if with a divining rod, the cause of each public good and evil...

Rep.2.51-52

Thus, the Ciceronian Scipio uses the figure of Tarquin to heighten the awareness of his interlocutors of the "form" of the tyrant from Plato. In fact, Plato's lesson on democracy leading to tyranny was given more abstractly in Book 1 of *de Re publica* (*Rep.* 1.65-68), and the concrete lesson of Tarquin is rhetorically deployed now to make it more intelligible. In the second part of this statement, Scipio again relies on his combined knowledge of Platonic principles and Roman history to make the causes of good and evil more intelligible and intensely felt. The ultimate rhetorical heightening of attentiveness, of course, comes at the end of *de Re publica*, at the climactic dream of Scipio, where cosmological imagery and narrative combine to intensify the reader's attentiveness to the Roman values of the *rector rei publicae*.

In order to understand the consequences of rhetorical ineptitude in terms of attentiveness, I cite Cicero's example of Cato the Younger in a letter to Atticus:

O spectaculum uni Crasso iucundum, ceteris non item! Nam quia deciderat ex astris, lapsus potius quam progressus videbatur. Et ut Apelles si Venerem aut Protegenes Ialysum illum suum caeno oblitum videret, magnum, credo, acciperet dolorem, sic ego hunc omnibus pictum et politum artis coloribus subito deformatum non sine magno dolore vidi.

A spectacle that could only please Crassus—but not the rest! For because he [Cato] had fallen from the stars, he seemed rather to have shot through the senate rather than advanced. And just as if Apelles were to see his Venus or Protegenes his famous Ialysus wiped out with mud, he'd feel, I believe, great pain, so I beheld not without great pain this man, painted and finished off, as he was, with all the colors of skill, so suddenly disfigured.

Att.2.21.4 SB 41

Cicero again draws a distinction between the virtues of Cato and the presentation. Cato's problem is the failure to communicate in such a way as to heighten the attentiveness of his audience. In fact, if anything, the exact opposite is true. Cato is like a ruined painting that only the master-painter himself can recognize beyond the dilapidation. To the common Roman, he is merely dilapidated. In Chapter 1, I explain the overlap between this imagery and Plato's painting metaphor from the *Republic*.

Cicero's understanding of the importance of rhetoric, values, and practicable models of statesmanship is a lesson we should not forget today. In our own political mess, rhetoric has not gone away—it has gone out of control. We are so afraid of being mastered by silver-tongued orators, that we have lost the connection to the rhetoric of the most important historical figures in our own political culture. The result is not that people are no longer mastered by rhetoric, but that people, having low standards of eloquence, have paved the way for lead-tongued orators to replace the silver-tongued ones. We do not stop to think whether this might induce us to see our own time as being extraordinary and necessitating the same kind of military action. We have, in spite of Jefferson's better advice, a population of unequally educated citizens, and we do not consider the consequences of a voting mass that is incapable of appreciating rhetoric any more than the right politicians are capable of intelligently using it.

Chapter 1. The Correspondences

ego autem mirari [satis] non queo unde hoc sit tam insolens domesticarum rerum fastidium. non est omnino hic docendi locus; sed ita sentio et saepe disserui, Latinam linguam non modo non inopem, ut vulgo putarent, sed locupletiores etiam esse quam Graecam. quando enim nobis, vel dicam aut oratoribus bonis aut poetis, postea quidem quam fuit quem imitentur, ullus orationis vel copiosae vel elegantis ornatus defuit? Ego vero, quoniam forensibus operis, laboribus, periculis non deseruisse mihi videor praesidium, in quo a populo Romano locatus sum, debeo profecto, quantumcumque possum, in eo quoque elaborare, ut sint opera, studio, labore meo doctiores cives mei, nec cum istis tantopere pugnare, qui Graeca legere malint, modo legant illa ipsa, ne simulent, et iis servire, qui vel utrisque litteris uti velint vel, si suas habent, illas non magnopere desiderent.

However, I cannot wonder enough at where such an uninformed contempt for one's homeland affairs is coming from. This is not at all the place for teaching this lesson—but I feel and have often argued thus, that the Latin language is not only not impoverished, as would be thought among the masses, but still richer than Greek. When, pray, have we, that is to say as competent orators and poets, lacked any ornamentation of abundant or elegant speech, after indeed there's been a model to *imitate*? In fact, since, throughout the works, labors, and perils of the forum, I don't seem, as far as I'm concerned, to have abandoned the station in which I have been appointed by the Roman people, I certainly have an obligation now, in whatever way I am able, to work fastidiously also to this end, that, by my effort, zeal, and industry, my fellow citizens be more learned; and not so much to fight with those who prefer to read Greek, assuming they actually read those texts and don't pretend; *and to serve the kind of people who either prefer to make use of both bodies of literature or, if they have literature in their own language, do not greatly long for it in the other.*

Cicero, *De Fin.* 1.10

.....

Although Cicero makes this point in a work written well after the timeframe of my dissertation, I shall argue that the statement reflects all his philosophical works (as implied by *saepe disserui*, “I have often argued”) and especially the trilogy of dialogues from the 50s BC. *De Oratore*, *de Re publica*, and *de Legibus* more closely follow the Platonic model of dialogue than any of the philosophical dialogues he would publish hence. Cicero's self-reflexivity of his imitation of Greek philosophy is of particular interest in the above citation: he aims to improve the learning not only of Romans that do not know the Greek original, but also of those that do. That means he not only translates

the Greek original, but transforms it in a way that is perceptible to anyone educated enough to know the original.

That said, Cicero does this differently in the 40's than in the 50's. In the late *de Finibus*, Cicero's dialogues address doctrinal beliefs associated with various philosophical schools. In the 50's, Cicero's dialogues, as Jed Atkins demonstrates for *de Re publica*,¹ are more open-ended, inviting the audience to reflect on the topics addressed rather than committing them to one worldview as opposed to another. That said, there is a distinct difference between Ciceronian and Platonic dialogue, as Malcolm Schofield has noted: Cicero's dialogue is more of a treatise-dialogue, like that of Hume, where the Socratic process of question and answer is replaced by lengthy arguments that are well thought out, explore counterpoints, and do not leave positions vulnerable to attack.² Though I do not agree fully with Schofield's dichotomy between the forceful coercion of Platonic dialectic on the one hand and the argumentative persuasion of Cicero's dialogues on the other,³ he is most certainly correct that the goal of Cicero's dialogues is to remove error and explore arguments that come closest to the truth rather than arrive at the absolute truth. This is the case even in *de Legibus* where Cicero writes himself into the dialogue as the main interlocutor (I agree with Atkins and others that this bold decision is in imitation of Plato's *Laws* where the Athenian Stranger, in contrast to Socrates, can be

¹ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 42–46.

² Schofield, "Ciceronian Dialogue."

³ Indeed, Schofield bases this assertion on something said by Crassus in *de Oratore*, but my next chapter shall demonstrate that Cicero knew all too well the tension between *persuadere* and *movere* in speech-craft.

interpreted as Plato himself).⁴ In my analysis of *de Re publica* and the rest of the trilogy, I specifically trace the theme of Plato through Cicero's allusions and imitations of him.

My methodology is like that of Sean McConnell, in that while I prioritize passages where Plato is mentioned by name and analyze allusions according to the larger historical context of the letters in question as well as Platonic canon from which they derive, I do not rule out allusions made without name-dropping or source-citation, when the imagery or theme has enough Platonic resonance.⁵ As McConnell demonstrates, even when Cicero does mention Plato, he often leaves the alluded work unnamed because he expects his elite audience to be familiar enough to recognize it themselves.⁶ On this logic, it would be mistaken to overlook clear allusions to Plato that lack nothing apart from formal citations. I am hardly the first to argue for such allusions. Thelma deGraff writes that Cicero's allusiveness to Plato is an informal one and can be traced in themes or language that is unmistakably Platonic.⁷

Like McConnell, I acknowledge that certain of Cicero's epistles were intended for wider circulation among the Roman elite and drew from the caché of Greek philosophy as a form of cultural capital.⁸ Unlike McConnell, who looks at Cicero's engagement with philosophy more generally, I target Cicero's allusions to Plato, and whereas McConnell looks at all of Cicero's letters, I focus on those in the decade of the 50s BC. This period

⁴ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 15; see also Diogenes of Laertius DL 3.52; Bobonich, "Reading the Laws."

⁵ McConnell, *Philosophical Life in Cicero's Letters*, 13–14.

⁶ *Ibid.*, 14, 37.

⁷ deGraff, "Plato in Cicero," 152–53.

⁸ McConnell, *Philosophical Life in Cicero's Letters*, 12–13.

deserves our attention for two reasons: 1) Caesar had not yet crossed the Rubicon and dismantled the fallen regime of the Republic, so Cicero still had reason to hope that his beloved constitution might be salvageable; 2) this was the time that Cicero first turned to philosophy and authored a trilogy of dialogues, which differ from his later Academic works in that they are closely modeled on correspondent dialogues by Plato. Seeing where Cicero engages with Plato either by name or allusion in his letters will inform how we approach such references in the correspondent dialogues he authored at this time.

I divide letters with significant Platonic allusions into two chronological groups: the Pre-Dialogic Era and the Dialogic Era. There are 1) three letters from the early decade of 60-59 BC (The Pre-Dialogic Era); there are 2) three letters from 54 BC (early Dialogic Era) and two letters from 51-50 BC (the later Dialogic Era). It is telltale that the most significant references to Plato occur around the completion of his dialogues (*de Oratore* was published in 55 BC, and *de Re publica* and *de Legibus* in 51). In this chapter, I shall treat each of these eras in their own right, in order to establish the principles of Cicero's turn to Plato that continue to impact Cicero's use of Plato throughout the dialogues discussed in Chapters 2-4.

Thesis

From my reading of the correspondences in this chapter, I establish two principles that lay the groundwork for the rest of my argument: 1) the Ciceronian reading of Plato is dynamic rather than doctrinal and, as such, does not turn to Plato as an authority, but rather as an author for talking points on the most volatile issues of Cicero's time; 2) the

Ciceronian reading of Plato finds Plato especially useful for addressing the irresolvable tension between the theoretically ideal system and the vicissitudes of political reality.

1.1 The Pre-Dialogic Era

References to Plato from the Pre-Dialogic Era mostly point to Plato's *Republic*. McConnell argues that Cicero had a change of heart in 54 BC when, in his letter to Lentulus, he artfully conflates Plato's 7th and 5th *Letters* to justify his political retreat not as a well-deserved retirement, but as a means to continue to have a political effect without having to participate in the corrupt Roman forum.⁹ My readings, especially of Cicero's Letter to Atticus 2.1 (SB 21), differ from McConnell, in that I see Cicero's political engagement with philosophy occurring well before his letter to Lentulus in 54 BC.

Writing Atticus in June of 60 BC, Cicero makes another reference to Plato's *Republic* in his criticism of Cato's unyielding nature in the forum:

*Nam nostrum Catonem non tu amas plusquam ego; sed tamen ille optimo animo utens et summa fide nocet interdum rei publicae; dicit enim tamquam in Platonis Politeiai, non tamquam in Romuli faece, sententiam.*¹⁰

Indeed, you don't love our Cato more than I; but still that man, making use of his superior intellect and utmost integrity, occasionally does damage to the Republic; for he speaks his mind, as it were, in Plato's *Politeiai*, not, as it were, in Romulus' dung-heap.

Att.2.1.6-SB 21.6

Taken by itself, this reference might seem to be a generalization, but when held under the scrutiny of historical investigation, it is telltale of Cicero's approach to Plato as political

⁹ *Ibid.*, 33–61.

¹⁰ His statement is almost word for word what he will later put in the mouth of the interlocutor Antonius in Book 1 of *de Oratore*, a point to which I shall return in Chapter 2.

pragmatist. Citing this passage, Thelma deGraff concludes "In the field of law and government, Cicero was as much critic of Plato as imitator. Here he is on solid ground. For him there was no necessity of predicating an ideal state."¹¹ Sean McConnell cites this passage as evidence of Cicero's drawing a distinction between politics and philosophy: on this reading, Cato "is a political liability owing to his insistence on introducing and following philosophical principles when pragmatic expediency is a better guide."¹² Reading this letter in its historical context, I interpret another side to this comment. Cicero does not condemn philosophy as much as he does Cato's philosophical dogmatism; more to the point, Cicero does not condemn Plato's *Republic* per se, but caricatures the Stoic, doctrinal application of an Ideal, as if it were realizable. In other letters, we can more positively extrapolate Cicero's method of thinking with and against the Platonic Socrates. Though we do not have that here, this letter deserves a closer look for what it reveals of how Cicero does not read Plato. What we do garner from this reference is an intimation of Cicero's dynamic reading of Plato.

Some historical background is needed for my argument: this letter is the third in a series of three letters to Atticus where Cicero narrates his opposition to Cato's motion for a renegotiation of the Asian tax-policy (1.17, dated December 5, 61, and 1.18, dated January 20, 60, are the first two). Although Cicero, recognizing the corrupt practices of the Equestrian class, approves of Cato's moral opposition in principle (2.1.8), he opposes Cato's dogged adherence to that principle because it threatens to alienate the equestrian

¹¹ deGraff, "Plato in Cicero," 149.

¹² McConnell, *Philosophical Life in Cicero's Letters*, 54–55.

class at a time when the Republic can least afford it. Cicero explains this himself in the first of these letters when he celebrates his successful opposition to Cato and preservation of concord (1.17.8-10). Rex Stem, who treats these three letters in some depth, explains “The concord of which Cicero speaks at the end of this passage was the concord of the political orders that he had melded in resistance to the threat of Catiline.”¹³ Stem also argues that the speech Cicero cites as a forthcoming publication in 2.1 is likely the *Pro Murena*.¹⁴ I am indebted to Stem for this observation, and I agree with his overall analysis of the *Pro Murena* as showcasing the schools of Plato and Aristotle as more flexible than Zeno's and more essential to Roman tradition and political practice, especially in politically tumultuous times.¹⁵ The important question raised by Stem's article in respect to this study is what consequence this has on our understanding of Cicero's reading of Plato.

I now return to Cicero's critique of Cato in the language of Plato's *Republic*:

*Nam nostrum Catonem non tu amas plusquam ego; sed tamen ille optimo animo utens et summa fide nocet interdum rei publicae; dicit enim tamquam in Platonis Politeiai, non tamquam in Romuli faece, sententiam.*¹⁶

Indeed, you don't love our Cato more than I; but still that man, making use of his superior intellect and utmost integrity, occasionally does damage to the Republic; for he speaks his mind, as it were, in Plato's *Politeiai*, not, as it were, in Romulus' dung-heap.

Att.2.1.6-SB 21.6

¹³ Stem, “Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought,” 223; see also Badian, *Publicans and Sinners: Private Enterprise in the Service of the Roman Republic, with a Critical Bibliography*, 100–101; Mitchell, *Cicero, the Senior Statesman*, 9–97.

¹⁴ Stem, “Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought,” 226.

¹⁵ *Ibid.*, 218–22.

¹⁶ His statement is almost word for word what he will later put in the mouth of the interlocutor Antonius in Book 1 of *de Oratore*, a point to which I shall return in Chapter 2.

Cicero creates a dichotomy between the ideal and the actual in the political world. Even in this generalizing remark, Plato's "*Politeia*" is differentiated from the rest of the text by the fact that it is in Greek. It is a signification of the Greek world of ideals (*Politeia*) versus the Roman world of activity.¹⁷ Perhaps Cicero's greatest critique of Cato in the *Pro Murena* is his interpretation of the latter's over-dependence on Stoic doctrine as leading to over-zealousness in prosecuting cases of minor importance.¹⁸ The followers of Plato and Aristotle, on the other hand, are not rigidly inflexible, but yield to circumstance and argument (*Pro Murena* 63).

There is also a reason here as to why Cicero cites Plato's *Republic* and not, as one would expect in a critique of the Stoic Cato, Zeno's. What Cicero condemns is not Plato's *Republic* per se, but rather Cato's Stoic way of making decisions, as if he were in an ideal state, such as Kallipolis in Plato's *Republic*. The implication is that to put Plato's *Republic* into practice would be absurd, and Cato has reached an equivalent height of absurdity in his normatively Stoic way of never compromising his principles. To call the model of the ideal state in the *Republic* an absurdity, however, is not the same as calling Plato's philosophy absurd: if the letters teach us anything about Cicero's reading of Plato, it is that he reads the voice of the Athenian stranger and Plato's letters as more authentically Platonic than the character of Socrates. In Plato's *Republic*, the absurdity of expecting an

¹⁷ Stull, "« Deus Ille Noster » : Platonic Precedent and the Construction of the Interlocutors in Cicero's « De Oratore »."

¹⁸ Stem, "Cicero as Orator and Philosopher: The Value of the Pro Murena for Ciceronian Political Thought," 221.

implementation of Socrates' republic is keenly felt.¹⁹ As we shall see in other references to the *Republic*, however, (both in this and the proceeding chapters), Cicero does value the thought-experiment of Socrates' ideal state in the *Republic* as an instructive absurdity. It is, therefore, not a doctrinal allegiance to what scholars sometimes mistake as Plato's philosophy, manifested through the mouthpiece of Socrates, but this critical treatment of Plato's ideas that makes Cicero's pragmatism uniquely Ciceronian in nature. For Cicero, Plato is a thinker to be in dialogue with, not an idol, and it is this that most distinguishes Cicero's Plato from Cato's Zeno: Zeno wants to be read dogmatically, and Plato critically. Zeno demands perfectionism, Plato scrutiny.

Furthermore, when we consider the problem of the Publicans in these letters (1.17, 1.18, 2.1), we notice that it is profoundly similar to the problem Cicero describes to his brother in the first letter to Quintus, who is about to serve the province Asia as a Propraetor. In both letters, Cicero presents the tax-collectors as anathema to the ideal (government that exists for the benefit of the governed, who, in the case of Quintus, are the Asians), while recognizing that this ideal must be compromised in order to preserve stability on a larger scale. Below I cite the two relevant letters to Quintus and Atticus, and after analyzing them, I make an argument for the influence of Plato's prescriptive treatment of Cyrus' degenerate successors from the *Laws*. Indeed, Cyrus, who historically ruled over the same group of people, is referenced in this letter (1.1.23) as is Plato (1.1.29). First the two letters of Cicero:

¹⁹ For similar reading, see Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 228–30.

Quid verius quam in iudicium venire qui ob rem iudicandam pecuniam acceperit? censuit hoc Cato, adsensit senatus; equites curiae bellum, non mihi; nam ego dissensi. Quid impudentius publicanis renuntiantibus? Fuit tamen retinendi ordinis causa facienda iactura.

Ad Att.2.1.8-SB 21

Atque huic tuae voluntati ac diligentiae difficultatem magnam afferunt publicani: quibus si adversabimur, ordinem de nobis optime meritum et per nos cum re publica coniunctum et a nobis et a re publica diiungemus; sin autem omnibus in rebus obsequemur, funditus eos perire patiemur, quorum non modo saluti, sed etiam commodis consulere debemus.

Ad Q. Fr.1.1.32-SB 1

What could be closer to the truth than requiring one come to court who received money on account of a matter that must be judged in court? Cato made this bill-proposal, the senate gave their assent—the equestrians made war on the House, not on me—see, I dissented. What’s more disgusting than taxmen in a state of legal repudiation? There was, however, for the sake of retaining their Order, the need to give them a break.

Ad Att.2.1.8-SB 21

And to this, your goodwill and diligence, the taxmen present a tremendous obstacle: if we oppose them, we will alienate both from ourselves and the Republic an order that has been deserving of our best and one united with the Republic through us; if, however, we obey them in all matters, we shall allow to perish utterly the very ones, on behalf of whose safety and well-being we ought to make provisions.

Ad Q. Fr.1.1.32-SB 1

In Cicero’s letter to Atticus, he does not explain at length the problem that the taxmen present, but when we cross-reference the letter to Quintus, we can determine that the problem is the same in both letters. As with the chain of three letters to Atticus I analyze above, Cicero makes an allusion to his Concord of the Orders in his letter to Quintus (*ordinem de nobis optime meritum*). The difference is the contrast between Cicero’s pragmatic advice to his brother to make do with an unideal situation and his criticism of Cato’s dogged insistence on absolute moral integrity at the expense of political stability. The Roman, political ideal compromised by the Publicans is akin to Plato’s description of *sōphrosynē* from the *Laws*, and there is textual evidence for Cicero’s following of Plato in the Athenian stranger’s description of Cyrus’ successors, who, like the Publicans, are cited as a negative paradigm to good statesmanship:

Atque huic tuae voluntati ac diligentiae difficultatem magnam afferunt publicani: quibus si adversabimur, ordinem de nobis optime meritum et per nos cum re publica

ἀνευρίσκομεν δὲ ἐπὶ ἑτι χεῖρους αὐτοῦς γεγονότας, τὴν δὲ αἰτίαν φαμέν, ὅτι τὸ ἐλεύθερον λίαν ἀφελόμενοι τοῦ δήμου, τὸ δεσποτικὸν δ’ ἐπαγαγόντες μᾶλλον τοῦ

*coniunctum et a nobis et a re publica
diiungemus; sin autem omnibus in rebus
obsequemur, funditus eos perire patiemur,
quorum non modo saluti, sed etiam commodis
consulere debemus.*

Ad Q. Fr.1.1.32-SB 1

And to this, your goodwill and diligence, the taxmen present a tremendous obstacle: if we oppose them, we will alienate both from ourselves and the Republic an order that has been deserving of our best and one united with the Republic through us; if, however, we obey them in all matters, we shall allow **to perish utterly the very ones, on behalf of whose safety and well-being we ought to make provisions.**

Ad Q. Fr.1.1.32-SB 1

προσήκοντος, τὸ φίλον ἀπόλεσαν καὶ τὸ κοινὸν ἐν τῇ πόλει. τούτου δὲ φθαρέντος, οὐθ' ἢ τῶν ἀρχόντων βουλή ὑπὲρ ἀρχομένων καὶ τοῦ δήμου βουλεύεται, ἀλλ' ἐνεκα τῆς αὐτῶν ἀρχῆς, ἂν τι καὶ σμικρὸν πλέον ἐκάστοτε ἡγῶνται ἔσεσθαί σφισιν, ἀναστάτους μὲν πόλεις, ἀνάστατα δὲ ἔθνη φίλια πυρὶ καταφθείραντες...

Lg. 697c-d

We conclude then that the successors [i.e. of Cyrus] became still worse, and we say that the reason is that they, by depriving the people too much of liberty while introducing their authority more than was called for, destroyed the sense of friendship and community in the city, and that gone, **neither is the council of the rulers taken on behalf of the ruled** and people, but rather, for the sake of their own power, if they believe at any time that even a little advantage will accrue to themselves, while they **destroy** with fire **ruined cities** on the one hand, **ruined nations that were friendly** on the other...

Lg. 697c-d

Both Cicero and Plato use strong metaphors of destruction (cf. *funditus eos perire* in Latin with ἀναστάτους, ἀνάστατα καταφθείραντες in Greek) and highlight the importance of prioritizing the interests of one's subjects (cf. *quorum saluti...commodis consulere* in Latin with the equivalent expression in Greek, ἢ τῶν ἀρχόντων βουλή ὑπὲρ ἀρχομένων καὶ τοῦ δήμου βουλεύεται). I cite the Athenian stranger at length because the passage not only echoes points made by Cicero in his letter to Quintus, but also captures the overall tenor of Cicero's advice to Quintus more generally. The Greeks in Asia are a "friendly nation" (cf. ἔθνη φίλια) that Cicero does not want to see destroyed any more than he wants to see his brother fail as praetor on account of moral incontinence. The difference is that whereas Plato's Athenian stranger discusses the ideal mindset of a state where the priorities of the soul, body and wealth are put in their proper place, Cicero must deal with

the actual world where his brother might have the wisdom to prioritize honors and wealth correctly, but others in power do not. Thus, we see the irresolvable tension between the theoretically ideal system and the vicissitudes of political reality.

Cicero is not haphazardly forcing a graft of Platonic philosophy onto Rome, but rather carefully and eclectically drawing from Plato as a system of references on which to base political decisions in a climate that can be unruly and morally ambiguous. As we have seen in Cicero's letter to Atticus (*Att.2.1-SB 21*), Cato might have principles, but he does not have Cicero's subtlety. Cicero's remark is not so much a critique of Platonic philosophy as it is of Cato's impractical attachment to philosophical principles. Cicero wrote this letter to Atticus around the same time he wrote his letter to Quintus. Although he enthusiastically calls himself and his brother the realization of the *Republic's* philosopher-king in one (*Ad Q. Fr.1.1.29*) and disparages Cato for acting as if he were in Plato's *Republic* in the other (*Ad Att.2.1.6*), he does not contradict himself because it is not Platonic philosophy he attacks, but rather Cato's philosophical puritanism, which leads to the naïve implementation of a system without the concord of the people.

In fact, in December of 60 BC, Cicero writes another letter to Atticus, which showcases this methodology for reading Plato.

Venio ad mensem Ianuarium et ad hupostasin nostrum ac politeian, in qua Sōcraticōs eis hekateron, sed tamen ad extremum, ut illi solebant, tēn areskousan.

I come to the month of January and to our *hupostasis* and *politeia*, in which I'll make my case *Socratically eis hekateron*, but still at the end, as practitioners of that school are wont, shall pick *what is fitting*.

Att.2.3.3 – SB 23

Miriam Griffin cites this letter to illustrate Cicero's adhesion to the Philonian position of the Academy, i.e. "in reaching decisions on how to act, using the Socratic method (as the

New Academy interpreted it) of weighing arguments on either side and finally adopting what pleases."²⁰ Sean McConnell further argues that Cicero does not use the adverb *Sōcraticōs* loosely and cites, as evidence, Plato's *Apology* where Socrates describes his own wavering on what to do regarding the condemned generals in the Arginusae scandal.²¹ *Sōcraticōs* means "like Socrates." Although McConnell is also correct to say that there are no perceptibly philosophical ideals at play in this particular letter, I do not agree with his conclusion that Cicero cannot be said to be thinking philosophically in respect to politics at this time.²² The adverb *Sōcraticōs* is resonant with the presence of Plato in the letters analyzed above where, as we have seen, philosophical ideals do play a part in Cicero's thinking. In Cicero's letter to Atticus 2.1, Cicero does not rigidly apply his philosophical ideals to the real world of the Roman Republic, but weighs the ideal standard against the complicated situation that has been given to him (hence, his deliberation about the tax-collectors in his letters to Quintus and Atticus where he carefully lays out both sides of the issue). In this very letter, Cicero applies this Socratic methodology to whether he should oppose or support Caesar's agrarian law, which proposed a distribution of land among the urban poor and Pompey's soldiers (cf. *Att.*1.19.4). Ultimately, he decides "what's fitting" is to focus instead on improving his relationship with Pompey, Caesar, and Crassus for the sake of peace and stability (2.3.3-4-SB 23).

²⁰ Griffin, "Philosophical Badinage in Cicero's Letters to His Friends," 1995, 335.

²¹ McConnell, *Philosophical Life in Cicero's Letters*, 52–53.

²² *Ibid.*, 53.

A few months later, in late July of 59 BC, Cicero writes another letter to Atticus on the subject of Cato and, again, he alludes to Plato's *Republic*, but this time through an imitation of the painting-metaphor. Though this is one of the most pathetic and philosophically stirring images in Cicero's letters, it is unfortunately understudied. Neither G.O. Hutchinson²³ nor Sean McConnell cites it, and the only scholar, other than Shackleton Bailey in his commentary,²⁴ who mentions the letter at all is Brian Krostenko, but he limits his discussion to Cicero's use of "subtiliter" at the letter's opening.²⁵

It has long been acknowledged that Cicero authored his own variation of Plato's painting metaphor in Book 5 of *de Re publica*,²⁶ but no one to my knowledge has remarked on Cicero's earlier adaptation of the passage in this letter. Below I cite the metaphor Cicero uses of Cato as well as the original passage from Plato's *Republic* that inspired it. I also cite Cicero's later adaptation of this passage in *de Re publica*. In fact, Cicero retains more traces of Plato in this yet unstudied, earlier adaptation than in his celebrated variation in *de Re publica*:

Nam quia deciderat ex astris, lapsus potius quam progressus videbatur. Et ut Apelles si Venerem aut Protegenes Ialysum illum suum caeno oblitum videret, magnum, credo, acciperet dolorem, sic ego hunc omnibus pictum et politum artis coloribus subito deformatum non sine magno dolore vidi.

Att.2.21.4 SB 41

Nostra vero aetas, cum rem publicam sicut picturam accepisset egregiam sed iam evanescentem vetustate, non modo eam coloribus eisdem quibus fuerat renovare

λαβόντες, ἦν δ' ἐγώ, ὥσπερ πίνακα πόλιν τε καὶ ἤθη ἀνθρώπων, πρῶτον μὲν καθαρὰν ποιήσειαν ἄν...ἔπειτα οἶμαι ἀπεργαζόμενοι πυκνὰ ἂν ἐκατέρωσ' ἀποβλέποιεν, πρὸς τε τὸ φύσει δίκαιον καὶ καλὸν καὶ σῶφρον καὶ πάντα τὰ τοιαῦτα, καὶ πρὸς ἐκεῖν' αὐτὸ ἐν τοῖς ἀνθρώποις ἐμποιοῖεν, συμμειγνύντες τε καὶ κεραννύντες ἐκ τῶν ἐπιτηδευμάτων τὸ ἀνδρείκελον, ἀπ' ἐκείνου τεκμαιρόμενοι, ὃ δὴ καὶ Ὅμηρος ἐκάλεσεν ἐν τοῖς ἀνθρώποις ἐγγιγνόμενον θεοειδές τε καὶ θεοείκελον...καὶ τὸ μὲν ἂν οἶμαι ἐξαλείφοιεν, τὸ δὲ πάλιν

²³ Hutchinson, *Cicero's Correspondence: A Literary Study*.

²⁴ Bailey and Cicero, *Letters to Atticus*.

²⁵ Krostenko, *Cicero, Catullus, and the Language of Social Performance*, 218 n. 53.

²⁶ Asmis, "A New Kind of Model: Cicero's Roman Constitution in «De Republica»,» 387.

neglexit, sed ne id quidem curavit ut formam saltem eius et extrema tamquam lineamenta servaret.

Rep.5.1.2

For because he [Cato] had fallen from the stars, he seemed rather to have shot through the senate rather than advanced. And **just as if Apelles were to see his Venus or Protegenes his famous Ialysus wiped out** with mud, he'd feel, I believe, great pain, so I beheld not without great pain this man, painted and **finished off**, as he was, **with all the colors of skill**, so suddenly disfigured.

Att.2.21.4 SB 41

Our age indeed, though it had received the Republic like a painting, an outstanding painting but now faded from age, not only has neglected to restore it with the same colors it once had, but has not even taken the care to preserve at least its form and finest lines.

Rep.5.1.2

ἐγγράφοιεν, ἕως ὅτι μάλιστα ἀνθρώπεια ἦθη εἰς ὅσον ἐνδέχεται θεοφιλή ποιήσειαν.

Rep.501a-c

"Conceiving," I said, "the city and character of man **as a painting**, they **would first wipe it clean...** then, I suppose, working vigorously to serve two ends, they would look to what is by nature just and beautiful and temperate and **all things of this sort**, and in respect to those findings, they would instill it in mankind, mixing and mingling from useful things a likeness of man, and from that evincing **what indeed Homer too called 'becoming god in image and likeness' among mankind...** and, I suppose, they would **wipe it out and paint over it** again, until they make the human character beloved by god as much as possible."

Rep.501a-c

As the above citations illustrate, whereas Cicero's later imitation in *de Re publica* only echoes the Greek of *ὡσπερ πίνακα* with *sicut pictura*, the passage in the letter echoes the language of erasure (cf. *oblitum* and *ἐξάλειφοιεν*) as well as painting (cf. *pictum* with *ἐγγράφοιεν*) and responds to Plato's simile of Homer's godlike men (*ὁ δὴ καὶ Ὅμηρος ἐκάλεσεν ἐν τοῖς ἀνθρώποις ἐγγιγνόμενον θεοειδές τε καὶ θεοείκελον*) with a simile of Apelles and Protegenes' paintings of gods (*ut Apelles si Venerem vel Protegenes Ialysum*). Furthermore the expression *omnibus... artis coloribus* is vague and needs fleshing out. Cicero did not send this letter to just anyone, but to Atticus, whose familiarity with Greek philosophy hardly needs mentioning.²⁷ In fact, as Irene Oppermann observes, in her exhaustive treatment of historical examples in the letters of Cicero, Cicero only explains his use of historical exempla ("Verwendungsweise

²⁷ Corbeill, "Cicero and the Intellectual Milieu of the Late Republic," 11–13.

historischer Beispiele") in letters to Atticus, and they all justify compositional decisions in literary contexts from the Greek world.²⁸ We can therefore expect to find such literary gestures above all in the letters to Atticus. In particular, the vagueness of language here implies that the recipient could have filled in the gaps with his knowledge of the original passage from Plato where this palate of *artis* is explicitly fleshed out (*πρός τε τὸ φύσει δίκαιον καὶ καλὸν καὶ σῶφρον καὶ πάντα τὰ τοιαῦτα*). Furthermore, the metaphor of the shooting star is worth our attention, since Cicero not only describes Socrates as calling philosophy down from the heavens in his late *Tusculan Disputations* (5.4.10), but also uses the same expression in a letter to Cato describing his and Cato's own drawing down of philosophy to the Roman forum (*Fam.5.4.16*, as discussed later in this chapter). Indeed, the passages have much in common.

When we analyze where Cicero differs from Plato, we notice that he has inverted the metaphor. Whereas Socrates speaks of erasure positively, as being the prerequisite for establishing model character in actual people, the erasure Cicero discusses is a disaster: Cato was already a model statesman and the perfect painting. Furthermore, for Plato, erasure makes the canvas clean (*καθαρὰν ποιήσειαν* "would make it clean"), but the erasure Cicero speaks of is effected through dirtying the canvas (*caeno oblitum* "wiped out with mud"). Lastly, there is an optimism in Socrates' assumption that the character of men, after many erasures and tribulations, could be made worthy of the gods' love (*θεοφιλή*); Cicero, on the other hand, does not speak a word of god's love, either as

²⁸ Oppermann, *Zur Funktion Historischer Beispiele in Ciceros Briefen*, 150.

something possible or desirable, in the letter. Instead, he focuses on the reception of the masses (2.21.1-4 – SB 41). It is this last difference that accounts for all the others and also saves Cicero from the charge of contradicting himself for criticizing the same Cato only a few months before this celebration. The reason is that perfection in character is not perfection from the context of Roman politics: although Cato shines like a star to the handful of Cicero's *boni* that can relate to his moral rigor, he leaves himself vulnerable to attack and animosity from anyone that cannot. Cicero, therefore, is not simply translating an image from Plato into Latin, but transforming it in a way to announce his own particular worldview as a political thinker: Plato is a valuable thinker to be in dialogue with, but he must be tempered, if he is to have any relevance in politics. Again, this is the tension of Ciceronian pragmatism between the theoretical ideal on the one hand and practicability in the face of contingency on the other.

1.2 The Dialogic Era

We now move onto the second era of letters when Cicero's citations of, and allusions to, Plato occur at the same time as the composition of his dialogic trilogy.

My first citation is from 1 July 54 BC in which Cicero writes to Atticus in acknowledgement of his debt to Plato vis-a-vis his characterization of Scaevola in *de Oratore*. Atkins points to this passage in asseveration of Cicero's close reading of Plato at the time of his composition of his trilogy.²⁹ I cite this passage to focus instead on where Cicero simultaneously acknowledges his kinship to, and distance from, Plato. Below, I

²⁹ e.g., Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 23.

cite the two parts of Cicero's statement. The first part emphasizes what the Ciceronian

Scaevola and Platonic Cephalus have in common:

quod in iis libris quos laudas personam desideras Scaevolae, non eam temere dimovi sed feci idem quod in πολιτεία deus ille noster Plato. cum in Piraeum Socrates venisset ad Cephalum, locupletem et festivum senem, quoad primus ille sermo habetur, adest in disputando senex, deinde cum ipse quoque commodissime locutus esset, ad rem divinam dicit se velle discedere neque postea revertitur. credo Platonem vix putasse satis consonum fore si hominem id aetatis in tam longo sermone diutius retinuisset.

As to your desire for the personage of Scaevola in the books which you praise, I didn't remove him rashly, but did the same as that god of ours Plato in his *Politeia*. After Socrates had come to the Piraeus to Cephalus, a rich and jolly old man, he [Cephalus] says that he wants to depart for a religious function, nor does he return afterward. I believe that Plato scarcely thought that it would be appropriate if he had retained a person of his age longer in so lengthy a conversation.

The second part addresses the difference:

multo ego magis hoc mihi cavendum putavi in Scaevola, qui et aetate et valetudine erat ea qua eum esse meministi et iis honoribus ut vix satis decorum videretur eum pluris dies esse in Crassi Tusculano. et erat primi libri sermo non alienus a Scaevolae studiis, reliqui libri τεχνολογίαν habent, ut scis. huic ioculatorem senem illum, ut noras, interesse sane nolui.

I thought that I had to be all the more careful about this regarding Scaevola, who was of both the age and constitution as you remember him and of the honorable status, so that it would scarcely seem fitting that he spend more days in the Tusculum of Crassus. And the conversation of the first book was not alien to the studies of Scaevola--the remaining books deal with, as you know, *technologia*. I plainly didn't want to involve that witty old man--you know how he was--with this.

Att.4.16.3 –.SB 89

Peter White notes that this is the longest paragraph in any of the letters, in which Cicero

reflects critically on his own literary composition.³⁰ It is significant that Plato is the

model in this reflection. White also implies, however, that Cicero was retrospectively

justifying a decision he made on a work now out of his hands.³¹ I am not alone in

disagreeing with White in this second remark. Notably, Irene Oppermann, in her close

analysis of this letter, argues that Cicero does not merely justify his literary decision on

the grounds that Plato had done it before him, but rather explains to Atticus that Plato's

³⁰ White, *Cicero in Letters: Epistolary Relations of the Late Republic*, 110–11.

³¹ *Ibid.*, 111.

example motivated him in what manner and extent to use Scaevola at all.³² That distinction is crucial. Recently, William Stull has observed the "twofold" approach of Plato: though Cicero 1) consciously frames his own dialogue on Platonic precedent and elevates Plato as a god, he still 2) maintains a sensitivity to the actual nature of Scaevola's historical character: "On the other hand, there is the recollection of the real Scaevola, whose particular characteristics—not only age, but also social status and personality—are presented as a solid and specific standard from which his persona in the dialogue should not deviate."³³ William Stull makes these observations to preface his study of *de Oratore I*; I would like to take his observation further and ascertain through a close reading of the Latin what specifically Cicero adapts and transforms from Plato.

In the process of determining this, I focus on three aspects of Cicero's imitation of Plato manifested in the letter: 1) interpretation, 2) imitation, and 3) nuance. With the words *credo Platonem vix putasse* ("I believe Plato scarcely thought"), we have evidence that Cicero was reading Plato critically, i.e., not relying on a universal understanding of what Plato meant to say, but engaging the text as a medium of ideas and exercising his discretion in how to define and use those ideas. Others, such as William Stull,³⁴ have already observed the imitation and nuancing of Cephalus in the character of Scaevola, but

³² Oppermann, *Zur Funktion Historischer Beispiele in Ciceros Briefen*, 149–50.

³³ Stull, "« Deus Ille Noster » : Platonic Precedent and the Construction of the Interlocutors in Cicero's « De Oratore »,» 248. It is also important to reiterate what I argued in my Introduction: Cicero has learned this mimesis of character from Plato. As Cicero explains *in propria persona* (*de Or.* 3.15), both the Platonic Socrates as well as the Ciceronian Crassus not only represent the arguments for which they are mouthpieces, but also point to human beings who exist beyond the books that contain their arguments and who cannot be contained even by the arguments they themselves make.

³⁴ *Ibid.*; see also Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 23.

more needs to be said on how Cicero's interpretive discretion transforms Cephalus into something novel, something Roman, which in turn helps Cicero define himself as a Roman thinker. There are two major differences between the two characters: 1) Scaevola, unlike Cephalus, has a respectable area of expertise that largely occupies the dialogue of the first book of *de Oratore* (namely, Roman Law);³⁵ 2) Cephalus' defining characteristics are wealth and jolliness (*locupletem et festivum*), but Scaevola is chiefly described for his wit (*ioculatorem*). Furthermore, Cicero does not interpret Plato as designing Cephalus to leave the dialogue because of the latter's wealth and jolliness, but Cicero is explicit in removing Scaevola partly because of his age and partly because of his wit (*huic ioculatorem, ut noras, interesse sane nolui*). Indeed, as I shall further explore in Chapter 2, Scaevola is the wittiest character and, as an interlocutor to Crassus, of equal importance to Antonius: Book 1 ends with Scaevola's tongue-in-cheek appraisal of Antonius' concluding speech. Thus, Cicero has taken a narratological movement from Plato in the transference of Cephalus' early departure to Scaevola, but he did not stop there: He romanized it by coloring the movement with an expertise of Roman Law and the charm of Scaevola's urbane wit, in order to create a dynamic theme in the dialogue of *de Oratore*. In the next chapter, my study of *de Oratore* examines more closely the dramatic function of Scaevola.

We can see these three elements of interpretation, imitation, and nuancing in allusions Cicero makes to the 5th and 7th letters of Plato in two of his own letters, one to

³⁵ See my discussion in 2.4.

Lentulus (end of December 54 BC) and the other to Quintus (early June of the same year). I begin with the letter addressed to Lentulus for two reasons: 1) its importance as a public apology bearing resemblance to Plato's 7th Letter has been acknowledged;³⁶ 2) Sean McConnell has interpreted the letter at some length in the context of philosophical life.³⁷ The letter to Quintus (*Q. Fr.* 2.14.4-5 –.SB 18), though dated earlier, will be treated second because, to my knowledge, no one has acknowledged the Platonic allusion in this letter, which is likely due to the fact that Plato is unmentioned by name; the Latin, however, is so close to that of Cicero's allusion to Plato's 5th letter in his letter to Lentulus, that its relevance as an instance of Cicero's imitation of Plato cannot be overlooked. Furthermore, whereas the letter to Lentulus has a rather ceremonious tone that lends itself to broad publication, the letter to Quintus, being more petulant and rushed in nature, is valuable in revealing a side of Cicero's use of Plato that he might not have wanted to share with the Roman world at large. I base this judgment on Robert Hariman's distinction between the moods of "joy of combat" and "angst" in his study of the letters to Atticus: "The first [joy of combat] shows itself as a mixture of excitement and self-importance, and marks his active involvement in the daily intercourse of politics. Its opposite mood is angst, the sense of vague dread, hopelessness, and constriction felt whenever he became separated from public life."³⁸ The letter to Lentulus, clearly intended for a wider audience, is marked by the first mode, while the letter to Quintus is full of angst, since Cicero, though participating in public life, expresses diffidence in the

³⁶ Hutchinson, *Cicero's Correspondence: A Literary Study*, 113–14.

³⁷ McConnell, *Philosophical Life in Cicero's Letters*, 35–44.

³⁸ Hariman, "Political Style in Cicero's Letters to Atticus," 148.

actions circumstances force him to take as well as a sense of alienation from the rest of the senate (all this will become clear in my analysis of this letter below).

I begin with the letter to Lentulus. Apart from the sources I have named above, not much work has been done on this letter in the context of Cicero's philosophy. The major and most recent studies in Cicero's correspondences that do mention it focus more on his rhetorical moves of apology and politeness.³⁹

I first turn to a citation of Plato that McConnell does not treat elaborately, though he does offer the important insight that Cicero cites only Plato as "Plato noster" and eschews referencing any specific work because he anticipates his audience will have a shared understanding of the Platonic corpus.⁴⁰ The passage in Latin is as follows:

erant praeterea haec animadvertenda in civitate, quae sunt apud Platonem nostrum scripta divinitus, quales in re publica principes essent, talis reliquos solere esse civis.

Besides, these maxims, which were written so beautifully in the work of our Plato, had to be heeded in the state: that the rest of the citizenry tends to be such as the leaders in a republic are.

Fam. 1.9.12 –SB 20

I am indebted to Thelma deGraff for first observing the allusion to Plato's *Laws* in this passage.⁴¹ Pierre Boyancé, citing the same passage from the *Laws* and a number of similar passages from the Platonic corpus, suggests that Cicero here could well be paraphrasing a general principle in Plato.⁴² Thelma deGraff was more on the mark, and it is demonstrable why the other passages cited by Boyancé are not possible allusions:

They deal explicitly with the concept of the philosopher king (*Rep.* 5.473c-d, *Rep.*

³⁹ Hall, *Politeness and Politics in Cicero's Letters*, 137–38; White, *Cicero in Letters: Epistolary Relations of the Late Republic*, 125; Oppermann, *Zur Funktion Historischer Beispiele in Ciceros Briefen*, 304.

⁴⁰ McConnell, *Philosophical Life in Cicero's Letters*, 14, 37.

⁴¹ deGraff, "Plato in Cicero," 150.

⁴² Boyancé, *Études Sur L'humanisme Cicéronien*, 251ff.

6.494b-c, 7th Letter 326b) whereas the citation from the *Laws* contains a maxim, which, like Cicero's indirect quotation, presents the correlation of character between ruler and ruled as a general principle; furthermore, the other citizens in Socrates' imagined polity are precisely not like the philosopher king. The other reason is founded on positive evidence: 1) there is dynamic equivalence between the Greek of the statement of the *Laws* and the Latin of Cicero's citation; 2) though Cicero does not flesh out the full ramifications of the principle from the *Laws* in his brief citation, his defense of his own behavior towards the state makes manifest those same principles. Below I cite the passage and explain:

οὐδὲν δεῖ πόνων οὐδέ τινος παμπόλλου χρόνου τῷ τυράννῳ μεταβαλεῖν βουλευθέντι πόλεως ἦθη, πορεύεσθαι δὲ αὐτὸν δεῖ πρῶτον ταύτη, ὅπῃπερ ἂν ἐθελήσῃ, ἕαντε πρὸς ἀρετῆς ἐπιτηδεύματα, προτρέπεσθαι τοὺς πολίτας, ἕαντε ἐπὶ τούναντίον, αὐτὸν πρῶτον πάντα ὑπογράφοντα τῷ πράττειν, τὰ μὲν ἐπαινοῦντα καὶ τιμῶντα, τὰ δ' αὖ πρὸς ψόγον ἄγοντα, καὶ τὸν μὴ πειθόμενον ἀτιμάζοντα καθ' ἑκάστας τῶν πράξεων.

There is no need for labors or a huge amount of time for the tyrant wanting to change the ethos of cities, but it is necessary that he first go **the way he wants [them to go]**, whether to turn the citizens towards the benefices of virtue or towards the opposite, himself laying down everything through action, praising and honoring certain things, bringing others into disparagement, and castigating the one who is disobedient according to each of his deeds.

Lg. 4.711b-c

In Cicero's indirect statement, he has condensed Plato's principle of the tyrant's ability to change the character of their subjects and has imitated the Greek correlatives *ταύτη*, *ὅπῃπερ* with the Latin *quales... talis*. Plato's description of the tyrant's process of praise and castigation, however, is missing from Cicero's citation, but it is not missing from Cicero's letter. In the next part of his letter to Lentulus, Cicero differentiates himself from Plato by being a man of action. Defending his advocacy of Vatinius, Cicero styles all his behavior at the bar as dutifully praising what warrants praise and disparaging corrupt

behavior. By honoring Caesar for helping to restore him from exile, Cicero maintains integrity and sets an example for the rest of the senate to follow, who were remiss in permitting Cicero to be sent into exile in the first place (1.9.13 - SB 20). This is the dynamic thinking behind Ciceronian pragmatism: Cicero compromises the purity of his allegiance to the Optimates, in order to compensate important external allies, such as Caesar.

Furthermore, Cicero castigates the senate for missing an opportunity to set the more important example of punishing Clodius:

... exemplum praeclarissimum in posterum vindicandae seditionis de re publica sustulerunt, idemque postea non meum monumentum..., monumentum vero senatus hostili nomine et cruentis inustum litteris esse passi sunt.

They destroyed the most outstanding example for posterity of punishing an uprising in relation to the Republic, and the same men afterwards suffered not my effigy, but the effigy of the senate to be branded with bloody letters and the name of the enemy.

Fam. 1.9.15 - SB 20

Whereas Cicero realizes the standard set by the *Laws* in setting an example by honoring Vatinius, the Roman Senate failed not only to honor Cicero as was his due, but even to punish Clodius, as he deserved, and permitted the latter, as an unchecked criminal, to become a perverse monument to bad citizenship. This, of course, looks forward to my analysis of *de Re publica* in Chapter 3, where model statesmen became part and parcel with Cicero's culture of political rhetoric, designed at convincing those that philosophy and rationalism cannot move.

Here, Cicero has selected from the *Laws* a comparatively realistic principle; in fact, the good tyrant that the Athenian Stranger speaks of in Cicero's citation is not the ideal, which comes later in his appropriation of Nestor (4.711e). This is evidence that

speaks against David Sedley's supposition that neither Cicero nor any philosopher in Hellenistic and Roman times was "eclectic."⁴³ Cicero does not champion the ultimate argument or ideal of the *Laws* (Nestor), but one of the principles that segues into the Athenian stranger's presentation of Nestor. Cicero is not a doctrinal follower of Plato's *Laws in toto*, but a careful reader, selecting what is of pragmatic use to his own situation.

Compared to the allusions we have seen to other works, these passages also demonstrate how Plato's *Letters* and *Laws* have a special status for Cicero. Although Cicero was an adherent of the New Academy, Plato's corpus was diverse and complex enough, that being eclectic is in fact the far more natural course of interpretation than being dogmatic. In this case, Cicero prefers Plato's statement about the tyrant that can inform his own political pragmatism: the tyrant may redirect the character of the people for better or worse, and even the good tyrant will have disobedient subjects to punish. Although Sean McConnell is right that Cicero cites Plato as an authority,⁴⁴ he does not lean on the authoritative name of Plato as a crutch. Rather, he cites the vivid anecdote of Clodius Pulcher and his own exile to prove the authority of Plato's occasional political pragmatism.

Cicero then concludes this argument on exemplarity with a critique of his supporters for prioritizing his safety over his political presence. He uses two metaphors in this critique: one, of the trainer versus the doctor, and the second of the painter. I cite this double-metaphor because it bears a strong resemblance to Cicero's reworking of the

⁴³ Sedley, "Philosophical Allegiance in the Greco-Roman World," 118 n. 48.

⁴⁴ McConnell, *Philosophical Life in Cicero's Letters*, 35–44.

painting-metaphor of the *Republic* in Cicero's earlier letter to Atticus about Cato (see *Att.*

2. 21 - SB 41 cited above). Again, Cicero cites the *Venus* of Apelles:

sed vellem non solum salutis meae quem ad modum medici, sed ut alyptae etiam virium et coloris rationem habere voluissent. nunc, ut Apelles Veneris caput et summa pectoris politissima arte perfecit, reliquam partem corporis inchoatam reliquit, sic quidam homines in capite meo solum elaborarunt, reliquum corpus imperfectum ac rude reliquerunt.

But I would like for them to desire to have a plan not only, as doctors, for my health, but also, as trainers, for my strength and color. Now, just as Apelles finished the head of Venus and upper chest with the most exquisite skill, yet left the remaining part of her body incomplete, so certain people have taken pains only for my head, yet have left the rest of my body unfinished and coarse.

Fam. 1.9.15 - SB 21

With its emphasis on color, Cicero's trainer-metaphor reminds the reader of painting and makes for an easy transition to the painting-metaphor. Admittedly, this iteration of the metaphor of visual art does not echo Plato's *Republic* as much as Cicero's depiction of Cato; however, inasmuch as it does follow the same train of thought in a Ciceronian passage, which I have already demonstrated to imitate Plato (*Att.* 2.21.4, explored above), the subtext is clearly Platonic. Earlier Cicero channeled Socrates' description of the painted Republic with the gods depicted in painting by Apelles and Protogenes; now, he only uses the work of Apelles to bring another nuance to the metaphor in describing himself. In the metaphor, the majority of Cicero's supporters lack the integrity to care whether the sculpture is complete: as long as the most important parts are finished, they think that that is enough. Cicero's point is that life is not more important than health, nor the head more important than the body, nor survival more important than making a difference. This dovetails with Cicero's pragmatism in his critique of Cato; in the earlier letter to Atticus, Cicero could see the beauty of Cato-as-painting, but his contemporaries could not. He reiterates the problem in those terms. While he recognizes and approves of

the same ideals in principle, he understands the shortcomings of human populations and that he must make do with a system where people prioritize things wrongly.

Cicero's pragmatic approach to politics becomes clearer when we contrast Cicero's conflation of the 5th and 7th Letters of Plato in this public letter with his equally poignant allusion to the same passage of the 5th Letter in his private letter to Quintus. I shall first analyze the allusions to Plato's letters in Cicero's letter to Lentulus, and then I shall return my argument to the allusion in Cicero's letter to Quintus:

7th:
id enim iubet idem ille Plato, quem ego vehementer auctorem sequor, tantum contendere in re publica, quantum probare tuis civibus possis; vim neque parenti nec patriae adferre oportere.

5th:
atque hanc quidem ille causam sibi ait non attingendae rei publicae fuisse, quod, cum offendisset populum Atheniensem prope iam desipientem senectute, cumque eum nec persuadendo nec cogendo regi posse vidisset, cum persuaderi posse diffideret, cogi fas esse non arbitraretur.

Fam. 1.9.18 –SB 20

Cicero's citation of the 7th:

Indeed the great Plato, whose authority I strive to follow, bids this: **that one contend as much in the republic as you would be able to approve in your citizens; that one ought to bring violence against neither father nor fatherland.**

Cicero's citation of the 5th:

And he says that this was the reason for not attaching himself to the republic, that, since he had found the people of Athens **almost senile with old age**, and since he had seen that they could be guided neither by persuasion nor by force, while he was doubtful that persuasion was possible, he was judging that force was not right.

Fam. 1.9.18 –SB 20

λέγειν μὲν, εἰ μὴ καλῶς αὐτῷ φαίνοιτο πολιτεύεσθαι, εἰ μέλλοι μῆτε ματαίως ἔρειν μῆτε ἀποθανεῖσθαι λέγων, βίαν δὲ πατρίδι πολιτείας μεταβολῆς μὴ προσφέρειν.

7th Letter 331c-d

πρὸς ταῦτ' εἰπεῖν ὅτι Πλάτων ὄψε ἐν τῇ πατρίδι γέγονεν καὶ τὸν δῆμον κατέλαβεν ἤδη πρεσβύτερον καὶ εἰθισμένον ὑπὸ τῶν ἔμπροσθεν πολλὰ καὶ ἀνόμοια τῇ ἐκείνου συμβουλή πράττειν· ἐπεὶ πάντων ἂν ἡδιστα καθάπερ πατρὶ συνεβούλευεν αὐτῷ, εἰ μὴ μάτην μὲν κινδυνεύσειν ᾗετο, πλεόν δ' οὐδὲν ποιήσειν.

5th Letter 322a-b

It is necessary that he speak, if the city does not seem well governed to him, **provided he expect neither to speak in vain nor to die because of his case, yet he must not bring violence against the fatherland** for the sake of a change in policy.

7th Letter 331c-d

[I suggest that you] in response to this criticism [i.e. of my not engaging in politics] say that Plato was born late **in the time of his fatherland** and received a people **already advanced in age and accustomed** by those that came before to do many things contrary to the advice he would give; since the most pleasant of all courses of action would have been for him to council it [the city] **as if his father**, if he hadn't thought that he would be risking his life in vain without making a difference.

5th Letter 322a-b

Cicero's citations of the 5th and 7th letters of Plato demonstrate the transformative powers of his eclectic readings of Plato. Sean McConnell notes that Cicero seamlessly transitions from the 7th to the 5th letter of Plato without formally announcing what he is doing because he anticipates an elite readership to whom it would be apparent.⁴⁵ This is one of the few cases where I disagree with Thelma deGraff's citations of the source of Cicero's Platonic allusions: here, she cites the *Crito* as the source of the first half of this statement.⁴⁶ McConnell argues from context that Cicero must have the *7th Letter* in mind and not the *Crito* because Plato in his own voice (or at least in what Cicero took to be Plato's authentic voice) allows for flexibility in the face of political contingency whereas Socrates does not.⁴⁷

In my reading of the letter, I contribute to McConnell's argument in laying out the consequences that these allusions have for Cicero's reading of Plato as a member of the New Academy. This letter provides evidence for Cicero reading Socrates as a character within Plato's dialogues, but not an incontrovertible authority. It is Plato's own voice in the *Letters* and *Laws* that Cicero finds most akin to his own and most instructive for his political situation.⁴⁸ In the allusions to Plato's *Republic* analyzed thus far, Cicero either refers to the model as epitomizing impractical ideals (*Att.2.1* analyzed above) or significantly readjusts them to suit better his political pragmatism (*Att.2.21*). By contrast,

⁴⁵ Ibid., 37.

⁴⁶ deGraff, "Plato in Cicero," 149.

⁴⁷ McConnell, *Philosophical Life in Cicero's Letters*, 40 n. 20.

⁴⁸ Hence, the interpretation of Cicero writing himself into his dialogue *de Legibus* as the Roman equivalent of the Athenian stranger (Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 15).

when Cicero cites material from the *Laws* and *Letters* of Plato, he more closely follows the original.

I now analyze Cicero's contribution to political thought from his conflation of the *7th* and *5th Letters*. First I shall discuss his interweaving of the two letters. In his citation of the *7th Letter*, he anticipates his citation of the *5th* with the father / fatherland metaphor (cf. *nec parenti nec patriae* in Cicero with *ἐν τῇ πατρίδι* and *καθάπερ πατρὶ* in Plato's *5th*), and his citation of the *5th*, significantly, echoes the sentiment of non-violence in the *7th* with Cicero's comparison of persuasion and force. It is equally significant to note what Cicero does not include from Plato: a retreat from politics in fear of dying in vain. His silence on this issue is telling. Read in conjunction with Cicero's painting-metaphor, analyzed above (*Fam.*1.9.15), Cicero distinguishes himself from Plato as being both active politician and philosopher. Working as an outsider of his own country's political arena, Plato did have a tremendous impact on political theory, which influences Cicero more than any other philosopher,⁴⁹ but Cicero selectively champions and reworks aspects of Plato's philosophy as a political insider. Plato is both Cicero's inspiration and sparring partner.

Furthermore, whereas in the *5th Letter*, the author presents the situation as either/or, i.e. either the Athenians are receptive to Plato or they are not, Cicero leaves room for a grey area in his assessment of public opinion. Citing only the allusion to the *5th Letter* in Cicero's letter to Lentulus, Sean McConnell concludes that Cicero has a

⁴⁹ Höslle, "Cicero's Plato;" deGraff, "Plato in Cicero;" Long, "Cicero's Plato and Aristotle."

higher opinion of the Roman people than Plato did of the Athenian;⁵⁰ in fact, when we compare Cicero's other allusion to the 5th letter, we can see that Cicero's opinion was more mixed. I now cite two passages in demonstration of Cicero's expressing two contradictory opinions: 1) Cicero marks the difference between his and Plato's situation in the letter to Lentulus; 2) Cicero's other allusion to the same passage from the 5th letter in a private letter to his brother written around the same time (early June, 54 BC to be precise):

*atque hanc quidem ille causam sibi ait non attingendae rei publicae fuisse, quod, cum offendisset populum Atheniensem prope iam **desipientem senectute**, cumque eum nec persuadendo nec cogendo regi posse vidisset, cum persuaderi posse diffideret, cogi fas esse non arbitraretur...*

mea ratio fuit alia, quod neque desipiente populo nec integra re mihi ad consulendum, capesseremne rem publicam, implicatus tenebar, sed laetatus tamen sum, quod mihi liceret in eadem causa et mihi utilia et cuivis bono recta defendere.

Fam. 1.9.18 –.SB 20

And he says that this was the reason for not attaching himself to the republic, that, since he had found the people of Athens almost **senile with old age**, and since he had seen that they could be guided neither by persuasion nor by force, while he was doubtful that persuasion was possible, he was judging that force was not right...

My situation was different because I was not stymied and entangled with a people gone mad, nor was there any question, in taking consideration for myself, whether I should engage the republic, but I was delighted moreover since it was permitted me in the same cause to defend my own self-interest and justifiable to any good person.

Fam. 1.9.18 –.SB 20

*Res Romanae se sic habebant: erat nonnulla spes comitiorum, sed incerta; erat aliqua suspicio dictaturae, ne ea quidem certa, summum otium forense, sed **senescentis magis civitatis quam acquiescentis**, sententia autem nostra in senatu eiusmodi, magis ut alii nobis assentiantur quam nosmet ipsi. Toiauth'oho tlēmōn polemos exergazetai.*

Q. Fr. 2.14.4-5 –.SB 18

News in Rome has been as follows: there is some hope of elections, but dubious; there was suspicion of dictatorship, but not quite certain; there is complete leisure in the forum, but **of a state in dotage rather than in acquiescence**; in our opinion, moreover, in a senate of such a kind that others approve of our actions more than we do ourselves. *Such things hath wretched war effected!*

Q. Fr. 2.14.4-5 –.SB 18

⁵⁰ McConnell, *Philosophical Life in Cicero's Letters*, 41.

In both letters, Cicero uses Plato's image of the state in its dotage, but in opposite ways: In instance of the letter to Lentulus, he emphasizes that this is the opposite of the case in Rome; in the letter to Quintus, there is no question in his mind that the state is in its dotage. It is hard to believe that the letters come from the same author, let alone from the same year—and the fact that Cicero wrote his letter to Quintus first makes the contradiction all the more problematic: first Cicero says that the state is in its dotage, then he says to Lentulus that the state was not in its dotage. What cannot be denied is that in both cases, Cicero has the *5th Letter* in mind. The apparent contradiction can be resolved, however, when we think of Cicero as a political pragmatist. Cicero expresses how he truly feels about the people in the correspondence with his brother, but writes more strategically in the letter to Lentulus, as it is intended for wider publication. Cicero's wisdom in his letter to Quintus resides in his determination not to give up, but to sustain a political activity of more or less going through the motions, if only for the possibility of making a difference later on. Cicero's willingness to compromise at the time of his letter to Quintus (early June) led to his opportunity a few months later to defend a cause in which he might not have believed, namely that of a former political opponent:⁵¹ the case of Vatinius.

In a letter to Cato, written at the end of the decade (late December 51 BC), Cicero further discloses his invention of Ciceronian pragmatism in an allusion to the *Timaeus*.

⁵¹ Oppermann, *Zur Funktion Historischer Beispiele in Ciceros Briefen*, 302.

By “Ciceronian pragmatism,” I mean Cicero’s way of thinking with and against Plato and, even in cases where he must disagree, acknowledging Plato as an indispensable source for navigating through the complex issues of Roman politics. Again, this is an allusion where I must acknowledge Thelma deGraff for recognizing its Platonic precedent before me.⁵²

Miriam Griffin talks about this letter for some length in her discussion of Stoicism, so it is pertinent that I lay out where I disagree with her before I present my own analysis. I primarily disagree with Griffin in her interpretation of Stoicism as a vague and, therefore, flexible school of thought. In fact, she cites as evidence this very letter, in which Cicero defers to Cato's philosophical school and encourages him to bend the rules for the greater good in granting Cicero a triumph.⁵³ On the contrary, I would argue that this entire flexibility, which Cicero applies to Cato's school, is something that he gets from the spirit of debate imparted by the Platonic Dialogues and the flexibility of Plato already discussed in *Fam.* 1.9. In Rex Stem’s careful study of the *Pro Murena*, he points out three moves in Cicero’s argument that would militate against Griffin’s characterization of Stoicism: 1) Cicero carefully leaves “wisdom” out of the virtues that describe Cato; 2) he mocks the stolidity of the Stoic paradoxes; 3) he mimics the Platonic dialogue before introducing Plato and Aristotle of his New Academy as being a better alternatives.⁵⁴ That Cato would eventually bend the rules for the sake of his nephew

⁵² deGraff, “Plato in Cicero,” 152.

⁵³ Griffin, “Philosophy, Politics, and Politicians at Rome,” 35.

⁵⁴ Stem, “Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought,” 217–20.

Bibulus (Att.7.2) does not so much evince the malleability of Cato's school⁵⁵ as it does Cato's own soft spot for kith and kin. Though the dogmata of the Stoics are expressed vaguely, the moral stolidity of Zeno (the idea that if a course of action is correct once, then it is correct at all times) is clearly the distinction between Cato's adherence to the Stoa and Cicero's to the Academy. Similarly, Jean Boes, characterizing Cicero as playing the Stoic in this instance, argues that Cato refuses not as a philosopher, but as a jealous aristocrat.⁵⁶ There is some truth to this statement. Boes goes wrong, however, when he makes a distinction between Cato's aristocratic pride and Stoicism; on the contrary, the two go hand in hand for Cato. The Stoic paradoxes that only the sage is sane and that the sage upholds the same ideals and follows the same course of action regardless of external circumstances clearly feed into Cato's ego in his pompous refusal (15.5).

This is why Cato cannot bring himself to granting Cicero a triumph, even though Cicero makes a compelling case for the political circumstances demanding it. This is also what brought Cato earlier to sue the Publicans (as discussed in my analysis of Att.2.1) when his and Cicero's own cause of the *Republic* could least afford to lose their support. As I argue, it is in Cicero's metaphor of "calling philosophy down to the forum" (to be discussed below), that he encourages Cato to realize that the system of philosophy, when brought down to earth, must be adapted according to circumstance. In Ciceronian pragmatism there is ever a tension between the theoretical system and the complications of real politics.

⁵⁵ Griffin, "Philosophy, Politics, and Politicians at Rome," 35.

⁵⁶ Boes, *La Philosophie et L'action Dans La Correspondance de Cicéron*, 194–98.

Cicero wrote the letter in question during his praetorship in Asia, and his intention was to persuade Cato to assist him in obtaining a triumph for his military exploits abroad (*Fam.* 15.4 - SB 110). This would require a bending of the rules, to which Cato, unsurprisingly, does not consent (*Fam.* 15.5 - SB 111). My thesis, however, does not concern itself with the outcome of Cicero's request, but rather with the logic behind it, and how Cicero channels the *Timaeus* to encourage his Stoic friend to relax his religious adherence to the Roman code of honor. I now cite the allusion to the *Timaeus* at the end of Cicero's letter alongside the original Greek context:

extremum illud est, ut quasi diffidens rogationi meae philosophiam ad te adlegem, qua nec mihi carior ulla unquam res in vita fuit nec hominum generi maius a deis munus ullum est datum. haec igitur, quae mihi tecum communis est, societas studiorum atque artium nostrarum, quibus a pueritia dediti ac devincti soli prope modum nos philosophiam veram illam et antiquam, quae quibusdam oti esse ac desidia videtur, in forum atque in rem publicam atque in ipsam aciem paene deduximus, tecum agit de mea laude.

Fam. 15.4.16 – SB 110

This is my final point, that, as it were, I, uneasy about my request, send to you philosophy, which has been dearer than all other things to me in my lifetime, **nor has any greater gift been given by the gods to mankind.** This fellowship then, which we have in common, of our studies and arts, to which we were dedicated and bound since boyhood [and by which] we were nearly the only ones **to draw down** philosophy, which seems to certain people a thing of leisure and laziness, into the forum and republic and even into the very line of battle—almost!—, pleads with you on behalf of my merit.

Fam. 15.4.16 – SB 110

ἐξ ὧν ἐπορισάμεθα φιλοσοφίας γένος, οὐ μείζον ἀγαθὸν οὐτ' ἤλθεν οὔτε ἤξει ποτὲ τῷ θνητῷ γένει δωρηθὲν ἐκ θεῶν. λέγω δὴ τοῦτο ὀμμάτων μέγιστον ἀγαθόν·... ἀλλὰ τοῦτου λεγέσθω παρ' ἡμῶν αὕτη ἐπὶ ταῦτα αἰτία, θεὸν ἡμῖν ἀνευρεῖν δωρησασθαι τε ὄψιν, ἵνα τὰς ἐν οὐρανῷ τοῦ νοῦ κατιδόντες περιόδους χρῆσαιμεθα ἐπὶ τὰς περιφορὰς τὰς τῆς παρ' ἡμῖν διανοήσεως, συγγενεῖς ἐκείναις οὐσας, ἀταράκτοις τεταραγμένας, ἐκμαθόντες δὲ καὶ λογισμῶν κατὰ φύσιν ὀρθότητος μετασχόντες, μιμούμενοι τὰς τοῦ θεοῦ πάντως ἀπλανεῖς οὐσας, τὰς ἐν ἡμῖν πεπλανημένας καταστησάμεθα.

Tim. 47b-c

From which [i.e., the eyes] we've derived the species of philosophy, **than which no greater good either has or will come to the mortal race as a gift from the gods.** I say then that this is the greatest good of the eyes... But let us say that this itself is the cause of this good, that the gods invented and gave sight to us as a gift, so that looking upon the revolutions of the mind in heaven we may make use of them for the circuitries of our own intelligence, since they are akin to those in heaven, though these are disturbed and those undisturbed, and so that learning and partaking of the calculations according to the nature of straightness and imitating the completely unerring beings of god, we may stand still the errant beings in ourselves.

Tim. 47b-c

Where Cicero describes philosophy as the greatest gift of the gods, we have an almost verbatim translation of what Plato says in Greek (emboldened above). Once again, what Cicero leaves unsaid in his allusion to the *Timaeus* is of equal importance to the translation itself. In the original context of the Greek, Timaeus celebrates the eyes for their ability to view the regularity of the heavens for the purpose of imitating that constancy in one's imperfect existence on earth. Strikingly, Cicero leaves out astronomy, but uses the evocative verb *deduximus*, which resonates strongly with the celebrated passage of the *Tusculan Disputations* describing Socrates as calling the philosophy of Pythagoras down to earth (cf. *Tusc.* 5.10-11 where the verbs *devocavit*, *conlocavit*, and *introduxit* are used). This is the crucial difference between Timaeus and Cicero: for Timaeus, the task of philosophy is imitating the regularity of the heavens, so as to contrive and maintain an artificial order in the chaotic world below; Cicero, by contrast, metaphorically equates the distance of philosophical ideals with that of the heavenly spheres, and his task as political pragmatist is not to contrive an approximation to the ideal world, but rather to call down philosophical ideas as talking points needed for deliberation in complex situations. Cicero's turn to philosophy respects the tension between eternal orders and political contingencies situated in time.

I do not find Sean McConnell's position that Cicero has completely changed his mind about Cato's political application of philosophy to be convincing.⁵⁷ The primary reason for the difference in Cicero's complimentary tone towards Cato's philosophical

⁵⁷ McConnell, *Philosophical Life in Cicero's Letters*, 58–60.

practices in this letter as compared to the criticism of *Pro Murena* and the letters to Atticus is the audience: Cicero is addressing Cato himself and requesting a favor, which makes the compliment obligatory. Although Cicero does structure the letter formally as a plea,⁵⁸ he does take liberties in how to phrase the undue compliment he must pay Cato. He primarily does this through his use of the first-person plural (*deduximus*), by which he pays Cato the undue compliment of bringing his philosophical ideals into politics. With the first-person plural, Cicero includes Cato in the action of “calling down” (*deduximus*), but he remains silent on *how* Cato calls down those ideals.

This is a telling silence of no less significance than what Stem observes as Cicero’s reticence on “wisdom” as being one of Cato’s virtues in the *Pro Murena*.⁵⁹

“Calling down” philosophical ideals is not the same for Cicero and Cato. Cicero retains such ideals only as a means of prioritizing what values matter the most and determining what course of action best preserves those values in question. That is the premise of Cicero’s entire argument for enjoying a triumph in spite of the letter of Roman law. Indeed, Cicero begins this letter with an assessment of himself as governor and emphasizes his prioritization of the people’s interests in his amelioration of exploitive policies concerning tax and debt (15.4.1ff). He thus embodies the same political ideal, in fact, that he faults Cato for pushing at the wrong time in June, 60 BC (*Att.2.1* discussed above). Reading this in conjunction with the *Pro Murena* and Cicero’s opposition to Cato’s alienation of the Publicans (see my discussion of *Att.2.1* above), we can see a

⁵⁸ See Wistrand, *Cicero Imperator*, 3–60.

⁵⁹ Stem, “Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought,” 217.

gentler criticism of Cato's overdependence on philosophical dogma, as explored by Stem.⁶⁰ Indeed, for it to have any persuasive effect on Cato at all, it must be gentle, and keep any criticism of his school understated. Curmudgeonly aristocrat that he was, Cato clearly saw through it. Cicero's letter, however, lives on and teaches us that, whereas Timaeus calls down the heavens to earth in a contrived and artificial ordering of the self, Cicero calls down philosophy to the realm of political pragmatism. This is Ciceronian pragmatism: a mediation between the eternal and the temporal, the ideal and the real, the theoretical system and the practicable policy amidst the vicissitudes of life.

I now turn to Cicero's letter to Atticus, written on the 13th of December, 50 BC. Like his letter to Cato, this was written after Cicero had thought through and published his three dialogues (the subject of the chapters 2-4) and provides a window into his reflectiveness on them. He composes the letter in a tumultuous time, when Cicero wants to effect a concord of the orders to withstand Caesar, but cannot decide whether siding with Pompey and the Optimates is best for the Republic (7.1 – SB 124, 7.3 – SB 126, 7.5 – SB 128). In this letter specifically, Cicero discusses predominantly his hope of obtaining a triumph, his frustration at the degradation of the Republic's political orders, and his prognostication of the disaster awaiting Rome in regard to Caesar's unchecked accumulation of power. These three issues are interconnected in the letter, and Cicero's lament culminates with his own reworking of Plato's famous cattle-metaphor from the *Republic*, which was already famous among ancient critics (Longinus, *On the Sublime*

⁶⁰ Ibid., 221–26.

13.1). Despite its artistry and thoughtfulness, this letter has been neglected. McConnell mentions it briefly to foreground his analysis of *Att.* 7.11 –.SB 134 (written in 49 BC and therefore outside my timeline), but does not acknowledge it as an allusion or give it the attention it deserves.⁶¹ My analysis shall proceed alongside my citation and translation of both passages below:

depugna inquis potius quam servias. ut quid? si victus eris, proscribare, si viceris, tamen servias? quid ergo inquis facturus es? idem quod pecudes quae dispulsae sui generis sequuntur greges. ut bos armenta sic ego bonos viros aut eos quicumque dicentur boni sequar, etiam si ruent. quid sit optimum male contractis rebus plane video. nemini est enim exploratum cum ad arma ventum sit quid futurum sit, at illud omnibus, si boni victi sint, nec in caede principum clementiorem hunc fore quam Cinna fuerit nec moderatiorem quam Sulla in pecuniis locupletum. ἐμπολιτεύομαι σοι iam dudum et facerem diutius, nisi me lucerna desereret.

Att. 7.7.7 –.SB 130

"Fight," you say, "rather than be a slave." For what? To be proscribed, if beaten, and if victorious, to be a slave all the same? "What then," you say "are you going to do?" The same as herds which, **when scattered**, follow droves of their own kind. **As the ox follows the herd** so shall I good men or whoever will be called good, even if they fall. Our best course of action, given the untoward limitations of our situation, I do see clearly. What has, indeed, been explored by no one is, once it's come **to arms**, what is going to happen, yet we're all sure of this, that, if the good are defeated, *he* will not be milder than Cinna was **in his slaughter** of leaders nor **more restrained than Sulla** in respect to the money of the wealthy. Enough already *have I lectured thee in politics*, and I'd do it some more, if my lamp weren't presently abandoning me.

οἱ ἄρα φρονήσεως καὶ ἀρετῆς ἄπειροι, εὐωχίαις δὲ καὶ τοῖς τοιούτοις ἀεὶ συνόντες, κάτω, ὡς εἴοικεν, καὶ μέχρι πάλιν πρὸς τὸ μεταξὺ φέρονται τε καὶ ταύτη **πλανῶνται** διὰ βίου, ὑπερβάντες δὲ τοῦτο πρὸς τὸ ἀληθῶς ἄνω οὔτε ἀνέβλεψαν πόποτε οὔτε ἠνέχθησαν, οὐδὲ τοῦ ὄντος τῶ ὄντι ἐπληρώθησαν, οὐδὲ βεβαίον τε καὶ καθαράς ἡδονῆς ἐγεύσαντο, ἀλλὰ **βοσκημάτων δίκην** κάτω ἀεὶ βλέποντες καὶ κεκυφότες εἰς γῆν καὶ εἰς τραπέζας βόσκονται χορταζόμενοι καὶ ὀχεύοντες, καὶ ἔνεκα **τῆς τούτων πλεονεξίας** λακτίζοντες καὶ κυρίττοντες ἀλλήλους σιδηροῖς κέρασι τε καὶ **ὀπλαῖς ἀποκτείνουσι δι' ἀπληστίαν**, ἅτε οὐχὶ τοῖς οὔσιν οὐδὲ τὸ ὄν οὐδὲ τὸ στέγον ἑαυτῶν πιμπλάντες.

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They, deprived of sense and virtue, yet always spending time in revelries and such things, are carried downward, it seems, and up again as far as to the middle, and in this way **they wander** through life, neither do they ever look up nor are they brought, overstepping this, to the truth above, nor are they filled with what is in respect to what is, nor do they even taste of pleasure, in its most reliable and purest form, but **in the manner of cattle**, always looking down and bowed to the ground and feeding at tables, they fatten and copulate, and **for the sake of their profit** kicking and butting each other **with** iron horns and **weapons they kill for their insatiability**, since they are filling with things that are not what is either the part of themselves that is or the shell of it.

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⁶¹ McConnell, *Philosophical Life in Cicero's Letters*, 86.

Similar to Cicero's reworking of the *Republic's* painting metaphor in his letter to Atticus from July of 59 (Att. 2.21, discussed above), the adaptation of Plato's famous cattle-metaphor inverts the terms and transforms it to suit Cicero's own philosophical contribution as political pragmatist. Cicero reuses five themes: cattle, wandering, weapons, slaughter and insatiable greed. Furthermore, with the Latin *bos armenta*, he imitates the sound of Greek (*βοσκημάτων*) in a linguistic echo no less striking than Vergil's recalling of the *Iliad* with *mene incepto*. When we look at the specific contexts of Cicero's allusion and Plato's original metaphor, they are diametrically opposed: Plato's Socrates takes logic to its limits with juxtapositions such as *οὐδὲ τοῦ ὄντος τῶ ὄντι ἐπληρώθησαν* and calls the reader utterly to disregard the earth, being what is not, and instead to focus on the transcendent forms of what are; Cicero, on the other hand, puts on no airs of transcendence, but, contented to graze on the earth, likens himself and his constituents to the cattle above whom Socrates argues we ought to rise by means of pure understanding. For Cicero, there is no rising above; though he agrees with Socrates that the state of earthbound, confused cattle is an unbeautiful—even an absurd—thing, he prefers to face that ugly reality rather than retreat into pure intelligibility. That said, for all his pragmatism, Cicero does take pride in the difference of political conduct between his own political party and that of Caesar: the enemy is ruthless (*nec in caede... clementiorem quam Cinna*) and insatiable (*nec moderatiorem quam Sulla*) (for Cicero's moral assessment of Cinna in *Fam.*1.9, see Oppermann 38 - 40). This connects with an important point, which Cicero makes earlier in the letter: it is not a matter of good

individuals lacking in the Republic, but rather good orders of men (*Att.7.7.5*). This also dovetails with Cicero's desperation to obtain a triumph (*Att.7.7.4*): though Cicero's hunger for fame and glory cannot be deemphasized, I do not agree with Bailey's nihilistic pronouncement that "fame, not philanthropy or the beauty of virtue, was Cicero's spur,"⁶² in fact, Robert Hariman has opposed this claim before me in his qualification that "his love of fame was always wedded to his appreciation of the state."⁶³ Plato is what saves Cicero's political will to power from degenerating into nihilism, and this can be seen in Cicero's Romanization of Plato's ideal of the good. "Good" for Cicero is not the same as "good" for Plato: Cicero does not champion goodness as transcending material circumstances. That said, Cicero's use of "boni" does not merely refer to his own party out of self-preservation. Though not transcendental and abstract, there is an impersonal dimension to "good," in that it refers to a kind of politics that operates according to, and not, as the case with Caesar, against, the human fellowship (though Cato does not deserve the compliment, Cicero's use of *societas* in 15.4.16 analyzed above is sincerely meant). Finally, for Cicero, because this definition of the "good" is according to practice and not an ideal standard, the goodness of any individual's practice can become impotent without the flexibility to react. That is why Cicero begins the letter with frustration: His party had not reacted dynamically before, when they had the chance, so that now they are reduced to following a static defense strategy like cattle.

⁶² Bailey, *Cicero*, 114.

⁶³ Hariman, "Political Style in Cicero's Letters to Atticus," 154.

Conclusion

This chapter has established the principles of Cicero's turn to Plato, which make for the foundation of the rest of my argument. Not reading Plato merely as a doctrinal authority, Cicero owes to Plato his own dynamic alternative to static Stoic thinking. In *de Oratore* (Chapter 2), the Ciceronian reading of Plato applies itself to the problems and potentials of rhetoric. In *de Re publica* and *de Legibus* (Chapters 3 and 4), we see a dynamic application of rhetoric and exemplarity, as informed by Plato, to creating a political culture to reach out to participants that are not moved by rational argument and to complement the coercion of law with the persuasion of tradition.

Chapter 2. *de Oratore*

In Chapter 1, references to Plato in Cicero's correspondences reveal that Cicero thinks with Plato, in order to appreciate the tension between ideal system and the reality of human nature. This tension is something that Cicero's contemporaries, above all Cato the Younger, cannot appreciate. Rhetoric is the solution to the problem of human nature, as rhetoric can heighten the people's attentiveness to Roman values and achieve the concord necessary to the functioning of the most practicable approximation to the ideal. However, before Cicero demonstrates the responsible use of rhetoric in *de Re publica* and *de Legibus*, the subjects of Chapters 3 and 4, he must sort out and probe the virtues and limits of an idealistic view of rhetoric.

Thesis

It is my argument in this chapter that the dialogue form of *de Oratore* works in such a way as not to champion Crassus' idealization of rhetoric, but rather to hold it under scrutiny. Plato's *Gorgias* and *Phaedrus* are critically important intertexts to accomplishing this goal. It is only after probing the virtues and limits of an idealization of rhetoric with the help of Plato that Cicero can proceed, in *de Re publica* and *de Legibus*, to demonstrating the politically responsible use of it.

2.1 The Influence of Philo of Larissa and Antiochus of Ascalon

Before I begin my argument proper, it is necessary to say a few words on the impression made on Cicero by Philo of Larissa and Antiochus of Ascalon. Philo represented the so-called New Academy, which lent itself to a skeptical reading of Plato,

and Antiochus was a reactionary, imputing a Stoic reading to Plato, in order to rediscover the so-called Old Academy. We know that Cicero heard Philo lecture, after the latter relocated to Rome during the Mithridatic Wars in 88 BC, and he is in fact referenced in *de Oratore* by Crassus (3.110). When Cicero traveled to Athens in 79 BC, he studied under Antiochus and became familiar with the Stoic, doctrinal reading of Plato of the Old Academy. As Mauro Bonazzi explains, using references to Antiochus in Cicero's later philosophical works as his source, Antiochus tried to integrate Stoicism into his own philosophical tradition of Platonism by showing their compatibility.¹ W. Burkert, in his analysis of Cicero's later dialogue *Academica*, rightly concludes that it was the openness and hesitation of the Philonian School that made Cicero find the New Academy so much more attractive.² Cicero was certainly influenced by the "mitigated skepticism" of Philo in his own mitigated skepticism, inasmuch as Ciceronian skepticism was open to accepting positive viewpoints.³ In Cicero's reception of Plato, however, there is a nuanced maturity that is neither Philonian nor Antiochean, but Ciceronian.

What I shall argue in this chapter is that Cicero frames *de Oratore* to dramatize the difference between the Antiochean approach to Platonic dialogue and his own Ciceronian, dynamic reading. The interlocutor Scaevola, whom I discuss further below, relies on the authority of Socrates in a way that aligns him with the Antiochean school; in

¹ Bonazzi, "Antiochus' Ethics and the Subordination of Stoicism"; Sedley, "Introduction;" for the influence of Antiochus on Cicero, see Schofield, "The Neutralizing Argument: Carneades, Antiochus, Cicero."

² Burkert, "Cicero Als Platoniker Und Skeptiker. Zum Platonverständnis Der Neuen Akademie."

³ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 19; Brittain, *Philo of Larissa: The Last of Academic Sceptics*, 258–59, 275–76 n. 42; for an introduction to Philo, see Bett, "Introduction;" for Philo's legacy in the Sceptical Academy, see Lévy, "The Sceptical Academy: Decline and Afterlife."

fact, Scaevola, as Roman Stoic, takes Antiochus' doctrinal reading a step further, in that he conflates the Platonic Socrates not only with Stoicism, but with Roman civic virtue and legal knowledge as well. Crassus, on the other hand, modifying the point of view of the Platonic Gorgias from Plato's dialogue of the same name, represents the Ciceronian more open-ended reading of Plato in which the doctrinal teaching of Socrates drowns out neither intelligent arguments made by interlocutors nor the expressiveness of the philosophical drama in toto. Antonius is another representative of Cicero's more open-ended reading of Plato. Modifying controversial positions of the *Gorgias* as well as *Phaedrus*, he points out the errors in Crassus' idealism and restores oratory to its morally ambiguous place. In fact, I would argue that Antonius' viewpoint comes closer to Cicero's own than the unlikely ideal of Crassus expressed in the first half of Book 3 (for problems with reading Crassus' ideal as Cicero's ideal, see 2.6). Kapust, though not reaching this conclusion, does present evidence for such a reading in the correlation between Antonius' idea of persuasion in Book 2 and that of Cicero's later treatise *Orator* (cf. *de Or.* 2.115 and *Or.* 69).⁴

2.2 Ciceronian Pragmatism and the Stoic Ideal

It is often thought that Crassus represents the opinion of Cicero.⁵ David Mankin, comparing Crassus' Socrates-myth in Book 3 with references to Socrates elsewhere in the

⁴ Kapust, "Cicero on Decorum and the Morality of Rhetoric," 98. It is also significant that towards the beginning of *Orator*, Cicero references Antonius' book and cites the author as saying that neither he nor Crassus achieved Antonius' ideal of eloquence (*Or.* 18-19).

⁵ Wisse, "De Oratore: The Orator, Rhetoric and Philosophy;" Hall, "Persuasive Design in Cicero's De Oratore;" Möller, *Talis Oratio - Qualis Vita: Zu Theorie Und Praxis Mimetischer Verfahren in Der Griechischen-Römischen Literaturkritik*, 164.

Ciceronian corpus, has established good reason to surmise that this view is false.⁶ My own problem with this reading is that the Ciceronian Crassus changes his mind too much, and even in his most triumphant appraisal of his own ideal, he fails to convince the majority of his companions.⁷ Crassus contrives to make rhetoric into something that even he himself, eventually, must admit does not exist: an idealistic union of a philosophical approach to Roman justice and eloquence. The dialogue itself manifests the problems with this ideal through references to the Gracchi and the poignant critique of Antonius. While Crassus is the idealist that wants to see rhetoric as something inherently good, Antonius is the pragmatist that sees it for what it is; hence, when Antonius begins his own discussion of the quasi-art of rhetoric in Book 2, he evokes laughter from putting on idealistic airs (2.29-30).

Whereas Crassus errs in defining rhetoric as something it is not, Scaevola makes the characteristically Stoic mistake of thinking that the truth will speak for itself. Scaevola, as I discussed in Chapter 1, is similar to Cephalus in representing an older generation and leaving the dialogue early on. However, the ideologies of Cephalus and Scaevola are quite different. Scaevola, in fact, comes closer to the Platonic Socrates than he does to Cephalus in his critique of rhetoric, and his citation of the Gracchi (1.38) raises

⁶ Mankin, *Cicero De Oratore. Book III*, 38.

⁷ Mankin (Ibid., 13–14) is right in his interpretation here. Jon Hall undermines the disagreement of Sulpicius on the view that Sulpicius' disagreement is only meant to seem Crassus' position seem less contrived; however, because he does not properly account for Cotta's failure in rhetoric and the mixed reactions of Caesar and Antonius, as Mankin does, his argument fails to convince (Hall, "Persuasive Design in Cicero's *De Oratore*"). Ultimately, Hall permits his own expectations of what the text should be saying to override what the tones and historical backgrounds of Crassus' interlocutors collectively do say. This is the problem with reading a dialogue as if it were a treatise

the ethical problem of philosophically championing the enterprise of oratory as a boon to the state.⁸ When we compare Scaevola's citations of Socrates with Crassus', it is apparent that the Stoic Scaevola's interpretation mimics the reading of Antiochus, who saw Socrates as the doctrinal germ for Stoic dogma, whereas Crassus' dynamic reading comes closer to that of Cicero, as we saw in the letters.

Scaevola embodies an older, more traditional way of thinking that is incompatible with the political problems of the historical times in which the dialogue takes place. To this extent, he has much in common with Cato the Younger. Scaevola's Antiochean reading of Plato rigidly attaches itself to doctrines spoken through the mouthpiece of Socrates and aligns itself with the rigid political practices of Stoic Romans, such as Rutilius, whom Antonius criticizes for thinking that his understanding of Rome's legal system was enough to speak for itself.⁹

⁸As Elaine Fantham notes (Fantham, *The Roman World of Cicero's « De Oratore »*, 63), the problem of the Gracchi is remembered at the end of the dialogue in Crassus' own lamentation of their populist treachery and remains unresolved (3.226).

⁹This reading of Scaevola and special need for oratory in tumultuous times distinguishes my reading of *de Oratore* from both Bryan Garsten and David Mankin, who argue, based on the lamentations at the beginning of Books 1 and 3 as well as the consequences of the Social War and its aftermath, that Scaevola comes at the end of a generation in which oratory was allowed to flourish (David Mankin, *Cicero De Oratore. Book III*, 33; Bryan Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment*, 142–143). The problem with this reading is that Scaevola's oratory was, as Antonius explains, not rhetorically dynamic, but sparse and narrowly focused on his own expertise of Roman Law (1.214). The second problem is that oratory thrived both in the tumultuous time of the Gracchi that preceded the dialogue (hence, their rhetorical ability is noted at 1.38, 3.226) as well as that, which would immediately follow the debate of Book 3: Philippus, the opponent of Crassus that eventually gained the upper hand, was an excellent speaker (3.4), as Sulpicius himself would prove to be, if lacking in moral judgment (3.11) (Mankin, *Cicero De Oratore. Book III*, 110). I also disagree with Mankin's appraisal of Cicero's political apogee in deliberative oratory as being a period of calm (Ibid., 4 n. 19, 18). It can only be considered calm in respect to what would take place after his consulship, but even when Cicero became politically exiled, oratory thrived as Julius Caesar's greatest weapon in motivating his troops to march against Rome, and in the time of the second triumvirate, Cicero's own oratory achieved its acme in his courageous delivery of the *Philippics*. Thus, political success via deliberative oratory may be harder to achieve in tumultuous times, but crisis lends itself to rhetorical sublimity among the few that do gain prominence.

As I elaborate and provide textual evidence for the dynamic exchanges between these characters, it will become clear that Cicero fleshes out these problems facing rhetoric vis-à-vis Roman legal knowledge through the Platonic intertext of the *Gorgias*, *Phaedrus*, and other dialogues.

2.3 The Platonic Framing of Ciceronian Questions

As a second foreword to my argument, I offer a brief survey on the three Platonic structures that frame the narrative of *de Oratore* and give way to the Romanization of Platonic themes. The first is Book 1's imitation of the various movements in the debate of the *Gorgias* (I am beholden to Eckart Schütrumpf for this observation).¹⁰ In this case, from the beginning of the debate through Antonius' response, *de Oratore* proceeds as an inversion of the first debate of Plato's *Gorgias*: Crassus is a Romanized, idealistic version of the Platonic Gorgias, but he takes over the narratological role of Socrates to win over the Stoic Scaevola. Scaevola, on the other hand, takes on the narratological role of Gorgias in giving in to the argument of his interlocutor, but his outlook comes closer to that of Socrates. When Antonius responds, he takes on the role of a Romanized Polus and Calicles in prioritizing the power of rhetoric over the comparatively futile knowledge of the Roman system of justice.

The second framing device is Book 3's imitation of the palinode structure of Socrates' two speeches in the *Phaedrus* through Crassus' two speeches on style: The first is a philosophical digression, and the second an unphilosophical guide to style in

¹⁰ Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I."

contradiction of the first (I am indebted to the commentary of David Mankin in this respect).¹¹

The third is the early departure of Scaevola from the narrative, which is in imitation of Cephalus' early departure in Plato's *Republic*. On this third Platonic framing device, I am indebted to Cicero himself (*Att.* 4.16.3, as discussed in Chapter 1).

2.4 The Gorgias in Book 1

In my study of the Gorgianic elements of Book 1, I am largely indebted to Eckhart Schütrumpf for laying the groundwork of this section of Chapter 2 by outlining how parallels in narrative structure between *de Oratore* 1 and the *Gorgias* correspond to Platonic themes from the same dialogue. The question I shall answer is one compelled by the data of Schütrumpf's careful study: How Cicero understands the theoretical problem of the *Gorgias*, i.e. the status of rhetoric as an art vis-à-vis corresponding bodies of knowledge, in relation to the political problems of his own time, as discussed in Chapter 1. The problematic relationship between rhetoric and legal knowledge is particularly pronounced, when Antonius refers to contemporary politicians that excelled in their understanding of the system, but were rhetorically inept. As I shall argue, this is a Romanization of Socrates' problem in the *Gorgias*, i.e., wrongly prioritizing a philosophical understanding of goodness over a rhetoric that proves effective among the masses.¹²

¹¹ Mankin, *Cicero De Oratore. Book III*, 14–15.

¹² This is a dynamic reading of the *Gorgias* based on E. R. Dodds' sympathetic reading of Callicles (Dodds, *Plato: Gorgias*, 12–15).

Cicero makes this apparent through the persona of Antonius in the final narrative movement of Book 1. Before we examine Antonius' words specifically, it is necessary to see how Cicero systematically alludes to Plato in the preceding parts of the dialogue, so that the audience can expect Antonius' interlude to belong to a Platonic intertext.

The intertext with the *Gorgias* is most clearly established when Crassus cites the dialogue by name:

sed ego neque illis adsentiebar neque harum disputationum inventori et principi longe omnium in dicendo gravissimo et eloquentissimo, Platoni, cuius tum Athenis cum Charmada diligentius legi Gorgiam; quo in libro in hoc maxime admirabar Platonem, quod mihi oratoribus invidendis ipse esse orator summus videbatur.

But I was neither giving my assent to those men [who would disparage the orator's participation in politics] nor even to the first thinker and originator of these disputes—Plato, who is by far the most important and eloquent of them all, in respect to speaking. I read his *Gorgias* rather diligently in Athens under Charmadas. In this book, I was especially inclined to marvel at Plato in this respect: for all his mockery of orators, he showed himself to be, as far as I'm concerned, an orator of the utmost capability.

*De Or.*1.47

“Those men,” to whom Crassus refused assent in Athens, refer to later members of the Academy that inherited Socrates' position of separating philosophy and rhetoric—which Crassus redefines as separating the orator from politics (1.46). As I shall demonstrate in my review of textual evidence, Schütrumpf argues successfully that this citation of the *Gorgias* is meant to underscore Cicero's imitation of Plato. Indeed, the narrative of the debate in Book 1 has followed the same movements of the *Gorgias*.¹³ I do, however, distinguish myself from Schütrumpf, as I do from Wisse,¹⁴ on the grounds that I do not see the debate of Book 1 as being “anti-Platonic,” but rather 1) a reworking of Socrates' position through the mouth of Scaevola, so that it better resembles the unattainable ideal

¹³ Schütrumpf, “Platonic Elements in the Structure of Cicero De Oratore Book I,” 245–47.

¹⁴ *Ibid.*, 249; Wisse, “De Oratore: The Orator, Rhetoric and Philosophy,” 391–93.

of Cato the Younger, 2) an idealistic reworking of Gorgias' argument through Crassus, and 3) a critique of both positions through a reworking of Callicles' opposition to Socrates via the persona of Antonius. In fact, we begin to get a sense for this reading of the *Gorgias* in Crassus' citation: significantly, Crassus calls "Plato," and not Socrates, "an orator of the utmost capability" throughout the *Gorgias*, with the implication that not just Socrates, but his interlocutors as well offer important insight on the question of oratory and politics.¹⁵ How Cicero uses this insight from both Socrates and his interlocutors will become clear in the rest of my analysis of Book 1.

Before we come to this point in the dialogue, where Crassus cites the *Gorgias* specifically, the same character has already established himself as imitating the argument of the Platonic *Gorgias* from that same dialogue. As Schütrumpf argues, Crassus parallels the boast of Gorgias in ascribing to the orator the ability to answer with eloquence and abundance any question that has been put him (cf. 1.21 and *Gorg.*447c).¹⁶ Schütrumpf's most compelling evidence for this is that Cicero has Crassus refer to this same passage from the *Gorgias* later in the dialogue (1.102ff, 111), and Cicero himself alludes to it in his earlier *de Inventione* (1.5.7).¹⁷ The reason this viewpoint cannot be taken as Cicero's

¹⁵Imputing a doctrinal reading of the Platonic Socrates to Cicero, reads *de Oratore* as, in part, "a response to Plato's hypocritical condemnation of style (which Crassus views as evidence of the philosopher's grasp of the need for persuasion)..." (Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome*, 115). In my own interpretation of the Ciceronian reception of Plato, there is no hypocrisy in Plato's eloquence, but irony. Connolly's main point, of course, is that the dialogue ultimately showcases the need for "artificial nature" and "natural nature" to coalesce in the figure of the orator (Ibid.). This goes hand in hand with her dichotomy of nature and culture. Her elaboration of this dichotomy has been helpful for me in formulating my own theory of the triangulation of nature, culture, and ideal in Cicero (see Intro.4). This comes more into play in Chapters 3 and 4, though I do return to it in the conclusion of this Chapter.

¹⁶ Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I," 241.

¹⁷ Ibid., 240–41.

own is that Gorgias later recants this Gorgianic boast. When Crassus later alludes to the passage, he distances himself from it. In his own words, he hopes not to act like some garrulous Greek, pretending to have the answer to every question (1.102, 111). Textually, the change of heart is there. I would argue that this change of heart in Crassus points to Scaevola as having an effect on him, and my proceeding analysis shall explain why.¹⁸

When Scaevola responds to Crassus' Gorgianic boast he allies himself with the Platonic Socrates and, as I argue, a Romanized Antiochean reading of Plato. Indeed, when Scaevola cites the philosophical schools that oppose Crassus' encomium of rhetoric, he identifies Crassus with the Academics and himself with the Stoic school. (1.43).

instaret Academia, quae, quicquid dixisses, id te ipsum negare cogeret; Stoici vero nostri disputationum suarum atque interrogationum laqueis te inretitum tenerent.

The Academy would be on your case and force you yourself to deny what you have said; our Stoics, indeed, would catch you, wound up in nets of their own disputations and questionings.

*de Or.*1.43

The image of the net, with which Scaevola imagines his own Stoic school to have caught Crassus, is itself a telling piece of rhetoric. This imagery, in my interpretation, portrays the rigid adherence to ideals characteristic of the Stoic school. It is this rigid adherence that Cicero criticizes in Cato in the letters and the *Pro Murena*.¹⁹ Furthermore, Scaevola aligns himself with a Stoic reading of Plato, i.e. one that sides with the Platonic Socrates

¹⁸ Alongside this boast to answer any question, Crassus also echoes Gorgias in defining the political and judicial spheres as the proper scope of rhetoric (cf. 1.21-22 and *Gorg.* 449d/452e) (*Ibid.*, 242-243). Furthermore, Crassus follows Gorgias in calling rhetoric the source of the greatest benefits, which allows its practitioner to exceed the rest of mankind cf. 1.30-34, esp. 1.33 and 452d-e (*Ibid.*).

¹⁹ Stem, "Cicero as Orator and Philosopher: The Value of the *Pro Murena* for Ciceronian Political Thought," 219-21.

as a doctrinal source of wisdom. This is a reading Cicero would have known from his own teacher, Antiochus. I now cite, in support of this claim, an allusion to the *Gorgias* for which I am indebted to Schütrumpf and van Vessem:²⁰

urgerent praeterea philosophorum greges iam ab illo fonte et capite Socrate nihil te de bonis rebus in vita, nihil de malis, nihil de animi permotionibus, nihil de hominum moribus, nihil de ratione vitae didicisse, nihil omnino quaesisse, nihil scire convincerent... satis id est magnum, quod potes praestare... ut prudentibus diserte, stultis etiam vere videre dicere.

de Or.1.42,44

αὐτὰ μὲν οὐκ εἰδώς, τί ἀγαθὸν ἢ τί κακὸν ἔστιν ἢ τί καλὸν ἢ τί αἰσχρὸν ἢ δίκαιον ἢ ἄδικον, πειθῶ δὲ περὶ αὐτῶν μεμηχανημένος ὥστε δοκεῖν εἰδέναι οὐκ εἰδώς ἐν οὐκ εἰδόσιν μᾶλλον τοῦ εἰδότος...

Gorg.459d-e

Moreover, schools of philosophers would beset you now, right from the font and source of philosophical wisdom himself, Socrates: they would convince you that you have learned nothing, that you have altogether sought out nothing [of value], that you **know nothing**—nothing about what is **good** in life, nothing about what is **bad**, nothing about the movements of the soul, nothing about the character of mankind, nothing about **just living**... it is good enough, that you are able to excel, ... so that **you seem to speak eloquently to the intelligent, truthfully to the stupid.**²¹

de Or.1.42-44

[The rhetor] is **ignorant** of these things, that is **what is good** or what is **bad** or what is **beautiful** or what is **base** or what is **just** or **unjust**, yet he has contrived persuasion concerning these things, so that he **seems, not knowing anything, to know among the ignorant better than the one that really does know**...

Gorg.459d-e

Scaevola has appropriated Socrates' position from the *Gorgias*: Rhetoric is not an art because speakers do not necessarily know the subjects on which they are speaking, but merely appear to know. Going hand in hand with this, as Schütrumpf asserts, is

²⁰ In fact, J. van Vessem in 1896, followed by Schütrumpf, note the allusion between the *Gorgias* and 1.44 (Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I," 244 n. 57; van Vessem, *De Marci Tulli Ciceronis de Oratore Libris*, 84; see also Müller, "Die Wertung Der Bildungsdisziplinen Bei Cicero. Βίος Πρακτικός Und Bildung," 86 n. 1, 126-127., but the parallel between 1.42 and the *Gorgias* is my own observation.

²¹ In fact, Scaevola's critique of Crassus' encomium of rhetoric is kinder in its remarks on Crassus himself, yet Scaevola makes an explicit distinction between the knowledge Crassus deploys at the bar and Crassus' ability to speak (1.44).

Scaevola's earlier separation between eloquence and knowledge (signified by *prudantium* and *disertorum* in Latin at 1.36), which echoes Socrates' separation of speaking and knowing (signified by *legein* and *phronein* in Greek at *Gorg.*449e).²² In my own citation of 1.42, 44, the words put in bold between Latin and Greek illustrate what Socratic themes Scaevola has appropriated: knowledge of good and bad and proper living (in which the knowledge of the beautiful, base, just, and unjust, as outlined in Greek, is assumed). I have underlined the bodies of knowledge that do not correspond to Socrates' position in the *Gorgias*: knowledge of human character and the soul. This is significant, because these are the bodies of knowledge that Antonius, echoing the Socrates of the *Phaedrus*, does allow rhetoric. The ethical quandary of the *de Oratore* is not about whether rhetoric can properly be called an art or not, but whether the knowledge of rhetoric corresponds with that of the Roman system of justice. That is why, as we shall see, *de Oratore* underscores instances in history where morally upstanding Romans speak poorly while unethically ambitious Romans find success in oratory to the detriment of the state. In fact, Scaevola premises his Socratic argument largely on the historical instance of the Gracchi, where we have a case of Roman orators using speech to pursue their own ambitions in a way detrimental to the state (see 1.38, where Scaevola describes the Gracchi in just this way).

Crassus recognizes the Socratic touch of Scaevola's counterargument against rhetoric and tries to appeal to Scaevola by citing Socrates. In this citation, Crassus

²² Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I," 250–51.

disagrees with a point made by Socrates in the *Gorgias*, but rehabilitates a position maintained by the dialogue's titular interlocutor, Gorgias:

Atque illud est probabilius, neque tamen verum, quod Socrates dicere solebat, omnis in eo, quod scirent, satis esse eloquentis; illud verius, neque quemquam in eo disertum esse posse, quod nesciat, neque, si optime sciat ignarusque sit faciundae ac poliendae orationis, diserte id ipsum, de quo sciat, posse dicere.

And that customary saying of Socrates is rather probable, but not entirely true, i.e. that everyone is sufficiently eloquent in respect to what their area of knowledge is; it would be more truthful to say that neither can anyone be eloquent about something outside his area of knowledge, nor, if he does have expertise in a field, yet is ignorant of composing and polishing a speech, can anyone speak eloquently on the very subject, in which he does have knowledge.

*de Or.*1.63

Crassus derives the Socratic position from the *Gorgias* (455b), where Socrates explains that technical experts are the most convincing in respect to problems within their own field, i.e., generals are most convincing in respect to battle-formations, and architects in respect to the building of walls.²³ Significantly, Crassus rejects the Socratic position and redefines the relationship between eloquence and knowledge in terms that echo Gorgias' rebuttal shortly after Socrates makes this argument: Gorgias uses the anecdote of the doctor to show that his own ability with rhetoric convinced the patient to trust the doctor's unpleasant remedy, while the doctor, in spite of having expertise in medicine, was unable to persuade (456b). In modifying the Platonic Socrates' position with an argument from the Platonic *Gorgias*, Crassus demonstrates the difference between the Academic and Stoic reading of Plato: Socrates is a figure, not a doctrinal teacher, and the

²³ in fact Leeman et al. I.155 cite both this passage and Xenophon *Mem.*4.6.1 as an alternative (Leeman and Pinkster, *De Oratore Libri Iii Kommentar I-IV*, I. 155); I, however, would argue that the sentiment is far closer to the *Gorgias*, especially given the allusions Cicero has already made.

other interlocutors provide arguments that are equally useful in determining the virtues and limitations of rhetoric.

For Scaevola, however, Crassus' modification of the Platonic-Socratic position through an appropriation of the Platonic Gorgias is not good enough. Scaevola returns to the authority of Socrates and attributes to him an idea that approaches the Stoic theory of unity of the virtues, i.e., the notion that one cannot have one virtue, unless one has them all. Specifically, Scaevola quotes Socrates as saying that if one has achieved an understanding of virtue, then rhetoric will come easily:

*"Mihi vero" inquit Mucius "satis superque abs te videtur istorum studiis, si modo sunt studiosi, esse factum; nam, Socratem illum solitum aiunt dicere **perfectum** sibi opus esse, si qui satis esset concitatus cohortatione sua ad studium cognoscendae percipiendaeque virtutis; quibus enim id persuasum esset, ut nihil mallent esse se quam bonos viros, eis reliquam facilem esse doctrinam; sic ego intellego, si in haec, quae patefecit oratione sua Crassus, intrare volueritis, facillime vos ad ea, quae cupitis, perventuros, ab hoc aditu ianuaque patefacta."*

"Indeed, as far as I'm concerned," said Mucius, "enough and more than enough seems to have been done by you concerning the enthusiasms of these friends of yours, assuming that they are enthusiastic enough; for, they say that the great Socrates was accustomed to say that his own work was **done** [*perfectum*], if anyone should be sufficiently compelled by his own exhortation to enthusiasm for coming to an understanding and perception of virtue; indeed, whoever are persuaded to prefer nothing to becoming good men will find the rest of what they have to learn easy; so too do I realize that, if you're willing to pursue these subjects, which Crassus has laid out in his own speech, you'll eventually achieve your desired goals with the greatest ease from this threshold and doorway that has been laid open."

de Or. 1.204

It is not surprising that in the mouth of Scaevola there is a citation of Socrates that cannot be traced to any depiction of him in Plato or Xenophon.²⁴ The reason for this, as I argue, is that Scaevola takes an Antiochean approach to Socrates, whereby Socrates is the *Urvater* of Stoic doctrine. Although Scaevola errs on the side of being more idealistic than Crassus, Scaevola's reduction of Crassus' argument to Stoic dogmatism is not

²⁴ Ibid., II. 125.

without reason. There is, in fact, a thematic echo of Crassus' argument through Scaevola's use of the adjective "*perfectum*" (Crassus says his goal is finding the perfect orator, *perfectum oratorem*; see 1.71, which I cite and discuss below).

Scaevola's reduction of Crassus' argument is symptomatic of Crassus' struggle to make rhetoric into more than it is. In Crassus' first speech, he defines the orator's body of knowledge as being both political and moral (see 1.58-68), and in his second speech, after acknowledging the idealistic nature of his intellectual enterprise (1.71), Crassus concludes with an emphasis on Roman Law and its ethical logic in respect to the state (1.159). Finally, in Crassus' third speech, he begins with a further emphasis on knowledge of Roman Law and concludes with a description of the force and dignity of the orator (1.165-204). In fact, as Schütrumpf shows, Crassus effectively adapts the Platonic Gorgias' claim to teach justice to his own claim that a true mastery of rhetoric includes an understanding of the Roman system of justice (cf. 1.166ff and *Gorg.* 459dff).²⁵ Crassus thus runs into the so-called "informal fallacy,"²⁶ that is, the false syllogism more popularly known as the "No-True-Scotsman Fallacy:" "No true orator would disrespect the Roman legal system" (Crassus); "But the Gracchi mastered rhetoric without respecting the Roman legal system" (Scaevola); "Yes, but no *true* orator (*perfectus orator*) would do such a thing" (Crassus). Such faulty reasoning would arbitrarily make the Gracchi no true masters of rhetoric—something which by Crassus'

²⁵ Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I," 253.

²⁶ Kelly, *The Art of Reasoning*.

own admission is demonstrably false (see *de Or.* 3.213-214, where the performative talent of Gaius Gracchus is mentioned alongside that of Demosthenes).

Furthermore, Scaevola's referral to the unity principle is central to the problem concerning rhetoric and Roman values in *de Oratore*. Virtue and eloquence are not related in the way that Scaevola or Crassus wants them to be. That is why the ethically questionable motives of the Gracchi are able to succeed (oddly enough, this same point is made by Scaevola at 1.38, who contradicts this admission at 1.204). That is also why men of sound principles can fail in the courtroom. Two important anecdotes of the latter are cited in *de Oratore*. One is that of Rutilius Rufus (cited by Antonius at 1.230), and the other of Drusus (1.24-25, and 97), who was, in fact, successfully defended with Crassus as his advocate. He lacked, however, the rhetorical ability to defend his own political principles. After the death of Crassus, the legislation of Drusus did not pass and led, as Cicero apparently believes, to the Social Wars.²⁷

In fact, even in Crassus' own mouth, there is the impression that this ideal of oratory is unattainable. There is an allusion to Plato in this.

*Nam quod illud, Scaevola, negasti te fuisse laturum, nisi in meo regno esses, quod in omni genere sermonis, in omni parte humanitatis dixerim oratorem perfectum esse debere: numquam mehercule hoc dicerem, si eum, quem **fingo**, me ipsum esse arbitrarer.*

For that very thesis, Scaevola, which you said you would not have put up with, if you had not been a guest in my territory, namely the statement I made that the orator ought to be perfect on every subject of discussion, in every field of humanity, is something I would not be saying—by Hercules!—, if I were judging that I were the very one myself, whom I am **fashioning out of my imagination**.

*de Or.*1.71

²⁷ Mankin, *Cicero De Oratore. Book III*, 26.

As Ingo Gildenhard has illustrated, we know that the word “*ingere*,” used above, is the Latin equivalent of the Greek verb “*plaitin*,” as used in Plato. We can be sure of this, Gildenhard argues, because Cicero has his dialogic personae use this word in referring to this verb of Plato elsewhere in Cicero’s dialogues of this period (namely, *de Re publica* and *de Legibus*, which are the subjects of Chapters 3 and 4), and Antonius uses the same verb himself in his own critique of Plato (cf. 1.224 and *R.9.592a-b*, both of which are cited below).²⁸ Gildenhard is correct that Cicero’s usage of “*ingo*” in this instance is meant to distinguish his ideal as something that has been formulated in his mind, but not yet realized.²⁹ However, I disagree with Gildenhard, in that I do not view the ideal orator as finding realization in the person of Cicero (at least not in respect to his forensic speeches),³⁰ but rather as an ideal that conflicts with what is practicable in the world of Roman politics.

As stated above, Schütrumpf has demonstrated that Crassus, in attempting to draw a connection between successful oratory and Roman legal knowledge, echoes Plato’s *Gorgias*, where the Platonic Gorgias attempts, without success, to do something profoundly similar. The narrative structure of the *Gorgias* is, in fact, further imitated, when Antonius, as Schütrumpf argues, takes on the role of Polus and Callicles: Just as

²⁸ Gildenhard, “Of Cicero’s Plato: Fictions, Forms, Foundations,” 228 n. 13, 233-234. For similar uses of *ingo* in respect to Cicero’s imitation of Plato, cf. *Rep.* 2.3 and 2.21-22.

²⁹ *Ibid.*, 234-42.

³⁰ *Ibid.*, 225-48.

Polus and Callicles complain that Gorgias gave in to Socrates' argument too easily, so does Antonius say the same of Scaevola (cf. 1.214 and *Gorg.*461b).³¹

Schütrumpf's argument raises an important question: What does Cicero achieve in reversing the roles of Socrates and Gorgias? Until Antonius' response, *de Oratore* has proceeded, as I have shown above, as an inversion of the first debate of *Gorgias*: Crassus is a Romanized, idealistic version of the Platonic Gorgias, but takes over the narratological role of Socrates in the *Gorgias* to win over the Stoic Scaevola; Scaevola, on the other hand, takes on the narratological role of Gorgias in giving in to the argument of his interlocutor, but resembles an Antiochean Socrates in his outlook. The answer to this question shall lead us to see why Cicero found Plato such a useful philosopher to think with concerning the problems that faced the late Republic. In *de Oratore*, Cicero is not "anti-Platonic," as Schütrumpf argues,³² but rather opposes the Stoic Antiochean interpretation of the Platonic Socrates with his own Academic Skeptic reading of Plato. The difference is that the former systematically looks to Socrates as a Stoic manifesto of Plato's thought, while the latter admits of the dialogue as a whole, i.e., the arguments of Socrates as well as his interlocutors, as an expressive medium for working out complex political problems. What Cicero gains from his Academic reading of Plato is the flexibility to construe the abstract problems of the *Gorgias* in light of the concrete problems of the Republic of Rome. The interweaving of Antonius' historical anecdotes with the Platonic intertext is therefore crucially important.

³¹ Schütrumpf, "Platonic Elements in the Structure of Cicero De Oratore Book I," 252 n. 79.

³² *Ibid.*, 249.

Indeed, when Antonius draws his distinction between philosophy and rhetoric, he makes two allusions to Platonic dialogues (one to the *Gorgias*, as noted by Schütrumpf, and one to the *Republic*, as noted by Gildenhard), which I shall analyze together in determining how Cicero makes use of an Academic reading of Plato to understand the problems facing the Republic. The allusions themselves criticize Plato from a Stoic reading, but champion him from an Academic reading:

philosophorum autem libros reservet sibi ad huiusce modi Tusculani quietem atque otium, ne, si quando ei dicendum erit de iustitia et fide, mutuetur a Platone; qui, cum haec exprimenda verbis arbitraretur, novam quandam finxit in libris civitatem; usque eo illa, quae dicenda de iustitia putabat, a vitae consuetudine et a civitatum moribus abhorrebant.

de Or. 1.224

Let him reserve, however, the books of the philosophers for his own rest and leisure of this Tusculan sort, so that, if he ever has to talk about justice or fidelity, he does not borrow from Plato; who, when he judged that these things must be expressed in verbs, fashioned out of his imagination a certain novelty of a state in books; even to the extent that those statements, which he thought had to be made concerning justice, **were in complete contrast from everyday life and the characteristics of states.**

de Or. 1.224

φιλοσοφία γὰρ τοῖ ἐστίν, ὃ Σώκρατες, χαρίεν, ἄν τις αὐτοῦ μετρίως ἄνηται ἐν τῇ ἡλικίᾳ· ἐὰν δὲ περαιτέρω τοῦ δέοντος ἐνδιατρίψῃ, **διαφθορὰ τῶν ἀνθρώπων.**

Gorg. 484c

νῆ τὸν κόνα, ἦν δ' ἐγώ, ἔν γε τῇ ἑαυτοῦ πόλει καὶ μάλα, οὐ μέντοι ἴσως ἐν γε τῇ πατρίδι, ἐὰν μὴ θεία τις συμβῆ τύχη. μανθάνω, ἔφη· ἐν ἧ νῦν διήλθομεν οἰκίζοντες πόλει λέγεις, τῇ ἐν λόγοις κειμένη. ἐπεὶ γῆς γε οὐδαμοῦ οἶμαι αὐτὴν εἶναι.

R. 9.592a-b

For philosophy, you see, Socrates, is a charming thing, **if one should reserve it for himself moderately in the time of his youth**; if, however, he should waste more time on it than appropriate, it will prove **ruinous in his dealings with mankind.**

Gorg. 484c

“Yes, by the dog,” I said, “in the city of his heart he will, yet probably not in his fatherland, unless some divine chance should alight upon it.” “I understand,” he said. “you mean in the city, which we’ve discussed, the one established in words, since I don’t expect it to be anywhere on earth.”

R. 9.592a-b

I am indebted to Schütrumpf for his noting of the allusion to the *Gorgias*, and to Gildenhard for his noting of the allusion to the *Republic*.³³ In striving to construe how the

³³ Ibid., 253 n. 79; Gildenhard, “Of Cicero’s Plato: Fictions, Forms, Foundations,” 233–34.

allusions work together, I first turn to Gildenhard's observation that Antonius' statement is peculiar to say the least: He seems to be recommending the study of Plato's *Republic*, so that orators can avoid using arguments from the same work.³⁴ When we consider the allusion to Plato's *Republic*, however, there is nothing peculiar about the statement, when considered from an Academic reading. With the words *novam quandam finxit in libris civitatem*, which Gildenhard rightly calls "a gem of spite,"³⁵ Antonius creates a striking intertext with Socrates' discussion in Book 9 (see underlined text in my citation for the keywords in the allusion). There is more than mere mockery in Antonius' allusion. He recalls a moment, where Socrates and Glaucon admit that Socrates' ideal Republic is, in fact, at odds with real life, just as Antonius says. "A certain new state in books" in Latin (*novam quandam... in libris civitatem*) reminds us of "the city... established in words" in Greek (*πόλει... τῇ ἐν λόγοις κειμένη*). In both Greek and Latin, the emphasis is that such a place could not exist outside of the literary medium in which it is presented. In the erudite irony of Ciceronian dialogue, Antonius insults Plato's ideal republic with a critique of that ideal found in the Platonic source material. Apart from being a moment of urbane wit, this allusion reminds us that this critique of the ideal republic is a Platonic critique, since the Platonic Glaucon made the same concession.

What we can garner from this on Cicero's reading of the *Republic* is that Cicero did not see the dialogue as a rigid manifesto of a philosophical ideal, but rather as a dynamic philosophical drama, in which there is a marked tension between having an ideal

³⁴ Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 233.

³⁵ *Ibid.*, 233–34.

and reconciling oneself with reality. *de Oratore* does not concern itself with the principles of Socrates' ideal state in the *Republic*, but rather with the tension between Crassus' ideal of oratory and the actual practice of oratory. This is where Antonius' allusion to the *Gorgias* is relevant. As I demonstrate in the text of my citation put in boldface above, Antonius imitates the cautionary words of Callicles in 1) marginalizing philosophy (Antonius reserves it for leisure, whereas Callicles for youth) and 2) underscoring its incompatibility with real life. Though the dialogue of Plato's *Republic* is already useful for underscoring the incompatibility of an ideal, it is the Callicles of the *Gorgias* that provides a model for making a compelling argument against the application of the ideal.

The ideal Antonius argues against is one that marries oratory to a precise understanding of Roman Law. Too much precision in speaking is opposed to eloquence, because the precise explanation of complex policies and political positions does not leave room for the rhetorical stylizing, on which effective speaking relies: emotional figures that do not advance the argument, embellishment, and elaboration of ideas simple enough to be understood by an audience of uneven intelligence and educational background. These are not the speeches for which Scaevola was known. Scaevola found success in delivering informative, if rhetorically ineffective, speeches (1.214), but he also lived in an optimal time in history.³⁶ The same is not true for Rutilius, the figure of Antonius' anecdote, nor is it true for Cicero's own contemporaries, such as Cato the Younger.

³⁶ Mankin, *Cicero De Oratore. Book III*, 33.

Indeed, Schütrumpf notes that Antonius' historical example of Rutilius serves the same function as Callicles' warning to Socrates about what will happen to him if he spends too much time with philosophy (cf. 1.228 and *Gorg.*486a).³⁷ In this respect, Cicero seems to have read Callicles' warnings to Socrates in the same way as E. R. Dodds, i.e. as “sincerely meant.”³⁸

Where I disagree with Schütrumpf, however, is with the content of Antonius' critique. It is not practicing philosophy too much that is Antonius' worry, but rather a Stoic rigidity to the principles of Roman law that does not allow for the dynamic flexibility of rhetoric needed for success in the forum. I now cite the most relevant part of Antonius' anecdote on Rutilius:

*Quod si tu tunc, Crasse, dixisses, qui subsidium oratori ex illis disputationibus, quibus philosophi utuntur, ad dicendi copiam petendum esse paulo ante dicebas, et, si tibi pro P. Rutilio non philosophorum more, sed tuo licuisset dicere, quamvis scelerati illi fuissent, sicuti fuerunt pestiferi cives supplicioque digni, tamen omnem eorum importunitatem ex intimis mentibus evellisset vis orationis tuae. Nunc talis vir amissus est, dum causa ita dicitur, **ut si in illa commenticia Platonis civitate res ageretur.** Nemo ingemuit, nemo inclamavit patronorum, nihil cuiquam doluit, nemo est questus, nemo rem publicam imploravit, nemo supplicavit—quid multa? Pedem nemo in illo iudicio supposit, credo, ne Stoicis renuntiaretur.*

But if only you had spoken then, Crassus—you, the very same who were just saying that the orator must seek recourse from the same discourses of philosophers for the sake of elaboration in his own speeches—, and, if it had only been permitted you to speak on P. Rutilius' behalf, not in the manner of philosophers, but in your own, although those men had been bent on criminal intent, though they were, as citizens, a plague on the commonwealth and worthy of punishment, nonetheless, the power of your speech would have wrung every drop of savagery right out of the core of their hearts. Now a man of such character [as Rutilius] has been lost, while his case was being so pled, **as if the debate were being held in that fictional state of Plato.** Not one of his advocates groaned, not one shouted, not one was grieved of anything, not one complained, not one implored the republic, not one made supplication—why go on? No one so much as stamped a foot, lest, I reckon, he be reported to the Stoics.

de Or. 1.230

³⁷ Schütrumpf, “Platonic Elements in the Structure of Cicero De Oratore Book I,” 252.

³⁸ Dodds, *Plato: Gorgias*.

There is much to comment on in this rich passage. It is first important to note how Antonius' critique of Rutilius for defending himself as if he were "in that made-up state of Plato" echoes Cicero's own critique of Cato the Younger in his letter to Atticus, as we saw in Chapter 1 (*Att.* 2.1). We also have Antonius' thesis that Crassus' practice differs from his philosophical ideal, and supports this claim with examples of Crassus' emotional rhetoric that logical exposition would not permit (the preface to Book 3 at 3.5-6 describing Crassus' swansong affirms this).

What is of further interest is Antonius' caricature of the Stoics not daring to show emotion, lest they be reported as betraying their ideal. Antonius' reasons for criticizing Stoicism become clear in the resemblance which the historical case of Publius Rutilius bears to that of Cato the Younger. Cato the Younger passed legislation that reinforced his own political principles, but failed to conciliate the good will of the equestrian class; in 92 BC, Rutilius was similarly sentenced to exile in an equestrian court.³⁹ Antonius' implication is that Rutilius might have avoided this fate, if he had made more of a rhetorical effort to make himself sympathetic to the equestrians. As we discussed in Chapter 1, Cicero found Cato's new taxation law sound in principle, but pragmatically foolish for its alienation of the interests of the equestrian class. Thus, the Roman political ideal held under scrutiny is a rigid commitment to principles incapable of admitting rhetorical flexibility. Antonius' description of Plato's *Republic* as "made-up" reminds us of his own allusion made to this same work by Plato earlier (1.224, as cited above). What

³⁹ Mankin, *Cicero De Oratore. Book III*, 24–25.

Cicero has learned from Plato in formulating Antonius' critique is the need to reconcile or compromise one's ideals, in order to find success in the real world.

That this lesson is Platonic can be further adduced by Antonius' retelling of the story of the Platonic Socrates' defense and execution. When Antonius begins telling the story, he makes a direct connection, explaining that Rutilius followed the example of Socrates (1.231). The two major details of the story are Socrates' refusal to use Lysias' speech⁴⁰ as well as Socrates' tactless boast of deserving free meals at the Prytaneum (1.231-232). The reference to Lysias is significant because, as we shall explore, the *Phaedrus* is another important intertext to *de Oratore* in reference to this tension between ideal oratory and pragmatic oratory, and Lysias is disparagingly treated in the *Phaedrus* as a poor orator by Socratic standards. The retelling of Socrates' claim to deserve the honors of the Prytaneum, one of the more comical moments of Plato's *Apology* (36b), underscores the importance of being flexible enough to win support of audience members that may have differing viewpoints. Although Socrates may have been justified to demand free meals at the Prytaneum, it was unpolitic of him to say that to an audience of jurors unlikely to sympathize with such boldness. To be philosophically principled in the courtroom is, as Cicero tells us through Antonius, an absurdity. Rutilius was absurd in thinking that a logical exposition of his principles could save him from punishment, when the court was made up of equestrians, i.e. men not likely to sympathize with him. Cato the Younger is also an absurdity in the courtroom for his own Stoic rigidity. Thus, Cicero

⁴⁰ Leeman et al. II.152-153 note that this story comes from Diogenes Laertius 2.40-1 (Leeman and Pinkster, *De Oratore Libri Iii Kommentar I-IV*, II. 152-153).

channels Plato in his contemplation of how the political ideal for the Roman statesman is incompatible with the real world of politics.

There is one last significant allusion to the *Gorgias* in Antonius' counterargument to Crassus which Schütrumpf does not discuss. It pertains in particular to Antonius' mockery of Roman Law as irrelevant and even detrimental to an orator's success (see especially 1.245). At the conclusion of Antonius' argument, Crassus jokes that Antonius has turned the orator into a "mechanic" (*operarius* at 1.263), which echoes Socrates' own characterization of the orator as such in the *Gorgias* (*mechanopoios* at 512b-d). Scaevola, on the other hand, says that he did not mind seeing Antonius "tear apart" Roman Law as much as he was amused to hear Antonius admit that he did not understand it (1.265). Scaevola's comment is a gloss on Crassus' allusion to the *Gorgias*. Crassus is not simply upset that Antonius has diminished the status of the orator, but rather by the ethical implications that success at court is not connected to knowledge of Roman Law. This means that the enterprise of public speaking can, in fact, "tear apart" the law. Indeed, Scaevola's playful description of Antonius as "tearing apart" the law (*pervellit*) reminds the reader of Scaevola's reference of the Gracchi, who literally did "destroy" (*dissipaverunt*) the republic (cf. 1.38 and 1.265).

2.5 The Interlude of Book 2

In respect to the Platonic narratives of *de Oratore*, Book 2 is transitional. Antonius allows for certain bodies of knowledge that might reconstitute oratory as an "art," but these bodies of knowledge do not allow for the idealized expert of Roman Law that Crassus presented to Scaevola. As I argue, the tension between the ideal of a Roman

legal expert realized by Scaevola and the real-life practice of Crassus needed to stabilize the Republic in tumultuous times is central to the Platonic narrative of *de Oratore* as a whole, when we systematically consider the most telling references to Plato. Antonius contributes to this tension by defining the art of oratory over and against this ideal of Scaevola.

Crassus gives us a sense for this tension in Book 2, when he turns the role of speaking over to Antonius. At the beginning of the second dialogue, Crassus feels uneasy about the argument he made in Book 1 (2.15-18) and turns down Catulus' request to continue philosophizing on the grounds that it might be inept (2.20). As I argue, Crassus' professed hesitation to philosophize is not genuine, and the source of his ill-feeling does not have to do with the status of oratory, but rather with the incompatibility of a strict approach to Roman Law and success in politics. My evidence for this stems from a telling allusion to Plato's *Phaedrus*, for which I am indebted to Woldemar Goerler.⁴¹ Though I am taking the allusion from Goerler's article, the interpretation is my own. In discussing what it means to be at leisure, Crassus alludes to the stories Scaevola himself once told him about the leisurely activities the latter enjoyed when on vacation with Laelius and Scipio. Crassus then compares the souls of the vacationers with birds in a simile that echoes Socrates' bird-simile from the *Phaedrus*:

Sic enim res sese habet, ut, quem ad modum volucris videmus procreationis atque utilitatis suae causa fingere et construere nidos, easdem autem, cum aliquid effecerint, levandi laboris sui causa passim ac libere solutas opere

ἔστι δὴ οὖν δένδρο ὁ πᾶς ἥκων λόγος περὶ τῆς τετάρτης μανίας—ἦν ὅταν τὸ τῆδέ τις ὄρων κάλλος, τοῦ ἀληθοῦς ἀναμνησκόμενος, περῶνται τε καὶ ἀναπτερούμενος προθυμώμενος ἀναπτέσθαι, ἀδυνατῶν δέ,

⁴¹ Goerler, "From Athens to Tusculum. Gleaning the Background of Cicero's *De Oratore*," 225.

*volitare, sic nostri animi negotiis forensibus
atque urbano opere defessi gestiant ac volitare
cupiant vacui cura ac labore.*

de Or.2.23

The situation is indeed thus: **just as** we see that **birds**, for the sake of procreation and their own benefit fashion and construct nests, yet these same birds, as soon as they've finished any part of the work, for the sake of relieving themselves of labor, fly freely and all about, releasing themselves from working, **so our own souls**, exhausted from the business of the forum and our work in the city, rejoice and **long to fly**, free of work and worry.

de Or.1.23

*ὄρνιθος δίκην βλέπων ἄνω, τῶν κάτω δὲ
ἀμελῶν, αἰτίαν ἔχει ὡς μανικῶς διακείμενος.*

Phdr.249d

This has been my speech so far concerning the fourth type of madness—which constitutes the cause for someone behaving madly, whenever one, seeing beauty in this way, being reminded of the truth, feels his wings grow and **longs to stretch them out in flight**, but is unable and **looks up like a bird, forgetful of things below**.

Phdr.249d

I have put the words in boldface that the two texts have in common. What is striking in Cicero's imitation of Plato is that he has reversed the order of importance of heavenly philosophy and earthly politics: The leisure to which the souls "long to fly" is of less importance than the work in politics they would be escaping. In Plato, however, all things earthly are of such little importance in respect to contemplation of the truth, that the activities that would be escaped are not even spelled out, but reductively summarized as "things below."

Although the leisurely activities Crassus lists do not include philosophy, there are compelling hints that philosophy is what Crassus really has in mind. One such intimation is the highly philosophical nature of his argument in Book 1, and the other is, as Mankin notes, his evasion of the discussion of *ornatus*, the least philosophically interesting topic (in respect to ethics), and excursion on philosophy in Book 3 (as I discuss below).⁴²

Thirdly, there is the fact that *de Re publica* has for its setting the very rustic vacation

⁴² Mankin, *Cicero De Oratore. Book III*, 10–11.

between the same persons named in Crassus' story (the same Scaevola, as a younger man, is indeed present, in addition to the principle figures of Laelius and Scipio), and it is philosophy that constitutes the leisurely activity. Fourthly, and perhaps most compellingly, Antonius, as we have seen, called philosophy an appropriate activity for such rustic holidays as Crassus describes (1.224). The thematic importance of this bird-simile, then, is a challenge to philosophy: The philosophy of Plato is not so much in question, as that of the Stoic Scaevola, who is the source for the story to which this simile belongs. In Book 1, Crassus attempted without success to create an ideal orator that met Scaevola's strict standards, and in Book 2, Crassus hesitates to continue the debate. Just as nest-building is of the utmost importance to the birds, so is the Roman forum to Crassus and his interlocutors; the philosophical discussions underway throughout *de Oratore*, however, are trivialized as mere activities of leisure (cf. Antonius at 1.224). The simile thus reinforces the tension between philosophical idealism (as represented by Crassus and Scaevola in Book 1) and the reality of human nature (as represented by Antonius, who has taken over the dialogue as main interlocutor).

Though Antonius does change his attitude slightly about philosophy and rhetoric, the kind of philosophy he permits the orator is not what Crassus had optimistically presented to Scaevola in his description of the ideal orator in Book 1. The body of knowledge that Antonius does permit the orator in Book 2 pertains to the Aristotelian doctrine of topics (2.151-177) and how to affect the psychology of one's audience with speech (2.178-216). The second of these aligns Antonius with the Socrates of the *Phaedrus*, since this is also one of the few bodies of knowledge that Socrates permits

rhetoric. This is a change in Antonius' character, since he belittled this same knowledge, when citing a debate in Athens between Menedemus and Charmadas about whether orators needed philosophy or not. Menedemus makes an argument profoundly similar to that of Socrates in the *Phaedrus*, but loses the debate. His argument is the following:

caput enim esse arbitrabatur oratoris...uti eorum, qui audirent, sic afficerentur animi, ut eos adfici vellet orator; quod item fieri nullo modo posse, nisi cognosceret is, qui diceret, quot modis hominum mentes et quibus rebus et quo genere orationis in quamque partem moverentur; haec autem esse penitus in media philosophia retrusa atque abdita, quae isti rhetores ne primoribus quidem labris attigissent.

de Or.1.87

Indeed, he [Menedemus] was judging that the orator's objective was... that the souls of his audience be affected in the way he want them to be; this indeed could not happen at all, unless the speaker knew **in how many ways and for what reasons and by what kind of speech the minds of men were moved in each direction**; these truths however, which those teachers of rhetoric didn't even have a kissing familiarity with, were thrust away and hidden deeply in the heart of philosophy.

de Or.1.87

τρίτον δὲ δὴ διαταξάμενος τὰ λόγων τε καὶ ψυχῆς γένη καὶ τὰ τούτων παθήματα δέισι πάσας αἰτίας, προσαρμόττων ἕκαστον ἑκάστῳ καὶ διδάσκων οἷα οὐσα ἢ οἷων λόγων δι' ἣν αἰτίαν ἐξ ἀνάγκης ἢ μὲν πείθεται, ἢ δὲ ἀπειθεῖ.
Phdr.271b

And thirdly, after **putting in order the kinds of speeches and kinds of soul and the ways these kinds of soul are moved**, he will go through all the causes, joining each kind of speech to each kind of soul and teaching what **kind of soul is necessarily persuaded or not persuaded by what kinds of speeches and for what reason**.

Phdr.271b

Although Antonius in Book 2 makes this concession to the argument of Menedemus (as well as the Socrates of the *Phaedrus*), what he does not concede is equally important: As Charmadas successfully argued, the orator does not deal with truths, but rather with the shadowy opinions of the public to win his case (1.93). Charles Griswold, in fact, sees this discrepancy as the problem with rhetoric in the *Phaedrus*: Socrates knows that it is possible for a skilled orator not to understand the truth himself and deceive others in respect to mutually held opinions, but he is uncomfortable with that reality and therefore calls such practitioners of rhetoric “laughable” and not truly possessing an “art” in the

scientific sense for their ignorance (261d-262c).⁴³ The problem of their success, however, remains. As Harvey Yunis duly notes, the ethical problem of the *Gorgias* concerning rhetoric is dropped in the *Phaedrus*: “namely, the inevitable futility of the expert’s discourse in a competitive democratic setting.”⁴⁴ I quote Yunis on the amoral nature of rhetoric in the *Phaedrus* even with dialectic knowledge:

Although the material which dialectical knowledge provides a speaker for rhetorical purposes is based on objective reality, the speaker’s dialectically acquired, rhetorically useful knowledge does not insure that his discourse will be true, just, or expedient. The truth, justice, or utility of a discourse is a contingent matter not connected to rhetorical art and is determined by extra-rhetorical factors (ad *Phdr.* 265d-266b).⁴⁵

I agree with Griswold’s reading that this amorality is made conspicuous and presented as a problem in the *Phaedrus*.⁴⁶

I would further argue that this amoral nature of political rhetoric is also problematic in Cicero’s *de Oratore*. Indeed, Antonius follows the Platonic Socrates in hesitating to call rhetoric an art (cf. *in hac sive ratione sive exercitatione dicendi* at 2.70 and *μία τις τέχνη, εἴπερ ἔστιν* at *Phdr.*261e); furthermore, both Antonius and Socrates make this hesitation, when discussing the ability of rhetoric to make things seem true: Socrates discusses the Eleatics, who can make like and unlike things resemble each other (261d-e), and Antonius uses the metaphor of a sculptor to argue that one imitating knowledge broadly need not have specialized knowledge (2.70). This is a devastating qualification to make, especially in respect to the ideal orator Crassus presented to Scaevola—i.e. one expert in Roman Law. That is why Antonius not only repeats his

⁴³ Griswold, *Self-Knowledge in Plato’s Phaedrus*, 170.

⁴⁴ Yunis, *Plato: Phaedrus*, 185–86.

⁴⁵ *Ibid.*, 197.

⁴⁶ Griswold, *Self-Knowledge in Plato’s Phaedrus*, 170.

injunction that philosophy should only be indulged in moderation (2.153), but also draws a sharp distinction between philosophy and practice that goes in the teeth of Crassus' ideal presented to Scaevola: Antonius jokingly says to Crassus that the forum is a "millhouse" in which they will have to spend the rest of their lives, and that "the yawning and drowsy expertise (*sapientiam*) of Scaevolae" is best left off to leisure (2.143-145). With the word "millhouse" (*pistrinum*), Antonius uses the same word to describe oratory that Crassus did, when he was describing the attitude about oratory from which he wanted to distance himself (cf. 1.46). With the reference to "the yawning" of Scaevola, Antonius effectively states that he has not changed his mind in respect to Scaevola's area of expertise: Roman Law is irrelevant to oratory. This is a theme to which Cicero is sensitive. The Gracchi, as cited by Scaevola (1.38), succeeded in undermining Roman Law to achieve political success. Cicero's political enemy, Clodius, had manipulated Roman Law to send Cicero into exile. At the other extreme are men such as Cato the Younger, who, like Scaevola and Rutilius, puts his own cause at a disadvantage for refusing to swerve from the law in the same way as his political opponents.

Although Antonius is critical of any idealization of rhetoric in a moral sense, he is not amoral himself, but rather a pragmatist. While he struggles not to be naïve either by extolling oratory as an inherently good pursuit or by marrying himself to an ideal at odds with reality, he does recognize the orator's importance and potential for good. I now cite Antonius' adaptation of the horse metaphor from the *Phaedrus* along with the more complete adaptation of the same passage from *de Re publica*:

Huius est in dando consilio de maximis rebus cum dignitate

"Prudentem fortasse quaeris?" Tum ille: "Istum

ὁ μὲν τοίνυν αὐτοῖν... τιμῆς ἐραστῆς μετὰ σωφροσύνης τε

explicata sententia; eiusdem et languentis populi incitatio et effrenati moderatio eadem facultate...

*de Or.2.35*⁴⁷

ipsum. “*Est tibi ex eis ipsis, qui adsunt, bella copia—vel ut a te ipso ordiare.*” Tum Scipio: “*Atque utinam ex omni senatu pro rata parte esset! Sed tamen est ille prudens, qui, ut saepe in Africa vidimus, immani et vastae insidens beluae coercet et regit, quocumque vult, levi admonitu aut tactu inflectit illam feram.*” “*Novi et, tibi cum essem legatus, saepe vidi.*” “*Ergo ille Indus aut Poenus unam coercet beluam, et eam docilem et humanis moribus adsuetam; at vero ea, quae latet in animis hominum quaeque pars animi mens vocatur, non unam aut facilem ad subigendum frenat et domat, si quando id efficit, quod perraro potest. Namque et illa tenenda est ferox...*”

Rep.2.67

καὶ αἰδοῦς, καὶ ἀληθινῆς δόξης ἑταῖρος, ἄπληκτος, κελεύσματος μόνον καὶ λόγῳ ἠνιοχεῖται· ὁ δ’ αὖ...πολύς εἰκῆ συμπεφορημένος, κρατεράχην... ὕβρεως καὶ ἀλαζονείας ἑταῖρος... μάστιγι μετὰ κέντρων μόγις ὑπέικων ταπεινωθεὶς ἔπεται ἤδη τῆ τοῦ ἠνιόχου προνοία...

Phdr.253d-e, 254e

It is the task of the orator, when **council** must be taken concerning the most important topics, **to unfold his political position with dignity**; the same man is responsible for **spurring** on the people when languid and **curbing** them when unbridled...

de Or.2.35

“Perhaps you’re seeking the prudent man?” Then he responded: “That’s him alright.” “There’s a pretty good opportunity for that from the same men who are present—why, you could even start with yourself!” Then Scipio: “If only we could say the same of the whole senate! But there is nonetheless that prudent man, who, as we’ve often seen in Africa, sitting upon a vast and monstrous

One of the two, you see, a **friend of honor with restraint and a sense of shame**, and a friend of true opinion, **being docile, is easily guided by the word of instruction alone**; the other one, however, **since his passions have been in a big way jumbled together at random and his neck is resistant**, is a friend of extreme behavior and imposture and **scarcely obeys the whip and goads**

⁴⁷ There are also profound similarities to Marcus’ citation of Platonic music theory in Book 2 of *de Legibus*:

Adsentior enim Platoni nihil tam facile in animos teneros atque mollis influere quam varios canendi sonos, quorum dici vix potest quanta sit vis in utramque partem. Namque et incitat languentis, et languefacit excitatos, et tum remittit animos tum contrahit, civitatumque hoc multarum in Graecia interfuit, antiquom vocum conservari modum; quarum mores lapsi ad mollitias pariter sunt inmutati cum cantibus, aut hac dulcedine corruptelaque depravati ut quidam putant, aut cum severitas morum ob alia vitia cecidisset, tum fuit in auribus animisque mutatis etiam huic mutationi locus. (Leg. 2.38)

beast, coerces that wild thing and guides it, wherever he wants, **with gentle instruction and steers it with a touch.**” “I know, and, while I served as your legate, I often saw it.” “You see, that Indian or Phoenician coerces one beast, and one that is **docile and accustomed to the character of humanity**; and yet the beast, which lurks in the minds of mankind, and the part of the mind which is called the heart, **cannot be bridled or tamed as a single entity or one easily given to subordination**, which happens quite rarely, **if at all**. And indeed even that beast must be restrained.”

Rep.2.67

combined... and [only after] having been worn out, follows at length the forethought of the charioteer...

Phdr.253d-e, 254e

I have put words in boldface in common between *de Oratore* and the *Phaedrus*, and underlined those between *de Re publica* and the *Phaedrus*. It is instructive to see both passages because, as I argue in Chapters 3 and 4, *de Re publica* and *de Legibus* bring resolutions to the problem of rhetoric. *De Oratore* portrays the enterprise of rhetoric from a mostly technical standpoint, i.e. relating how one succeeds in oratory, but there is also an ethical component, which becomes especially pronounced in Book 3: rhetoric is an amoral skill, which can be manipulated by ambitious men to undermine Roman values. *De Re publica* and *de Legibus* continue the thread of Platonic allusion to address this problem and create a form of political persuasion that puts rhetoric and Roman values in their proper place.

2.6 *The Phaedrus in Book 3*

As I discussed above, Book 3 of *de Oratore* follows the *Phaedrus* through its incorporation of the palinode. Crassus gives two accounts of *ornatus*: One leads to a philosophical digression (3.53-143), which surprises Crassus' interlocutors and strikes them as off topic (3.143-147), and the second (3.148-208) is prompted by Sulpicius, who is disappointed on not hearing the lesson on style which he had been anticipating (3.147). As David Mankin notes, Crassus, like Socrates in the *Phaedrus*, contradicts himself between the two speeches:

Where in the first part of his discourse he insisted on the primacy for the ideal orator on "internal" content furnished by *doctrina* and *rerum copia* [cf. especially 3.19-24], he now asserts that it is prose rhythm, a purely "external" aspect of *ornatus*, which above all "distinguishes the true orator from the man unlearned in speaking" (175), and although the digression suggests a philosophical basis for rhythm (178n.), when he explicitly cites the philosophers it is no longer for their philosophy proper and its bearing on subject matter, but for their rhetoric and the "authority" it lends to his treatment of this stylistic device neglected in conventional rhetorical teaching (187-8; see 173n.).⁴⁸

I do not agree with Mankin, however, that this second palinode is a "*dissimulatio*."⁴⁹ On the contrary, I see the palinode of *de Oratore* as being an inversion of Socrates' palinode in the *Phaedrus*. In the *Phaedrus*, Socrates first makes a cynical speech denigrating love, then apologetically makes a second speech to champion ideal love. In *de Oratore*, Crassus begins with the ideal in his first speech, then reluctantly returns to the amoral reality in his second speech (esp. 3.197).⁵⁰ Indeed, it is shortly after Crassus reduces the role of philosophy to mere semantics (as Mankin outlines above) that Antonius pays Crassus the highest compliment paid anyone in the entire dialogue:

⁴⁸ Mankin, *Cicero De Oratore. Book III*, 15.

⁴⁹ *Ibid.*

⁵⁰ For Crassus' distaste for the material of his second speech, see *ibid.*, 16.

"Ego vero" inquit Antonius "inveni iam, quem negaram in eo, quem scripsi, libello me invenisse eloquentem. Sed eo te ne laudandi quidem causa interpellavi, ne quid de hoc tam exiguo sermonis tui tempore verbo uno meo deminueretur."

"Truly" said Antonius, "I have found now what I had claimed never to have found in the book I wrote: someone eloquent. But I dared not interpret you even for the sake of giving praise, lest anything be taken away from the short time for your speech on account of a single word on my part."

de Or. 3.189

It is fitting that Crassus hear this complement from Antonius, the political pragmatist who, in Book 2, assigned to philosophy the same diminished role.⁵¹ In this sense, the palinode structure of Book 3 draws a stark contrast between the way oratory should ideally work and the way it does work. This contrast is further reinforced by the differences between Cotta and Sulpicius: Cotta, the more philosophical of the two—and, consequently, the only interlocutor, along with Catulus, receptive to Crassus' first speech (3.144-145)—is a less talented speaker (3.29) than Sulpicius, who exhibits the least interest for philosophy after Crassus' first speech (3.147) and proves to be, according to Cicero's own estimation in the preface to Book 3, morally bankrupt (3.11).⁵² In my own analysis of this palinode structure and the difference it reinforces between ideal and real, I trace the thread of Platonic allusion to interpret Plato as at the heart of this problematic contrast.

⁵¹ I stand somewhat apart from David Mankin in this respect, because he sees Antonius' compliment as being ambiguous as to whether it refers to Crassus' speaking ability or the content of Crassus' speech, and if it does refer to the content, it is unclear whether it refers to the content of the first speech or the palinode (Ibid.). I see Antonius' compliment as sincerely meant, but referring to the palinode rather than the philosophical digression that came before it, where Antonius' silence is pregnant (cf. 3.144-147 and 194). In this respect, I also disagree with John Hall, who sees Antonius' compliment as an unqualified "final seal of approval on Crassus' view" (Hall, "Persuasive Design in Cicero's *De Oratore*," 221). It is also significant that Crassus makes a wish in vain, during his second speech, that his interlocutors cared more for philosophy (*de Or.* 3.197)

⁵² On the meaningful contrast between Cotta and Sulpicius, see Mankin, *Cicero De Oratore. Book III*, 13–14, 26–28, 38, 40–41.

Even in the first half of Crassus' palinode, Crassus must revise his ideal, because it is ostensibly incongruent with reality. The philosophical ideal for the orator is at its most extreme at the beginning of Crassus' speech, where he puts so much emphasis on expert knowledge of a speech's content (3.19-24), that he concludes it is impossible to give a lesson on style (3.25-36).⁵³ The second half of the palinode, of course, is just this lesson on style, which he claimed impossible here!

I now turn to Crassus' idealistic pronouncement of his so-called "maximalist view,"⁵⁴ regarding the orator's mastered bodies of knowledge. There is both a citation and allusion to two different works of Plato here, and, as I argue, the first represents the Antiochean-Stoic reading of Plato, and the second Cicero's dynamic reading of Plato as political pragmatist:

Sed si haec maior esse ratio videtur, quam ut hominum possit sensu aut cogitatione comprehendere, est etiam illa Platonis vera et tibi, Catule, certe non inaudita vox, omnem doctrinam harum ingenuarum et humanarum artium uno quodam societatis vinculo contineri; ubi enim perspecta vis est rationis eius, qua causae rerum atque exitus cognoscuntur, mirus quidam omnium quasi consensus doctrinarum concentusque reperitur. Sed si hoc quoque videtur esse altius, quam ut id nos humi strati suspicere possimus, illud certe tamen, quod amplexi sumus, quod profitemur, quod suscepimus, nosse et tenere debemus.

But if this theory appears to be greater than mankind can comprehend through the senses or thought, there is still that voice of Plato, which speaks the truth and, Catulus, is certainly not unknown to you: all learning of the these liberal and humane arts is connected by a certain single bond of fellowship; wherever indeed the significance of the theory, by which the causes and ends of all things are known, is grasped, a certain wondrous agreement, as it were, and harmony of all the disciplines is found. But if this also seems loftier than we earth-strewn beings are able to gaze up at, we certainly should at least know that object, which we've embraced, which we profess, which we gaze up at.

*de Or.*3.21-22

⁵³ Ibid., 10 n. 20.

⁵⁴ Ibid., 116; May and Wisse, *Cicero on the Ideal Orator*, 19.

As Mankin notes, the source for Crassus' citation of Plato is the *Epinomis* (now thought spurious), specifically where the Athenian stranger recommends the study of number-systems, so as to elucidate "the bond" (*desmos*) holding together all areas of learning (Epin.991c-992a). That Plato is cited by name is sufficient evidence that Cicero intended this work, especially when we consider the fact that he felt the Athenian Stranger to be the mouthpiece of Plato in *de Legibus* (see Chapter 4); however, it is worth noting that scholars have suspected a Stoic source for this citation of Plato.⁵⁵ This is also profoundly similar to the dubious citation of Socrates in the mouth of the Stoic Scaevola in Book 1 (1.204, as analyzed above). I would argue that the presence of this Stoic ideal is 1) to remind the audience of Crassus' model of the ideal orator in Book 1 that had been so pleasing to Scaevola and 2) to critique it from the standpoint of pragmatism. Indeed, I am not the first to notice that even in Crassus' first speech, he relaxes this ideal of maximalist knowledge and restricts it to ethics (3.54, 72, 76, 107).⁵⁶ Leeman et al. explain that Cicero is offering both more practical and more idealistic explanations.⁵⁷

I would argue, however, that Cicero is dramatizing the incompatibility of this ideal with actual life. In fact, the allusion to Plato in the second part of this statement speaks to this. As Mankin notes, with the Latin words *humi... suspicere*, Crassus is offering a gloss on the word *humanus*, which had just been used to describe the "humane arts" (3.21, see above). This, in fact, is a reference to Socrates' gloss on *Anthropos* with

⁵⁵ Mankin, *Cicero De Oratore. Book III*, 116; Leeman and Pinkster, *De Oratore Libri Iii Kommentar I-IV*, IV. 134-135; Bees, "Die Einheit von Redekunst Und Philosophie: Poseidonios Bei Cicero, De Oratore 3.19-24."

⁵⁶ Mankin, *Cicero De Oratore. Book III*, 116.

⁵⁷ Leeman and Pinkster, *De Oratore Libri Iii Kommentar I-IV*, IV. 93-95.

the verb *anathreo* in the *Cratylus* (*Cra.*399c):⁵⁸ both *susplicere* and *anathreo* mean to “gaze up.” In the adaptation of the *Cratylus*, we can see that Cicero is thinking both with and against Plato, since the Latin of *humanus* allows Cicero to put special emphasis on the earthbound nature of mankind (*humi strati*). Crassus might have an ideal for the orator’s level of expertise to satisfy Scaevola, but this must be compromised, if one is to have any success at court.

There is another allusion to Plato, when Crassus, elaborating on the breadth of oratory’s subject matter and applicability to various situations, echoes Socrates’ definition of rhetoric.

nam sive de caeli natura loquitur sive de terrae, sive de divina vi sive de humana, sive ex inferiore loco sive ex aequo sive ex superiore, sive ut impellat homines sive ut doceat sive ut deterreat sive ut concitet sive ut reflectat sive ut incendat sive ut leniat, sive ad paucos sive ad multos sive inter alienos sive cum suis sive secum, rivis est diducta oratio, non fontibus, et, quocumque ingreditur, eodem est instructu ornatuque comitata.

*de Or.*3.23

For **whether one speaks of the nature of heaven or of earth, whether of divine power or human**, whether from a lower position, a level position, or a higher position [i.e., below a praetor’s tribunal, in the senate among peers, or from a tribunal of the people], whether to

ἄρ’ οὖν οὐ τὸ μὲν ὅλον ἢ ρητορικὴ ἂν εἴη τέχνη ψυχαγωγία τις διὰ λόγων, οὐ μόνον ἐν δικαστηρίοις καὶ ὅσοι ἄλλοι δημόσιοι σύλλογοι, ἀλλὰ καὶ ἐν ἰδίοις, ἢ αὐτῇ σμικρῶν τε καὶ μεγάλων πέρι, καὶ οὐδὲν ἐντιμότερον τό γε ὀρθὸν περὶ σπουδαῖα ἢ περὶ φαῦλα γιγνόμενον;

*Phdr.*261a-b

Then wouldn’t rhetoric, as a whole, be an art of moving the soul through speeches, **not only in law courts and all the other gatherings of the people, but also in private settings, [it is] the very same thing concerning small matters and great**, and, in its proper use, is no more

⁵⁸ The passage is more closely imitated in *de Legibus* 1, as I explore in Chapter 4:

Nam cum ceteras animantes abiecisset ad pastum, solum hominem erexit et ad caeli quasi cognitionis domiciliique pristini conspectum excitavit...

Leg. 1.26

σημαίνει τοῦτο τὸ ὄνομα ὁ “ἄνθρωπος” ὅτι τὰ μὲν ἄλλα θηρία ὧν ὄρα οὐδὲν ἐπισκοπεῖ οὐδὲ ἀναλογίζεται οὐδὲ ἀναθρεῖ, ὁ δὲ ἄνθρωπος ἅμα ἐώρακεν—τοῦτο δ’ ἐστὶ τὸ “ὄπωπε” —καὶ ἀναθρεῖ καὶ λογίζεται τοῦτο ὁ ὄπωπεν. ἐντεῦθεν δὴ μόνον τῶν θηρίων ὀρθῶς ὁ ἄνθρωπος “ἄνθρωπος” ὠνομάσθη, ἀναθρῶν ἂ ὄπωπε.

Crat. 399c

compel people or to teach them or to deter them or to rouse them or to restrain them **or to motivate them or to relax them**, whether amid few or many, **whether among strangers or with friends or by oneself, rhetoric is divided in its channels, not in its sources**, and wherever it issues, it is accompanied there by material for arrangement as well as outfitting.
*de Or.*3.23

deserving of honor when it deals **with serious issues than when it deals with trivial?**

*Phdr.*261a-b

This allusion has been noted by Leeman et al.⁵⁹ as well as Mankin.⁶⁰ What they have not noted, however, is the significance of the Platonic intertext in the narrative of *de Oratore* as well as the comical tone of Cicero's adaptation, which in its exuberant antitheses, anaphora of *sive*, and rhyme (e.g., *doceat... deterreat... incendat... leniat*), comes stylistically closer to the laughable speech of the Platonic Agathon in the *Symposium* than it does to the stately encomium on rhetoric delivered by Crassus in Book 1 (cf. 1.30-33) or even by Antonius in Book 2 (cf. 2.35). Crassus is essentially parodying what he had said before in Book 1. His grounds for parody become clearer, when we consider the Platonic intertext of Socrates' definition of rhetoric in the *Phaedrus*. As Yunis notes, it is in the full consideration of the logical consequences of this definition that Socrates leaves behind the problem of rhetoric in the *Gorgias*: "the inevitable futility of the expert's discourse in a competitive democratic setting."⁶¹ I agree with Griswold's reading that this absence has a conspicuous presence in the *Phaedrus*: Socrates realizes that a speaker can persuade an audience to believe something false, while being erroneously convinced of

⁵⁹ Leeman and Pinkster, *De Oratore Libri Iii Kommentar I-IV*, IV. 142.

⁶⁰ I disagree, however, with Mankin's characterization of the imitated passage from the *Phaedrus* as "Socrates' attack on oratory" (Mankin, *Cicero De Oratore. Book III*, 117). On the contrary, Harvey Yunis sees Socrates' definition of rhetoric as not only sincerely meant, but breakthrough: "S. puts forward a definition of rhetoric that involves two novel claims: rhetoric is a kind of *psychagogia* (261a7), and rhetoric deals with any topic in any setting(261a8-b2)" (Yunis, *Plato: Phaedrus*, 183).

⁶¹ Yunis, *Plato: Phaedrus*, 186.

that falsehood himself, but this would only make his speech artless and ridiculous, not unsuccessful in its objective of persuasion.⁶² I argue that Cicero's reading of the *Phaedrus* is similar, and that Crassus, like Socrates, reluctantly comes to this realization. In Cicero's world, the fear is not the denigrated status of rhetoric as not truly being an art, but rather the ability of men like the Gracchi (as discussed by Scaevola at 1.38) to succeed, despite either their ignorance of, or refusal to acknowledge, the law.

When Crassus abandons the "maximalist view" and, like Socrates in the *Phaedrus* (269d-272b), defines the required knowledge of the orator to contain only human character and psychology (3.54),⁶³ he expresses some discomfort on the amorality and potential dangers of rhetoric:

quae quo maior est vis, hoc est magis probitate iungenda summaque prudentia; quarum virtutum expertibus si dicendi copiam tradiderimus, non eos quidem oratores effecerimus, sed furentibus quaedam arma dederimus.

The greater this power is, the more it must be joined to probity and the utmost prudence; if we've handed over the power of speech to those devoid of these virtues, we have indeed not made them orators, but given certain weapons to madmen.

de Or.3.55

In so doing, he echoes two works of Plato. The first allusion, as noted by Mankin, is to the *Gorgias*, where the Platonic Gorgias excuses himself, as teacher of rhetoric, from the unjust uses to which his students might put the skill of speaking (*Gorg.456c-457c*).⁶⁴ What makes this probable as an allusion, is that the Platonic *Gorgias* uses the adverb *ὀρθῶς* to describe such villains as "not using properly" the art of rhetoric; in Cicero's philosophy, *probitas* has the equivalent semantic range on the subject of morals (cf.

⁶² Griswold, *Self-Knowledge in Plato's Phaedrus*, 169–70.

⁶³ Mankin, *Cicero De Oratore. Book III*, 140.

⁶⁴ *Ibid.*, 143.

*Off.*1.62). The more compelling allusion, however, is to Book 1 of Plato's *Republic*, where Socrates asks Cephalus whether it would be just to give a madman weapons that are technically due to him (*R.*1.331c). Thanks to David Hahn's careful study of Book 3 of *de Re publica* (see Chapter 3), we know that Cicero had been reading Book 1 of the *Republic* closely at this time. We also know from the letter to Atticus, that Cicero modeled Scaevola's early departure from the dialogue on Book 1 of Plato's *Republic*.

The Platonic intertext of this statement has profound implications: We are not only reminded of Socrates' conversation with Cephalus, but also of Crassus' earlier conversation with the Roman Cephalus, Scaevola, along with his commitment to virtue (1.204, as cited above). Scaevola, as a good Stoic reader of Plato, had promoted the Socratic paradox of the unity principle, which had its reprise in the mouth of Crassus's allusion to Plato's pronouncement of the unity of areas of learning in the Stoic *Epinomis* (3.21, as cited above). With this statement on giving weapons to madmen, however, Crassus effectively contradicts both principles: 1) learning the art of oratory is not one predicated on the practice of Roman virtues (1.204); 2) learning the art of oratory is not connected with other expert knowledge in other fields (3.21), such as Roman Law.⁶⁵ Like Cephalus, Scaevola is wrong, but he is wrong in ways with dangerous implications for politics.

This is the reason that Cicero structures *de Oratore* as a whole around two allusions to the Gracchi, who did use rhetoric as a weapon against the state, at the

⁶⁵ In fact, I am agreed with Wisse on this point, but, unlike Wisse, I see even this critique of an ideal to have its roots in Plato. Wisse, on the other hand, views the Stoic reading of Plato as the correct reading (Wisse, "De Oratore: The Orator, Rhetoric and Philosophy," 393).

beginning and end of the dialogue proper: The first comes in the mouth of Scaevola at the beginning of the work (1.38), and the second in the mouth of Crassus toward the end of the work (3.225-226). Crassus tries to steer the conversation toward the subject of ethics, but he is stopped by his interlocutor Caesar (3.226). Mankin rightly interprets this disregard for ethical content as ominous.⁶⁶ Had Scaevola been part of the dialogue, Crassus might have indulged in another digression on Roman law and ethics. Scaevola and Cephalus, however, are similar in both having problematic outlooks: In both cases, it is the inability to challenge tradition. Scaevola represents the naïve Stoic integrity of men like Rutilius (see 1.230, as cited above), which can only succeed under optimal political conditions. Scaevola, the oldest of the interlocutors, was fortunate enough to live under such optimal circumstances.⁶⁷ What Cicero learns from the Platonic dialogue for *de Oratore* is how to juxtapose two sets of contradictories: 1) Roman values with the rhetorical disregard for those same values, and 2) the ideal with the harsh reality.

In Crassus' first philosophical digression, we see this juxtaposition between the ideal and the real in Crassus' presentation of the Platonic Socrates as well as his comparison of the merely successful orator to the ideal orator. As I shall argue, Socrates, not Cicero,⁶⁸ is the ideal orator, but the ideal orator is less than ideal in respect to winning cases. I now cite the two passages:

*Quorum princeps Socrates fuit, is qui omnium
eruditorum testimonio totiusque iudicio
Graeciae cum prudentia et acumine et*

*Hic noster vulgaris orator, si minus erit doctus,
attamen in dicendo exercitatus, hac ipsa
exercitatione communi istos quidem verberabit*

⁶⁶ Mankin, *Cicero De Oratore. Book III*, 18.

⁶⁷ *Ibid.*, 33.

⁶⁸ Goldenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 225–48.

*venustate et subtilitate tum vero **eloquentia, varietate, copia, quam se cumque in partem dedisset omnium fuit facile princeps**; is eis, qui haec, quae nunc nos quaerimus, tractarent, agerent, docerent, cum nomine appellarentur uno, quod omnis **rerum optimarum cognitio** atque **in eis exercitatio** philosophia nominaretur, hoc commune nomen eripuit **sapienterque sentiendi** et ornate dicendi scientiam re cohaerentis disputationibus suis separavit; cuius ingenium **variosque sermones** immortalitati scriptis suis Plato tradidit, cum ipse litteram Socrates nullam reliquisset.*

de Or.3.59-60

Chief of these men [i.e., those who were denigrating rhetoric] was Socrates, who by the testament of all educated people and by the judgment of all Greece, both for his **prudence**, acumen, charm, and subtlety as well as for his—in the true sense of the words—**eloquence, variety, abundance, always came out on top with ease, regardless of which side of the argument** he dedicated himself to; he tore away from them, who were then handling, pursuing, and teaching the object of our current inquiry, the common name of philosophy, although it [rhetoric] was being called by this one single name, since all **knowledge of the most important things and training in them** is called philosophy, and [he] separated through his own discussions the science of **knowing expertly** from that of speaking competently, which in fact cohere. Plato passed on his genius and **variegated dialogues** onto immortality through his own writings, since Socrates himself had not left a single letter behind.

de Or.3.59-60

*neque se ab eis contemni ac despici sinet; sin aliquis exstiterit aliquando, qui Aristotelio more de omnibus rebus **in utramque partem** possit dicere et **in omni causa** duas contrarias orationes, praeceptis illius cognitiss, explicare aut hoc Arcesilae modo et Carneadis **contra omne, quod propositum sit, disserat**, quique ad eam rationem adiungat hunc usum exercitationemque dicendi, is sit verus, is perfectus, is solus orator. Nam neque sine forensibus nervis satis vehemens et gravis nec sine **varietate doctrinae** satis politus et **sapiens** esse orator potest.*

de Or.3.79-80

In this sense our vulgar orator, if **he's less educated**, but **practiced in speaking**, by this same common practice will beat down those experts of yours nor will he permit them to contemn or despise himself; but if anyone should ever come into existence, who, in the Aristotelian manner could speak **to either side of all issues** and **in every case** draw out two opposing speeches by means of knowing Aristotle's rules, or in this manner of Arcesilaus or Carneades, could **argue against every proposition that was made to him**, and who would join to this science this practice and training of speech, he would be the true, the perfect, the only orator. For neither can the orator be fearsome and profound enough without muscles for the forum nor polished and **smart** enough without **variety of learning**

de Or.3.79-80

Although the second of these passages primarily has the ideal of the New Academy of Arcesilaus and Carneades in mind in respect to “speaking on either side of all issues,” the overlap between the second passage and Crassus’ description of Socrates should not be overlooked. Indeed, it must be remembered that the New Academy did trace this practice

back to Socrates;⁶⁹ furthermore, there are dialogues when Socrates does speak on both sides of the issue. The *Apology* is an especially important case, where Socrates describes his own wavering on what to do regarding the condemned generals in the Arginusae scandal,⁷⁰ since Antonius has cited this very dialogue in Book 1 (1.231-233). These passages are central to understanding Plato's influence on *de Oratore* and the tension between the ideal and real orator. As Mankin notes, since the story of Socrates' effecting the divorce between rhetoric and philosophy is found nowhere else in Cicero's corpus nor in any other ancient source up to Cicero's time, it would be inaccurate to take this for Cicero's own belief, and it is likelier a myth he puts into the mouth of Crassus.⁷¹ The question remains to what end. I would argue that the purpose is to generate a meaningful sense of irony in two ways: 1) Socrates is the perfect orator, yet he separated rhetoric from philosophy; 2) Socrates is the perfect orator, yet he was still condemned.

The second of these is more important than the first. Socrates is established as the perfect orator in the superlative praise given to his speaking ability in Crassus' citation, the numerous parallels between the description of Socrates' ability and that of the ideal orator (as highlighted above), and, lastly, Cicero's own comparison of himself to Plato and Crassus to Socrates (3.15). Socrates' failure to defend himself is alluded to by Antonius in his own summary of Plato's *Apology* (1.231-233), and we are reminded of Socrates' death a second time in allusions to the *Phaedo* and *Crito* in the prologue to

⁶⁹ According to Miriam Griffin (Griffin, "Philosophical Badinage in Cicero's Letters to His Friends," 1995, 335.), Cicero also traces this practice back to the Platonic Socrates.

⁷⁰ McConnell, *Philosophical Life in Cicero's Letters*, 52-53.

⁷¹ Mankin, *Cicero De Oratore. Book III*, 38. See also Intro.7 for Crassus' citation of Plato as maintaining the link between philosophy and rhetoric.

Book 3: We are reminded of the *Phaedo*, when Cicero describes Crassus' final speech as his swan song, *cycnea vox* (3.5-6, *Phd.*84e-85b),⁷² and Cicero alludes to the *Crito* in describing Cotta's attempt to speak privately with Crassus, just as Crito had done before Socrates' execution (cf. *de Or.*3.17 and *Crt.*43a). The function of these allusions is to remind the reader of Socrates' death as well, so that one can recall Socrates' own failed attempt to defend himself during Crassus' description of the ideal orator.

Lastly, it is important to see how Crassus prefaces his description of the ideal orator with a short description of the "vulgar orator" (3.79).

Hic noster vulgaris orator, si minus erit doctus, at tamen in dicendo exercitatus, hac ipsa exercitatione communi istos quidem verberabit neque se ab eis contemni ac despici sinet...

In this sense, our vulgar orator, if he's less educated, but still trained in speaking, will, by this same common training, beat up those experts of yours, nor will he permit himself to be contemned and despised...

*de Or.*3.79

Though Crassus does not dedicate much time to describing the vulgar orator, he does make a significant concession to his argument: that philosophy (or political wisdom) is unnecessary to success at the bar. The contrast between the characters Sulpicius and Cotta is in proof of this. Sulpicius is a better speaker than Cotta, although his sensitivity to law and political issues are comparatively lacking (3.29), and his pursuit of ambition was morally unprincipled (3.11). Indeed, the historical Sulpicius, right up to the time of his execution, did enjoy more political success than Cotta, who was exiled early in his career.⁷³

⁷² Ibid., 105; Möller, "Der Schwanengesang Des Crassus;" Goerler, "From Athens to Tusculum. Gleaning the Background of Cicero's De Oratore."

⁷³ Mankin, *Cicero De Oratore. Book III*, 26–27.

I now cite the fuller passage on the vulgar orator to demonstrate the relevance of Crassus' Platonic allusion:

Non est enim philosophia similis artium reliquarum: nam quid faciet in geometria qui non didicerit? Quid in musicis? Aut taceat oportebit aut ne sanus quidem iudicetur. Haec vero, quae sunt in philosophia, ingeniis eruuntur ad id, quod in quoque verisimile est eliciendum acutis atque acribus, eaque exercitata oratione poliuntur. Hic noster vulgaris orator, si minus erit doctus, at tamen in dicendo exercitatus, hac ipsa exercitatione communi istos quidem verberabit neque se ab eis contemni ac despici sinet...

Philosophy is indeed not similar to the rest of the arts: for what will one do in geometry, if he has not learned it? What in music? He ought either to hold his tongue or be judged quite unsound. But these contents of philosophy flow from the intellect to the answer, which must be drawn from sharp and precise thinkers as bearing a resemblance of the truth in each case, and they are polished by means of training in oratory. In this sense, our vulgar orator, if he's less educated, but still trained in speaking, will, by this same common training, beat up those experts of yours, nor will he permit himself to be contemned and despised...

de Or.3.79

As Mankin notes, with Crassus' distinction between philosophy and geometry and emphasis on the need to learn geometry without sounding like one "quite unsound," there is a playful parody and reversal of Socrates' famous trick in the *Meno* of making a slave boy remember geometry without having learned it.⁷⁴ It is significant that Cicero reminds the reader of the absurdity of the *Meno*'s proof now, since Socrates arrives at the proof by focusing too closely on abstract argument. Crassus' ideal of the orator is still being expressed in abstract terms, and we do not yet know what Crassus' ideal orator would look like in the courtroom, but Cicero, with the possible exception of *de lege agraria contra Rullum*, certainly did not make speeches *in utramque partem* as advocate!⁷⁵

⁷⁴ Ibid., 169.

⁷⁵ In fact, Malcolm Schofield cites *de Oratore* 3.80 as an accurate formulation of Cicero's method for writing dialogues (Schofield, "Ciceronian Dialogue," 68ff.). If anything, this observation should further reinforce the difference between Crassus' philosophical ideal and the forensic reality.

The problem with Crassus' ideal becomes apparent, when the interlocutor Catulus tries to imagine what such individuals would look like in actuality. Catulus' response is absurd and points to the problematic nature of thinking in the abstract. Catulus does not list political champions, but sophists. They are ironically the same sophists that Socrates criticizes in the *Phaedrus* for not teaching rhetoric very well: Hippias, Prodicus, Protagoras, Thrasymachus, and Gorgias (cf. 3.126-131 and 266d5-267d9). Furthermore, when Catulus praises Hippias, he bases it on the absurd claim Hippias makes in Plato's *Hippias Major* of being an expert in every field (cf. 3.127 and *Hipp. mai.* 363c-d).⁷⁶ He additionally cites Plato as his source to celebrate Gorgias for his boast in the Platonic dialogue named for himself to speak abundantly on any topic that exists (cf. 3.129 and *Gorg.*447a-d).⁷⁷ Catulus even goes so far to suggest that in reality Gorgias won the debate against Socrates—a statement which, as I interpret, reflects worse on Catulus than on Socrates, since Catulus is virtually the only Ciceronian interlocutor to challenge the authority of Plato in respect to history.⁷⁸

Significantly, what Catulus praises from the boasts of Hippias and Gorgias is exactly the kind of rhetoric that Crassus in Book 1 (where Catulus was not present) considered to be the useless ramblings of garrulous Greeks (1.101-2).⁷⁹ Mankin notes that Crassus' subsequent list of Roman and Greek politicians is a reaction to the confusion of

⁷⁶ Mankin, *Cicero De Oratore. Book III*, 214.

⁷⁷ *Ibid.*, 216.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*, 12.

Catulus, who clearly does not understand the ideal which Crassus tried to define.⁸⁰ What I add to Mankin's observation is that Crassus' list not only counters Catulus' list of sophists, but also compromises Crassus' own ideal for oratory. Indeed, the Romans that Crassus champions are not experts in philosophy the way he imagined (cf. 3.80 and 3.132-136), and none of the Greek politicians he champions for having a philosophical upbringing were known to argue *in utramque partem* (cf. 3.80 and 3.137-141), and some of them, such as Alcibiades, were, as Crassus himself acknowledges, not even good for the state (3.139). The only figures that do argue *in utramque partem* are the sophists listed by Catulus on the one hand and Socrates on the other—neither of whom is politically expedient.

It is significant that Dion, as a friend of Plato, belongs to this group of Greek politicians (3.139), as it reinforces both Cicero's overall use of Plato throughout his own political philosophy as well as the use Cicero finds for Plato in *de Oratore*. In respect to Cicero's overall political philosophy, it reinforces that Plato is not just the name of a philosopher that Cicero cites for the sake of cachet,⁸¹ but rather a thinker on politics that Cicero found genuinely useful. Indeed, we have seen in Cicero's letter to Lentulus in particular that Cicero not only took the letters for genuine works of Plato, but found the author sympathetic. In terms of *de Oratore*, it reinforces the point that Cicero does not view Socrates as being the mouthpiece of Plato, but rather as a character within the dialogue-form. It is the genre's overall dramatization of philosophy that is meaningful.

⁸⁰ Ibid., 12–13.

⁸¹ Bishop, "Greek Scholarship and Interpretation in the Works of Cicero," 79–126.

As I discuss in the Introduction, there are three points in Book 3 where Cicero makes this meaningful distinction between Socrates and Plato. The first occurs in the prologue, when Cicero compares both himself to Plato, then compares the compromised historicity of his own dialogue's main figure, Crassus, to the compromised historicity of the main interlocutor throughout most of the Platonic corpus, Socrates (3.15). The second occurs when Crassus distinguishes the historical Socrates, who "left not a single letter behind," from Plato, who "handed him over to immortality" (3.60). The third occurs when Crassus reveals the overlap between Plato and Isocrates as teachers of philosophy as well as rhetoric (3.139). I would argue that this reinforces that Crassus for Cicero, like Socrates for Plato, is not an infallible character, but one used to illustrate problems through the course of the drama as well as make intelligent arguments.⁸² Crassus' continual revision of his own ideal is a dramatization of the tension between the ideal and the real in the world of politics. As we have seen in Cicero's critique of Cato in the letters, an inflexible adherence to one's ideals is highly problematic, when engaged in politics in the Roman forum of the late Republic.

This concludes my discussion of the first half of Crassus' palinode, where Cicero alludes to Plato in a number of places to dramatize the tension between Crassus' ideal for oratory and what is actually expedient. Of course, the major revisions to the ideal come in the palinode, where any philosophical integrity vis-à-vis content is dropped in favor of

⁸² Though he does not make the same comparison to the Platonic Socrates, David Mankin also notices the distance Cicero holds from his main interlocutor of *de Oratore* (Mankin, *Cicero De Oratore. Book III*, 30.).

style and turns of argument.⁸³ Indeed, the problem of Crassus' ideal is also illustrated by the fact that, except for Cotta and the naïve Catulus, none of Crassus' interlocutors finds his ideal convincing, and Sulpicius, who is the most talented orator present apart from Antonius, is especially unimpressed, asking Crassus to return to the theme of style (3.143-147).⁸⁴ It is ominous indeed that the pragmatist Antonius pays Crassus the highest compliment after his palinode (3.189). The drama of the dialogue is essentially concluding that Antonius was correct in his critique of Rutilius (1.230). Cicero seems to affirm this himself in his description of Crassus' swansong, which does not represent Crassus' ideal oratory from his first speech, but rather the emotional rhetoric that Rutilius was lacking, when delivering his speech "as if in Plato's made-up state" (cf. 1.230 and 3.3-4). Schütrumpf says that after the departure of Scaevola at the end of Book 1, all talk of *ius civile* is dropped, but this is not entirely true. Crassus, when coming to the topic of the effective performance strategies of the Gracchi, tries to begin an ethical conversation, which is cut short by Caesar (3.226). Rhetoric, it seems, is not a moral enterprise, but a weapon that can occasionally find itself in the wrong hands.

Conclusion: a Prelude to de Re publica and de Legibus

The dialogue thus leaves us without an easy resolution. Crassus' search for an ideal orator does not work. The *aporia* of *de Oratore* creates a problem to be treated by the moral tempering of *de Re publica* and *de Legibus*. The answer involves the

⁸³ Ibid., 15.

⁸⁴ Ibid., 13-14, 26-28.

triangulation of human nature, culture, and ideal, which I discuss in the Introduction.⁸⁵ As we shall see in Chapters 3 and 4, *de Re publica* and *de Legibus* better appreciate the rift between 1) human nature and 2) an idealistic implementation of Roman mores and law. It is 3) political culture, especially that instantiated through rhetoric, that appeals to human nature, so that it can be brought to as full a realization of the ideal as is practicable. The three members of the triangle are present in *de Oratore*: human nature is present in Antonius' critique of Rutilius at 1.230; Roman mores in Crassus' list of Roman heroes at 3.132-136; culture in Crassus' subsequent list of philosophically learned Greeks (3.137-143). How these three parts, however, connect to one another has not yet been determined.

De Re publica and *de Legibus* connect these three points of triangulation in *de Oratore* in the following ways: 1) *de Re publica* creates a practicable model of leadership rooted in persuasion and the lessons of the *Phaedrus*, so that the power of rhetoric be used responsibly (the connection between leadership and rhetoric is especially pronounced in *Rep.*2, where Scipio's catalogue of Roman leaders acts as an elaboration to Crassus' short list in 3.132-136); 2) *de Legibus* responds to the problem between law and rhetoric, turning to Plato's *Laws* as a guide to balance the coercion of the best laws practicable with the persuasion of morally principled leadership.

Furthermore, *de Oratore*, though more technical in content, looks forward to the philosophical content of *de Re publica* and *de Legibus* through the following ring-

⁸⁵ See Intro.4.

structure: In its entirety, the dialogue proper begins and ends with allusions to the *Phaedrus*. The first is Scaevola's citation of the plane tree in the *Phaedrus* (3.28), and the second occurs in Crassus' praise of Hortensius at the end of the dialogue, which is modeled on Socrates' praise of Isocrates (cf. 3.228-230 and *Phdr.*278e-279b).⁸⁶ David Mankin argues that this last imitation of the *Phaedrus* is meant to look ahead to the glorious days of deliberative rhetoric to come, as championed by Hortensius and Cicero himself. I, however, see something more subtle here. In the *Phaedrus*, Socrates' praise of Isocrates only commends the latter's rhetorical ability on the surface, while the secondary implication, that Isocrates' talents would be better put to philosophy, is what is primarily meant.⁸⁷ Though Cicero did not likely have the same resentment towards Hortensius as Plato for Isocrates (cf. Cicero's encomium of the latter in *Br.* 1ff), Cicero's echo of the *Phaedrus* does imply a tone of competition. It reminds the reader that both Plato and Cicero have something in common to distinguish themselves from their rivals: They are not only composers of beautiful speeches, but proper philosophers as well. Thus, Cicero follows Plato in commending the talents of his rival, so as to garner more esteem for his greater accomplishment in the field of philosophy. In this way, *de Oratore* anticipates the dialogues that follow it and is best understood as the first part of a greater discussion.

⁸⁶ Mankin, *Cicero De Oratore. Book III*, 22, 322–23.

⁸⁷ Yunis, *Plato: Phaedrus*, 243–44.

Chapter 3. *de Re publica*

In Chapter 1, we saw how Cicero found Plato especially useful for exploring the tensions between ideal and real, system and humankind. Cato is antithetical to Ciceronian pragmatism, not because he lacks good ideals, but because his inflexibility is detrimental to Cicero's cause of restoring the Republic to its former stability.¹ In Chapter 2, we saw the influence of Plato (particularly, through the *Phaedrus* and *Gorgias*) in helping Cicero dramatize the need for rhetoric in politics as well as the ethical problems surrounding it. Whereas Antonius represented the amoral power of eloquence, Crassus' failure either to defend rhetoric to Scaevola as a moral enterprise in line with Roman law or to redefine it as an inherently philosophical undertaking dramatized the ethically problematic nature of rhetoric. In Chapter 3, we shall analyze the response of Ciceronian pragmatism to these problems through Cicero's reception of Plato. It is here that we see the triangulation of human nature, ideal, and culture at play. On the one hand, the disconnect between human nature and stoic rationalism is well accounted for throughout the dialogue (especially in Books 1 and 3, as analyzed below). On the other hand, the Ciceronian Scipio embodies the ideal of a political culture rooted in rhetoric to appeal to human nature, in order to raise the people's attentiveness to Roman values that would otherwise go unheeded. Scipio's turn to history in Book 2, as a rhetorical appeal to Cicero's stoic readership, counters Catonic Stoicism by referencing the great figures of the Roman past who were more capable leaders than Cato in their capacity to respond to contingencies of the

¹ See Stem, "Cicero as Orator and Philosopher: The Value of the Pro Murena for Ciceronian Political Thought."

people. The premise of these model leaders, i.e., the tension between human nature and rationality, is garnered from Cicero's reception of Plato; furthermore, Scipio's method of promoting this model to his interlocutors (as well as Cicero's readership) is equally Platonic. In this case, Cicero exemplifies the lesson on rhetoric from Plato's *Phaedrus*.

Thesis

Thus, Ciceronian pragmatism is expressed through Scipio's model of leadership in *de Re publica*, while the rhetorical promotion of this model, through the historical anecdotes in *de Re publica* Book 2 and the narration of the Dream in Book 6, exemplifies the lesson of Plato's *Phaedrus*. This lesson requires the art of rhetoric to have knowledge of the soul and of nature. Book 2 exemplifies knowledge of the soul in Scipio's appeal to historical myth, and Book 6 exemplifies understanding of nature in the Dream of Scipio. Both rhetorical feats of Scipio appeal to human nature through concrete images and examples aimed at raising his audience's attentiveness to Roman values. Thus, the triangulation of human nature, ideal, and culture finds its apogee in the Ciceronian persona of Scipio.

3.1 Book 2 and Knowledge of the Soul

To begin my argument, I shall define what this lesson of the *Phaedrus* is and how it relates to *de Re publica*. As Jed Atkins notes, there are two views of rhetoric in Plato: there is 1) the negative view of democratic rhetoric as flattery (especially prominent in

the *Gorgias*), but there is also 2) the positive view of persuasion from the *Phaedrus*.² In the *Phaedrus*, the practitioner of persuasion must meet two criteria of Socrates: he must have 1) knowledge of nature and 2) knowledge of the souls of his audience (*Phdr.*270a-272e).³ In Plato's *Laws*, furthermore, this kind of persuasion is a political necessity for the statesman, as he must deal with the foibles of human nature.⁴ Rhetorical persuasion is the medium, by which human nature can be tempered to the ideals represented in the law. As Atkins further notes,⁵ Plato's *Laws* meet both criteria of the *Phaedrus* in 1) contemplation of the nature of the cosmos (*Lg.*10.898c) and 2) knowledge of the souls of mankind (*Lg.*1.644d-645c).

This is relevant to *de Re publica* because the Ciceronian Scipio explicitly imitates Plato in his formulation of the problem for which persuasion is the solution. I follow Atkins, who notes that Cicero most resonates with Platonic political theory from the *Laws* in 1) his mixed constitution that grants citizens just enough freedom to prevent the state from deteriorating and 2) his preference for geometric equality (participation in government in proportion to merit) over arithmetic equality.⁶ It is striking, then, that Cicero's most prolonged imitation of Plato is an expression of the state of degenerative flux that even the best regime must inevitably encounter. Specifically, Scipio imitates Socrates' explanation of how democracy degenerates into tyranny in Book 8 of the

² Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 74.

³ I side with the school of thought that sees Socrates' mention of Anaxagoras as pointing to cosmos as an object of study in understanding of nature. For bibliography on the issue see Waterfield, *Phaedrus*, 102.

⁴ Morrow, "Necessity and Persuasion in Plato's *Timaeus*," 437.

⁵ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 75.

⁶ Atkins, "Cicero on the Relationship between Plato's *Republic* and *Laws*."

Republic (*Rep.*1.65-68).⁷ It is one of the few places where Scipio’s imitation of Plato is formerly introduced as such (*Rep.*1.65).⁸

Shortly after this imitation, we find the first intimation that such political degeneration requires persuasion as its antidote. I cite Scipio’s anticipation of his argument from historical example at the end of Book 1:

Quam, si placet, quoniam ea, quae tenebatis ipsi, etiam ex me audire voluistis, simul et qualis sit et optimam esse ostendam expositaque ad exemplum nostra re publica accommodabo ad eam, si potero, omnem illam orationem, quae est mihi habenda de optimo civitatis statu.

*Rep.*1.70

If you like, since you wanted to hear from me what you’ve already grasped yourselves, I will both reveal the nature of this [our Republic] and its superiority, and **once our Republic has been exhibited for an example, if I’m able, I will accommodate to it that whole discussion**, which I needed to have regarding the best state of the commonwealth.

*Rep.*1.70

It is not for nothing that Scipio, at this juncture, introduces his intention to “accommodate” the argument that he just made in the abstract for the mixed constitution and geometric equality to the souls of his audience, all of whom are patriotic Romans taking pride in their history.⁹ Although it might not seem apparent at this point of the dialogue, Cicero later points to Plato’s *Phaedrus* as the source for Scipio’s technique of accommodating the argument to the souls of his audience. *De Re publica* 1.65-2.67 contains Scipio’s historical argument, and it is bookended by two imitations of Plato: the first, 1.65-68, imitates the *Republic* to establish the problem of the political degeneracy inherent in human nature, and the second imitates the charioteer-metaphor in the *Phaedrus* through Cicero’s own mahout metaphor, establishing Plato’s theory of

⁷ Throughout this paper, *de Re publica* as abbreviated as *Rep.* and Plato’s *Republic* as *R.*

⁸ For a detailed comparison of Cicero’s imitation and the Platonic original, see Zetzler, *De Re Publica*, 152–55.

⁹ For the contrast between the abstract nature of odd books and concrete nature of even, see *Ibid.*, 22–25.

persuasion as the solution to this problem. It is through this reception of the *Phaedrus* that the triangulation of human nature, ideal, and culture finds its fullest manifestation in the persona of Scipio.

We shall now analyze more closely this imitation of the *Phaedrus*, which acts as the second bookend after Scipio's appeal to historical example (1.70) and occurs in the finale of Book 2 itself.¹⁰ Cicero demonstrates his debt to this lesson of Plato in the image of the elephant-trainer, which I analyze as resonating with the charioteer-metaphor of the *Phaedrus*.¹¹ My reading is largely due to the advances in textual criticism made in A. Mai's Teubner edition, where the simile in question is followed by a fragmentary list of human passions.¹² When we consider the fragmentary list of passions that follows this simile, the *Phaedrus* passage is more compelling as an allusion, since this list culminates with the metaphor of a charioteer losing control of his horses: *ut auriga indoctus e curru trahitur, obteritur, laniatur, eliditur...* (*Rep.*2.68e). Furthermore, we can be sure from the allusions discussed in Chapter 2 that Cicero had been reading the *Phaedrus* at this time.

Now that I have explained the more general importance of the elephant-trainer metaphor, I cite the relevant Latin and Greek below and offer my interpretation:

“*Prudentem fortasse quaeris?*“ *Tum ille:*

¹⁰ For the designation of this section of Book 2 as “Finale,” see Büchner, *De Re Publica*, 246–51.

¹¹ I am somewhat unique in this interpretation: Asmis and Atkins both take the simile to correspond to the beast of the mob in Book 9 of Plato's *Republic* (Atkins, “Cicero on the Relationship between Plato's Republic and Laws,” 28; Asmis, “A New Kind of Model: Cicero's Roman Constitution in «De Republica»,” 410). I differ, in that I see a more telling verbal parallel in Plato's *Phaedrus*, particularly where Socrates, in his image of the soul, contrasts the white horse with the sable horse.

¹² See Büchner, *De Re Publica*, 256, for the history of this insertion; though Powell is less certain about the placement of these fragments (Cicero, *De Re Publica; De Legibus; Cato Maior de Senectute; Laelius de Amicitia*, 89), Zetzel, whom I follow on this issue, agrees with Mai's interpretation (Zetzel, *On the Commonwealth and On the Laws*, 56).

“Istum ipsum.” “Est tibi ex eis ipsis, qui adsunt, bella copia—vel ut a te ipso ordiare.”
 Tum Scipio: “Atque utinam ex omni senatu pro rata parte esset! Sed tamen est ille prudens, qui, ut saepe in Africa vidimus, immani et vastae insidens beluae coercet et regit, quocumque vult, **levi admonitu aut tactu inflectit** illam feram.” “Novi et, tibi cum essem legatus, saepe vidi.” “Ergo ille Indus aut Poenus unam coercet beluam, et eam **docilem et humanis moribus adsuetam**; at vero ea, quae latet in animis hominum quaeque pars animi mens vocatur, **non unam aut facilem ad subigendum frenat et domat, si quando id efficit, quod perraro potest. Namque et illa tenenda est ferox...**”

Rep.2.67¹³

[Laelius] “Perhaps you’re seeking the prudent man?” Then he [Scipio] responded: “That very one indeed.” “There’s a pretty good opportunity for that from the same men who are present—why, you could even start with yourself!” Then Scipio: “If only we could say the same of the whole senate! But there is nonetheless that prudent man, who, as we’ve often seen in Africa, **sitting upon a vast and monstrous beast**, coerces that wild thing and guides it, wherever he wants, **with gentle instruction and turns it with a touch.**” “I know, and, while I served as your legate, I often saw it.” “You see, that Indian or Phoenician coerces one beast, and one that is

ὁ μὲν τοίνυν αὐτοῖν... **τιμῆς ἐραστής μετὰ σωφροσύνης τε καὶ αἰδοῦς**, καὶ ἀληθινῆς δόξης ἑταῖρος, **ἄπληκτος, κελεύσματι μόνον καὶ λόγῳ ἠγιοχεῖται**· ὁ δ’ αὖ... **πολύς εἰκῆ συμπεφορημένος, κρατεράρχην...** ὕβρεως καὶ ἀλαζονείας ἑταῖρος... **μάστιγι μετὰ κέντρων μόγις ὑπέικων.**

Phdr.253de

One of the two, you see, **a friend of honor with restraint and a sense of shame**, and a friend of true opinion, **being docile, is easily guided by the word of instruction alone**; the other one, however, since his **passions have been in a big way jumbled together at random** and **his neck is resistant**, is a friend of

¹³ Cf. the similar use of *coercere* in *de Legibus* (as cited in Chapter 4):

...ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit idemque separatim de legibus, idem mihi credo esse faciundum, ut priusquam ipsam legem recitem, de eius legis laude dicam. Quod idem et Zaleucum et Charondam fecisse video, quom quidem illi non studii et delectationis sed rei publicae causa leges civitatibus suis scripserint. Quos imitatus Plato videlicet hoc quoque legis putavit esse, persuadere aliquid, non omnia vi ac minis cogere.

I believe that I must do the same as Plato, simultaneously the most learned man and the most important of all philosophers, who first wrote on the republic, and separately did the same thing for the laws: before I cite the law itself, I will speak in praise of that law. I observe that both Zaleucus and Charondas have done the same thing, when they drafted laws not for the sake of study and intellectual enjoyment, but for the sake of their own states. It is in imitation of them, of course, that Plato came as well to the following thought about law: some persuasion is needed, since not everything can be coerced through force and threats.

de Leg. 2.14

docile and accustomed to the character of humanity; and yet the beast, which lurks in the minds of mankind, and the part of the mind which is called the heart, **cannot** be bridled or tamed **as a single entity or one easily given to subordination, which happens quite rarely**, if at all. And indeed that beast too must be restrained.”

extreme behavior and imposture and **scarcely obeys the whip and goads combined.**

Phdr.253de

Rep.2.67

Cicero’s adaptation of the Platonic horses is profound. Whereas Socrates points to both horses existing within the soul, Scipio presents the docile elephant, which corresponds to the Platonic white horse for its obedience and affection for the character of humanity, as a negative paradigm: the docile elephant does not exist in the Roman forum. Instead, the collective soul of the people only corresponds to the recalcitrant and scarcely tamable nature of the sable horse. The challenge is how to control such a ferocious animal. Thus the problem of human nature is established in Cicero’s triangulation.

Cicero deploys this metaphor in the Finale of Book 2 as a capstone to Scipio’s demonstration of rhetoric on the philosophical basis of the *Phaedrus*. As we have seen, Cicero agrees with Plato’s insight on the weaknesses of human nature (see *Rep.* 1.65-68, as paraphrased above). Since human beings are not completely rational, rationality by itself will not persuade. Therefore, the abstract argument for the mixed constitution and geometric equality in Book 1 is followed by a rhetorical demonstration in Book 2, in which Scipio appeals to the souls of his audience through historical exempla. Even Scipio’s idealized interlocutors are still human enough to necessitate that Scipio appeal to their human nature through the models of Roman history, in order to win them over to his argument. Abstract reasoning by itself is not enough.

This beastlike irrationality of human nature is, furthermore, a recurring theme in Book 2. Two particularly prominent instances of it are worthy of reflection:

*Simul atque enim se inflexit hic rex in dominatum iniustiore, fit continuo tyrannus, quo neque taetrius neque foedius nec dis hominibusque invisius animal ullum cogitari potest; **qui quamquam figura est hominis, morum tamen inmanitate vastissimas vincit beluas.** Quis enim hunc hominem rite dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam iuris communionem, nullam humanitatis societatem velit?*

Rep.2.48

At the same time indeed as this king has turned himself towards a more unjust domination, he immediately becomes a tyrant, compared to which not any animal can be thought more disgusting or foul or loathsome to gods and men; **although he is of human form, nonetheless by the monstrosity of his character, he outdoes the vilest beasts.** Who indeed has been correct in calling this man human, who would not desire that there be a common sharing of right and a fellowship of humanity between himself and his own citizens—and, moreover, with the entire human race?

Rep.2.48

*Sed id, quod fieri natura rerum ipsa cogebat, ut plusculum sibi iuris populus adscisceret liberatus a regibus, non longo intervallo, sexto decimo fere anno, Postumo Cominio Sp. Cassio consulibus consecutus est; in quo defuit fortasse ratio, sed tamen **vincit ipsa rerum publicarum natura saepe rationem.***

Rep.2.57

But, not a long while afterwards (in almost the 16th year since) in the consulship of Postumus Cominius and Spurius Cassius, the people pursued that end, which the very nature of the situation was forcing to happen, so that the people could acquire for themselves more rights after their liberation from the kings; in this, reason perhaps was lacking, but nonetheless **the very nature of politics often defeats reason.**

Rep.2.57¹⁴

The first of these instances occurs during Scipio's description of Tarquin the Proud, and the second during his discussion of the secession of the plebs. There is no surprise in Scipio's presentation of these events as at odds with his own sense of justice; what is worth noting, however, is his concession that both the tyrant and revolting plebs are natural phenomena in politics that no amount of rationality can resist. The emphasis here, as with the allusion to the *Phaedrus*, is on the limitations of rationality. In fact, Scipio's description of the tyrant, with its contrast of the civility particular to humanity on the one

¹⁴ See also Introduction, "The Monoliths..."

hand (*Quis enim hunc hominem rite dixerit...?*) and the beastly character of the tyrant on the other (*morum tamen inmanitate vasitissimas vincit beluas*), carries a strong resonance with the description of the elephant-trainer. In this way, Cicero's adaptation of the *Phaedrus* passage at 2.67 nods to Plato as the source of his sense of human nature and the limitations of reason.¹⁵

Furthermore, the use of historical figures as exemplary myths is a rhetorical device Cicero associates immediately with Plato's creation of Socrates, who serves as a foil for the historical figures discussed in *de Re publica*. Scipio's analysis of the Platonic Socrates and description of Cato are especially telling in this case:

Tum Scipio: 'sunt ista ut dicis; sed audisse te credo, Tubero, Platonem Socrate mortuo primum in Aegyptum discendi causa, post in Italiam et in Siciliam contendisse, ut Pythagorae inventa perdisceret, eumque et cum Archyta Tarentino et cum Timaeo Locro multum fuisse et Philolai commentarios esse nantum, cumque eo tempore in his locis Pythagorae nomen vigeret, illum se et hominibus Pythagoreis et studiis illis dedisse. Itaque cum Socratem unice dilexisset, eique omnia tribuere voluisset, leporem Socraticum subtilitatemque sermonis cum obscuritate Pythagorae et cum illa plurimarum artium gravitate contexit.'

Rep.1.16

Then Scipio: "It is as you say; however, I believe, Tubero, that you have heard that Plato, Socrates being dead, first traveled to Egypt for the purpose of his education, and afterwards to Italy and Sicily, so that he could acquire the discoveries of Pythagoras, and that he was around Archytas of Tarentum and Timaeus the Locrian a lot, and that he acquired the

Cum omnes flagrarent cupiditate audiendi, ingressus est sic loqui Scipio: Catonis hoc senis est, quem, ut scitis, unice dilexi maximeque sum admiratus cuique vel patris utriusque iudicio vel etiam meo studio me totum ab adulescentia dedidi; cuius me numquam satiari potuit oratio; tantus erat in homine usus rei publicae, quam et domi et militiae cum optime, tum etiam diutissime gesserat, et modus in dicendo et gravitate mixtus lepos et summum vel discendi studium vel docendi et orationi vita admodum congruens.

Rep.2.1

While everyone burned with desire to hear him, Scipio thus began to speak: here's something about the old Cato, whom, as you know, **I loved alone** and admired most of all, and **to whom**, whether by the judgment of both fathers or even my own zeal, **I dedicated** myself fully from the time of my youth; I could never get enough of hearing him talk; in this mortal man

¹⁵ Cicero's object of persuasion is ultimately twofold: on the one hand, he must convince ambitious members of the senate not to resort to tyranny; on the other hand, he must convince the people not to become a tyrannous mob.

commentaries of Philolaus, and that since, at this time, the name of Pythagoras was thriving in these areas, **he dedicated himself both to the followers of Pythagoras and those studies.** And so, **seeing as he loved Socrates alone** and wanted to attribute all things to him, he **interwove Socrates' wit** and subtlety of speech with the obscurity of Pythagoras and **with the weightiness** of the greatest number of arts.”

Rep.1.16

was so much experience in the Republic, which he had managed, both at home and at war, not only exceptionally well, but also for an exceptionally long time, and there was measure in his speaking, and **wit mixed with weightiness**, and utter passion, whether for learning or teaching, and his life was every bit equal to his speech.

Rep.2.1

As evident in my citation of the passages (where I put verbal parallels in boldface), there is significant thematic overlap in 1) a sense of affection for the character in question, 2) a dedication to learning from him, and 3) a conflation of wit and gravity in the figure's rhetorical ability. That said, Scipio presents the Platonic Socrates as an idealistic invention, but portrays his own invention of Cato as fact. Structurally, however, the dialogue does intimate the unrealistic idealization of Cato both in the verbal echoes, laid out above, as well as Scipio's propensity towards idealizing, as later pointed out by the interlocutor Laelius (e.g., *Rep.2.21*, as I discuss below).¹⁶

It is also worth noting that Scipio's parallel descriptions of the Platonic Socrates and his own Cato serve opposite ends. Scipio's breakdown of the fiction behind the Platonic Socrates serves to temper Tubero's enthusiasm for cosmology and geometry in respect to problems concerning the state, whereas the introduction of the figure of Cato in Book 2 is meant to prime Scipio's audience for the argument that he is about to make.

Scipio's argument for political pragmatism manifests itself in Book 2 when Scipio proceeds to discuss the superiority of Cato to Socrates. Although his pragmatism might

¹⁶ See also discussion in Introduction, "Isocrates and Plato."

seem to oppose itself to Plato's idealism, in fact, Cicero's is a nuanced pragmatism that is unique in what it retains from Plato. I cite the passage below:

Nam neque ullum ingenium tantum extitisse dicebat, ut, quem res nulla fugeret, quisquam aliquando fuisset, neque cuncta ingenia conlata in unum tantum posse uno tempore providere, ut omnia complecterentur sine rerum usu ac vetustate. Quam ob rem, ut ille solebat, ita nunc mea repetet oratio populi originem; libenter enim etiam verbo utor Catonis. Facilius autem, quod est propositum, consequar, si nostram rem publicam vobis et nascentem et crescentem et adultam et iam firmam atque robustam ostendero, quam si mihi aliquam, ut apud Platonem Socrates, ipse finxero.

Rep.2.2-3

For he [Cato] was saying that no single genius has been so great, that there had ever been anyone, who did not miss anything, nor would all geniuses, collected into one place at one time, have so much power of foresight to embrace all things without practical experience and the vast expanse of time. Wherefore, just as he was accustomed to do, so too shall my speech retrace the origin of the people; gladly shall I make use of the saying of Cato. Moreover, I shall more easily execute what has been proposed, if I've shown to you our Republic both in its birth and growth and maturation as well as its present strength and might, than if I've made up one for myself, like Socrates did in Plato.

Rep.2.2-3

The argument is one of political pragmatism and anticipates a dynamic system that must undergo changes not always predictable from the standpoint of rationality. This argument might seem the reverse of Plato, but, as we have seen in the verbal parallels between 1.16 and 2.1 cited above, Cicero's dialogue implies that both Scipio's use of the idealized Cato and Cicero's own use of the idealized Scipio are rhetorical moves he learned from Plato.¹⁷

¹⁷ This is where my argument stands out. Both James Zetzel and Ingo Gildenhard cite this passage to show where Cicero creates Cato into the opposite of Plato: Zetzel does it, by pointing to the apparent dichotomy between Socrates' reliance on rational foresight and Cato's on a combination of practical experience and historical facts (Zetzel, *De Re Publica*, 157ff.); Gildenhard, by tracing the usage of the verb *finxero* here and elsewhere in the trilogy of dialogues (Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations," 233–35. My interpretation is unique in that I see this passage, read in the context of the thematic echoes between Scipio's appraisal of Cato and his earlier analysis of the Platonic Socrates (as demonstrated above), as applying the Platonic device of historical invention to a Roman context.

In light of this, more can be said on the verbal echoes between Plato's Socrates and Scipio's Cato (1.16 and 2.1, as cited above). The verbal echoes between Plato's deconstructed amalgamation and Scipio's apparently straightforward appraisal of Cato invite the reader to question the accuracy of Scipio's description, just as the Ciceronian interlocutor Atticus, years later, would question Cicero's praise of the eloquence of Cato and the Gracchi in the *Brutus* (*Br.*293-297). Cicero is perhaps even a step ahead of Plato, in that Scipio is the Roman equivalent not just of Socrates, but of Plato himself. Scipio both creates a concrete vision of the Roman state in words, as Socrates does in the abstract, and creates an ideal figure in Cato, as Plato does in Socrates. What is especially ironic, however, is that, by dispelling the Platonic Socrates as a fiction, Scipio reminds the reader that he himself is Cicero's own fiction,¹⁸ and Scipio's restraining of Tubero's enthusiasm for cosmology and geometry anticipates his own indulgence in both these fields in Book 6, where he narrates his dream, which is itself an historical myth as well as a final rhetorical capstone to win over Scipio's interlocutors and, by extension, Cicero's readership, to a life of active, political philosophy. In this sense the Ciceronian Scipio embodies the triangulation of human nature, ideal, and culture that Cicero's interaction with Plato manifests.

This connection between Plato and historical myth becomes more explicit when Laelius challenges the veracity of Scipio's account of Romulus. After describing Romulus' prudence in founding the city where he founded it, Scipio asks his companions

¹⁸ Cf. Stull, "« Deus Ille Noster » : Platonic Precedent and the Construction of the Interlocutors in Cicero's « De Oratore »,» 255. for a study of Cicero's self-conscious fictional creation of characters in *de Oratore*.

if they see his argument. Laelius responds with irony that he not only sees the argument, but sees through the fiction. It is here that he draws a connection with Platonic philosophy:

Tum Laelius: Nos vero videmus, et te quidem ingressum ratione ad disputandum novam, quae nusquam est in Graecorum libris. Nam princeps ille, quo nemo in scribendo praestantior fuit, aream sibi sumpsit in qua civitatem exstrueret arbitrato suo: praeclaram ille quidem fortasse, sed a vita hominum abhorrentem et moribus. Reliqui disseruerunt sine ullo certo exemplari formaque rei publicae de generibus et de rationibus civitatum; tu mihi videris utrumque facturum; es enim ita ingressus, ut, quae ipse reperias, tribuere aliis malis quam, ut facit apud Platonem Socrates, ipse fingere, et illa de urbis situ revoces ad rationem, quae a Romulo casu aut necessitate facta sunt, et disputes non vaganti oratione, sed defixa in una re publica. Quare perge, ut instituisti; prospicere enim iam videor te reliquos reges persequente quasi perfectam rem publicam.

Rep.2.21-22

Then Laelius: We *do* see it, and moreover we see you embarking on a rationally grounded dispute of novel subject matter, which is nowhere to be found in the books of the Greeks. For that prince [of philosophy], whom no one has outdone in writing, used up the threshing floor for himself in which he built up a state according to his own judgment; and perhaps he created a wonderful state, but one that is at variance with the lives of people—and their character. The rest have discussed types of states and the rationales behind them without recourse to any fixed exemplar or form; from what I can tell, it seems that you’re about to do both, for you’ve set out in such a way that you prefer attributing your own discoveries to others rather than, as Socrates does in Plato, making them up yourself, and you reposition those aspects about the location of the city to reason, though they were in fact brought about by Romulus through accident and necessity, and you argue for them not in a rambling speech, but one concentrated on a single republic. Continue then, as you’ve proposed; indeed, as you take us through the remaining monarchs, I seem to be beholding, as it were, the perfect republic.

*Rep.2.21-22*¹⁹

In my own interpretation of this passage, I come closest to the reading of Powell, who argues that, whether the reader sides with Laelius or Scipio, either way the argument of the dialogue wins.²⁰ Asmis is correct that “foresight” is the virtue that Scipio wants to

¹⁹ Cicero distances himself from Aristotle and the Peripatetics with these words of Laelius: “As opposed to the Peripatetics, Scipio sticks to a single state, *defixa in una re publica*” (Zetzel, *De Re Publica*, 178.

²⁰ Powell, “Second Thoughts on the Dream of Scipio,” 24. It is equally necessary that I discuss current interpretations of this rich passage before I introduce my own contribution. James Zetzel has noted the irony of this passage: “the difference is that Socrates is explicitly inventing a state, while Scipio, with Socratic irony, claims to be giving an historical account while in fact inventing just as much as Socrates” (Zetzel, *De Re Publica*, 178. Vittorio Hösle has gone farther in noting a Platonic commonplace in this same dialogic exchange between Scipio and Laelius: in Platonic dialogues, it is typical that Socrates attribute to some distant historical or mythological character his own idea, then be playfully critiqued by a skeptical interlocutor on doing just that; in particular, Hösle cites an instance of this in the *Phaedrus* where

attribute to Romulus in his retelling of Rome's foundation,²¹ but I additionally see Laelius' skepticism as introducing another kind of virtue: the need to react to political exigencies (*quae a Romulo casu aut necessitate facta sunt*). Laelius reminds us that prudence means more than just foresight. If one side to prudence is foresight, then the other side must be the capacity to react to the vicissitudes of political life. Scipio himself explains this in his paraphrasing of Cato:

Nam neque ullum ingenium tantum extitisse dicebat, ut, quem res nulla fugeret, quisquam aliquando fuisset, neque cuncta ingenia conlata in unum tantum posse uno tempore providere, ut omnia complecterentur sine rerum usu ac vetustate.

For he was saying that no single genius has been so great, that there had ever been anyone, who did not miss anything, nor would all geniuses, collected into one place at one time, have so much

the titular character mocks Socrates for claiming to derive his own idea from Teuth (Hösle, "Eine Form Der Selbsttranszendierung Philosophischer Dialoge Bei Cicero Und Platon Und Ihre Bedeutung Für Die Philologie," 160–61.

While I agree with Hösle on the existence of this thematic parallel between Cicero and Plato, I am not of the same mind regarding the significance of these devices. According to Hösle, whenever an interlocutor implies that Socrates has attributed to someone else his own idea, this is an intimation to the audience that Plato claims the same idea as his own and uses Socrates as his mouthpiece at those moments; he argues the same for Cicero by extension (Ibid., 160ff).

Although Elizabeth Asmis does not see the same Platonic parallel as Hösle, she does offer a compelling explanation on why Cicero exposes the myth as myth. Asmis views Cicero's myth according to Barthes' definition of modern myth. Barthes maintains that modern myths are ideological concepts presented as true through a selective rendering of historical facts (Barthes and Sontag, *A Barthes Reader*, 132, 101–2. Asmis argues that the difference for Cicero is that in place of this selective rendering of factual truths, we have "a moral truth, having a normative value as a guide to action" (Asmis, "Cicero Mythologus," 24. In so arguing, Asmis opposes the reading of John Fox, who sees Laelius' skepticism as "fracturing" the ideal and welcoming the audience to partake in an ironic view of history (Fox, *Cicero's Philosophy of History*, 23–24. Instead, her Barthesian reading rehabilitates the argument of Michel, who interprets Scipio's truth as having ideal, if not historical, substance (Michel, "A Propos de L'art Du Dialogue Dans Le De Republica. L'idéal et La Réalité Chez Cicéron," 248–49. Asmis argues that Scipio's mythologizing follows the pattern outlined by Barthes' example of French Imperialism. According to Barthes the image of an African in French uniform saluting the French state conveys the essential message of French Imperialism by stripping the figure of his historical complexity (i.e., how he really came to dress in uniform and salute the French) (Barthes and Sontag, *A Barthes Reader*, 101ff. Using this analogy, Asmis argues that Scipio strips Romulus of his complexity in order to convey the essence of political wisdom (Asmis, "Cicero Mythologus," 35–37.

²¹ Asmis, "Cicero Mythologus," 27–29.

power of foresight that they could embrace all things without practical experience and the vast expanse of time.

Rep.2.2-3

In fact, if we look closely at Laelius' playful compliment of Scipio's historical revision, we notice that it is precisely foresight that he simultaneously celebrates and critiques in Plato's *Republic*. Philosophical foresight can be detrimental, when reason conflicts with the actual behavior of human beings:

princeps ille [= Plato] ... civitatem exstrueret arbitrato suo: praeclaram ille quidem fortasse, sed a vita hominum abhorrentem et moribus.

that prince [of philosophy] [Plato] built up a state according to his own judgment; and perhaps he created a wonderful state, but one that is at variance with the lives of people—and their character.

Rep.2.21

In his backhanded compliment to Scipio, Laelius reminds us that politics is not just about forethought, but also an ability to react to the complications of human nature. Systems of politics must be adjusted to the temperaments and contingencies of the participants. Therefore, the great strength of Scipio's argument, according to Laelius, is that Scipio discovered these truths through his contemplation of history, whereas Plato's Socrates relied on reason to invent a republic in a vacuum (cf. *reperias* and *ipse fingere* in the Latin).²²

Scipio, however, reminds us that his own discoveries in political theory must be accommodated to the souls of his audience, if they are to be well received, and his insistence on the genius of Romulus and the other founding fathers of Rome does just that. What likely prompts Laelius' reaction is Scipio's unrealistic attribution of the "new nation...already grown and all but matured" to the "*counsel of a single man*:"

novum populum... adultum iam et paene puberem... unius viri consilio

²² For a similar reading, see Gildenhard, "Of Cicero's Plato: Fictions, Forms, Foundations."

Rep.2.21

This is the last statement Scipio makes before Laelius' interjection. Strikingly, Scipio contradicts the great principle of Roman history he cites from Cato at the beginning of Book 2:

nostra autem res publica non unius esset ingenio sed multorum...

our Republic, however, is not the product of one genius, but of many...

Rep.2.2-3

Thus, Scipio himself apparently knows better, while Laelius continually reveals how unrealistic the progression of the Republic is in Scipio's account:

[neque] enim serpit sed volat in optimum statum instuto tuo sermone res publica.

our Republic does not crawl, but flies into its optimal condition by the speech you've taken on.

Rep.2.33

It is only after Scipio's narration of Tarquin the Elder, that Laelius admits to seeing

Cato's principle in play:

nunc fit illud Catonis certius, nec temporis unius nec hominis esse constitutionem rei publicae.

now that saying of Cato is clearer, that the constitution of the Republic is not the product of a single time or person...

Rep.2.37

With the comparative degree of *certius*, Laelius implies that the principle was not as apparent in Scipio's previous account. Scipio, still intent on perpetuating the myth of individual figures, tempers Laelius' emphasis on the dynamics of history with his own special emphasis on the singular genius of Servius:

non latuit scintilla ingeni quae iam tum elucebat in puero.

nor did the spark of genius hide, which was already then afire in the boy.

Rep.2.37

We see this principle in effect also regarding the myth of Numa: Scipio is willing to dispel the myth that Numa was a disciple of Pythagoras (*Rep.2.28-29*), but he makes a

special effort to defend “the praiseworthy wisdom of the ancestors” (see *Rep.*2.30: *sapientiam maiorum... laudandam*).

The necessity of preserving the ideal character of historical figures becomes clear in Book 5 where Cicero adapts the painting-metaphor from Plato’s *Republic*. Below, I cite Cicero’s adaptation alongside the Platonic original, as it is instructive to note the differences:

"Moribus antiquis res stat Romana virisque," quem quidem ille versum vel brevitatem vel veritatem tamquam ex oraculo mihi quodam esse effatus videtur. Nam neque viri, nisi ita morata civitas fuisset, neque mores, nisi hi viri praefuissent, aut fundare aut tam diu tenere potuissent tantam et tam fusa lateque imperantem rem publicam. Itaque ante nostram memoriam et mos ipse patrius praestantes viros adhibebat, et veterem morem ac maiorum instituta retinebant excellentes viri. Nostra vero aetas, cum rem publicam sicut picturam accepisset egregiam sed iam evanescentem vetustate, non modo eam coloribus eisdem quibus fuerat renovare neglexit, sed ne id quidem curavit ut formam saltem eius et extrema tamquam lineamenta servaret.

*Rep.*5.1.2

“On ancient **morals** depends the state of Rome—and **on men**,”
The great [i.e. poet], either by its brevity or truthfulness, seems to me to have uttered that verse as if from some oracle. For neither could the **men**, had the state not been so morally instructed, nor could the **morals**, had these **men** not been in charge, have either founded or retained a republic so large and ruling so far and wide. And so, before we can remember, both **the moral character of our fathers** was producing **outstanding men**, and the **men, who excelled**, were retaining both the ancient moral character and the institutions of the ancestors. Our age, however, though it had received the Republic **like a painting**, — an outstanding one, but now faded from age—, not only has neglected to restore it with the same colors it once had, but has not even taken the

λαβόντες, ἦν δ' ἐγώ, ὥσπερ πίνακα πόλιν τε καὶ ἤθη ἀνθρώπων, πρῶτον μὲν καθαρὰν ποιήσειαν ἄν... ἔπειτα οἷμαι ἀπεργαζόμενοι πυκνὰ ἂν ἐκατέρωσ' ἀποβλέπειεν, πρὸς τε τὸ φύσει δίκαιον καὶ καλὸν καὶ σῶφρον καὶ πάντα τὰ τοιαῦτα, καὶ πρὸς ἐκεῖν' αὐτὸ ἐν τοῖς ἀνθρώποις ἐμποιοῖεν, συμμεγνόντες τε καὶ κεραυνόντες ἐκ τῶν ἐπιτηδεύματων τὸ ἀνδρείκελον, ἀπ' ἐκείνου τεκμαιρόμενοι, ὃ δὴ καὶ Ὅμηρος ἐκάλεσεν ἐν τοῖς ἀνθρώποις ἐγγιγνόμενον θεοειδές τε καὶ θεοείκελον... καὶ τὸ μὲν ἂν οἷμαι ἐξαλείφειεν, τὸ δὲ πάλιν ἐγγράφοιεν, ἕως ὅτι μάλιστα ἀνθρώπεια ἦθη εἰς ὅσον ἐνδέχεται θεοφιλή ποιήσειαν.

*R.*6.501a-c

"Conceiving," I said, "the city and character of man as a **painting**, they would first **make it clean**... then, I suppose, working vigorously to serve two ends, they would look to what is by nature just and beautiful and temperate and **all things of this sort**, and in respect to those findings, they would instill it in mankind, mixing and mingling from useful things a likeness of man, and from that evincing **what indeed Homer** too called '**becoming god in image and likeness**' among mankind... and, I suppose, they would **wipe it out** and **paint over it** again, until they create the human character beloved by god as much as possible."

*R.*6.501a-c

care to preserve at least its beauty and finest lines.

Rep.5.1.2

I follow Jed Atkins and Elizabeth Asmis in reading this as an allusion to Plato.²³ My own reading is closer to that of Jed Atkins, who thus defines the key difference between Socrates' painting and Cicero's: while Socrates advises that the character of mankind be wiped clean from the painting, Cicero's triumphant focus is squarely on this character of mankind.²⁴ Indeed, I add to Atkins' evidence the significance of citing Ennius to make this point. In the Platonic original, Socrates discusses Homer, identifying the godlike qualities as worthy of imitation (see *R.6.501a-c* above). Cicero answers the Platonic appeal to Homer with his own appeal to Ennius, the Homer of Rome, and there is decidedly nothing godlike about the character of these men. They are outstanding, but still human.

More importantly for the purposes of this chapter, Cicero's adaptation of the painting-metaphor puts a special emphasis on historical narrative. As the Latin tells us, the men could not have founded and maintained the Republic without their moral character, nor would their moral character have worked, if it were not for the men who

²³ Though Buechner claims that the passage from Book 5 has nothing to do with Plato (Büchner, *De Re Publica*, 391–92), scholarly opinion has shifted back to seeing it as a clear adaptation. Elizabeth Asmis, in fact, sees Cicero's adaptation as responding as well to the challenge Socrates makes for his own republic in the *Timaeus* when he compares his republic to the painting of an animal and says that he wants to see it in contests with other states (Asmis, "A New Kind of Model: Cicero's Roman Constitution in «De Republica»,", 387. Sean Gurd is unique in suggesting that Cicero has the painter-metaphor from Plato's *Laws* in mind (*Lg.* 6.769a-770d). His argument is well founded, since both Cicero and the Athenian Stranger are discussing the importance of restoring a painting (Gurd, *Work in Progress: Literary Revision as Social Performance in Ancient Rome*, 56–57). I, however, find the connection with Plato's *Republic* more compelling, since Cicero prepares his audience for that by referencing Socrates' "painting" (*depinxerit*) in Book 2 (*Rep.* 2.51).

²⁴ Atkins, "Cicero on the Relationship between Plato's Republic and Laws," 23–24.

were in charge (*neque mores, nisi hi viri praefuissent...*). This is a complicated statement and requires some analysis. The thesis that men need moral character to succeed is basic enough, but what does it mean to say that moral character needs the men? The answer can be found in Scipio's appraisal of great figures in Book 2. I now cite Scipio's appraisal of Publicola, which especially resonates with Cicero's painting-metaphor in Book 5, as cited above:

Haud mediocris hic, ut ego quidem intellego, vir fuit, qui modica libertate populo data facilius tenuit auctoritatem principum. Neque ego haec nunc sine causa tam vetera vobis et tam obsoleta decanto, sed illustribus in personis temporibusque exempla hominum rerumque definio, ad quae reliqua oratio derigatur mea.

Rep.2.55

This man [Publicola] was **hardly mediocre**, as I indeed understand things. **He, with a moderate amount of liberty given to the people, maintained the authority of the leaders rather easily.** Nor am I reciting to you so old and tired stories without reason, but I am establishing examples of people and things **in illustrious personalities and times**, and it is on these examples that the rest of my argument is based.

Rep.2.55

As we can see in the boldfaced words in Latin, Scipio's emphasis on the exceptional character of these figures as well as their exemplarity for future generations anticipates the painting metaphor of 5.1 The advantage of such historical figures is that they enable the orator to raise an audience's attentiveness to societal values without having to resort to arguments in the abstract.

It is also significant that of the two changes Scipio attributes to Publicola, the second is decidedly symbolic: Publicola, as Scipio tells us, established that the lictors be assigned only to one consul in alternating months, so that the leaders of the Republic would not appear to have more manpower behind them than the kings of the monarchy had (*Rep.2.55*). This decision about the lictors was not just a matter of logistics, but symbolism. It was necessary to communicate to the people that the consuls would rely on

their power sparingly and not practice the unrestrained force of kings. Such symbolic decisions provides another means, in addition to rhetoric, of raising an observer's attentiveness to the values in question.

This is where Ciceronian pragmatism distances itself from the ideals of Cato the Younger. Publicola knows how to make concessions to the people, in order to maintain the Republic. Similarly, Scipio represents the consuls Lucius Valerius Potitus and Marcus Horatius Barbatus as reacting aptly, when they pass a law that no magistrate be created without the right of appeal. They show political wisdom in this decision, and Scipio describes them as “men who were shrewdly populist for the sake of concord (*hominum concordiae causa sapienter popularium*)” (*Rep.*2.54). Cicero was no *popularis* himself, but he recognized how crucial compromise was to maintaining the optimal level of social order in the Republic.²⁵ Numa as well demonstrates this political wisdom in instituting cultic practices to soften the souls of men that had grown hard from years of warfare (*Rep.*2.27). What makes these leaders outstanding is their ability to persuade the people to abide by a constitution, mostly unaltered, by making nominal concessions and changes. Cato, as seen in Chapter 1, lacks this wisdom and threatens to destabilize the Republic entirely for his Stoic unwillingness to yield. Indeed, a leader's ability to connect with the people through the symbolism of compromise is the only way, Cicero tells us, that Roman character can maintain itself. Morals by themselves are impotent, Cicero's dialogue implies, unless they are reinforced by the exemplary behavior of the men in

²⁵ Cf. 2.69 for what this optimal order meant to Cicero

charge. Book 2 gives us that exemplary behavior, in Scipio's accommodation of Roman history to his argument.

It is on this point that I modify the statement of J. G. F. Powell, who asserts that Cicero's adaptation of the painting-metaphor tells us that the problem does not have to do with the system, but rather with a shortage of good men.²⁶ However, when we compare Cicero's adaptation in *de Re publica* with that of the letters, we realize that this cannot be the case. I cite Cicero's adaptation from the letters below:

Nam quia deciderat ex astris, lapsus potius quam progressus videbatur. Et ut Apelles si Venerem aut Protegenes Ialysum illum suum caeno oblitum videret, magnum, credo, acciperet dolorem, sic ego hunc omnibus pictum et politum artis coloribus subito deformatum non sine magno dolore vidi.

For because he had fallen from the stars, he seemed rather to have shot through the senate rather than advanced. And just as **if Apelles were to see his Venus or Protegenes his famous Ialysus wiped out** with mud, he'd feel, I believe, great pain, so I beheld not without great pain this man, painted and **finished off**, as he was, **with all the colors of skill**, so suddenly disfigured.

Att.2.21.4 SB 41

As I illustrated in Chapter 1, the problem with Cato the Younger was not that he was not a good man, but that he was not a wise man.²⁷ What makes the models of Book 2 outstanding is their ability to compel the people to follow their example (see also *Rep.2.69*, discussed with the Dream of Scipio below). Cicero tells us with the painting metaphor that the character of Rome suffers degeneration because of a lack of good men; more pertinently, he tells us that good men are lacking because they do not have the right models to follow (as supplied by Scipio in Book 2). The advantage of using historical models is that they can promote Cicero's argument without resorting to the abstract. This

²⁶ Powell, "Second Thoughts on the Dream of Scipio," 22–23.

²⁷ Significantly, Laelius' critique of Socrates' *Republic* as being at variance from the character of people sounds very close to Cicero's own critique of Cato the Younger, whom he faults for having too rigid a definition of bribery: cf. *a vita hominum abhorrentem et moribus (Rep.2.21)* and *si etiam illud addam, quod a consuetudine non abhorret (Mur.69)*.

is an especially important strategy in convincing Stoic Optimates, such as Cato, to relax their values, as making an abstract argument is liable to be interpreted as an attack on Romanized Stoic values.

Thus, it is not for nothing that Cicero sets his dialogue to take place four years after the tribunate of Tiberius Gracchus.²⁸ On the level of the dialogue, Scipio turns to historical exemplars to offset the self-serving and destabilizing ambition of men, such as the Gracchi. On the level of meta-dialogue, Cicero as author turns Scipio and Laelius into idealized fictions of history whose discussion of history itself sets ideals against reality. Though the two views of history seem to be opposite, Cicero is unique as a thinker in bringing them together and demonstrating the need for both. A realistic appraisal of the past is necessary to continue building and refining political institutions, as the founding fathers of Rome had, according to the saying of Cato, but an idealistic portrayal of historical exemplars is equally necessary to encourage ambitious politicians not to seek self-gain at the expense of community. It is in this second area, as I have so far demonstrated in this chapter, that Cicero responds to the lesson of the *Phaedrus*, i.e., understanding the minds of his audience and appealing to them appropriately.

This is also where *de Re publica* corresponds to *de Oratore*. Antonius, as cited in Chapter 2 (*de Or.*2.35), uses a beast-metaphor in *de Oratore*, which corresponds to the mahout-metaphor explored in this chapter (*Rep.*2.67). The tumultuousness of human passion requires more than reason to align it with justice. Cicero's adaptation in *de Re*

²⁸ Zetzel, *De Re Publica*, 6ff.

publica is programmatic, in that it underscores the historical myths Scipio makes to win over his audience to justice. We have already seen how Book 2 is filled with historical myths, where Scipio champions the ideals of the Roman heritage through a vision of the past which, as Laelius points out, does not match up to historical fact.

3.2 Book 6 and Knowledge of the Cosmos

So far, we have seen how Scipio embodies the lesson of the *Phaedrus* in understanding the souls of his audience and accommodating his argument to them through his presentation of historical exemplars in Book 2. In Book 6 we shall see Scipio continue in this vein with the difference that he now incorporates understanding of nature as well through his depiction of the cosmos in his Dream. In this sense, Scipio follows the model of the legislator in Plato's *Laws* not only by understanding the soul (*Lg.*1.644d-645c), but also through his understanding of the cosmos (*Lg.*10.898ac).²⁹ While the Dream of Scipio structurally bears a strong resemblance to the myth of Er, it stands out for conforming to the most advanced theories of cosmology in his day.³⁰ The pains Cicero takes to enmesh the fantasy of Scipio in as accurate a rendering of the cosmos as possible implies that he has taken the injunction of the *Phaedrus* to heart, which requires

²⁹ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 74–75.

³⁰ Powell, "Second Thoughts on the Dream of Scipio," 24. As Asmis further points out, Cicero is also unique for distancing his myth as myth by presenting it as a dream (Asmis, "Cicero Mythologus," 26). Symbolically, such observations go hand in hand with Cicero's use of Plato, as explored in our study of the letters: Cicero continually tempers the idealism of Plato with his own political pragmatism, so we should expect his own concluding myth to be more realistic than Plato's. That said, this is a Platonic move. As Diskin Clay notes, Plato regularly deploys myths in his dialogue (esp. in the *Gorgias*) at the point where rational argument has exhausted itself or requires a buttress (Clay, "Plato Philomythos"). In my contribution to scholarship on the Dream, I inquire how the Dream relates to the rest of the dialogue and, more specifically, what problem the dream addresses.

not only understanding of the souls of one's audience, as Scipio does in Book 2, but also knowledge of the nature of the universe, as evinced in the Dream of Book 6. It is an instance of verisimilitude with a moral purpose.

In addition to being framed in accordance with the advice of the *Phaedrus*, the Dream of Scipio also serves as a philosophical model more apt at addressing the crisis of the Republic than anything from the rival school of Cato. Cicero's problem has two dimensions: one public and the other private. The public dimension is the present problem of the state's deterioration due to the corrupting power of political ambition, and the private dimension pertains to how Cicero qua philosopher can continue to have a political voice, despite being stifled by force of the First Triumvirate in 56 BC (one year before the publication of *de Oratore*, and two before that of the work currently under discussion). It is quite telling, therefore, that Scipio introduces the dream as a critique of mortal glory:

Sed quamquam sapientibus conscientia ipsa factorum egregiorum amplissimum virtutis est praeuium, tamen illa divina virtus non statuas plumbo inhaerentes nec triumphos arescentibus laureis, sed stabiliora quaedam et viridiora praemiorum genera desiderat.

But although **for wise men**, the self-knowledge of outstanding achievements is the most abundant reward of virtue, nonetheless that divine virtue does not desire statues clinging to lead, nor triumphs with laurels that dry up, but certain kinds of rewards that are more stable and greener.

*Rep.*6.12/8

In this way, the dream meets both dimensions of the problem. On the one hand, the vision relies on a scientifically informed³¹ contemplation of the universe to temper unbridled political ambition; on the other hand, Cicero as political philosopher, nuances Platonic ideas about the afterlife, in order to continue to influence politics effectively.

³¹ Powell, "Second Thoughts on the Dream of Scipio," 25.

Furthermore, Scipio’s qualification of “the self-knowledge of outstanding achievements (*conscientia ipsa factorum egregiorum*)” being the best reward for “wise men (*sapientibus*)” strongly resonates against Stoicism.³² Catonic Stoicism, as evident in Cicero’s critique of Cato the Younger as explored in Chapter 1, makes no concessions because it operates under the assumption that only the wise men need to be taken into consideration, and wise men, by definition, require no concessions.³³ As we shall see, Plato proves a more effective philosopher for Cicero to think with, as the latter develops his own vision that can speak to people as they are rather than as they should be. The result is the Dream of Scipio: a believable vision of the universe to raise the attentiveness of Scipio’s audience (and Cicero’s readership) to an approximation of the wise man’s virtues without requiring them to be wise men themselves.

Indeed, Cicero makes a telling allusion to Plato’s *Gorgias* in the preface to Book 1, where he works out the problem of philosophy as it relates to politics. Admittedly, Cicero addresses the problem of philosophy in terms of the Peripatetic debate between Theophrastus and Dicaearchus on the reflective life versus the active.³⁴ It is remarkable, however, that the verbal allusion we find in Cicero’s clearest definition of this very debate is one to Plato’s *Gorgias*:

<i>Nec vero habere virtutem satis est quasi artem aliquam, nisi utare; etsi ars quidem, cum ea non utare, scientia tamen ipsa teneri potest, virtus in usu sui tota posita est; usus autem eius</i>	<i>ὅταν δὲ δὴ πρεσβύτερον ἴδω ἔτι φιλοσοφοῦντα καὶ μὴ ἀπαλλαττόμενον, πληγῶν μοι δοκεῖ ἤδη δεῖσθαι, ὦ Σώκρατες, οὗτος ὁ ἀνὴρ. ὁ γὰρ νυνδὴ ἔλεγον, ὑπάρχει τούτῳ τῷ ἀνθρώπῳ, κἂν πάνυ</i>
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³² In fact, Cicero was familiar with the fuller spectrum of Stoicism, and his reaction is largely against the extremism of Cato. See Reydams-Schils, *The Roman Stoics*. What is important for our study is his systematic use of Plato’s school to mitigate philosophical as well as political extremes.

³³ Cf. *Mur.*60-68.

³⁴ Zetzel, *De Re Publica*, 98–99. Cf. *Att.*2.12.4, 2.16.3, 7.3.1.

*est maximus civitatis gubernatio et earum ipsarum rerum, **quas isti in angulis personant**, reapse, non oratione, perfectio. Nihil enim dicitur a philosophis, quod quidem recte honesteque dicatur, quod non ab iis partum confirmatumque sit, a quibus civitatibus iura discripta sunt.*

Rep.1.2

Nor is it enough to have virtue, as if an art, without using it; even if an art indeed, without your using it, can still be considered knowledge itself, virtue is placed entirely in one's own usage; the greatest usage of it, however, is the governance of state, and the realization of the very things, **which those [philosophers] of yours prattle about in corners**, comes from the thing itself, not from its discussion. No sort of thing, then, said by philosophers can be said even rightly or honorably, if it has not also been acquired and corroborated by the ones who have drafted laws for states.

Rep.1.2

*εὐφυῆς ἢ, ἀνάδρῳ γενέσθαι φεύγοντι τὰ μέσα τῆς πόλεως καὶ τὰς ἀγοράς, ἐν αἷς ἔφη ὁ ποιητῆς τοὺς ἀνδρας ἀριπρεπεῖς γίγνεσθαι, καταδεδοκῶτι δὲ τὸν λοιπὸν βίον βιῶναι μετὰ μειρακίων ἐν **γωνία** τριῶν ἢ τεττάρων **ψιθυρίζοντα**, ἐλεύθερον δὲ καὶ μέγα καὶ ἰκανὸν μηδέποτε φθέγγασθαι.*

Grg.485d

Whenever I see an older person still philosophizing and not desisting, this man strikes me, Socrates, in need of a beating. For what I've been talking about just now—it happens to this man, even if he is physically in good shape, to become unmanly, to flee from the center of city and the forums (in which the poet says that men become preeminent), and to sink into living the rest of his life **mumbling in a corner** with three or four boys, without ever uttering the sound of a freeborn male who is mighty or capable.

Grg.485d

James Zetzel has pointed out this same verbal allusion in his commentary,³⁵ but no one has fully explored the implications of Cicero's echo and re-appropriation of Callicles in his own voice. Reading the *Gorgias* as philosophical drama rather than as a treatise through the mouthpiece of Socrates, Cicero negotiates a middle ground between the extremes of Cato's Stoicism on the one hand and an outright rejection of philosophy on the other. That is why Cicero does not ape Callicles, but adapt him. For Cicero, Plato is a rich source of informed arguments both for and against a number of issues, and in this case, Cicero draws upon Plato for a negative opinion regarding philosophy. When we observe the relationship between the original context of the allusion and Cicero's recasting of Callicles into his own argument, we can further refine our sense of the

³⁵ Ibid., 99.

conversation Cicero is having with Plato. Whereas Callicles makes the extreme argument that to philosophize beyond a certain age in life is useless, even detrimental, Cicero qualifies Callicles' position. With the image of philosophers "rambling in a corner," Cicero grants Callicles the uselessness of philosophy when it is pursued as an end in itself rather than as a means to better government (*civitatis gubernatio ... earum ipsarum rerum... perfectio*).

Also of significance to our interpretation of the dream is the fact that Philosophy is symbolized in cosmology, as we have seen in my analysis of the letter to Cato explored in Chapter 1 (*Fam.* 15.4.16 – SB 110). The contemplation of the heavens in Scipio's Dream is a vision of tempering political ambition with philosophy. I view the Dream of Scipio as functioning alongside the historical myths of Book 2 as a rhetorical device that calls for a middle ground between philosophy and politics.³⁶ Before we proceed to my reading of the Dream, it is necessary to observe where the connection between cosmology and philosophy is drawn. *De Re publica* draws a link between philosophy and cosmology early in Book 1 through a ring-structure. The first part of the ring-structure is Cicero's allusion to Callicles in his own voice (*Rep*1.2, as cited above); Laelius completes the second part when he makes another allusion to the same speech of Callicles later on. After Tubero and Philus express their enthusiasm for cosmology at the beginning of the dialogue in Book 1, Laelius criticizes their eagerness for that pursuit in a way that imitates Callicles' critique of philosophy:

³⁶ In this interpretation, I differ from Zetzel, who argues that the continual references to cosmology and Platonic theories of the afterlife indicate that Cicero shares a doctrinal view with Plato about the immortality of the soul and the universe (*Ibid.*, 25–29).

Quodsi studia Graecorum vos tantopere delectant, sunt alia liberiora et transfusa latius, quae vel ad usum vitae vel etiam ad ipsam rem publicam conferre possimus. Ista quidem artes, si modo aliquid valent, id valent, ut paulum acuant et tamquam irritant ingenia puerorum, quo facilius possint maiora discere.

Rep. 1.30

But if the **studies of the Greeks bring** you so much **enjoyment**, there are others **fairly well-suited to freeborn citizens** and broader in their application, which we are able to transfer either to the practicality of life or to the republic itself. Even those arts of yours, if they are valuable at all, have value in this: they sharpen and, as it were, excite the minds of **young boys**, so that they're all the more able to learn more important things.

Rep.1.30

ὅταν δὲ ἀνδρὸς ἀκούσῃ τις ψελλιζομένου ἢ παίζοντα ὄρᾶ, καταγέλαστον φαίνεται καὶ ἀνανδρον καὶ πληγῶν ἄξιον. ταῦτόν οὖν ἔγωγε τοῦτο πάσχω καὶ πρὸς τοὺς φιλοσοφοῦντας. παρὰ νέῳ μὲν γὰρ **μειρακίῳ ὄρων φιλοσοφίαν ἄγαμαι**, καὶ πρέπει μοι δοκεῖ, καὶ ἡγοῦμαι **ἐλεύθερόν τινα** εἶναι τοῦτον τὸν ἀνθρώπον, τὸν δὲ μὴ φιλοσοφοῦντα ἀνελεύθερον καὶ οὐδέποτε οὐδενὸς ἀξιώσοντα ἑαυτὸν οὔτε καλοῦ οὔτε γενναίου πράγματος· ὅταν δὲ δὴ πρεσβύτερον ἴδω ἔτι φιλοσοφοῦντα καὶ μὴ ἀπαλαττόμενον, πληγῶν μοι δοκεῖ ἤδη δεῖσθαι, ὃ Σώκρατες, οὗτος ὁ ἀνὴρ.

Grg.485cd

But whenever someone hears a man talking baby-talk or sees him fooling around, it looks ridiculous and unmanly and deserves a beating. You see, I experience the same thing as well in respect to men who philosophize. When it comes to a **young boy, I'm happy to see philosophy**, and it seems appropriate to me, and I believe that this person is someone **who is free**, and that the one without philosophy is unfree and will never make himself worthy of anything fine or good. But whenever I see an older man still philosophizing and not desisting, this man strikes me, Socrates, as one in need of a beating.

Grg.485cd

The *studia Graecorum* referred to by Laelius are in fact studies in astronomy, but by this time Cicero has already made an effort to make a thematic link between cosmology and Plato: when Philus explains the history of Archimedes' Orrery, he insists that an important phase in the development of the globe occurred at the hands of Eudoxus of Cnidus, "a disciple of Plato, as legend had it" (*Rep.1.22*). Thus, a thematic link is established between philosophy, cosmology, and Plato in particular.

A second connection to Platonic philosophy is made by Laelius himself, when he cites a number of plays to reinforce his point: included in these plays is Pacuvius'

Antiopa, whose Euripidean counterpart was quoted at length by Callicles—and from a

debate, no less, on the man of action versus the man of learning.³⁷ Callicles quotes the opinion of Zethus on the worthlessness of this man of learning, and Laelius cites the same character from Pacuvius' Roman play to make a similar point about cosmology (*Rep.* 1.30). The intertextual implications are clear: Pacuvius is the Roman Euripides; therefore, if Euripidean drama colors the opinions of Platonic interlocutors, so too will Roman tragedy color the opinions of Ciceronian *personae dramatis*. It is a *sphragis* to confirm Cicero's status as the Roman Plato.

But it does more than that. Although the extremeness of Callicles is again adapted, we must note that Laelius' adaptation differs from Cicero's. Laelius allows for the Greek studies only as a means of sharpening the mind for greater and more important things. Cosmology, in Laelius' critique, is too far removed to be of any immediate practical value to politics. Cicero, on the other hand, in his own voice claims philosophy as a worthy tool for politics and not just an exercise to prepare the mind for better things. Cicero's pragmatism is a middle ground.

Scipio also represents a middle ground. Towards the end of Book 2, Scipio cites Plato explicitly in relation to the question of whether philosophy is relevant to politics. During his discussion of Tarquin the Proud in Book 2, Scipio identifies Plato and Socrates as important reference points to the limitations of a purely rational state:

Quare prima sit haec forma et species et origo tyranni inventa nobis in ea re publica, quam auspicato Romulus condiderit, non in illa, quam, ut perscripsit Plato, sibi ipse Socrates tripertito illo in sermone depinxerit, ut, quem ad modum Tarquinius, non novam potestatem nactus, sed, <ea,> quam habebat, usus iniuste totum genus hoc regiae civitatis everterit...

³⁷ Ibid., 121.

[Plato... cau]sas requisivit civitatemque optandam magis quam sperandam, quam minimam potuit, non quae posset esse, sed in qua ratio rerum civilium perspicere posset, effecit. Ego autem, si [quo] modo consequi potuero, rationibus eisdem, quas ille vidit, non in umbra et imagine civitatis, sed in amplissima re publica enitar, ut cuiusque et boni publici et mali causam tamquam virgula videar attingere...

Wherefore, let this be the first shape and kind and origin of the tyrant, which has been found by us in the Republic that Romulus founded under the auspices, not in the one that, as Plato has written, Socrates painted for himself in that tripartite dialogue, so that, to the extent Tarquin did not acquire new power, but used unjustly the power he already had, he overturned the whole category of monarchic government...

Plato sought the causes and created a state more to be wished than hoped for, [he made it] as small as possible, not one that could exist, but in which the rationality behind civil phenomena could be discerned. I, by contrast, if I've been in any way able to follow through, shall rely on the same principles that he observed, not in the shadow and reflection of a state, but in the biggest republic, so that I may appear to touch, as if with a divining rod, the cause of each public good and evil...

Rep.2.51-52

As Jed Atkins has noted, this passage is crucial to understanding how Cicero can find Plato useful for reflecting on politics without subscribing to Socrates' ideal state as a manifesto.³⁸ What I find particularly relevant is the differentiation between Plato and Socrates throughout, which intimates that, for Cicero, Plato is more than just the arguments of Socrates: Socrates is attributed with making up an ideal state, while Plato is championed for showcasing the principles of each public good and evil. What the Ciceronian Scipio learns from Plato is not only these principles of good and evil, but also how to deploy rhetoric in his historical exposition of Rome to raise the attentiveness of his audience to these principles.³⁹

This differentiation between Plato and Socrates has profound implications. In the first half of this statement, Socrates is described as "painting" his Republic, and in the second part, his state is called "the shadow and reflection of a state." To anyone familiar

³⁸ Atkins, "Cicero on the Relationship between Plato's Republic and Laws."

³⁹ See also Introduction, "Attentiveness (Aufmerksamkeit)..."

with the *Republic*, the language of “painting, shadow, and reflection” connotes something that is ephemeral and inferior to the true and eternal original (cf. *R.7.515eff*, *Phd.99d*, and esp. *R.10*). The great irony of Plato’s *Republic*, in Cicero’s reading, then, seems to be that Socrates’ depiction of the ideal state is in fact a product of imitative artistry and inferior to the real state.⁴⁰ The difference for Cicero, however, —and this is where Cicero pronouncedly differs from the Platonic Socrates as a pragmatist —is that the real state is not the eternal and perfect, but the changing, imperfect and historical state of Rome. In describing the Platonic Socrates’ state as *optandam*, Scipio acknowledges that many principles of Socrates are sound as principles, but that does not make them sound when rigidly put into practice in a world full of such men as Cephalus, Polemarchus, and Thrasymachus, all of whose positions are explored in the speech of Philus in Book 3 (as I demonstrate below).⁴¹

What I shall argue from here is that the Dream of Scipio is a vision of a mitigated form of philosophy that is capable of encouraging public good and tempering the public evil. Indeed, right before Scipio differentiates between Socrates and Plato in Book 2, he opposes the figure of the tyrant with a ruler that, as scholars have long noted, corresponds to Plato’s philosopher-king in the *Republic*.⁴² I am unique in seeing Cicero’s philosopher-king as being different than Plato’s (at least in the *Republic*). Cicero’s is one that

⁴⁰ Dean Hammer notes this as well, but I differ from Hammer in not seeing this as an outright rejection of Plato (Hammer, “Cicero: To Save the Res Publica,” 32), but rather an artful nuancing with a pragmatic end.
⁴¹ Cf. as well Chapter 1’s analysis of *Att.2.1* where Cicero compares the “*Politeia* of Plato” to the “dung of Romulus.”

⁴² Pöschl, *Römischer Staat Und Griechisches Staatsdenken Bei Cicero; Untersuchungen Zu Ciceros Schrift De Re Publica*, 117; Asmis, “A New Kind of Model: Cicero’s Roman Constitution in « De Republica »,” 409; Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 73.

champions rhetoric as an instrument for coping with the other public evil showcased in Platonic philosophy: the foibles of human psychology. We have already seen the problem of the mob, which through licentiousness degenerates to a state of chaos equivalent to tyranny. Scipio cites Plato on this point in his extended imitation of the *Republic* (1.65-68, as cited above). A close neighbor to the problem of the mob is that of the individual. Plato is also cited here: Philus' speech in Book 3 nuances the arguments of Socrates' interlocutors from Books 1 and 2 of the *Republic* to demonstrate how a rational approach to personal gain can undermine any ideology of natural law or universal justice.

Cicero is not on the side of Philus in the debate of Book 3, but he does anticipate the foibles of human nature in the preface:

Hominem non a matre sed a noverca natura editum in vitam, corpore nudo fragili et infirmo, animo autem anxio ad molestias, humili ad timores, molli ad labores, prono ad libidines, in quo tamen inesset tamquam obrutus quidam ignis ingeni et mentis.

[Cicero said] that man is delivered into life not from mother nature, but from stepmother nature, his naked body brittle and infirm, his mind, moreover, anxious about troubles, unresolved about labors, excited about pleasures, yet in him there is, as if hidden, a certain fire of genius and mindfulness.

*Rep.3.1/1 [Aug. Contra Iulianum]*⁴³

I agree with J. G. F. Powell's placement of this fragment at the beginning of Book 3.⁴⁴

Thematically, the foibles of human nature anticipate the arguments that Philus effectively makes against natural justice, where he discusses a conventional form of justice predicated upon fear of punishment, the avoidance of labor, and the pursuit of pleasure vis-à-vis self-interest.

⁴³ Cicero, *De Re Publica ; De Legibus ; Cato Maior de Senectute ; Laelius de Amicitia*, 91.

⁴⁴ Ibid.

There is textual evidence that Cicero specifically anticipates the cosmological vision of Book 6 as a resolution to the problem of Book 3. Indeed, Cicero follows this statement on the frailty of human nature with a brief outline of the development of language and numbers. In the description of numbers, Cicero emphasizes the contemplation of the eternal and the movements of celestial bodies:

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

The number has made its way to us for this reason, since the number is both something necessary for life and the only immutable and eternal thing. It is the first thing that compelled us to look at the sky at all and not to gaze upon the movements of the stars in vain and by the enumerations of nights and days...

Rep.3.2/3

This emphasis on gazing at the cosmos bears a strong correspondence to Plato's own discussion of contemplating the cosmos in the *Laws* (*Lg.10.898a*). Furthermore, eternity, the motions of the stars, and measuring divisions of time are all crucial elements of Scipio's Dream in Book 6. As Jed Atkins notes, "In the Dream, the sun rules the other planets by reason, and this ideal order produces a perfect and unsurpassable harmony (*Rep.6.22/18*)."⁴⁵ In this way Book 3 anticipates the vision of Scipio's Dream in Book 6. The promise of afterlife as well as the glorious vision of order in the cosmos overcome the self-serving tendencies of individualistic logic, as outlined in the speech of Phlius.⁴⁶

⁴⁵ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 78.

⁴⁶ Along with looking forward to Scipio's Dream, Book 3 also showcases Cicero's challenge in negotiating a common ground between the ideals of philosophy and the nature of humanity. I cite a telling passage from the preface, where Cicero returns to the comparison of men of action with men of learning (cf. 1.2 and 1.30, as cited above):

...quorum animi altius se extulerunt et aliquid dignum dono, ut ante dixi, deorum aut efficere aut excogitare potuerunt. Quare sint nobis isti, qui de ratione vivendi disserunt, magni homines, ut

*sunt, sint eruditi, sint **veritatis et virtutis magistri**, dum modo sit haec quaedam, sive a viris in rerum publicarum varietate versatis inventa sive etiam **in istorum otio ac litteris** tractata res, sicut est, minime quidem contemnenda, **ratio civilis et disciplina populorum**, quae perficit in bonis ingeniis id quod iam persaepe perfecit, ut incredibilis quaedam et divina virtus existeret. Quodsi quis ad ea instrumenta animi, quae natura quaeque civilibus institutis habuit, adiungendam sibi etiam **doctrinam et uberio rem rerum cognitionem** putavit, ut **ii ipsi, qui in horum librorum disputatione versantur**, nemo est, quin eos anteferre omnibus debeat. Quid enim potest esse praeclarius, quam cum rerum magnarum tractatio atque usus cum illarum artium studiis et cognitione coniungitur? aut quid P. Scipione, quid C. Laelio, quid L. Philo perfectius cogitari potest? qui, ne quid praetermitterent, quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam **hanc a Socrate adventiciam doctrinam** adhibuerunt.*

...whose minds more highly exalted themselves and were able either to achieve or to conceptualize something worthy--as I've said before--of the gift of the gods. Wherefore **those men of yours, the ones who talked about a rational way of life**, ought to be, as they are, great men in our estimation, erudite, **instructors of truth and virtue**, so long as this matter in particular, whether discovered by men involved in the sundry ways of public life or even handled in the leisure and literary works of those thinkers of yours, not be held in lesser regard, just as it is: the way of the state and the management of peoples. This study brings to fruition in good minds now what it has already often brought to fruition then: that a certain unbelievable and divine virtue come into being.

But if anyone has thought that he ought to join **both his learning and richer understanding of things** to the instruments of the mind (both those he acquired from nature and those from civil institutions), **as these very men do, who are involved in the dialogue of these books**, there is no one who should not prefer them to the whole world. What indeed can be more excellent than when the application and experience of great matters is joined **with studies and understanding of those arts**? Or what can be thought more perfect than Publius Scipio, than Gaius Laelius, than Lucius Philus? They, so as not to leave anything out which might be relevant to the unequivocal celebration of brilliant men, applied **the learning that came from Socrates** to the **political character of their own time and that of the ancestors**.

Rep.3.5/4-5/5

Though the above passage is fragmentary, enough survives for us to determine that Cicero is addressing someone with a fondness for philosophy (*isti, qui de ratione vivendi...*) and tempering that fondness with an appeal to the practical wisdom that comes from experience in the state. In the Latin, I have put the words in boldface that pertain to philosophy and underlined those pertaining to practical experience. When we follow the train of thought in the first paragraph, we can see that *ratio civilis et disciplina populorum* can be achieved through either philosophy or practical experience (*sive a viris... versatis inventa sive etiam in istorum otio ac litteris tractata res*); in the second paragraph, however, we learn that the highest form of this "incredible and divine virtue" (*incredibilis...et divina virtus*) can be found in the three historical figures of the debate in Book 3 because they bring philosophy and politics together. It is also significant that when Cicero further defines philosophy, he refers to Socrates, and when he further defines politics, he refers to "the political character of the ancestors and their contemporaries" (*domesticum maiorumque morem*). In my

In this way, the debate of Book 3 anticipates the Ciceronian Scipio's demonstration of rhetoric to raise an audience's attentiveness to Roman values.

I now cite the opening of Philus' speech, which contains a programmatic allusion to Book 1 of Plato's *Republic*.

Et Philus: Heia vero, inquit, geram morem vobis et me oblinam sciens; quod quoniam, qui aurum quaerunt, non putant sibi recusandum, nos, cum iustitiam quaeramus, rem multo omni auro cariorem, nullam profecto molestiam fugere debemus. Atque utinam, quem ad modum oratione sum usurus aliena, sic mihi ore uti liceret alieno!

Rep.3.8

ὦ Θρασύμαχε, μὴ χαλεπὸς ἡμῖν ἴσθι· εἰ γὰρ τι ἐξαμαρτάνομεν ἐν τῇ τῶν λόγων σκέψει ἐγὼ τε καὶ ὄδε, εὖ ἴσθι ὅτι ἄκοντες ἀμαρτάνομεν. μὴ γὰρ δὴ οἴου, εἰ μὲν χρυσίον ἐζητοῦμεν, οὐκ ἄν ποτε ἡμᾶς ἐκόντας εἶναι ὑποκατακλίνεσθαι ἀλλήλοις ἐν τῇ ζητήσει καὶ διαφθεῖρειν τὴν εὐρεσιν αὐτοῦ, **δικαιοσύνην δὲ ζητοῦντας, πράγμα πολλῶν χρυσίων τιμιώτερον**, ἔπειθ' οὕτως ἀνοήτως ὑπέικειν ἀλλήλοις καὶ οὐ σπουδάζειν ὅτι μάλιστα φανῆναι αὐτό. οἴου γε σύ, ὦ φίλε. ἀλλ' οἴμαι οὐ δυνάμεθα· ἐλεεῖσθαι οὖν ἡμᾶς πολὺ μᾶλλον εἰκόσ ἐστίν που ὑπὸ ὑμῶν τῶν δεινῶν ἢ χαλεπαίνεσθαι.

R.1.336e-337a

And “Alas indeed!” said Philus. “I’ll play this role for you and knowingly smear myself with mud; if those who **seek gold** have no excuse for doing that to themselves, we, since we’re seeking **justice, a matter far more precious than all gold**, should not shirk any annoyance at all. Oh if only, in the same way that I’ll be adopting the devil’s argument, I might hide my face behind his face too!”

Rep.3.8

Thrasymachus, don't be hard on us: for if this man and I are mistaken in our examination of arguments, you know well that we are mistaken against our will. Indeed, do not think that if, on the one hand, **we were searching for gold**, we would ever willingly be at odds with each other in the search and ruin the chance of its discovery, so too in **searching, on the other hand, for justice, a matter far worthier than many pieces of gold**, we would stupidly yield to one another and not be serious about its manifestation. Consider it yourself, friend. But I

analysis of Book 3, I argue that this mix of ancestral and contemporary characteristics anticipates the inevitable compromises that must be made in politics.

I will also argue that the name Socrates here is not used generically to refer to the Greek tradition as a whole, as Catherine Bishop interprets such references to Plato (Bishop, “Greek Scholarship and Interpretation in the Works of Cicero,” 79–126), but rather an allusion to the Platonic Socrates. The reason is that Philus, like Socrates, wants to have a rational argument for natural justice, but, like Socrates' interlocutors, realizes the potency of rational arguments to be made against natural justice.

guess we're not able: it is much more fitting
then that we be pitied by smart people like you
rather than maltreated.

R.1.336e-337a

Zetzel has remarked on the similarity between these passages,⁴⁷ but no one has done justice to the programmatic significance of alluding to Socrates' *elenchus* with Thrasymachus in Book 1 of Plato's *Republic*. Indeed, as I shall demonstrate in my interpretation of Philus' speech, the echoing of Socrates' words summons the arguments of Socrates' opponents. Philus is closer to Glaucon than Thrasymachus, i.e., he is someone who wants to believe in justice, but embodies the strongest rational arguments against justice from Socrates' three opponents in Books 1 and 2 of Plato's *Republic*. What is important, however, is not where Philus personally stands on the issue, but the fact that Ciceronian dialogue elaborates and strengthens the realistic arguments of Socrates' opponents.⁴⁸

⁴⁷ Zetzel, *On the Commonwealth and On the Laws*, 62 n. 10.

⁴⁸ In addition to making an allusion to Book 1 of Plato's *Republic*, the imagery of gold also resonates with a verse of Ennius that Cicero cites earlier in his preface to Book 3. After declaring the supremacy of men, who, like the debaters of Book 3, combine philosophy with politics, Cicero concedes that, if one had to choose between the two, the political life is more glorious than the philosophical. What is relevant to my argument is Ennius' celebration of the exemplary Manius Curius as being both unconquered in battle ("whom no one could defeat with iron") and impervious to bribery ("nor gold").

*Quare qui utrumque voluit et potuit, id est ut cum maiorum institutis, tum doctrina se instrueret, ad laudem hunc omnia consecutum puto. Sin altera sit utra via prudentiae deligenda, tamen, etiamsi cui videbitur illa in optimis studiis et artibus quieti vitae ratio beatior, haec civilis laudabilior est certe et inlustrior, ex qua vita sic summi viri ornantur, ut vel M'. Curius, "Quem nemo ferro potuit superare **nec auro**..."*

Wherefore whoever has desired and been capable of both, that is, so that he conduct himself both according to the institutions of the ancestors and with learning [of the philosophers], I think that he has achieved everything, as far as glory is concerned. But if he must choose one road to prudence or the other, although that quiet way of life found in the highest pursuits and arts seems happier to anyone, this civic way is clearly more laudable and glorious. It is from this way of life that the greatest men are decorated, just as Manius Curius, "whom no one could defeat by iron **nor gold**..."

I now turn to the speech of Philus, which is Platonic in its opposition to natural justice. By “Platonic,” I do not mean following the arguments of Socrates, but rather deploying arguments found in the dialogues of Plato. In this case, the arguments are taken from Socrates’ interlocutors in Books 1 and 2 of the *Republic*. As I said above, Philus’ Romanization of these positions elaborate on the foibles of human nature that Cicero contrasts to the “fire of genius and mindfulness.” Read as a whole, *de Re publica* communicates that Stoic belief might be enough to actuate this fire in the souls of some, as evident in Laelius’ speech in Book 3, but it is the rhetorical use of historical myth that will prove most effective in reaching Cicero’s Roman audience.

In the following presentation of the evidence for Philus’ speech, I am indebted to David E. Hahm, who has both carefully laid out the definition of natural justice that Philus critiques and identified Philus’ arguments as adaptations of the positions held by Cephalus, Polemarchus, and Glaucon in Books 1 and 2 of Plato’s *Republic*.⁴⁹ In my interpretation of the evidence, I ultimately differ from Hahm, but before we proceed to my contribution, it is necessary that I lay out the parts of Hahm’s argument that I find

Rep.3.5/6

The imagery of gold thematically resonates with Philus’ allusion to Socrates in the *Republic*. What Socrates, Philus, and Manius Curius have in common is a dedication to justice, which they value more than gold. I should also point out that Cicero’s citation of Ennius here works in tandem with that in Book 5 where he adapts Plato’s painting-metaphor. Ennius is the Roman equivalent of Homer, but, instead of depicting gods and their heroes, he portrays the mortal heroes of Rome. In this way Book 3 looks both backward and forwards: backwards to the rhetorical move of Scipio in cataloguing the idealized figures of Roman history in Book 2, and forwards to Book 6, as already explored in my analysis of 3.2/3.

⁴⁹ Hahm, “Plato, Carneades, and Cicero’s Philus (Cicero, Rep. 3.8-31),” 168.

strongest, as my reading is founded on his evidence. Firstly, Hahm identifies three parts to the definition of natural justice that Philus, playing the devil's advocate, critiques:

Illorum fuit heroum eam virtutem, 1) quae est una, si modo est, maxime munifica et liberalis, et 2) quae omnis magis quam seipse diligit, aliis nata potius quam sibi, excitare iacentem et 3) in illo divino solio non longe a sapientia conlocare.

It was the wont of those heroes to rouse the sleeping virtue, 1) which is uniquely, if it exists at all, the most generous and liberal, and 2) which loves all more than itself, since it was born for others rather than itself, and 3) to locate it on that sacred throne not far from wisdom.

Rep.3.12

Paying strict attention to the Latin, Hahm thusly defines the three aspects of natural justice: 1) justice is uniquely uniform in its qualitative character of beneficence (*quae est una... liberalis*); 2) justice is inclined by nature towards altruistic behavior (*omnis...diligit, ... nata*); 3) justice is part and parcel with wisdom (*non longe a sapientia...*).⁵⁰

⁵⁰ This definition of natural justice is more Stoic than it is Platonic. In fact, immediately before this definition, Philus quips,

ab Chrysippo nihil magnum nec magnificum desideravi, qui suo quodam more loquitur, ut omnia verborum momentis, non rerum ponderibus examinet.

I've desired nothing grand nor impressive from Chrysippus, who speaks in his own idiosyncratic way, so that he investigates all things by the meaning of words rather than by the substance of things.

Rep.3.12

This is another statement that I see as programmatic. Philus' critique of Chrysippus characterizes stoicism as a whole: It is so fixated on the logic of its ideals, that it has lost touch with the dynamics of actual politics. This is where my interpretation differs from Hahm. Like Jed Atkins (Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 144–54., I do not see Laelius' stoic rebuttal of natural justice as triumphant (cf. Hahm, "Plato, Carneades, and Cicero's Philus (Cicero, Rep. 3.8-31)," 181–83. Rather I see this as Cicero's signaling to the audience that the practice of scrutiny inherent in the Platonic dialogue makes the Academy better suited to politics than the Stoa (this goes hand in hand with my exploration of Cicero's critique of Cato in Chapter 1). Consequently, Cicero's use of Plato is not a doctrinal following of the ideals laid out by Socrates, the most outspoken character of the dialogues, but rather a critical assessment of all the points and counterpoints of use to a discussion of politics. Furthermore, the fact that Cicero inserts such a blatant allusion to Plato before Philus makes use of the non-Socratic arguments from the *Republic* (3.8, as explored above), intimates something about Cicero's interpretation of Plato—namely, that, in Ciceronian methodology, Plato wants to be read this way.

I now lay out Hahm's evidence, which I cite in support of my claim, as stated above. In Plato's *Republic*, Cephalus defines justice as fulfilling one's obligations towards gods and men, then Polemarchus further refines and defends his father's position as giving to each what is appropriate to them, i.e. good to one's friends and harm to one's enemies (*R.1.330d-335e*). While Socrates successfully refutes each of these positions with an appeal to a universal justice, Philus relies on examples from history to bolster the arguments of Cephalus and Polemarchus in turn. As Hahm notes,⁵¹ Philus first reinvigorates Cephalus' claim and weakens the position of Socrates by pointing out that there are no universal, but multifarious, sets of conventional religious practices differing from place to place (for Philus' contrasting of religious customs, see *Rep. 3.13-17*). Cephalus' definition of justice is therefore stronger than Socrates, not because it is better in an idealistic sense, but because it is conceivable in practice. As Hahm notes, Philus' second argument corresponds to Polemarchus' definition of justice with an appeal to Roman history (*Rep. 3.21*): "it is routine policy for rulers (such as Rome...) to help themselves and their friends by harming their enemies."⁵² Philus even goes so far to say that if Rome were to be just, according to the definition of natural justice, she would have to surrender her territories and become impoverished (*Rep. 3.21*).

This point then leads Philus into Glaucon's rehabilitation of Thrasymachus' argument. Glaucon makes three arguments, all of which are developed by Philus in a Roman setting: 1) Rome is, in fact, wise in its unjust policies because gaining one's own

⁵¹ Hahm, "Plato, Carneades, and Cicero's Philus (Cicero, *Rep.* 3.8-31)," 169, 179–80.

⁵² *Ibid.*, 180.

advantage while suffering no wrong is a better situation than impairing one's ability to gain advantage, and it would be foolish not to follow one's own advantage when capable (*Rep.* 3.23-24; cf. *R.* 2.358e-59b);⁵³ 2) Glaucon's ring of Gyges is Romanized through Philus' examples of the political gains made by Rome through injustice (*Rep.* 3.29-30; cf. *R.* 2.359b-60d);⁵⁴ 3) Philus echoes Glaucon's thought experiment, in which a just man appears unjust and suffers punishment while an unjust man appears just and flourishes, and asks who would be insane enough not to prefer the fate of the unjust man (*Rep.* 3.27; cf. *R.* 2.360e-2c).⁵⁵

This ends my discussion of Hahm's argument and what I find most compelling.

Now I shall continue with the conclusion I myself draw both from Hahm's evidence and the function of Philus' speech throughout *de Re publica*. I first cite the words of Philus and Glaucon, which are worthy of comment:

<i>quis tandem erit tam demens, qui dubitet, utrum se esse malit?</i>	<i>Rep.</i> 3.27	<i>...ἵνα ἀμφοτέροι εἰς τὸ ἔσχατον ἐληλυθότες, ὁ μὲν δικαιοσύνης, ὁ δὲ ἀδικίας, κρίνονται ὁπότερος αὐτοῖν εὐδαιμονέστερος.</i>	<i>R.</i> 2.361d
Who finally would be so insane as to doubt which of the two he would rather be?	<i>Rep.</i> 3.27	...so that both, having come to the extreme, this one of justice, that one of injustice, may be judged as to which of the two is happier	<i>R.</i> 2.361d

Philus rhetorically enhances Glaucon's rebuttal of Thrasymachus by rephrasing Glaucon's indirect question as a rhetorical question. The latter device is more forceful and, as it is phrased, implies a negative answer. This is not to say that Philus does not

⁵³ *Ibid.*, 177–78.

⁵⁴ *Ibid.*, 178.

⁵⁵ *Ibid.*, 178–79.

believe in natural justice, nor even desire to believe in it, but that he, by an even stronger gesture than Glaucon, expresses the logic behind injustice and just how difficult an argument for natural justice is to make.⁵⁶ That said, it is typical of Cicero's holistic reading of Plato that Philus, the same character, echoes both the sentiment of Socrates and strengthens the arguments of Cephalus, Polemarchus, and Glaucon. Like Socrates, Philus believes justice worth more than gold (*Rep.*3.8); like the interlocutors of Socrates, however, he knows all the best arguments to be made against natural justice. The solution in *de Re publica*, as I argue, is a rhetorical appeal to Roman history to work alongside reason, because reason can lead to a justification of selfishness, but an emotional appeal to history and the sense of belonging to something greater than oneself, the oceanic feelings shared by Scipio and Laelius, are essential in guiding human nature to prefer a universal justice of humanity to an ad hoc justice of the individual.

Structurally, I also should discuss where Book 3 fits into *de Re publica* as a whole. David Hahm argues that whereas Philus plays the parts of Socrates' interlocutors, as discussed above, Laelius and Scipio substitute Socrates and bring the debate to a close.⁵⁷ I would argue otherwise: Book 3 turns Plato's *Republic* against itself. Plato's *Republic* begins with the objections of Socrates' interlocutors, but Cicero makes these objections the centerpiece of his entire dialogue and introduces them, furthermore, after Scipio's historical idealization of the Roman Republic. I agree with the interpretation of

⁵⁶ See also Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 37–42.

⁵⁷ Hahm, "Plato, Carneades, and Cicero's Philus (Cicero, *Rep.* 3.8-31)," 181–83.

Atkins that this debate remains unresolved.⁵⁸ My argument differs slightly, in that I see the debate finding its resolution not, as Atkins, in *de Legibus*,⁵⁹ but in the culminating vision of the cosmos and afterlife in the dream of Scipio.

In its structural similarity to the culminating myth of Er in Plato's *Republic*, the progression from Book 3 to the dream of Scipio provides a window into Cicero's interpretation of Plato: Plato's work, like his own, is a combination of rational argument and mythmaking. I follow Diskin Clay in my reading of Plato's mythmaking, as a rhetorical device to win the audience over to Socrates' arguments in addition to the rationalizing dialectic.⁶⁰ The great difference between Cicero and Plato, however, is that Platonic mythmaking is either ahistorical (as in the myth of Er) or prehistorical (as in the myth of Teuth), while Cicero's myths appeal to key events in Roman history (e.g., Romulus' deft handling of the Sabines at 2.12-14, and Africanus' prophecy to Scipio about the latter's sacking of Carthage etc.). This is an important gesture in Cicero's tempering of Plato with the real world of politics: Plato's myths are like the ideals of Socrates, i.e. abstracted from the contingencies of actual politics; Cicero, however, is scrupulous about anchoring his own principles in the vicissitudes of politics, because he realizes (as stated in his own preface at *Rep.*1.2) that philosophical principles are worthless, unless they can be made practicable in the real world. In the Ciceronian triangulation of human nature, philosophical ideal, and culture, a culture rooted in

⁵⁸ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 38–42, 152–54.

⁵⁹ *Ibid.*, 154.

⁶⁰ Clay, "Plato Philomythos."

rhetoric is needed to mediate between human nature and an approximation of the ideal through Roman values.

Further evidence that the dialogue asserts this message is found in Laelius' response to Philus in his appraisal of natural law. I agree with Jed Atkins on this reading: although Laelius' definition of natural law is perhaps the most eloquent in the history of political philosophy, he ostensibly fails to connect the general and immutable principles of natural law to the historical policies of the Roman empire, and the fact that Scipio praises his friend's speech for sweetness without endorsing it for correctness further corroborates the inherent problem of natural-law theory.⁶¹

The political pragmatism of Cicero is a middle ground between philosophy and politics. Philus and Laelius represent different ends of these extremes in two senses: one sense is epistemological, and the other is ethical. They are at opposite ends in the epistemological sense because Philus argues that justice is a human construct while Laelius promotes natural justice as something that empirically exists. This epistemological opposition leads to an ethical dichotomy between the cold-blooded, calculating self-interest in Philus' speech and the inherently good right action in Laelius' speech. The dream establishes a middle ground between the two both in an epistemological sense and an ethical sense. As a vision and a rhetorical device, it raises the attentiveness of its audience to the Roman values it embodies.

⁶¹ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 38–42.

The epistemological middle ground becomes clear right when Scipio introduces the dream. By distancing himself from the dream as a dream, he reinforces that the contents of it are a human construct; on the other hand, this status of human construct does not deny the validity of the dream's vision, which symbolizes the human desire for transcendence. I now cite the relevant passage:

Hic mihi (credo equidem ex hoc, quod eramus locuti; fit enim fere, ut cogitationes sermonesque nostri pariant aliquid in somno tale quale de Homero scribit Ennius, de quo videlicet saepissime vigilans solebat cogitare et loqui) Africanus se ostendit ea forma, quae mihi ex imagine eius quam ex ipso erat notior.

At this point (I believe indeed it came from this conversation, which we had; indeed it often happens, that our thoughts and conversations give birth to something in our sleeps such as what Ennius writes about Homer, about whom, of course, he very often used to think and speak when awake), Africanus revealed himself to me in the form which was better known to me from his waxen image than from the man himself.

*Rep.*6.14/10

The most apparent difference between Plato's Myth of Er and Scipio's Dream is the latter's distancing status as a dream.⁶² The allusion to Ennius' theory of dreams is also significant. It not only explains away any supernatural origin of the dream, but explicitly refers to Ennius' status as the Homer of Rome. As can be seen in other references to Ennius (5.1, 3.5/6), Cicero continually draws on Ennius when using historical exemplars to appeal to his Roman audience. Cicero deploys historical myth where Plato would legendary.⁶³ It is also significant that Cicero adds the detail that Africanus revealed himself to Scipio "in the form which was better known to me from his waxen image than from the man himself (*ea forma, quae mihi ex imagine eius quam ex ipso erat notior*)."

This is not a flesh-and-blood apparition, but an idealized waxen image, such as would be

⁶²See also Asmis, "Cicero Mythologus," 26.

⁶³Goerler, "From Athens to Tusculum. Gleaning the Background of Cicero's De Oratore."

honored by family members. The symbolism of the waxen image along with the reference to Ennius connect the portrayal of Africanus in the dream as an ideal and connect him with Scipio's idealized history in Book 2. Book 6 is, in this way, a logical progression from Book 2. Book 2 champions an idealized history of Rome's founding fathers without committing the reader to that history as being fact.

Scipio's Dream in Book 6, however, does not meet with the same skepticism from Laelius as his argument from history in Book 2. One reason for that is his distancing himself from the dream as a dream. Another reason is that Scipio is careful to marry cosmology to politics, so that Laelius cannot dismiss Scipio's vision as readily as he did Tubero's enthusiasm for astronomy in Book 1 (cf. 1.30). Though a skeptic, Laelius, as a believer in natural law, finds something of value in the glorious vision of order in Scipio's dream. In this way, Cicero allows the vision to appeal to skeptics and believers in the afterlife alike. Believers can look forward to the promises of heaven, as foretold by Africanus and Paulus to Scipio, while skeptics are left with a glorious vision of cosmic order to rethink their values and align themselves with a higher form of glory than self-gain.

The dream is a rhetorical tour-de-force aimed at a devaluation of glory on the one hand, and a commitment to the transcendent ideals of great men on the other. The trivializing of glory in the face of the perfect year especially speaks to this:

*Quocirca si reditum in hunc locum desperaveris, in quo omnia sunt **magnis et praestantibus viris**, quanti tandem est **ista hominum gloria**, quae pertinere vix ad unius anni partem exiguam potest?*

Wherefore, if you've despaired at the return to this place, in which all things exist **for great and excellent men**, how much indeed is **that glory of mankind** worth to you which can scarcely last a tiny fraction of a year?

Simultaneously glory loses its splendor (*ista hominum gloria*), and the chance to share a space with “great and excellent men” takes its place. It is also significant that Africanus does not require Scipio to believe that he will return to this place (*si... desperaveris*), so long as he realizes that glory on earth is not worthy as his highest goal. There is a strong resonance between Cicero’s adaptation of the painting-metaphor in Book 5 and this passage in the description of “excellent men:” cf. *magnis et praestantibus viris* (6.29/25) and *nisi hi viri praefuissent... mos ipse patrius praestantes viros... excellentes viri* (5.1). In the painting-metaphor, Cicero explains that morals need outstanding men to be in charge, in order to have a lasting impact on the community. Again whereas J. G. F. Powell interprets Cicero’s point to be that great men are lacking in the Republic,⁶⁴ I add that this lack of great men is symptomatic of a lack of inspiration. Cato the Younger might have solid principles, but his rigid commitment to those principles is anything but inspiring to people as they are. Thus, the Ciceronian Scipio turns to historical exemplars in Book 2 and his own glorious vision of the cosmos and promise of eternal reward in Book 6 as a means of appealing to Romans that lack Cato’s austerity.

In illustration of this, I cite more of Cicero’s rendition of the Platonic perfect year. This long year covers such a great expanse of time, that glory seems trivial in light of it. When we compare Cicero’s adaptation of this passage in *de Re publica* with his later adaptation of it in his translation of the *Timaeus* as well as the Platonic original, we can see how the Dream of Scipio tempers the philosophical contemplation of the eternal by

⁶⁴ Powell, “Second Thoughts on the Dream of Scipio,” 25.

extolling accomplishments of the temporal world. This is certainly the case with Cicero's insertion of Romulus into his adaptation from the *Timaeus*:

qui nec pauciores et certe meliores fuerunt viri, praesertim cum apud eos ipsos, a quibus audiri nomen nostrum potest, nemo unius anni memoriam consequi possit. Homines enim populariter annum tantum modo solis, id est unius astri, reditu metiuntur; cum autem ad idem, unde semel profecta sunt, cuncta astra redierint eandemque totius caeli discriptionem longis intervallis rettulerint, tum ille vere vertens annus appellari potest; in quo vix dicere audeo quam multa hominum saecula teneantur. Namque ut olim deficere sol hominibus exstinguique visus est, cum Romuli animus haec ipsa in templa penetravit, quandoque ab eadem parte sol eodemque tempore iterum defecerit, tum signis omnibus ad principium stellisque revocatis expletum annum habeto; cuius quidem anni nondum vicesimam partem scito esse conversam.
Rep.6.28/24

The men have not been fewer and certainly not better, especially since among these very ones, by whom our name can be heard, no one **could possibly acquire the memory of a single year**. Indeed, people typically measure the length of a year only by the return of the sun, that is of only one star; when, however, all the stars have returned **to the same place from whence** they have once departed, and have **retraced the same route**

Ac tamen illud perspici et intellegi potest, absoluto perfectoque numero temporis absolutum annum perfectumque tum compleri denique, cum se octo ambitus confectis suis cursibus ad idem caput rettulerunt, cumque eos permensus est idem et semper sui similis orbis. Has igitur ob causas nata astra sunt, quae per caelum penetrantia solstitiali se et brumali revocatione converterent, ut hoc omne animal, quod videmus, esset illi animal, quod sentimus, ad aeternitatis imitationem simillimum.

Tim.33-34

And still it can be perceived and understood that the absolute and perfect year is finally completed by the absolute and perfect measure of time at the time when the eight revolutions have returned themselves, after completing their journeys, to the same source, and when the circle, being the same and always similar to itself, has measured them. On account of these reasons then, the stars were born, which, entering in

ἔστιν δ' ὅμως οὐδὲν ἦττον κατανοῆσαι δυνατόν ὡς ὁ γε τέλεος ἀριθμὸς χρόνου τὸν τέλεον ἐνιαυτὸν πληροῖ τότε, ὅταν ἀπασῶν τῶν ὀκτώ περιόδων τὰ πρὸς ἄλληλα συμπερανθέντα τάχη σχῆ κεφαλὴν τῷ τοῦ ταῦτοῦ καὶ ὁμοίως ἰόντος ἀναμετρηθέντα κύκλω. κατὰ ταῦτα δὴ καὶ τούτων ἔνεκα ἐγεννήθη τῶν ἄστρον ὅσα δι' οὐρανοῦ πορευόμενα ἔσχεν τροπὰς, ἵνα τὸδε ὡς ὁμοιότατον ἢ τῷ τελέῳ καὶ νοητῷ ζῶω πρὸς τὴν τῆς διαίωνίας μίμησιν φύσεως.
Ti.39d

It is still nonetheless possible to understand how the perfect measure of time fills up the perfect year at that time, when the relative speeds of all eight round trips attain to the source in a way measurable by the circle of the same and similar motion. According to these things and for these reasons, as many of the stars were born as, entering in through the sky, have turning points, so that this be as similar as possible to the perfect and intelligible animal

of the whole sky with long intervals, then that truly can be called the turn of a full year; in which I scarcely dare to say how many ages of mankind are contained. For as the sun once seemed to fade and be put out for mankind, when the soul of Romulus **entered into** these very temples, and when the sun from the same region and at the same time has faded again, then consider thou that the year has been completed with all constellations and stars **recalled** to their point of origin; indeed, know thou that not the twentieth part of this year has yet **been spun**.

Rep.6.28/24

through the sky, **turn themselves as they are recalled** by the solstice and winter, so that this one universal animal, which we perceive with our eyes, would be most similar to that animal, which we perceive with the mind, according to its imitation of eternity.

Tim.33-34

according to mimesis of its everlasting nature.

Ti.39d

In the Latin and Greek, I have put terms in boldface held in common between Cicero's adaptation and the two *Timaeus*'s and I have underlined terms held in common only between Cicero's translation and the Greek original. What Cicero maintains from the *Timaeus* in this passage is emphasis on the vastness of the perfect year, and the multitude of stars involved. Where he breaks from the *Timaeus* is equally important: There is no fixation on the shape of the circle, no marveling at the universe's imitation of the one, perfect animal in the realm of intelligibility. Instead, Cicero balances the Platonic emphasis on the vastness of the universe with the amount of Roman history that has transpired by establishing Romulus to mark the beginning of the year. The figure of Romulus replaces the stars, when he is described as breaking into the temples of heaven (cf. *Romuli animus... penetravit, astra... penetrantia*, and τῶν ἀστρῶν ὅσα... πορευόμενα in the three passages above). This prevents the image from being purely a reflection of cosmology.

It should be noted, however, that Cicero's dialogue as a whole does not require the reader to believe in the afterlife, but rather accommodates both a naïve and more scrupulous readership. As neither Scipio nor his parent and grandfather are challenged, the text encourages naïve readers to take the dream at face value. For more scrutinizing readers, on the other hand, the reference to Romulus' immortality hearkens back to passages in Books 1 and 2 where Scipio explains that Romulus' apotheosis is a tall tale, which, despite being inaccurate, ought to be respected for what it implies about Romulus' great virtue (1.25, 2.17). Scipio's dream, by contrast, offers no such rationalization to demystify the afterlife. Nonetheless, the fact that Scipio expresses a respectful skepticism about Romulus' immortality in Books 1 and 2 implies that he does not expect all members of his audience to take this detail of the dream at face value. Romulus' entrance to heaven is presented as a reliable event to establish as a beginning date. The dream is not a doctrinal exposition on the immortality of the soul, but a rhetorical appeal to win as many members of his audience over to virtue as possible. Therefore, he is careful to appeal to a scrutinizing readership no less than a naïve one. It is ultimately the imagery of the cosmos, not the logic of the afterlife, that heightens the attentiveness of Scipio's audience (and Cicero's readership) to the Roman values embodied by the dream.

This is evident in the way that Scipio himself is won over. First Scipio is overcome with emotion at the sight of his father and grandfather (6.18/14). After marveling at the smallness of the earth (6.20/16), Scipio listens to Africanus give the lesson on the triviality of glory in comparison to the true year, as discussed above. The lesson concludes with a call to virtue and rehabilitation of glory:

(Africanus) *Suis te oportet illecebris ipsa virtus trahat ad verum decus...*
(Scipio) *Quae cum dixisset, Ego vero, inquam, Africane, siquidem bene meritis de patria quasi limes ad caeli aditum patet, quamquam a pueritia vestigiis ingressus patris et tuis decori vestro non defui, nunc tamen tanto praemio exposito enitar multo vigilantius.*

(Africanus) Virtue itself ought to attract you by its own charms to the real glory...
(Scipio) Once he had said this, I said, "Indeed I, Africanus, if indeed the doorway, as it were, to the entrance of heaven lies open to those who have done well by the fatherland, though from boyhood I always followed my father's footsteps and yours and never fell short of your glory, I shall still strive much **more vigilantly** now that you've revealed such a great reward to me."

Rep. 6.29/25-30/26

There is a verbal echo between *vigilantius* here and *vigilans* earlier when Scipio introduces the dream (6.14/10). For the careful reader, *vigilans* has the double-meaning of "vigilant" and "awake." Scipio thus reminds those members of his audience that the dream is a dream, so that he can never be sure of the promises his grandfather makes him in the waking world. For such members of the audience, it is the pitch of emotion that most calls them to virtue (6.18/14). Additionally, there is the glorious vision of a different kind of glory (*verum decus*) to compete against the ambition related to self-gain. In this subtle way, Cicero appeals to the more skeptical members of his audience without giving offense to genuine believers.

More ought to be said on Cicero's debt to Plato throughout the visualization. The image of harmony is informed by Plato (largely the *Timaeus*) and corresponds to the orderly beauty of the ruler's soul. There is great resonance between Scipio's description of the sun and his adaptation of the philosopher-king in Book 2:⁶⁵

*Sit huic oppositus alter, bonus et sapiens et deinde subter mediam fere regionem sol
peritus utilitatis dignitatisque civilis, quasi tutor obtinet, dux et princeps et moderator luminum*

⁶⁵ For the connection between the figure in Book 2 and the philosopher king, see Pöschl, *Römischer Staat Und Griechisches Staatsdenken Bei Cicero; Untersuchungen Zu Ciceros Schrift De Re Publica*, 117; Asmis, "A New Kind of Model: Cicero's Roman Constitution in « De Republica »,» 409; Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 73.

*et procurator rei publicae: sic enim appelletur
quicumque erit rector et gubernator civitatis.*

Rep.2.51

*reliquorum, mens mundi et temperatio, tanta
magnitudine, ut cuncta sua luce lustret et
compleat.*

Rep.6.21/17

Let there be opposed to this tyrant the counterpart: a good and wise man, and knowledgeable about pragmatism and the dignity of the state, like a guardian and manager of the Republic: thus let's call whoever he be the moderator and helmsman of the state.

Rep.2.51

Then below, the sun occupies roughly the middle region as leader and *princeps* and moderator of the rest of the lights, as the mind and restraint of the universe, and is of such great size, that it shines upon all things and fills them with its own light.

Rep.6.21/17

In both these images, there is an emphasis on leadership, understanding, and moderation.

In this way, Cicero conflates the image of the sun with the philosopher-king.

Cicero's idea of harmony is also indebted to Plato. I now cite Cicero's adaptation of Plato's harmony-metaphor from the *Republic* at the end of Book 2. The resonance between Cicero's adaptation and the Platonic original has long been acknowledged,⁶⁶ but no one to my knowledge has properly interrogated how the image of the mirror gives Cicero's version a profound new significance.⁶⁷

⁶⁶ Büchner, *De Re Publica*, 160.

⁶⁷ As Buechner notes, the main difference is that whereas Plato focuses on the conflicting classes within an individual's soul, Cicero replaces the harmonious autonomy of an individual soul with the harmonious consensus of the state at the hands of a wise and autonomous individual statesman (Büchner, *De Re Publica*, 160). More recent readings of this passage have likewise focused on the dynamics of consensus: Elizabeth Asmis writes, "Constituting a tiny fraction of the citizen body, the topmost classes are given a hugely disproportionate voice in the harmony of the whole; yet they must also attune their will to that of the other classes" (Asmis, "A New Kind of Model: Cicero's Roman Constitution in « De Republica »,» 404–5. Peter Brunt, on other hand, criticizes the passage for an arbitrary favoring of senatorial power at the expense of the people's freedom (Brunt, *The Fall of the Roman Republic and Related Essays*, 57). More recently, Joy Connolly has focused more on context of a dialogue "that, itself a contest, thematizes conflict among a group of likeminded men" (Connolly, *The Life of Roman Republicanism*, 38). Ultimately, Connolly sees Cicero's *Republic* as reinforcing John McCormick's theory that elite control requires class struggle, and that the consensus discussed in *de Re publica* is, in fact, a contest of divided interests and allegiances that stabilizes, rather than tears asunder, the system (Ibid., 57; cf. McCormick, "Machiavellian Democracy," 310). While I agree with Joy Connolly that this passage needs to be taken in its proper context, I do not agree with her conclusion; in my reading, the proper context in which to take the passage

Tum Laelius: Video iam illum, quem expectabam, virum cui praeficias officio et muneri. Huic scilicet, Africanus, uni paene (nam in hoc fere uno sunt cetera), ut numquam a se ipso intuendo contemplandoque discedat, ut ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus. Ut enim in fidibus aut tibiis atque ut in cantu ipso ac vocibus concentus est quidam tenendus ex distinctis sonis, quem inmutatum aut discrepantem aures eruditae ferre non possunt, isque concentus ex dissimillarum vocum moderatione concors tamen efficitur et congruens, sic ex summis et infimis et mediis interiectis ordinibus ut sonis moderata ratione civitas consensu dissimillorum concinit; et quae harmonia a musicis dicitur in cantu, ea est in civitate concordia, artissimum atque optimum omni in re publica vinculum incolumitatis, eaque sine iustitia nullo pacto esse potest.

Rep.2.69

Then Laelius: “Now I see that man that I’ve been waiting for, and what public duty and office you’re placing him in charge of.” “It’s this man indeed,” replied Africanus, “and all but by himself (for in this one man are contained almost all the rest), so that he never cease from regarding and rethinking himself, so that he call others to the imitation of himself, so that he offer himself by the brilliance of his soul and life just as a mirror to the citizens. Indeed, just as in stringed instruments and pipes and just as in a very chorus of voices, harmony indeed must be maintained from the different sounds, which, if altered or discordant, educated ears cannot bear to hear, and this harmony, from the conducting of the most diverse-sounding voices, is made nonetheless concordant and agreeable; so too the state, from the highest and lowest and middle orders in-between, as with sounds, thanks to the

τὸ δὲ γε ἀληθές, τοιοῦτόν τι ἦν, ὡς εἴοικεν, ἢ δικαιοσύνη ἄλλ’ οὐ περὶ τὴν ἕξω πράξιν τῶν αὐτοῦ, ἀλλὰ περὶ τὴν ἐντός, ὡς ἀληθῶς περὶ ἑαυτὸν καὶ τὰ ἑαυτοῦ, μὴ ἐάσαντα τὰλλότρια πράττειν ἕκαστον ἐν αὐτῷ μηδὲ πολυπραγμονεῖν πρὸς ἄλληλα τὰ ἐν τῇ ψυχῇ γένη, ἀλλὰ τῷ ὄντι τὰ οἰκεῖα εὖ θέμενον καὶ ἄρξανα αὐτὸν αὐτοῦ καὶ κοσμήσαντα καὶ φίλον γενόμενον ἑαυτῷ καὶ συναρμόσαντα τρία ὄντα, ὥσπερ ὄρους τρεῖς ἁρμονίας ἀτεχνῶς, νεάτης τε καὶ ὑπάτης καὶ μέσης, καὶ εἰ ἄλλα ἄττα μεταξὺ τυγχάνει ὄντα, πάντα ταῦτα συνδήσαντα καὶ παντάπασιν ἕνα γενόμενον ἐκ πολλῶν, σῶφρονα καὶ ἡρμοσμένον, οὕτω δὲ πράττειν ἤδη, ἐὰν τι πράττη ἢ περὶ χρημάτων κτήσιν ἢ περὶ σώματος θεραπείαν ἢ καὶ πολιτικόν τι ἢ περὶ τὰ ἴδια συμβόλαια, ἐν πᾶσι τοῦτοις ἡγούμενον καὶ ὀνομάζοντα δικαίαν μὲν καὶ καλὴν πράξιν ἢ ἂν ταύτην τὴν ἕξιν σφύζῃ τε καὶ συναπεργάζηται, σοφίαν δὲ τὴν ἐπιστατοῦσαν ταύτῃ τῇ πράξει ἐπιστήμην, ἀδικὸν δὲ πράξιν ἢ ἂν ἀεὶ ταύτην λύη, ἀμαθίαν δὲ τὴν ταύτῃ αὐτῷ ἐπιστατοῦσαν δόξαν.

R.4.443d-444a

In truth then, justice, as it seems to me, would be of this sort: not concerning the state of things outside the self, but that within—to put it frankly, concerning oneself and one’s own things, permitting neither any one part to do things alien to itself nor the classes within the soul to become involved in each other’s business, but managing well what is really one’s own and ruling oneself by oneself and ordering oneself and being a friend to oneself and harmonizing the three parts, artlessly just as the three cords of harmony, the lowest and highest and middle, and if there are some others that happen to come in-between, binding all these things together and in every respect becoming one out of many, temperate and harmonized, and to act thus, if he is to do anything in respect to the acquisition of wealth or maintaining of the body or even public or private matter; as a leader in all these things

is a symbolic one, i.e. in respect to where the imagery here speaks to imagery elsewhere in Cicero’s dialogue.

conducting of reason, achieves harmony; and what is called *harmonia* by musicians in singing, that is concord in the state—the tightest and best bond of stability for every republic, and by no pact other than justice can it come about.”

Rep.2.69

and as one calling just and beautiful the state which preserves and produces this balance, and calling wisdom that which sets up knowledge in charge of this state, while calling unjust the state which always dissolves this balance, and stupidity that which sets up opinion in charge of this state.

R.4.443d-444a

Order amounts to all individuals knowing their place and taking care of whatever part of the system depends on them. So it is with the planets in the cosmos, with stringed instruments, and with choirs. I mostly agree with Jed Atkins, who sees the soul of the *rector rei publicae* in this passage as paralleling the role of the sun in the Dream of Scipio: just as the cosmos is a mirror of order for Scipio to reflect on, so is the soul of Scipio as *rector rei publicae* worthy of reflection on the level of citizens.⁶⁸

What remains unexplored, however, is the image of the mirror (*speculum*) in Cicero’s adaptation. This is significant because it is Cicero’s authentic contribution to the image. Why is the *rector* a mirror for the people to gaze upon rather than a paradigm to be gazed upon for its own sake? Symbolically, mirrors imply indirectness. Though Atkins is correct that the role of the *rector* parallels that of the sun,⁶⁹ it is significant that the Latin specifies that, in spite of playing that role, the *rector* is not a sun, but a mirror. The *rector* is not the philosopher king, but something better suited to political pragmatism. He is not the sun, but a mirror, and he does not call the people to perfection, but to an imitation (for the contrast between Scipio and Socrates on imitation, see my discussion of

⁶⁸ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 67; see also Hammer, “Cicero: To Save the Res Publica,” 48–59.

⁶⁹ Atkins, *Cicero on Politics and the Limits of Reason : The Republic and Laws*, 67.

2.51 in chapter 1 of this chapter); furthermore, he is not perfect or complete, but continually “regarding and rethinking himself” (*ut numquam a se ipso intuendo contemplandoque discedat*). This is the breakthrough of Ciceronian pragmatism: whereas Plato focuses on the unchanging, Cicero negotiates a middle ground between the eternal and the ephemeral. Plato’s philosopher-king is a fixed ideal, but Cicero’s philosophical statesman is a work in progress using the ideal of a philosopher-king as a guideline.

This goes hand in hand with Cicero’s critique of Cato, as explored in Chapter 1 (see *Att.* 2.1 – SB 21 and *Att.* 2.21 – SB 41). In my analysis of Cicero’s description of Cato, I demonstrated that Cicero faults Cato not for being philosophically imperfect, but for adhering too much to his principles. Cato’s philosophical perfectionism is something that only Cicero himself and a select few can admire; the Ciceronian Scipio, therefore, without conceding to the austere pragmatism of Thucydides or Polybius, finds his own middle ground with the image of a new philosophically informed leader, one who, like Socrates’ philosopher-king, has principles, but who, unlike the philosopher-king, is willing to hold them at a distance and compromise for the sake of stability. This is where I disagree most with Joy Connolly, who argues that the consensus discussed in *de Re publica* is, in fact, a contest of divided interests and allegiances that stabilizes, rather than tears asunder, the system.⁷⁰ I do not, as Joy Connolly, see Cicero as a Machiavel wishing to promote conflict (that would indeed make it impossible to imagine how he could

⁷⁰ Connolly, *The Life of Roman Republicanism*, 57; cf. McCormick, “Machiavellian Democracy,” 310. The disadvantage of Connolly’s interpretation is not taking the harmony-metaphor in the fuller context of the dialogue—namely in its performative connection to the dream.

champion his own “concord of the orders” in the letters *Att.* 1.17, 1.18, 2.1, as referenced in Chapter 1); instead, I interpret Cicero as recognizing such conflict as an unavoidable reality that calls for leaders, who, on the one hand, are morally principled, but, on the other, do not allow moral dogmatism to prevent them from bringing nuanced solutions to difficult problems.

In the Dream of Scipio, Cicero further elaborates on this image of harmony and conflates it with Platonic imagery of the sun. We can see more explicitly here that both harmony and the ideal ruler symbolized by the sun are ideals that the mortal Scipio can only keep at a distance. I now cite Cicero’s adaptation of the Platonic sun-metaphor:

(Africanus) *"Hic vero tantus est totius mundi incitatissima conversione sonitus, ut eum aures hominum capere non possint, sicut intueri solem adversum nequitis, eiusque radiis acies vestra sensusque vincitur."* (Scipio) *'Haec ego admirans referebam tamen oculos ad terram identidem.'*
Rep.6.23/19-24/20

εἰ δέ, ἦν δ' ἐγώ, ἐντεῦθεν ἔλκοι τις αὐτὸν βίᾳ διὰ τραχείας τῆς ἀναβάσεως καὶ ἀνάντους, καὶ μὴ ἀνείη πρὶν ἐξεκλύσειεν εἰς τὸ τοῦ ἡλίου φῶς, ἄρα οὐχὶ ὀδυνᾶσθαι τε ἂν καὶ ἀγανακτεῖν ἐλκόμενον, καὶ ἐπειδὴ πρὸς τὸ φῶς ἔλθοι, αὐγῆς ἂν ἔχοντα τὰ ὄμματα μεστὰ ὀρᾶν οὐδ' ἂν ἐν δύνασθαι τῶν νῦν λεγομένων ἀληθῶν;...
σνηθείας δὴ οἶμαι δέοιτ' ἄν, εἰ μέλλοι τὰ ἄνω ὄψεσθαι. καὶ πρῶτον μὲν τὰς σκιὰς ἂν ῥᾶστα καθορῶ, καὶ μετὰ τοῦτο ἐν τοῖς ὕδασι τὰ τε τῶν ἀνθρώπων καὶ τὰ τῶν ἄλλων εἶδωλα, ὕστερον δὲ αὐτά·
R.7.515e-516a

ἔδοξε τοίνυν μοι, ἦ δ' ὅς, μετὰ ταῦτα, ἐπειδὴ ἀπειρήκη τὰ ὄντα σκοπῶν, δεῖν εὐλαβηθῆναι μὴ πάθοιμι ὅπερ οἱ τὸν ἥλιον ἐκλείποντα θεωροῦντες καὶ σκοπούμενοι πάσχουσιν· διαφθείρονται γάρ που ἔνιοι τὰ ὄμματα, ἐὰν μὴ ἐν ὕδατι ἢ τινι τοιούτῳ σκοπῶνται τὴν εἰκόνα αὐτοῦ. τοιοῦτόν τι καὶ ἐγὼ διανοήθην, καὶ ἔδεισα μὴ παντάπασι τὴν ψυχὴν τυφλωθεῖν βλέπων πρὸς τὰ πράγματα τοῖς ὄμμασι καὶ ἐκάστη τῶν αἰσθήσεων ἐπιχειρῶν ἅπτεσθαι αὐτῶν.
Phd.99d

(Africanus)"This in truth is the extent of the sound effected by the most vigorous spinning of the whole world, so that the ears of man cannot grasp it, just as you are unable to gaze into the sun, when it is opposite you, and your line of

If then, I said, someone should take him from there through the rough and steep ascent by force, and not let him go until he drag him into the light of the sun, [don't you think] that the person being dragged would be in pain and chafe,

It seemed to me, he was saying, afterwards, when I'd given up looking into things as they are, that it was necessary to take care that I don't suffer the same as those looking at the sun and investigating it during an eclipse, for some of

vision and sense of sight **is overcome by its rays.**" (Scipio) 'Marveling at these things, nonetheless I was drawing my **eyes back to the earth** again and again.'
Rep.6.23/19-24/20

and that, whenever he comes to the light, **his eyes, being filled with the ray**, would not be able to see a single one of the truths we've been discussing now?... I suppose he would stand in need of acclimation, if he's going **to look upward**, and **first he would look at shadows with the greatest ease**, and after that, at the likenesses of people and other things in the water, then later at things themselves.

R.7.515e-516a

them **ruin** their eyes **if they don't look at its reflection in the water or something of the like**. I took this kind of consideration to heart, and I feared that I would in all cases go blind in respect to my soul, if I should try to look at things **with my eyes** and attempt to grasp them **with each of my senses**.

Phd.99d

As Zetzel notes, it is striking that Cicero conflates the *Timaeus*' notion of the sound of the universe with Plato's image of the sun from the *Phaedo* and *Republic*.⁷¹ Indeed, as I have marked in boldface, there is a strong resonance between Cicero and Plato in the imagery of the eyes and senses being hurt or compromised by direct exposure to the sun's rays.

It is, however, in the difference between Cicero and Plato that we begin to see the former come into his own as Ciceronian pragmatist. In the larger context of the Platonic passages, Socrates imagines that the mind can transcend to a state of pure intelligibility where knowledge of the Good (represented by the sun) is possible. In the case of Plato's *Republic*, the guardians will have access to the good from an ideal education rooted in geometric proofs; in the *Phaedo*, it has to do with the soul's transcendence to the world of forms after death.

It is in this respect that Cicero is not so confident. Although the Dream of Scipio does present an idealized vision of the afterlife, as Powell emphasizes throughout his

⁷¹ Zetzel, *De Re Publica*, 242.

study,⁷² earth is still at the center of the universe, and the dream does not so much pertain to the rarefied air of heaven as to the tradition of virtuous leadership that is worthy of such a fate. It is a vision of the philosophical middle ground unique to Cicero as Ciceronian pragmatist. In this exchange between Scipio and his grandfather, as I interpret it, the sounds of the universe, like the sun (both of which are symbolic of philosophical principles), are worthy objects of contemplation, but focusing too much on them can be detrimental. There is a very different tone, therefore, between Scipio's admission of drawing his eyes continually back to earth and Socrates' regret of his own inability to look at things directly. Cicero creates Scipio to be neither an ignorant inhabitant of the cave nor the enlightened philosopher-king,⁷³ but somewhere in the middle. Scipio can marvel at the philosophical truths behind the nature of the universe, but not even that fascination can stop him from shifting his attention back to the actual world. This is the middle ground of Scipio's Dream: it invites the audience to transcend partially to the truths of philosophy, but equally requires them to keep both feet on the ground.

The Dream's visualization of this middle ground becomes especially apparent at the emotional climax of the Dream, when Africanus predicts Scipio's centrality to the well-being of the state. The passage uses Platonic imagery to create the idea of orderliness, but the interruption of Laelius reminds the reader of Scipio's mortality:

"Hic tu, Africane, ostendas oportebit patriae lumen animi, ingenii consiliique tui. Sed eius temporis ancipitem video quasi fatorum viam. Nam cum aetas tua septenos octiens solis anfractus reditusque converterit (cf. Rep.6.28/24 Tim 33-34, as cited above), duoque ii numeri, quorum uterque plenus alter altera de causa habetur, circuitu naturali summam tibi fatalem confecerint,

⁷² Powell, "Second Thoughts on the Dream of Scipio."

⁷³ I disagree with Powell on this point (ibid.).

in te unum atque in tuum nomen se tota convertet civitas—te senatus, te omnes boni, te socii, te Latini intuebuntur (cf. *Rep.*6.19/15), *tu eris unus, in quo nitatur civitatis salus, ac, ne multa, dictator rem publicam constituas oportet, si impias propinquorum manus effugeris.*" *Hic cum exclamasset Laelius ingemuissentque vehementius ceteri, leniter arridens Scipio: "St! quaeso," inquit, "ne me e somno excitetis, et parumper audite cetera."*

"At this time, Africanus, **it will behoove you to show the light of your soul to the fatherland, and of your genius and counsel as well.** But I see a fork in the road of this time, as if of destinies. For once your lifetime **has spun out seven eightfold turns and returns of the sun,** and once the two numbers, of which either is considered full, each by reason of the other, have produced the sum that is destined you, **the whole state will draw itself to you alone and to your name—the senate shall behold you, all good men shall behold you, the allies behold you, the Latins behold you**—you will be the one, on whom the safety of the state depends, and, not to say too much, it will behoove you as dictator to rearrange the Republic, assuming you've escaped the impious hands of your relatives [i.e., the Gracchans]." When at this time Laelius had shouted and the rest had groaned vehemently, heartily laughing Scipio said "Sh! I entreat you not to wake me from my dream, and listen to the rest of it for a little while."

*Rep.*6.16/12

First I shall discuss the rhetorical effect of the idealized imagery in Africanus' speech.

Scipio's grandfather uses cosmological metaphors to portray the magnitude of his grandson's importance. At the very beginning of the passage, he likens Scipio's "soul, genius and counsel" to a star (*lumen*), which anticipates his later description of Romulus' soul entering the heavens (*Rep.*6.28/24). When Africanus measures Scipio's lifetime by the numbers seven and eight, he uses language reminiscent of Cicero's translation of the perfect year in his own *Timaeus*. This is a rhetorical move informed by Plato: it glorifies the just deeds of Scipio's life with a grander timespan than that given to most men (cf. 6.28/24, as analyzed above). Furthermore, when Africanus says that all the state will fall to his grandson Scipio alone, and that everyone will gaze upon his grandson, he anticipates the language that is used to describe Scipio's own gazing at the spherical earth, stars, and sun (cf. 6.15), and it recalls the image of the *rector rei publicae* in 2.69 where the statesman acts as a mirror for the people to gaze upon.

However, Cicero does not permit his character to enjoy this glorious prophecy without qualification: Laelius' visceral reaction to Africanus' proviso ("...if you've escaped the impious hands of relatives") interrupts the ideal vision.⁷⁴ Just as we discussed in Scipio's characterization of Romulus (*Rep.*2.1), neither Laelius nor Scipio represents Cicero's opinion, but rather they embody viewpoints that must come together in Cicero's political pragmatism. In this case, Scipio embodies the ideal vision of becoming a hero like Romulus and being worthy of heaven; Laelius, on the other hand, has his mind completely on earth, and he focuses instead on the political turmoil that Scipio must face. In Cicero's brand of political pragmatism, the two points of view can coexist and rely on one another. Plato is an important source for his valuable knowledge of human nature and ideas about state, but the ideals of Plato must be tempered by Cicero's experience with the reality of politics, if they are to be of any use. Even the ideal of the afterlife as an award can be harmful, if indulged without thoughts to the ugly reality standing between the living politician and that award. It is the promise of an eternal reward and the glorious vision of the cosmos that make the political hardship Scipio must face bearable.

This is how Cicero makes the Dream a visualization of a philosophical middle ground rather than an extreme. Even in Scipio's discussion of the afterlife, Cicero is careful to anchor his character's beliefs in the accomplishments of the political life. Striking allusions to Plato in respect to Africanus' discussion of the afterlife come at the very end of the dialogue before Scipio reports waking up:

⁷⁴ For the common belief that Scipio had been murdered by the Gracchans, see Zetzel, *De Re Publica*, 6–8.

Namque eorum animi, qui se corporis voluptatibus dederunt earumque se quasi ministros praebuerunt impulsuque libidinum voluptatibus oboedientium deorum et hominum iura violaverunt, corporibus elapsi circum terram ipsam volutantur nec hunc in locum nisi multis exagitati saeculis revertuntur.

Rep.6.33/29

Indeed the souls of those, **who gave themselves over to the pleasures of the body and all but furnished themselves servants to them** [the bodily pleasures] and, by the drive of the lusts that are obedient **to pleasures**, violated the laws of god and man, **once released from the bodies** revolve around the world itself, nor do they return to this place until they have been exhausted for many ages.

Rep.6.33/29

ἐὰν δέ γε οἶμαι μεμιασμένη καὶ ἀκάθαρτος τοῦ σώματος ἀπαλλάττηται, ἅτε ...
γοητευομένη ὑπ' αὐτοῦ ὑπό τε τῶν ἐπιθυμιῶν καὶ ἡδονῶν,
 ὥστε μηδὲν ἄλλο δοκεῖν εἶναι ἀληθές ἀλλ' ἢ τὸ σωματοειδές, οὗ τις ἂν ἄψαιτο καὶ ἴδοι καὶ πίοι καὶ φάγοι καὶ πρὸς τὰ ἀφροδίσια χρήσαιτο, τὸ δὲ τοῖς ὄμμασι σκοτῶδες καὶ ἀιδές, νοητὸν δὲ καὶ φιλοσοφία αἰρετόν, τοῦτο δὲ εἰθισμένη μισεῖν τε καὶ τρέμειν καὶ φεύγειν, οὕτω δὴ ἔχουσαν οἶει ψυχὴν αὐτὴν καθ' αὐτὴν εἰλικρινῆ ἀπαλλάξεσθαι;

Phd.81bc

But if, I suppose, a polluted and impure [soul] is **released from the body, as it's being enchanted by it and by its desires and pleasures**, so that nothing else seems to be true other than bodily things, which one can touch and see and drink and eat and makes use of for sexual pursuits, while it's disposed to hate that which is darksome and invisible to the eyes, yet intelligible and perceptible to philosophy, do you suppose indeed that this soul will escape unscathed itself and by itself?

Phd.81bc

εἰς μὲν γὰρ τὸ αὐτὸ ὄθεν ἦκει ἡ ψυχὴ ἐκάστη οὐκ ἀφικνεῖται ἐτῶν μυρίων... αἱ δὲ ἄλλαι, ὅταν τὸν πρῶτον βίον τελευτήσωσιν, κρίσεως ἔτυχον, κριθεῖσαι δὲ αἱ μὲν εἰς τὰ ὑπὸ γῆς δικαιοτήρια ἐλθοῦσαι δίκην ἐκτίνουσιν...

Phdr.248e-249a

Indeed, it does not return to this same place from whence each soul comes for myriad years... The others, as soon as they end their life, receive judgment, and some, having been judged, come to the penitentiaries below the earth and pay the penalty...

Phdr.248e-249a

As Zetzel notes,⁷⁵ the language and sentiment of Africanus echo particular passages from the *Phaedo* and *Phaedrus*, where the body is likened to a prison, and the licentious spirits are doomed after the body's death (cf. *Phd.81bc* and *Phdr.248e-249a*). What Zetzel does not note, however, is how Africanus' discussion of the afterlife reinforces what he said earlier about the perfect year. Indeed, this passage recapitulates the symbolism of the

⁷⁵ Ibid., 253.

perfect year with its emphasis on returning and vast measures of time. The difference is that while Africanus' discussion of the perfect year was colored by the glorious figures of Roman history (and Romulus in particular), this capstone imitation of the *Phaedrus* and *Phaedo* complements the fate of those glorious men with that of the wanton and useless. Here we have a negative paradigm. Cicero complements Scipio's rhetorical appeal to virtue through the immortality of glorious men with an apotropaic vision of selfishness to further counteract the self-serving ends outlined in Philus' speech in Book 3.

Again, it is worth noting where Cicero borrows from the Platonic originals and how he alters them. In my citation, the first half of the statement (through *voluptatibus*) imitates the *Phaedo* in its words put in boldface, and the second the *Phaedrus* in its underlined text. Significantly, Cicero stops his imitation of the *Phaedo* short and leaves out Socrates' denigration of all things earthly as well as his emphasis on the purely intelligible world. Cicero's marked omission teaches the reader the dynamics of Ciceronian pragmatism. While it dismisses from Plato what is worthless to politics, i.e., the contemplation of a purely intelligible reality, it concedes the need for some higher thinking. I disagree with Zetzel, who claims that Cicero was a proponent of Plato's theories of the afterlife;⁷⁶ on the contrary, the fact that this all occurs in a dream and that the last words of the dialogue are "*somno solutus sum* (I was released from sleep)" is symbolic of that. Instead Cicero modifies the Platonic imaginary as an extended

⁷⁶ Ibid., 25–29.

rhetorical piece to call the minds of his audience to higher principles without requiring them to become Stoic wise men and leave their earthly passions completely behind.

Conclusion

In this chapter I have demonstrated two principles of the Ciceronian reading of Plato that intertwine in the dialogue of *de Re publica*. One of these is Cicero's continual use of Plato as a superior philosophical model for adapting political ideals to the vicissitudes of political realities. The second is Scipio's embodiment of the *Phaedrus*'s lesson on rhetoric. In Book 2, Scipio relies on his knowledge of the souls of his listeners to accommodate his argument, and in Book 6, he combines this knowledge of the soul with his understanding of nature in the Dream of Scipio. In both cases, the political model is a mitigated ideal, better suited to people as they are than Cato's Stoicism. Both Books 2 and 6 furthermore showcase the triangulation of human nature, ideal, and culture that is central to Ciceronian pragmatism. Since there is a tension between human nature and the rational ideal, political culture, especially that communicated through rhetoric, is needed to mediate between the two in bringing humans as they are to the closest possible approximation to humans as they should be.

Chapter 4. *de Legibus*

...ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit idemque separatim de legibus, idem mihi credo esse faciendum, ut priusquam ipsam legem recitem, de eius legis laude dicam. Quod idem et Zaleucum et Charondam fecisse video, quom quidem illi non studii et delectationis sed rei publicae causa leges civitatibus suis scripserint. Quos imitatus Plato videlicet hoc quoque legis putavit esse, persuadere aliquid, non omnia vi ac minis cogere.

I believe that I must do the same as Plato, simultaneously the most learned man and the most important of all philosophers, who first wrote on the republic, and separately did the same thing for the laws: before I cite the law itself, I will speak in praise of that law. I observe that both Zaleucus and Charondas have done the same thing, when they drafted laws not for the sake of study and intellectual enjoyment, but for the sake of their own states. It is in imitation of them, of course, that Plato came as well to the following thought about law: some persuasion is needed, since not everything can be coerced through force and threats.

de Leg. 2.14

What Cicero means in the above claim to follow Plato is at the heart of my investigation of *de Legibus*. Specifically, Cicero has in mind the Athenian Stranger's prelude to his legislation, which he imitates in Book 2; the thematic implications, however, are broader than that. As Julia Annas has argued, this statement does not just introduce the prelude to the specific laws of Book 2, but also looks back to Book 1 which functions as a prelude to *de Legibus* as a whole.¹ It is in this sense that this citation of Plato thematically defines the purpose of *de Legibus*. Cicero, in explicitly drawing a connection between Plato and the historical figures Zaleucus and Charondas, both of whom he acknowledges as pragmatically successful statesmen, establishes Plato's relevance to political pragmatism, i.e. as a useful source of insight into how to legislate for people not as they should be, but as they are.² Cicero follows Plato in acknowledging the need to balance the coercion of law with the persuasion of rhetoric. That is why

¹ Annas, "Plato's «Laws» and Cicero's «De Legibus»."

² Consistent with the rest of my dissertation, this is what I mean by "political pragmatism."

Cicero alludes to a number of Platonic dialogues throughout the *de Legibus*, but above all the *Laws* and the *Phaedrus*. Scholars have recently made important contributions on *de Legibus*, some focusing on the legislative end of the work³ and others exploring the dialogue's argumentative and rhetorical dimension.⁴ What makes my argument unique is the exploration of the Ciceronian reading of Plato that allowed Cicero to determine the constructive role of rhetoric in reinforcing laws that are in and of themselves powerless as well as less than ideal.

Thesis

In my reading of *de Legibus*, I do not focus on legislature itself, but rather on the kind of rhetorical ability and political leadership that can accustom the Roman people to obey their laws willingly. In grounding such rhetorical ability and persuasive leadership in political philosophy, Cicero imitates and adapts passages of Platonic dialogues, especially those of the *Laws* and *Phaedrus*.

4.1 Foreword to Analysis of Book 1: The Phaedrus and the Nexus between Legislature, Rhetoric, and Self-Knowledge

In my analysis of Book 1, it is primarily important to understand two sets of structural bookends: the first occurs between two allusions to the *Phaedrus* (1.3 and

³ Girardet, *Die Ordnung Der Welt. Ein Beitrag Zur Philosophischen Und Politischen Interpretation von Ciceros Schrift De Legibus*, 50, 75, 82, 84, 116–18; Zetzel, *On the Commonwealth and On the Laws*, xxiii; Inwood and Miller Jr., “Law in Roman Philosophy,” 145–46; Asmis, “Cicero on Natural Law and the Laws of the State,” 18.

⁴ Jochen Sauer's work is particularly accomplished in its overall distinction between logical argument and rhetorical devices, as well as the Aristotelian origin of such devices (Sauer, *Argumentations- Und Darstellungsformen Im Ersten Buch von Ciceros Schrift De Legibus*.); for the connection between rhetoric and philosophy see also Melanie Möller and Michele Lowrie (Möller, “Exemplum and Exceptio: Building Blocks for a Rhetorical Theory of the Exceptional Case;” Lowrie and Lüdemann, “Introduction.”).

1.58), and the second between a verbal echo in Marcus' definition of natural law and his later celebration of rhetoric (1.18 and 1.62). While I explore both in detail in sections 4.2 and 4.5 of my argument, it is necessary at this point briefly to summarize their contents and explain how they structurally reinforce the nexus between rhetoric and law. Allusions to the *Phaedrus* bookend the first book of *de Legibus* in the following way: in the proem to Book 1 (1.1-5), Cicero imitates the proem to the *Phaedrus* (as well as that to the *Laws*), but he stops short of imitating Socrates' emphasis on self-knowledge; at the end of Book 1 (1.58), self-knowledge is now explicitly named in reference to the Platonic Socrates.⁵ Moreover, at the end Cicero draws a verbal connection between the stabilizing role now assigned to rhetoric (1.62) and the one assigned to natural law toward the beginning (1.18).

In what follows of my analysis of Book 1, I argue that structurally these bookends not only reinforce Cicero's belief in the nexus between rhetoric, legislature, and self-knowledge, but also point to Plato as the source of this lesson. I should say more on what Cicero understands by "self-knowledge" and how this understanding relates to his interpretation of Plato.⁶ For the Cicero of *de Legibus*, "self-knowledge," designated at 1.58 with the Latin clause *ut nosmet ipsos nosceremus*, comes to mean what we would mean by "human nature." Conversely, when Marcus⁷ speaks explicitly about "human

⁵ Dyck, *A Commentary on Cicero, de Legibus*, 21–22; Benardete, "Cicero's de Legibus I. Its Plan and Intention," 298.

⁶ My evidence for this comes from the thread of Platonic allusions between the imitation of the proem of the *Phaedrus* at Book 1's opening and the reference to self-knowledge at Book 1's end (4.3-5).

⁷⁷ I use "Marcus" throughout the chapter to designate Cicero's *dramatis persona* of himself.

nature,” as Atkins demonstrates,⁸ he is referring to the Stoic ideal of human nature, as it pertains to the natural law governing the city of gods and men. The difference between Cicero’s Platonic conception of “self-knowledge” and his Stoic conception of “human nature” is that the former is more capacious than the latter, as Plato’s conception of “self-knowledge” includes both the divine aspect of being human as well as the foibles of human nature. In this sense, Cicero follows the Platonic Socrates of the *Phaedrus*, as the latter, in the myth of his grand palinode, not only idealizes the soul by imagining a divine origin in the realm of forms, but also recognizes the limitations of the soul’s fallen state in respect to understanding “what is” in the fleeting world of shadows.⁹ While following the *Phaedrus* in accounting for both the divine and fallen nature of the soul, Cicero does not look to the myth of the *Phaedrus* for an explanation of human nature, but rather other Platonic dialogues: the *Cratylus*, *Republic*, and *Timaeus* (see 4.3). Cicero applies this “self-knowledge” to the practice of rhetoric, in appealing (often in a Socratic way—see 4.4) to shame and honor vis-à-vis Roman custom, in order to compel the Roman public to rise to their better nature in respect to legislation, which cannot succeed through coercion alone.

At this point it is important to reiterate a point I made in the Introduction to my dissertation on the triad of system, example, and exception (see Introduction). Michèle Lowrie interprets Hegel’s practice of exemplification as a “scientific and philosophical desire for subsumption”, which “can also be interpreted as the equally impossible desire

⁸ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 190–95.

⁹ Griswold, *Self-Knowledge in Plato’s Phaedrus*, 74–136, 171, 197.

to be relieved of or discharged from the necessity of unsecured comparison and judgment, as the desire for an omniscient father, an infallible state, or an impeccable science..."¹⁰ As I argue in my Introduction, Lowrie's formulation of this desire comes close to Cicero's characterization of Cato, who is so committed to his principles that he literally does try to turn himself into an exemplification of Roman Law; thus, Cicero adapts Plato's painting metaphor to portray Cato as a faded work of art (*Att.* 2.21.4 SB 41). Cicero, by contrast, has a keener appreciation for exceptions to the system as well as his own singularity (as evident, in particular, in his letter requesting a triumph from Cato contrary to the law—see *Fam.* 15.4.16 – SB 110). Melanie Möller notes that Cicero's status-theory of how to use an exception in a court case against a prosecutor arguing for the letter of the law (see *Part.* 134-136) goes hand-in-hand with the remarkable flexibility that he permits magistrates in Book 3 of *de Legibus*: "His tendency to allow all magistrates--not just the praetor--independent judgment and therefore criminal jurisdiction enhances the dynamic flexibility of the entire juridical apparatus, including both statute as well as non-written constitution."¹¹ Möller also notes, however, that Cicero is mistaken to think that *exceptiones* can defeat *exempla* in defense of the law--both are subversive: the exemplum moves from without to within (a particular case in the real world is brought to court as if reinforcing the letter of the law), while the exception moves from within to without (the spirit of the law is interpreted in contrast to the letter, and the *exceptio* is then demonstrated to be part of the spirit of the law). What both

¹⁰ Lowrie and Lüdemann, "Introduction," 7.

¹¹ Möller, "Exemplum and Exceptio: Building Blocks for a Rhetorical Theory of the Exceptional Case," 98.

exceptio and *exemplum* share in common, however, is their singular admission of an outside world that cannot fully be subsumed by any system—not even the system in whose support they are deployed.¹²

While I agree with Möller on the subversive nature of *exempla* and *exceptiones* per se, I would argue, by contrast, that Cicero understood this subversive character of examples without fear. He was not interested in defending the minutiae of the system, i.e., the integrity of each and every law, but rather in looking after the stability of the system at large—which meant rhetorically arbitrating on which laws must be enforced on an ad hoc basis (*Pro Murena* and *Pro Caelio* come to mind as telling instances). I would further argue that we can resolve the decidedly “glaring contradictions with his [Cicero’s] thesis of natural law”¹³ only when we stop trying to force Ciceronian pragmatism into compatibility with Roman (especially Catonic) Stoicism. This is where Plato’s influence is crucial for understanding the Ciceronian difference. Melanie Möller documents well one aspect of the Ciceronian difference in Cicero’s bringing together philosophy and rhetoric in the exemplary Roman persona of himself.¹⁴ The other element is what Cicero garnered from his uniquely Ciceronian reading of the Platonic dialogues: the tension between ideal and real and the need for rhetoric to negotiate a compromise between the two, i.e. to bring the real as close to the ideal as possible. The reality behind the apparent contradiction of *de Legibus* is, in fact, a Ciceronian pragmatism that does not seek to implement natural law into the constitution of a manifestly ideal system, but rather to

¹² Ibid., 104–5.

¹³ Ibid., 99.

¹⁴ Ibid., 137–65.

approximate natural law with the customary practices a given population is ready to accept while reinforcing their goodwill to the state through rhetoric. As we shall see, this Ciceronian pragmatism is one mediated through, and garnered from, his reading of Platonic texts.

4.2 The Intrusion of the Phaedrus

Having laid out the groundwork, I shall continue to my full analysis of Book 1 and inquire into Cicero's reason for intertwining Plato's *Laws* and *Phaedrus* in his dialogue's proem. The answer is, as I shall demonstrate, the role Cicero imagines rhetoric must play in maintaining legislature. As we have seen in the discussion of *de Re publica* in Chapter 3, Cicero's pragmatism is one that addresses human nature. Since humans are not purely rational, the rational Stoic argument Marcus makes for the city of gods and men cannot be expected to work on its own. Cicero turns to rhetoric as the tool to win the people over, and he turns to Plato to complement the Stoic idealism of the city of gods and men with the necessity of persuading the people.

To understand this point better, let us examine the second of the two bookends more closely (the nexus between natural law and rhetoric). At the end of Book 1, Cicero appropriates to rhetoric the same function that he had previously attributed to natural law: commanding and prohibiting. This function first comes to light in Cicero's discourse on law (*Leg.* 1.15ff), where Cicero delivers an encomium on natural law, in which he defines it as follows:

lex est ratio summa, insita in natura, quae iubet ea quae facienda sunt, prohibetque contraria.

Law is the highest reason, grafted into nature, which bids what must be done, and prohibits the opposite.

Leg. 1.18

This is in fact the first of two major encomiums, which bookend the discussion of Book 1 after the proem (1.16ff). While the first encomium is on natural law, the second is on philosophy or *sapientia* (1.58ff). Seth Benardete observes that Cicero is unique for adding rhetoric to a traditional definition of philosophy that is usually tripartite.¹⁵ I would add to this, that it is equally striking for Cicero to appropriate the function of law to rhetoric and celebrate rhetoric so lavishly, such that rhetoric comes to subsume law itself and gain priority in a dialogue largely dedicated to law:

Quomque se ad ciuilem societatem natum senserit, non solum illa subtili disputatione sibi utendum putabit sed etiam fusa latius perpetua oratione, qua regat populos, qua stabiliat leges, qua castiget improbos, qua tueatur bonos, qua laudet claros uiros, qua praecepta salutis et laudis apte ad persuadendum edat suis ciuibus, qua hortari ad decus, reuocare a flagitio, consolari possit adflictos, factaque et consulta fortium et sapientium cum improborum ignominia sempiternis monumentis prodere.

And once he's realized that he's been born for civil society, not only will he think that he must make use of subtle dialectic, but also the everlasting speech, reaching a broader audience: by this he rules peoples, by this he stabilizes laws, by this he chides the wicked, by this watches over the good, by this praises brilliant men, by this publishes legislation for safety and glory in a way that is fit to persuade his own citizens; by this can he exhort to honor, call away from shame, console the afflicted, to enshrine on everlasting monuments the deeds and councils of brave and wise men along with the ignominy of the wicked.

Leg. 1.62

In his praise, Cicero attributes rhetoric the same basic function of directing people to what must be done and turning them away from the opposite, yet he is far more expansive in defining the function of rhetoric than that of natural law. The reason is that law works through coercion: it communicates what people have to do. Rhetoric, on the

¹⁵ Benardete, "Cicero's de Legibus I. Its Plan and Intention," 308.

other hand, makes people want to follow the law even without coercion;¹⁶ hence, in the above cited passage, rhetoric is credited with stabilizing laws (*stabiliat leges*). As I shall demonstrate in my reading of *de Legibus* Book 1, Cicero points to Plato as the teacher of this lesson through allusions made to the dialogues.¹⁷

We shall begin by analyzing the proem, where Cicero intertwines allusions from the *Phaedrus* and *Laws* to indicate that he will draw from both works to synthesize a comprehensive theory of political persuasion to compensate for the foibles of legislation. What is original is that the resultant theory derives from the *Laws*, *Phaedrus* and other dialogues by Plato, but was never put together in a single work by Plato himself. As we have seen in Cicero's references to Plato in the letters, Cicero does not rely on any single work by Plato, but combines the most useful viewpoints from the Platonic corpus at large to develop his own systematic approach to the problems of his day.

Cicero makes this approach apparent immediately in the proem to *de Legibus* 1 where he combines elements from the *Phaedrus* with those of the *Laws*. At the beginning of Book 1, Atticus, Quintus, and Cicero discuss the historicity of an oak tree associated with Marius, which ultimately segues to Marcus's decision to imitate Plato's *Laws*. Recently, the intertwining of the *Phaedrus* and *Laws* in this transition has received significant attention, but more needs to be said on the programmatic statement Cicero is

¹⁶ Julia Annas makes a similar point, though her argument focuses more on allusions to Plato's *Laws* than *Phaedrus* (Annas, "Plato's «Laws» and Cicero's «De Legibus»").

¹⁷ In fact, we get a hint of this with the words "brilliant men" (*claros viros*), which echo the sentiment of Scipio in *de Re publica*, who, as demonstrated in Chapter 3, recalls models of statesmanship in Books 2 and 5 to motivate the public towards civic virtue. As I argued, Scipio is exemplifying the lesson of the *Phaedrus* in so doing; by recalling Scipio's words here, Cicero implies that he is following in suit.

making with this decision. Ulrich Eigler has mapped out the intertwining most precisely. The beginning of *de Legibus* as an unmistakable imitation of the Wandergespräch in Plato's *Laws* (*Leg.* 1.1); it is curious then, continues Eigler, that Cicero points to the third part of the proem in his "favorite dialogue," the *Phaedrus*: Cicero achieves this by making the Marianic oak tree in *de Legibus* stand in place of the plane tree from the *Phaedrus*, which is further reinforced by the reference to Oreithyia and Boreas in Cicero's discussion of the historicity of the tree (cf. *Leg.* 1.3 and *Phdr.* 228e4-230e5).¹⁸ This is the first surprise: Cicero moves seamlessly from an imitation of the *Laws* to one of the *Phaedrus*. Cicero plays with the audience's expectations a second time by further conflating his imitation of the *Phaedrus* with the *Laws*, that is, when the walk to the Liris River (*Leg.* 1.5) imitates the walk from the Cypress Grove of Knossos to the Grotto of Zeus in Plato's *Laws* (*Lg.* 1.625b).¹⁹

Cicero's reason for imitating the *Laws* is obvious, but why does he invite the *Phaedrus* to intrude on that? The answer is, as I shall demonstrate, that *de Legibus* is only partly about law.

When we examine more closely the content of Book 1's proem, especially in terms of Marcus' interactions with Quintus and Atticus, we begin to see Cicero's subtle way of unfolding this message. If, in the proem to Book 1, Atticus represents Phaedrus' curiosity to know the historical facts about myth, then Quintus embodies his naïve love

¹⁸ Eigler, "Von Der Platane Im Phaidros Zur Eiche Des Marius: Vergangene Zukunft in Ciceros de Legibus," 139–40.

¹⁹ *Ibid.*, 140–41.

for beautiful speeches.²⁰ Indeed, Quintus' appraisal of the Marianic oak is not good enough for Atticus (1.3), nor does Marcus fall back on his brother's laudation of poetry for poetry's sake (1.2), but eludes the question with an equation between Roman legend via the figure of Romulus and Greek myth via the myth of Oreithyia (1.3). This, of course, is an allusion to the *Phaedrus*, where Socrates avoids committing to the truth of the Oreithyia myth (229c). The implication is that Marcus, like Socrates, has a more enlightened viewpoint than either of his interlocutors. Whereas Atticus focuses too much on fact to the exclusion of other considerations, Quintus' problem is that he wants to praise poetry as being exceptional and existing on its own right; hence, his emphatic differentiation between the rules for writing history and those for writing poetry (1.5). Marcus, however, corrects his brother with the observation that *fabulae* do lend themselves to history and, moreover, have been worth the attention of Herodotus, the father of history himself (1.5).

Marcus is making a point about story-telling (and by extension, rhetoric) analogous to the one he made about philosophy in the preface to *de Re publica*: just as

²⁰ I am partially indebted to Andrew Dyck and Seth Benardete for this observation. In the *Phaedrus*, the titular interlocutor asks Socrates two questions about the plane tree by the Ilissus, which, as Dyck notes, are fused into Atticus' one question about the Marianic oak: Phaedrus asks Socrates 1) whether the plane tree is the spot of Boreas' rape of Oreithyia and 2) whether Socrates believes in the tale, while Atticus asks whether the Marianic oak is the ancient tree of Marius, which implies the historicity of Cicero's retelling (Dyck, *A Commentary on Cicero, de Legibus*, 21). Cicero's evasion of Atticus' question is, in turn, Socratic (Ibid., 63). This evasion then turns to a discussion of history versus poetry. Seth Benardete makes an important point that Marcus allows for *fabulae* in his sense of history, which opposes itself to the viewpoint of Atticus, whose curiosity centers on corroborated fact (Benardete, "Cicero's de Legibus I. Its Plan and Intention," 298). Though I do not agree with Benardete's ultimate argument that Cicero's laws themselves are a fiction and that *de Legibus* is a tragedy, in which law must "appeal to principles it could not possibly argue for" (Ibid., 296–97), this observation is important to my interpretation. Neither Benardete nor Dyck, however, pays proper attention to the extent to which Marcus differentiates himself from Quintus. Benardete, in fact, assumes that Quintus' appraisal of the immortality of poetry is in keeping with Marcus' attitude (Ibid., 295–96).

philosophy only has worth, inasmuch as it is applied to the real world, so too do *fabulae*. The middle ground between Atticus' factual essentialism and Quintus' poetic exceptionalism is Marcus' appeal to Herodotus and Theopompus. They deploy *fabulae* to a practical end. Rhetoric also has a pragmatic application in relation to law.

Thus, this middle ground between two extremes corresponds to the argument at large made about persuasion and natural law. The solution to the falling Republic, as recommended by Cicero's political pragmatism, is exactly this middle ground. One extreme is the ambitious drive for power that results in the mob-incenting tactics of politicians such as Clodius Pulcher (referenced in *de Leg.* at 2.41-43, 3.47 as well as in *Pro Sestio* at 82); the other extreme is the unyielding rigidity of Optimates, such as Cato the Younger, whose inability to compromise threatens the stability of the Republic at large. Cicero seeks to avoid both extremes through the implementation of the best practicable laws reinforced, out of necessity, by political persuasion.²¹

The germaneness of rhetoric to a dialogue about law is not obvious, so Cicero begins his discussion with a definition of natural law and proceeds to rhetoric thereafter. He adapts his imitation of the *Phaedrus* to this end, when Marcus turns down an opportunity to discuss history on the grounds that he does not have sufficient leisure (1.5-7); Socrates similarly turns down an opportunity to discuss mythology on the same

²¹ In this sense I am modifying Benardete's observation, as he notes the programmatic importance of the discussion of history and fable, but he surmises from that evidence that *de Legibus* is ultimately a tragedy, in which law must "appeal to principles it could not possibly argue for" (Benardete, "Cicero's de Legibus I. Its Plan and Intention," 296-97). Instead, I view Cicero as a hopeful political pragmatist, who recognizes the inherent limitations of any political system, but champions the responsible use of persuasion to approximate justice.

grounds (229e-230a). The difference between Marcus and Socrates, however, is that whereas Socrates prioritizes knowledge of the self as more important, Marcus prefers his work, which leads into a discussion of law. In this sense, Cicero continues to embody the lesson from the *Phaedrus*, as explored in Chapter 3, on the need to know the souls of one's audience. Cicero begins with what is least controversial, in order to gain the trust of his Optimate audience for what is most controversial.

Eigler and Dyck duly note this allusion to the *Phaedrus*,²² and Dyck and Benardete both note the emphasis on self-knowledge per the encomium of philosophy at the conclusion of Book 1 as a second allusion to the *Phaedrus* bookending the first,²³ but what needs further exploration is the absence of self-knowledge at this point in the dialogue. It is, as I argue, a conspicuous absence because there has been enough noticeable resonance between the *Phaedrus* and Book 1 to create an expectation for Cicero to follow Socrates in turning to self-knowledge. It is striking, therefore, that he waits until the end of the book to do so. I would argue that self-knowledge goes hand in hand with the *Phaedrus*' lesson on persuasion: in the *Phaedrus*, as discussed in Chapter 3, the two necessary bodies of knowledge are of the nature of the world and of the soul (*Phdr.*270a-272e). Cicero is adapting this lesson to natural law, so that rhetoric and persuasion can utilize knowledge of the self to motivate the public towards the civic good and "stabilize the laws" (1.62, as cited above).

²² Dyck, *A Commentary on Cicero, de Legibus*, 21; Eigler, "Von Der Platane Im Phaidros Zur Eiche Des Marius: Vergangene Zukunft in Ciceros de Legibus," 141.

²³ Benardete, "Cicero's de Legibus I. Its Plan and Intention," 308; Dyck, *A Commentary on Cicero, de Legibus*, 21–22.

Cicero does this in two steps: the first is his own version of the Platonic interpretation of “self-knowledge” vis-à-vis the discrepancy between man’s higher and lower nature, and the second is his championing of a rhetoric that uses this “self-knowledge” as a means to appealing to people as they are and empowering them to follow their better nature.

4.3 Natural Law and Human Nature (later revealed as Self-Knowledge)

Cicero establishes a need for rhetoric by identifying foibles of human nature in the process of defining natural law. Indeed, the concept of natural law is a problematic one because the nature of natural law comes into conflict with man’s appetitive nature. As Jed Atkins points out, there is ambiguity in Plato’s use of “nature” in “natural law” in the *Laws*: natural law is according to divine nature, not human nature, since human nature is a combination of irrationality as well as the divine mind; therefore, natural law is unnatural in respect to human nature, just as human law is unnatural in respect to divine nature.²⁴ The Stoics remove this ambiguity from their own sense of natural law, in that they rule out irrationality as having no claim to being “natural;” furthermore, they exclude imperfect, human law from being law at all and only respect the law of the divine mind.²⁵ Cicero follows the Stoics in that his definition of human nature per se does not include vices and irrationality, but only virtue and reason, i.e. what humans have in common with the gods rather than what they have in common with each other (1.23-

²⁴ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 192.

²⁵ *Ibid.*, 192–93.

25).²⁶ As Atkins argues, however, Cicero follows Plato in realizing that a compromise must be made between the standard of natural law and the limitations of human society.²⁷ Indeed, this chapter agrees with the argument of Atkins as well as Annas²⁸ that natural law for Cicero is not a codification of actual laws, as presented in Books 2 and 3, but rather a standard against which to approximate justice as much as the limitations of convention and humanity will allow. What is original in my reading of *de Legibus* is the need for rhetoric and persuasion to do the work which laws cannot and stabilize the system.

Laws cannot stabilize the system because the system must be subject to the weaknesses of human nature; the Stoic argument for natural law by itself, furthermore, is of limited avail, since not all members of the Roman people agree or even understand the argument. As we have seen in Chapter 1, Cicero does not fault Cato the Younger for legislating a law that was faulty in principle, but rather for expecting the correctness of his law to be the only argument worth considering for its implementation; Cicero, by contrast, was concerned with maintaining his “concord of the orders,” which Cato’s law threatened (Att 2.1.6-8).²⁹

Cicero brings this same complexity to *de Legibus* and marks it as a Platonic position through numerous allusions to Plato, which I shall now list. Alongside Marcus’s definition of natural law (1.16ff) and his characterization of human nature as divine

²⁶ Ibid., 200.

²⁷ Ibid., 197ff.

²⁸ Ibid., 188–226; Annas, “Plato’s «Laws» and Cicero’s «De Legibus»,” 220–21.

²⁹ Stem, “Cicero as Orator and Philosopher: The Value of the Pro Murena for Ciceronian Political Thought,” 223–25.

(1.23-25) is his acknowledgment of the foibles of human nature. As Benardete notes, immediately after Marcus' equation of human nature with the divine mind, he shifts his tone and conceives of man as a body and soul rather than just a mind.³⁰ It is at this point that Cicero makes telling allusions to the *Cratylus* and *Republic*, as noted by Dyck:³¹

*Nam cum ceteras animantes
abiecisset ad pastum, solum
hominem erexit et ad caeli
quasi cognationis domiciliique
pristini conspectum
excitavit...*

Leg. 1.26

σημαίνει τοῦτο τὸ ὄνομα ὁ
“ἄνθρωπος” ὅτι τὰ μὲν ἄλλα
θηρία ὧν ὄρα οὐδὲν ἐπισκοπεῖ
οὐδὲ ἀναλογίζεται οὐδὲ
ἀναθρεῖ, ὁ δὲ ἄνθρωπος ἅμα
ἐώρακεν—τοῦτο δ' ἐστὶ τὸ
“ὄπωπε”—καὶ ἀναθρεῖ καὶ
λογίζεται τοῦτο ὃ ὄπωπεν.
ἐντεῦθεν δὴ μόνον τῶν θηρίων
ὀρθῶς ὁ ἄνθρωπος
“ἄνθρωπος” ὀνομάσθη,
ἀναθρῶν ἃ ὄπωπε.

Crat. 399c

οἱ ἄρα φρονήσεως καὶ ἀρετῆς
ἄπειροι, εὐωχίαις δὲ καὶ τοῖς
τοιούτοις ἀεὶ συνόντες, ...
ὑπερβάντες δὲ τοῦτο πρὸς τὸ
ἀληθῶς ἄνω οὔτε ἀνέβλεψαν
πώποτε οὔτε ἠνέχθησαν ἀλλὰ
βοσκημάτων δίκην κάτω ἀεὶ
βλέποντες καὶ κεκυφότες εἰς
γῆν καὶ εἰς τραπέζας
βόσκονται ...

R. 9.586a

For, though nature had already
cast down **all the other
animals to feeding**, she raised
man alone and roused him to
a vision of the heaven as if of
his old kin and home...

Leg. 1.26

This word “*anthrōpos*”(man)
means that **all the other
animals** do not examine nor
analyze nor **look up at** what
they see, yet man at the same
time **has beheld** something—
that is **he’s “opōpe (seen)” it**—
and he “*anathrei*” (**looks up**)
and thinks about what he’s
seen. Hence, **alone** of animals
has **man** rightly been called
“*anthrōpos*,” “*anathrōn*” **what
he has “opōpe” (looking up at
what he’s seen).**

Crat. 399c

These people, devoid of
intelligence and virtue, always
biding their time with parties
and such things... never once
transcend and **look up at** the
truth, nor are they **carried
there**, but like cattle **they feed,**
always looking downward and
**with their head hunched over
the ground and their tables.**

R. 9.586a

As the above citations illustrate (echoes of the *Cratylus* are in boldface, and those of the *Republic* underlined), Cicero borrows language from two very different passages from

³⁰ Benardete, “Cicero’s de Legibus I. Its Plan and Intention,” 305.

³¹ Dyck, *A Commentary on Cicero, de Legibus*, 140.

the Platonic corpus. In the *Cratylus*, Socrates is celebrating the supremacy of man, and there is a clear reminiscence in Cicero's contrast of man's upright position and ability to look upward with the rest of the animal world. In the *Republic*, Socrates describes the sorry state of unenlightened masses, who cannot look up to behold the truth (Marcus' speech alludes to this in its emphasis on looking up to the heavens and its characterization of other animals as having been "cast down to feeding"). The allusion is especially poignant, when we consider that Marcus had just mentioned cattle (the beasts chiefly alluded to in the Platonic passage from the *Republic*) as existing for food:

...pecudes, qu<om> perspicuum sit <plerasque> esse ad usum hominum, partim ad fructum, partim ad uescendum, procreatas.

...that cattle, since it is obvious that most exist for man's benefit, were partly born for grain [i.e., plowing], partly born for food.

Leg. 1.25

Marcus' reason for alluding to the *Cratylus* is clear enough, as both Socrates and Marcus in their respective passages celebrate the supremacy of man, but it is less obvious why he would allude to Socrates' depiction of the unenlightened masses. The reason has to do with Cicero's understanding of "self-knowledge" (or human nature, as we defined it in 4.1). Cicero alludes to both passages, in order to characterize the two extremes of humanity: on the one hand, man alone looks up, which reinforces the divine aspect of his nature; on the other, he is subject to the same irrational drives and selfish pursuit as the cattle that he feeds upon. Plato's acknowledgment of both extremes makes him well-suited to Cicero's political pragmatism. This is why the Stoic notion of law as well as Stoic argument for natural law are insufficient: not everyone is willing to look up.

After this programmatic statement, there are more explicit allusions to Plato in portraying the foibles of human nature. In Cicero's accounting of how human beings are perverted towards baseness, Margaret Graver identifies two sources: one is Plato, and the other is Chrysippus.³² When Cicero lists cultural influences that corrupt human opinion, he names the parent, poet, teacher, nurse, stage, and consensus of the many, which are the same corrupting influences that Socrates names in the *Republic* (cf. *Leg.* 1.47, *R.* 6.490a-93b); the difference, however, is that Cicero qualifies these cultural influences as having no power over the senses, but reaching the mind through faulty judgment based on pleasure.³³ Dyck additionally notes that Marcus' characterization of how such transmitters of error affect the young resonates with Socrates' critique of poetry in the *Republic* (cf. *Leg.* 1.47 and *R.* 2.377d ff).³⁴ Furthermore, when we consider Melanie Möller's examination of Cicero's rhetorical treatises as a theory of *attentiveness* (see Intro.9), we can see why Plato specifically is *the* philosopher for Cicero to consult: as Möller explains, Cicero developed his appreciation for attentiveness through his own experience of the public spaces of Rome, the forum, market, theater, temple, etc. These are spaces where diverse agencies compete against one another for recognition.³⁵ These spaces are also where the corrupting influences from Socrates' list strive to make others attentive of themselves. Möller further notes that the struggle for recognition belongs to

³² Graver, "Cicero and the Perverse : The Origins of Error in De Legibus 1 and Tusculan Disputations 3."

³³ *Ibid.*, 118–19.

³⁴ Dyck, *A Commentary on Cicero, de Legibus*, 197; for parallels with the Protagoras, see Untersteiner, "La Dottrina Di Protagora E Un Nuovo Testo Dossografico," esp. 87-88.

³⁵ Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, 89.

the Platonic *thumos* or *thumoeides* of the *Republic*.³⁶ The purpose of rhetoric, understood in this sense, is then to appeal to this *thumoeides* of the Roman people and make the values of Roman citizenship gain higher prominence in their mind than the many other distracting objects of daily life.

Cicero's argument for making a rhetorical appeal to the *thumoeides* of human nature is based on an understanding of pleasure that is more Platonic than Stoic. This puts me at disagreement with Graver. In fact, Graver's evidence depends on a reconstruction of what Chrysippus said based on a late reference we have in Calcidius' 400 AD Latin commentary of the *Timaeus*.³⁷ There is also positive evidence for Cicero's unmediated use of the *Timaeus*. Indeed, when Marcus introduces the problematic nature of pleasure, he makes an unmistakable allusion to the *Timaeus*:

Nam et uoluptate capiuntur omnes, quae etsi est illecebra turpitudinis, tamen habet quiddam simile naturalis boni...

Leg.1.31

For all are also taken captive by **pleasure**, which, although it is **the allure of baseness**, nonetheless has a certain quality that resembles the good of nature...

Leg.1.31

οἱ δὲ μιμούμενοι, παραλαβόντες ἀρχὴν ψυχῆς ἀθάνατον, τὸ μετὰ τοῦτο θνητὸν σῶμα αὐτῇ περιετόρνευσαν ὄχημά τε πᾶν τὸ σῶμα ἔδωσαν ἄλλο τε εἶδος ἐν αὐτῷ ψυχῆς προσφοδόμουν τὸ θνητόν, δεινὰ καὶ ἀναγκαῖα ἐν ἑαυτῷ παθήματα ἔχον, πρῶτον μὲν ἡδονήν, μέγιστον **κακοῦ δέλεαρ**...

Ti.69c-d

They [the sons of the demiurge], in imitation of him [the demiurge], after taking the immortal first principle of the soul, later framed about it a mortal body and gave it the body to be its carriage, and in the body they housed another form of the soul, the mortal form, which contains in itself terrible and necessary passions, **pleasure** being the first, the greatest **allure of baseness**...

³⁶ Ibid., 89 n. 289.

³⁷ Graver, "Cicero and the Perverse: The Origins of Error in De Legibus 1 and Tusculan Disputations 3," 122–27.

We know that *illecebra turpitudinis* is a signature Ciceronian Latinism of *κακοῦ δέλεαρ* because, as Dyck points out, the same language is used when Cicero cites Plato by name in the fragmentary Hortensius: *illecebrae... escae malorum* (“the allurements and baits of evils” ad *Hort.* fr.84).³⁸ Further evidence for Cicero’s association of the problem of pleasure with Plato is in the way Marcus recapitulates this Platonic formulation of the pleasure-theme later in the dialogue at 1.47:

Nam et uoluptate capiuntur omnes, quae etsi est illecebra turpitudinis, tamen habet quiddam simile naturalis boni...

Leg. 1.31

For **all** are also taken captive by **pleasure**, which, although it is **the allure of baseness**, nonetheless has a certain quality that resembles the good of nature...

Leg.1.31

At uero animis omnes tenduntur insidiae, uel ab iis quos modo enumeravi qui teneros et rudes quom acceperunt, inficiunt et flectunt ut uolunt, uel ab ea quae penitus in omni sensu implicata insidet, imitatrix boni uoluptas, malorum autem mater omnium; quouis blanditiis corrupti, quae natura bona sunt, quia dulcedine hac et scabie carent, non cernimus satis.

Leg. 1.47

In truth, however, the traps are **all** laid out for souls, either by those, whom I just listed, who, having received us at a tender and naive age, leave their mark on us and bend us as they will, or by her, who hides in waiting, entwined deeply in every sense, pleasure the impostress of good, **yet mother of all evils; corrupted by her allures**, we do not apprehend sufficiently things which are good in nature because they lack this sweetness and itch.

Leg. 1.47

This eclectic combination of the *Timaeus* with the *Republic* to explain the problem of pleasure in respect to human nature is typical of Cicero’s reading of Plato, as we have seen. In this sense, Cicero balances the idealism of the Stoic understanding of human

³⁸ Dyck, *A Commentary on Cicero, de Legibus*, 149–50.

nature and natural law with a sobering account of the foibles of human nature. It is the inherent weakness of human nature that makes rhetoric necessary, and the allusions to Plato confirm that Cicero calls on Plato as a philosophical witness to this theory.

4.4 The Limitations of Reason and Alternative Forms of Persuasion

Thus, Cicero alludes to Plato in establishing his own sense of “self-knowledge,” which is namely a construal of the problematic discrepancy between human nature and natural law. In this section of my analysis of Book 1, I shall argue that Cicero channels Plato in his turn to rhetoric as a solution to this problem.

This turn to rhetoric is itself structurally announced: before Cicero begins to demonstrate how rhetoric can be deployed to motivate Roman people to follow their better nature, Marcus announces a change in theme with a programmatic allusion to Plato's *Laws*. This allusion occurs when Marcus uses the phrase “*iter huius sermonis* (road of this discussion)” to transition to the next topic (1.37).³⁹ Dyck points out that *iter huius sermonis* is not a typical Latin phrase, but derives from a favorite expression of Pindar, which Plato imitates in the mouth of the Athenian Stranger when making a transition in the *Laws*.⁴⁰

³⁹ For further background, this occurs at a point in the conversation where, in regard to Marcus' deferral to authority on natural law, Atticus asks Marcus if he always gives up his intellectual freedom and relies on the opinions of other philosophers (1.36), Marcus answers him “not always” and Marcus uses the phrase “*iter huius sermonis* (road of this discussion)” to transition to the next topic.

⁴⁰ Dyck, *A Commentary on Cicero, de Legibus*, 166.

When we examine the original context of the two passages more closely, we can see that this is more than just a token imitation of a Platonic transition. I cite the two passages below:

Non semper, Tite, sed iter huius sermonis quod sit, uides: ad res publicas firmandas et ad stabiliendos mores sanandosque populos omnis nostra pergit oratio. Quocirca uereor committere ut non bene prouisa et diligenter explorata principia ponantur, nec tamen spero fore ut omnibus probentur— nam id fieri non potest—, sed ut eis qui omnia recta atque honesta per se expetenda duxerunt...

Leg. 1.37

Not always, Titus [Atticus], but you see what **the road of this discussion** is: our speech aims at strengthening republics and stabilizing customs and making all peoples healthy. Therefore I am afraid of making the error that first principles be established, which have not been carefully examined beforehand and explored, nor do I hope that they're approved by all, —for that is impossible—, but that they're approved by them, who have believed that all right and honorable things are inherently worth pursuing...

Leg. 1.37

φαμὲν δὴ νῦν, καθ' ὁδὸν ἰόντες τὴν λοιπὴν τοῦ λόγου, τὴν μεγίστην ἀμαθίαν τότε ἐκείνην τὴν δύναμιν ἀπολέσαι καὶ νῦν ταῦτ' οὗτο πεφυκέναι ποιεῖν, ὥστε τὸν γε νομοθέτην, εἰ τοῦθ' οὕτως ἔχει, πειρατέον ταῖς πόλεσιν φρόνησιν μὲν ὄσσην δυνατὸν ἐμποιεῖν, τὴν δ' ἄνοιαν ὅτι μάλιστα ἐζαιρεῖν.

Lg. 3.688e

Now then, we assert, advancing **on what remains of the road of our discussion**, that the greatest ignorance destroyed that power at that time and that it brings about the same result today, so that the lawgiver should, if this is the case, attempt to instill as much wisdom as possible and expell as much stupidity as possible.

Lg. 3.688e

In the original context of Plato's *Laws*, the Athenian Stranger uses this Pindaric poeticism to color his transition to the topic of ignorance and its deleterious effect on civilization. Similarly, Marcus moves on to a topic concerned with the stabilization of society and morals. Although the connection in theme between the Ciceronian and Platonic passage is not obvious, there is in fact a connection: Both passages aim at stabilization. The Athenian Stranger's definition of wisdom makes this certain: Wisdom does not involve understanding, but rather valuing the right things, such as justice and the civic good (*Lg.*

3.689a-e). In what follows in the corresponding chapters of *de Legibus*, Marcus as well no longer discusses understanding and shifts to an emphasis on valuing the right things (namely Roman Law and civic good).

Cicero achieves this shift in topic by having Marcus disengage from rational discourse, because he is no longer interested in promoting one argument over another as being more correct. He realizes that certain philosophical schools are apt to disagree. The Epicureans, represented by Atticus, constitute one of these schools, and the Academic Sceptics constitute another. Marcus asks that both the Epicurean and Sceptic schools be silenced in the argument that follows (1.39).⁴¹ Instead, Marcus demonstrates how a rhetorical appeal to customs can achieve wisdom in the Athenian stranger's sense of the word: *valuing the right things*.

Due to the fragmentary nature of what follows 1.39, it is difficult to say what immediately proceeds, but what we have left of 1.40-1.42 suggests that Marcus is making a counterargument to the Sceptic Academy, but not one in the form of a rational

⁴¹The silence Marcus imposes on these schools has been variously interpreted. Seth Benardete, who reads Marcus in *de Legibus* as hopelessly trying to make an impossible argument, argues that the dismissal of counterargument reduces the theory of natural law to a kind of fable (Benardete, "Cicero's de Legibus I. Its Plan and Intention," 301–2). Atkins, interpreting Marcus as favoring the schools of philosophy that are more apt to stabilize society, argues that Cicero is akin to Edmund Burke for omitting philosophical arguments that might threaten to destabilize the system (Atkins, "A Revolutionary Doctrine?," 185–87, 191–93). I, however, view Cicero here, as Dyck does in Book 3, as conciliating his primarily optimate audience (Dyck, *A Commentary on Cicero, de Legibus*, 28). His purpose in formally stating that such schools be silenced is to remind his audience that such schools with contradicting viewpoints do exist. Indeed, after requiring the silence of the Sceptic Academy, he adds at 1.39 "*Quam quidem ego placare cupio, submouere non audeo* (I desire indeed to placate them, as I dare not remove them)". What follows this statement is a demonstration of how to placate such a school: since logical argument cannot succeed, another kind of persuasion must be utilized. Therefore, Cicero begins a rhetorical argument, which relies on custom, rather than a strictly logical argument. That is how to win over people who are either logically opposed or at loss to understand the niceties of philosophical argument.

argument metaphysically predicated on the Stoic ideal of natural law. Instead, he turns to a rhetorical appeal to Roman custom.

The counterarguments Marcus anticipates from the Skeptic Academy have their roots in Platonic dialogue. This becomes clear when Marcus entertains the thought experiment that people are motivated to be just out of fear of punishment rather than out of a personal concern for honor and concludes that it would then make no sense to speak of the “just” and “unjust;” instead, those who failed to conceal their injustice must be known as “incautious,” while even those who do pursue justice are at best “clever,” since they are following their own advantage (1.40-41). As Dyck notes, the resulting inversion of values strongly resonates with the argument of Thrasymachus (*R.* 1.343a ff, esp. 344b-c); furthermore, as Zetzel notes, Marcus’ thought experiment echoes as well the argument of Philus in Book 3 of *de Re publica*, which, as we have seen in Chapter 3, Romanizes the arguments made by the interlocutors of Socrates in the *Republic*.⁴² Although Marcus silences the arguments of the Skeptic Academy, he does acknowledge differing viewpoints. As with Book 3 of *de Re publica*, which Cicero echoes here, Plato is not just a source of doctrinal wisdom through the mouth of Socrates, but also an instructor through the contrasting opinions showcased via the dialogue form.

To answer these differing viewpoints, Marcus does not turn to rational dialectic, but rather to a rhetorical appeal to Roman custom. In appealing to the Roman sense of shame, Marcus follows the rhetorical moves of the Platonic Socrates. As I shall

⁴² Dyck, *A Commentary on Cicero, de Legibus*, 179; Zetzel, *On the Commonwealth and On the Laws*, 120 n. 55; Hahn, “Plato, Carneades, and Cicero’s Philus (Cicero, Rep. 3.8-31).”

demonstrate, it is not the arguments of Socrates that Cicero imitates, but Socrates' rhetorical appeals to shame. We know that the character of Socrates is as important to Cicero's reading of Plato as the arguments made by Socrates. In Chapter 3, this was evident, for instance, in Scipio's analysis of Socrates in *de Re publica*: Scipio identifies "charm" (*lepore* at *Rep.* 1.16) as the quintessential quality of Socrates that Plato combines with his own learning and studies in Pythagoreanism in the dialogues. Since Marcus, as we shall see, imitates Socrates in the playfulness, with which he appeals to the Roman sense of shame, we can identify this playful appeal to shame as the "charm" of Socrates. It is the charm of Socrates rather than the logic of the Stoics that Marcus utilizes. Since Marcus, following the Athenian Stranger in Book 3 of the *Laws*, aims to align the values of the people with the civic good rather than to persuade them in a philosophical sense, the charm of Socrates is more appropriate than a strictly philosophical approach.⁴³ Marcus channels this charm of Socrates when he echoes the *Euthyphro* in his connection between natural law and crime and punishment, as noticed by Dyck:⁴⁴

Quorum tamen nemo tam audax umquam fuit, quin aut abnueret a se commissum esse facinus, aut iusti sui doloris causam aliquam fingeret, defensionemque facinoris a naturae iure aliquo quaereret.

τοῦτο γὰρ οἶμαι οὐ τολμῶσι λέγειν οὐδ' ἀμφισβητεῖν, ὡς οὐχὶ εἶπερ ἀδικοῦσί γε δοτέον δίκην, ἀλλ' οἶμαι οὐ φασιν ἀδικεῖν...

Euthyphr. 8cd

Leg. 1.40

None of them, however, was ever **so** **audacious, that he would not either deny that**

For they **dare not**, I think, say this nor even make a dispute **that, even though they**

⁴³ Indeed, Annas has noted that Plato's *Laws* as well as Cicero's *de Legibus* are decidedly less technical than the other works of these authors (Annas, "Plato's « *Laws* » and Cicero's « *De Legibus* »,» 208–9).

⁴⁴ Dyck, *A Commentary on Cicero, de Legibus*, 178.

he committed the crime or invent some cause for his pain and seek a defense for his crime from some natural law.

Leg. 1.40

committ wrong, they should not pay the penalty, but, I think, they claim they commit no wrong.

Euthphr. 8cd

Both Socrates and Marcus are making the argument that even criminals hoping to avoid the penalty of their actions have to appeal to some universal sense of justice. The *Euthyphro* is a Socratic dialogue, meaning that it involves Socrates' interrogating the assumptions of others rather than positing doctrine himself.⁴⁵ Marcus appropriates Socrates' *reductio ad absurdum* in his statement "no one is so audacious..." to reinforce cultural habits that approximate natural law. His appeal is not to rational argument, but rather to what is culturally acceptable. Thus, he unites the charm of Socrates with the wisdom of Plato from Book 3 of the *Laws*.

Cicero's reason for conflating the charm of Socrates with this lesson of Plato's *Laws* becomes more apparent in Cicero's allusion to the Pseudo-Platonic *Minos*⁴⁶ towards the end of his response to the Skeptic counterargument:

Est enim unum ius quo deuincti est hominum societas et quod lex constituit una, quae lex est recta ratio imperandi atque prohibendi. Quam qui ignorat, is est iniustus, siue est illa scripta uspiam siue nusquam.

Leg. 1.42

ὅς ἂν ἄρα τοῦ ὄντος ἀμαρτάνῃ, τοῦ νομίμου ἀμαρτάνει.

Min. 316b

There is indeed **one law**, by which the fellowship of mankind is bound and which **the only standard of law** has instituted. This standard is right reason of commanding and prohibiting. **Whoever is ignorant of this law** is

Whoever falls short of the law that is, falls short of justice.

Min. 316b

⁴⁵ Cooper, *Plato: Complete Works*, 1–2.

⁴⁶ I include this in my analysis of Cicero's reception of Plato because it was apparently not "pseudo-Platonic" to Cicero.

unjust, whether it has ever been written or not.

Leg. 1.42

Dyck, noting this allusion, argues that Marcus' sense of "the only law" and "only standard of law" in Cicero's Latin parallel Socrates' sense of "the law that is" in Plato's Greek.⁴⁷ It is appropriate for Marcus to be alluding to the *Minos* at this point, since the dialogue interrogates whether law is based on a universal standard of justice or human custom.⁴⁸ Marcus, however, does not espouse himself to the conclusion of the *Minos* wholesale, but modifies it according to Plato's *Laws*. Indeed, in Book 3, the Athenian stranger, after defining wisdom as valuing the right things, says that literacy is irrelevant (*Lg.* 3.689d). I would argue that Marcus has this passage in mind (which occurs after the Pindaric transition echoed at 1.37, as cited above) with his assertion that it does not matter whether the laws be written or not (*sive est illa scripta uspiam sive nusquam*). Natural law, for Cicero, is not a codified body of legislation, nor is it even verbal. As we have seen in Cicero's programmatic imitation of Plato at 1.37, Marcus, like the Athenian Stranger, does not prioritize that the people have an understanding of the metaphysical definition of natural law, but rather that they value the right things and accordingly align their souls with the civic good. Rhetoric serves this end well. Like the Athenian Stranger, Cicero is prepared to utilize Roman custom in place of a verbal argument for natural law to align the Roman people with the civic good. Socrates' rhetorical appeal to Athenian

⁴⁷ Dyck, *A Commentary on Cicero, de Legibus*, 184.

⁴⁸ Cooper, "Minos," 1307–8.

custom in the *Euthyphro*, therefore, is the right model for Cicero to follow in his own rhetorical appeal to Roman custom.⁴⁹

Marcus imitates the “charm,” as we have defined it, of the Platonic Socrates again in a rhetorical appeal to shame. After presenting a thought-experiment about a cut-purse that bears a strong resemblance to Thrasymachus’ attitude about such undetected theft, (cf. *Leg* 1.41 and *R.* 1.348d), Marcus makes a dramatic exclamation:

O rem dignam, in qua non modo docti, sed etiam agrestes erubescant!

Oh worthy matter, at which not only philosophers, but even bumpkins would blush!

Leg. 1.41

As Dyck notes, the use of shame to argue on behalf of justice is a thoroughly Socratic move: Socrates famously causes Thrasymachus to blush in the *Republic* (*R.* 1.350d), and Callicles in the *Gorgias* complains of how Socrates uses shame to manipulate his interlocutors (*Gorg.* 482d-e).⁵⁰ There is an important difference, however, in the way that Marcus uses shame. In both the *Republic* and *Gorgias*, shame is brought under scrutiny and disqualified as being not a rigorous enough proof on behalf of justice. Marcus, however, makes the Socratic appeal to shame with a clean conscience.

The Latin itself uses an accusative of exclamation, which marks the emotional vigor of the statement. The use of high emotion to reinforce law is a practice exemplified

⁴⁹Dyck further notes that Marcus’ definition of natural law (1.42, as cited above) also echoes Laelius’ response to Philus in Book 3 of *de Re publica* (Dyck, *A Commentary on Cicero, de Legibus*, 184). It is equally important to note, however, Marcus’ response to the Skeptic Academy is more effective than Laelius’. Instead of logically contriving to straightjacket Roman usage to affirm universal justice (for this view see Girardet, *Die Ordnung Der Welt. Ein Beitrag Zur Philosophischen Und Politischen Interpretation von Ciceros Schrift De Legibus*; Ferrary, “The Statesman and the Law in the Political Philosophy of Cicero”), Marcus appeals to a sense of shame held commonly between the Romans and humanity at large.

⁵⁰Dyck, *A Commentary on Cicero, de Legibus*, 181.

by the Athenian Stranger (cf. especially his discussion of the law forbidding pederasty at *Lg.* 8.835c-842a). Helen North argues that Marcus never reaches the same pitch of emotion as the Athenian Stranger does in the discussion of laws.⁵¹ She is indeed correct in terms of Marcus' discussion of actual laws, but here Marcus does resort to a figure of high emotion to reinforce the same principle as the Athenian Stranger: It is essential to use rhetorical persuasion to motivate people to feel shame for certain things and seek honor in other things.

Julia Annas argues that Book 1 of *de Legibus* functions as a prelude to Books 2 and 3 as a whole and, therefore, is the equivalent of the Platonic preludes to individual laws in the *Laws*.⁵² It is fitting, therefore, that we would find devices of high emotion in Book 1, since the full emotional gamut of rhetoric must be called upon to reinforce legislature, however sound. I additionally observe that that material I have just covered from Book 1 is not just a prelude for the laws of Books 2 and 3, but a prelude for the Platonic reference to "self-knowledge" and celebration of philosophy and rhetoric, with which the book ends. In his definition of natural law, Marcus has alluded to Plato in listing the weaknesses of human nature. He has furthermore imitated the Platonic Socrates in deploying rhetorical appeals to shame in order to align the souls of the people with the civic good. Since the complex verbal argument for Stoic law is not available to the many, there is a need to appeal to the emotions instead. There is a need, furthermore, to appeal to man's appetitive half as well as his better half.

⁵¹ North, "« Sequar... Divinum Illum Virum... Platonem »: Cicero, *De Legibus* 3.1," 139.

⁵² Annas, "Plato's « Laws » and Cicero's « De Legibus », " 217–18.

4.5 Self Knowledge and Rhetoric⁵³

At the beginning of the chapter, I outlined Cicero's imitation of the *Phaedrus* and marked how Marcus diverged from Socrates in that Cicero discusses work rather than, as Socrates, self-knowledge. By imitating so much of the proem in the *Phaedrus*, Cicero creates an anticipation in his audience for the discussion of self-knowledge. In fact, subsequent passages on the discrepancy between natural law and human nature as well as the ability of rhetoric to align the souls of Roman citizens with the good, as I have shown in sections 4.3-4, do satisfy the audience's anticipation by addressing the theme of "self-knowledge" in a Platonic way. The question remains why Cicero does not name self-knowledge explicitly until after making this point. In what remains of my analysis of Book 1, I shall address this question.⁵⁴

In my reading of *de Legibus*, the main point of Book 1 is not only natural law, but also the necessity of rhetoric. However, Cicero realizes that certain members of his audience, like Cato the Younger, are likelier to view rhetoric as an inferior topic to law,

⁵³ A note on the transition: After this rhetorical demonstration, Marcus comes around full circle and returns to the the theme of human error in a passage discussed above (1.47). It is a fitting transition, since human error makes rhetoric necessary. It is then after this recapitulation of human error that Marcus segues into a philosophical diversion on the dominant philosophical schools and their basic agreement. This in turn leads to his encomium of *sapientia*, in which rhetoric receives special emphasis and "self-knowledge," which had been the unnamed theme of the preceding passages, is explicitly named in reference to the Platonic Socrates (1.58-62).

⁵⁴ Seth Benardete notes that this encomium is striking for its emphasis on self-knowledge as well as its addition of rhetoric to ethics, physics, and dialectic as the fourth part of philosophy (Benardete, "Cicero's de Legibus I. Its Plan and Intention," 308). Benardete and Dyck duly note that Marcus' discussion of self-knowledge brings the dialogue around full circle (1.58), in that self-knowledge was conspicuously absent in Cicero's imitation of the *Phaedrus* proem at the opening of Book 1 (Ibid.; Dyck, *A Commentary on Cicero, de Legibus*, 21-22-226). The question as to why Cicero waits until his encomium of rhetoric and philosophy to introduce self-knowledge, however, remains unaddressed.

in the same way that Scaevola does in *de Oratore*, as discussed in Chapter 2.⁵⁵ Cicero's imitation of the *Phaedrus* alongside the *Laws* at the beginning of the dialogue is to imply that rhetoric is to be discussed at some point, but in order to satisfy the expectations of his largely Stoic and Optimate audience, Cicero does not have his own *dramatis persona* lead with rhetoric. Instead, he begins with a discussion of natural law, which segues into a secondary appraisal of human error and the importance of rhetoric. However, as I argue, this secondary appraisal is of primary importance in *de Legibus*. In this sense, the political pragmatism of Cicero grants rhetoric a degree of philosophical importance. Plato is the philosopher to whom Cicero alludes in granting this significance.

The first allusion to Plato comes at Marcus's reference to Socrates as defining the limits of philosophy to which he will restrict himself (1.56). There has been some debate as to whether Cicero intends the Skeptic or the Doctrinal Socrates.⁵⁶ Dyck is certainly correct that the reference has a rhetorical import, in that Socrates is a figure "around whom both Stoics and Academics could rally."⁵⁷ I add to this my own analysis in section 4.4 of how Cicero imitates specifically Socratic rhetorical devices in addressing the Skeptic counterargument to natural law. The second allusion to Plato comes at Marcus' celebration of philosophy, which he partly defines as self-knowledge while alluding to the Platonic injunction of Delphi (1.58). As Dyck notes, this reference to Delphi reminds the audience of Socrates' question of self-knowledge in the *Phaedrus* (229e) and

⁵⁵ see also Fantham, *The Roman World of Cicero's « De Oratore »*, 63.

⁵⁶ Cf. Burkert, "Cicero Als Platoniker Und Skeptiker. Zum Platonverständnis Der Neuen Akademie," 199; Dyck, *A Commentary on Cicero, de Legibus*, 217.

⁵⁷ Dyck, *A Commentary on Cicero, de Legibus*, 217.

completes Cicero's imitation of the proem of the *Phaedrus* at the opening of the dialogue.⁵⁸ As I argue, these allusions to Socrates and the injunction of Delphi are programmatic. Self-knowledge does not only include the celebration of man's higher nature (1.58ff), but also the foibles of human error as discussed in 4.3 and the means of working around them through rhetoric, as discussed in section 4.4.

In what follows, Cicero alludes to Plato in exemplifying the potential for rhetoric to call humans to their higher nature. In addition to recalling Socrates' emphasis on self-knowledge in the *Phaedrus*, the reference to the Delphic oracle is, in fact, a telling allusion to the *First Alcibiades*⁵⁹ which affirms the political relevance of Cicero's own philosophical rhetoric. Marcus makes this allusion after beginning his encomium of *sapientia*:

Haec enim una nos cum ceteras res omnes, tum, quod est difficillimum, docuit, ut nosmet ipsos nosceremus, cuius praecepti tanta uis et tanta sententia est, ut ea non homini quoipiam, sed Delphico deo tribueretur.

Leg. 1.58

πότερον οὖν δὴ ῥάδιον τυγχάνει τὸ γινῶναι ἑαυτὸν, καί τις ἦν φαῦλος ὁ τοῦτο ἀναθείς εἰς τὸν ἐν Πυθοῖ νεῶν, ἢ χάλειπὸν τι καὶ οὐχὶ παντός;

Alc. I 129a

This [i.e. *sapientia*] alone indeed has not only taught us all things, but also that which is most difficult: to know ourselves, of which precept there is so much power and so much significance, that it was attributed not to any human, but to the Delphic god.

Leg. 1.58

Well, does it strike you as rather easy to know oneself, and was it some bum that left this saying for the temple in Delphi, or is it something difficult and not for everyone?

Alc. I 129a

As Dyck notes, Marcus' wording of the injunction to know ourselves and its difficulty recalls the words of Socrates, when he inquires Alcibiades about the difficulty of

⁵⁸ *Ibid.*, 226.

⁵⁹ Regardless of whether this dialogue is authentically Platonic or not, it was celebrated in antiquity as the quintessential dialogue on self-knowledge, as D.S. Hutchinson notes (Hutchinson, "Alcibiades," 557–58).

knowing oneself.⁶⁰ If Marcus were discussing self-knowledge without this allusion, the lesson on rhetoric would be the same as what we have in *de Re publica*: that self-knowledge aligns with the need to possess a knowledge of the nature of the human soul, so that the statesman can motivate the public towards the better part of their nature that they share in common with the gods rather than pursue self-gain for its own sake. With this allusion to the *Alcibiades*, however, the lesson is more nuanced. The *First Alcibiades* is an ominous dialogue, in which the historical facts about Alcibiades prove the political dangers of not knowing oneself in respect to the better part of human nature.⁶¹ Cicero writes *de Legibus* in the midst of a republic collapsing from the ambition of selfish politicians. Clodius, one such politician and adversary of Cicero, becomes the subject *tacito nomine* of two impassioned digressions in Books 2 and 3 (2.41-43, 3.47).⁶² Clodius is certainly not the Roman equivalent of Alcibiades, but Cicero, in striving to be the Roman equivalent of Plato, alludes to the Platonic Alcibiades to underscore the importance of using rhetoric to turn members of the senate and public away from their baser natures.

Cicero drives this point further home with an allusion to Alcibiades' speech in the *Symposium*.⁶³ Marcus states that once humans have conceptualized what it means to have a divine nature, they will be inclined to act exclusively in accordance with that divine

⁶⁰ Dyck, *A Commentary on Cicero, de Legibus*, 225–26.

⁶¹ Hutchinson, "Alcibiades," 557–58.

⁶² See also Dyck, *A Commentary on Cicero, de Legibus*, 427.

⁶³ Pierre Courcelle (Courcelle, "Cicéron et Le Précepte Delphique," 114) sees a second allusion to the *First Alcibiades* as well in Marcus' description of someone beholding himself and his sensory organs (cf. the imagery of someone beholding his own eye in a mirror at *Alc. I* 132e-133a), but this is not compelling enough, as Dyck cautions, to be a proper allusion (Dyck, *A Commentary on Cicero, de Legibus*, 228).

nature. He makes the allusion to the *Symposium* when he likens man's inner nature to a consecrated image of the divine:

*Nam qui se ipse norit, primum aliquid se habere **diuinum** ingeniumque **in se suum sicut simulacrum** aliquod dicatum **putabit.***

Leg. 1.59

φημί γὰρ δὴ ὁμοιότατον αὐτὸν εἶναι τοῖς σιληνοῖς τούτοις τοῖς ἐν τοῖς ἐρμολυφείοις καθημένοις, οὗσιν αἱ ἐργάζονται οἱ δημιουργοὶ σύριγγας ἢ αὐλοὺς ἔχοντας, οἱ διχάδε διοιχθέντες **φαίνονται ἔνδοθεν ἀγάλματα** ἔχοντες **θεῶν.**

Symp. 215a-b

For, whoever has known himself **will think** that he contains something **divine** and that his own intelligence **within himself** is **just like a consecrated image of the divine.**

Leg. 1.59

For I say that he is most similar to these Silenus-statues, which sit in the statue-shops, the ones that make to hold pipes and flutes. When they're opened down the middle, **they seem to contain images of the gods from within.**

Symp. 215a-b

What is missing in Cicero's imitation of Alcibiades' speech is irony: it is ironic that Socrates, someone as ugly as Silenus, can have an image of the divine within himself; Marcus, significantly, contrasts the beauty of mankind's inner-self with the ugliness of his form. Nonetheless, Marcus' acknowledgement of perversion, as discussed above, is an implicit foil to the divine character of man's intelligence celebrated here. Marcus is not drawing from the voice of Alcibiades, but rather from the aspect of Socrates that Alcibiades found most seductive: the inner beauty of his soul. In order to be rhetorically effective, Marcus removes the irony and channels rather the persona of Socrates in the *Phaedrus*, who showcases the beauty of souls properly in love to his eager interlocutor. Thus, Cicero adapts the humorous speech of Alcibiades from the *Symposium*, so that it comes closer to the sublime tone of Socrates' palinode in the *Phaedrus*. In this way, Marcus imitates the Platonic Socrates in order to demonstrate a rhetorical sublime capable of motivating people to turn to their higher nature.

Again, when we consider Cicero's rhetorical theory of *attentiveness*, as articulated by Melanie Möller, we can see why he finds Platonic imagery and metaphor so useful. In Cicero's theory of *res* and *verba*, words only truly come to increase the audience's attentiveness to the things they signify, when style complements content. In this sense, *ornatus* is not simply a means to make speech beautiful, but to instill in an audience understanding and sympathy with the desired objects of attentiveness. Metaphors, as a carrying-over (*Übertragung*) also serve this purpose.⁶⁴ Alongside the Ciceronian Scipio's usage of myth and imagery in *de Re publica*, Marcus' rhetorical denouement of Book 1 of *de Legibus* is both a demonstration of, and an argument for, the rhetorical sublime as a vehicle to fixate the minds of the Roman people onto concepts of a higher nature that normally are ignored due to competing passions and interests.

Marcus makes another allusion to Plato in his rendition of the tripartite definition of philosophy as ethics, physics, and dialectic. As Dyck notes, Marcus defines dialectic not as a necessary instrument for self-discovery, but as a kind of fortification to protect that discovery, and this function of dialectic goes back to Plato's *Republic*.⁶⁵ In fact, the comparison of Marcus' and Socrates' definition reveals a telling verbal parallel:

*Atque haec omnia quasi saepimento aliquo uallabit
dissendi ratione...*

Leg. 1.62

ἄρ' οὐδὲν δοκεῖ σοι, ἔφην ἐγώ, ὥσπερ θριγκὸς τοῖς
μαθήμασιν ἢ διαλεκτικῇ ἡμῖν ἐπάνω κεῖσθαι, καὶ
οὐκέτ' ἄλλο τοῦτον μάθημα ἀνωτέρω ὀρθῶς ἂν
ἐπιτίθεσθαι, ἀλλ' ἔχειν ἤδη τέλος τὰ τῶν μαθημάτων;
R. 7.534e

And he **will enclose** all these findings with dialectic,
as if with a hedge.

Does it seem to you then, I said, that dialectic is lain
by us **on top of our studies as if a capstone**, and

⁶⁴ Möller, *Ciceros Rhetorik als Theorie der Aufmerksamkeit*, 142–43.

⁶⁵ Dyck, *A Commentary on Cicero, de Legibus*, 232–33.

Leg. 1.62 that we could never properly set any other learning on top of it, but that our discussion of studies has reached its conclusion?

R. 7.534e

As Dyck notes, the wall imagery from Plato's *Republic* had also been appropriated by the Stoics and Middle-Platonists by the time that Cicero wrote *de Legibus*.⁶⁶ I, however, argue that Cicero is channeling Plato directly rather than just the tradition per se. The reason is that Marcus does not appeal to the tradition, but changes it by adding rhetoric as the fourth member of what had been a tripartite definition of philosophy, as we will see in just a moment.⁶⁷ The role assigned to dialectic is protective; it is to "enclose" Roman legislation "as if with a hedge." This protective role of dialectic, however, cannot succeed without rhetoric, as Cicero claims in the next part of his encomium (cited below).

Immediately after this definition of dialectic comes the encomium of rhetoric that I cited at the beginning of my discussion of Book 1. As I shall argue, this transition from dialectic to rhetoric is a Platonic move:

Quomque se ad ciuilem societatem natum senserit, non solum illa subtili disputatione sibi utendum putabit sed etiam fusa latius perpetua oratione, qua regat populos, qua stabiliat leges, qua castiget improbos, qua tueatur bonos, qua laudet claros uiros, qua praecepta salutis et laudis apte ad persuadendum edat suis ciuibus, qua hortari ad decus, reuocare a flagitio, consolari possit adflictos, factaque et consulta fortium et sapientium cum improborum ignominia sempiternis monumentis prodere.

And once he's realized that he's been born for civil society, not only will he think that he must make use of subtle dialectic, but also the everlasting speech, reaching a broader audience: **by this he rules peoples, by this he stabilizes laws, by this he chides the wicked, by this watches over the good, by this praises brilliant men, by this publishes legislation for safety and glory in a way that is fit to persuade his own citizens; by this can he exhort to honor, call away from shame, console the afflicted, to enshrine on everlasting monuments the deeds and councils of brave and wise men along with the ignominy of the wicked.**

Leg. 1.62

⁶⁶ *Ibid.*, 233.

⁶⁷ Cf. Benardete, "Cicero's *de Legibus* I. Its Plan and Intention," 308.

In Marcus' triumphant anaphora of *qua* as the ablative of means referring back to rhetoric, Cicero *in propria persona* has appropriated to rhetoric everything that had been the province of natural law: By means of rhetoric, one "controls peoples, shames the evil, praises the good, directs citizens towards what is good, calls them away from what is bad, etc." Furthermore, rhetoric has been made the guarantor of law: By means of rhetoric, one "stabilizes the laws." In Book 1, we have seen Marcus argue for natural law not just by a Platonic-cum-Stoic appeal to man's divine nature, but also by imitating Socrates in resorting to cultural feelings of shame (1.40-42); furthermore, Marcus has drawn on Plato in creating a beautiful image of man's divine nature to motivate his readership toward the civic good (1.58-59). It is telling that both the allusions to Plato involve the seduction of Alcibiades, a self-serving politician.

This program of rhetoric is framed around Cicero's bookending Book 1 with allusions to the *Phaedrus*. As discussed above, the proem to the *Phaedrus* is famously echoed at the beginning of Book 1 (1.1-5), but the imitation stops short of Socrates' discussion of self-knowledge; the reference to Socrates' inquiry into self-knowledge is then taken up before this encomium of philosophy and rhetoric (1.58). The reason for framing the dialogue of Book 1 with the *Phaedrus* is programmatic, but the program does not limit itself to the Platonic text of the *Phaedrus* in understanding human nature. It is true that the speaker must know the souls of his speakers, but Marcus channels the character of Socrates and other dialogues of Plato to create a sublime kind of philosophical rhetoric with the aim of persuading the Roman people to their better nature.

4.6 Books 2 and 3

My argument follows Jed Atkins in my assessment of Books 2 and 3 of *de Legibus*. As I have discussed in the Introduction, Atkins' reading is unique in not interpreting the laws Marcus cites in Books 2 and 3 as manifestations of natural law, but rather as practicable laws that approximate natural law without eliciting a social backlash.⁶⁸ Atkins has demonstrated well that in preferring an approximation of natural law to moral and legal perfection, Cicero is following the model set forth by Plato's *Laws*.⁶⁹ In this chapter, I am particularly interested in another lesson derived from Plato: the necessity of using rhetoric and persuasion to appeal to the less rational side of human nature.

⁶⁸ Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws*, 197–99; for the Stoic reading of Cicero in this regard of *de Leg.*, see Inwood and Miller Jr., “Law in Roman Philosophy,” 145.

⁶⁹We can better understand the sensibility of this, when we consider the imperfection of Plato's and Cicero's laws in light of the dialectic between exemplarity and singularity. As Michèle Lowrie notes, there has been a kind of chauvinism towards examples shared by traditional as well as modern philosophy: for Kant and his ilk, examples are too singular and therefore threaten to distort the purity of thought that comes from an understanding of the general rule; on the other hand, it is for their interchangeable embodiment of a given rule that modern philosophers, like Adorno and Foucault, dismiss examples for not being singular enough (Lowrie and Lüdemann, “Introduction,” 4–5). It is a projection of Kant's preference for the universal over the particular onto *de Legibus*, as I argue, that would lead us to thinking that the laws of Books 2 and 3 contradict the definition of natural law in Book 1. They are not contradictions, but examples, that is, they embody enough of the values behind natural law to claim a family resemblance, but they are also too singular—i.e., too specific in respect to their intended audience and too determinate in the just and unjust minutiae consequent upon their enforcement—to meet fully the criteria of natural law, which does not address a given population, but humankind at large, and does not achieve the best possible, but the best. In this sense, the laws of Books 2 and 3, as examples of law derived from natural law, embody the paradoxical singularity of exempla per se: “The assumption of a plurality of exempla therefore remains paradoxical to the extent that it posits both absolute identity and uncompromising exchangeability: one similar-sounding exemplum cannot stand in completely for another... Its particularity cannot lose itself when becoming part of an ensemble” (Möller, “Exemplum and Exceptio: Building Blocks for a Rhetorical Theory of the Exceptional Case,” 97). I would argue that Cicero, as political pragmatist, seems to be aware of this, when he admits that the laws he present are not complete, since to propose laws complete in themselves would be an endless task (*Leg.*2.18). Cicero is correct: there is no country in the world, where the proposition of laws has come to an end. That is why the laws of any given constitution in a developed country are forever reexamined, reinterpreted, amended, or even drafted anew. For the dynamic relationship between exceptions and examples in laws, see *ibid.*, 96–106.

In Book 1, Cicero has imitated Plato in complementing his Stoic lesson on natural law with a Platonic lesson on the need for rhetoric to bolster that law. In Books 2 and 3, Cicero largely appeals to his Optimate audience to admit political flexibility regarding institutions such as the tribune of the plebs. Dyck notes that the similarity between the laws suggested by Marcus in Book 2 and Roman traditional practices, which the persona dramatis Quintus himself notices (2.23), are deferential to this Optimate audience in preparation for the controversial viewpoints regarding the tribune of the Plebs and popular ballot in Book 3.⁷⁰ In fact, Dyck goes on to say, Marcus' laws in Book 3 strengthen the role of the magistrate and amend the popular ballot, so that it is no longer a secret to the magistrates.⁷¹ In this sense, the Optimates would yield some ground to the public, in order to gain more ground for themselves. Moreover, the staunch opposition of Marcus' interlocutors (especially at 3.37) does not suggest that Cicero himself wishes to discredit this position, but rather to showcase his own sympathy for it before introducing a better alternative.

The question that the rest of my chapter answers then is how the lesson on rhetoric in Book 1 fits in with the rest of the dialogue. In my reading of Book 2, I agree with Andrew Dyck that the laws mostly serve to defer to Cicero's Optimate audience. There is, however, an important reprise of the *Phaedrus*-theme from Book 1 as well as other allusions to Plato to reinforce the lesson on persuasion from Book 1.

⁷⁰ Dyck, *A Commentary on Cicero, de Legibus*, 14.

⁷¹ *Ibid.*, 15.

In Book 3, rhetoric is present in two senses. On the one hand, the dialogue of Book 3, especially where it is most controversial, exemplifies the lesson of the *Phaedrus*, as explored by Cicero in *de Oratore* and *de Re publica* (see Chapters 2 and 3). On the other hand, the increased political participation of the public necessitates a strong rhetoric, on the part of the Optimates, to win the public over to the good of the state.

4.7 The Reprise of Plato in Book 2

At the beginning of Book 2, Cicero makes another allusion to the proem of the *Phaedrus* and complements it with a general resonance with the *Symposium*. The allusion to the *Phaedrus* is explicitly made by Atticus, who notes that the spot where the Fibrenus flows into the Liris River is too cold to touch with one's foot, as Socrates had done (cf. *Leg.* 2.5 and *Phdr.* 230b). As I have demonstrated, Book 1 is framed with the allusions to the proem of the *Phaedrus*, and these allusions serve a programmatic role. They announce to the readership that the dialogue is not just about law, but also about rhetoric and persuasion. The recapitulation of the *Phaedrus* at the beginning of Book 2 serves this same function, i.e., it reminds the audience of the importance of rhetoric.

This allusion to the *Phaedrus* is complemented by a general resonance with the *Symposium*. As Dyck notes, this resonance is effected through the general movement of the opening conversation: "this prologue, with its movement, reminiscent of Plato's *Symposium*, from an attractiveness based on external beauty to one based on internal qualities... provides a charming backdrop for the discussion of philosophy and law that

follows.”⁷² I would argue that the prologue is not just charming, but meaningful. The transition from external to internal beauty takes place in the conversation between Atticus and Marcus (2.1-5). While Atticus marvels at the natural beauty of the landscape, Marcus focuses on his ancestry and how the memory of noble deeds done by his forebears inspires him to do the same. Although Cicero has alluded to no particular passage from the *Symposium* at this point, there is a logical progression in thought, when we consider the allusion to the *Symposium* made at the end of Book 1. When Marcus celebrates the inner beauty of mankind at the end of Book 1, he echoes Alcibiades' description of Socrates' inner beauty (cf. *Leg.* 1.59 and *Symp.* 215a-b). This allusion to the *Symposium* at the end of Book 1 thus prepares the audience for the movement from outward to inward beauty at the beginning of Book 2. Furthermore, Marcus' exposition, being addressed to an Epicurean in the figure of Atticus, is a demonstration of how rhetoric can be deployed to make someone think differently. The conversation begins simply with a celebration of the environs, yet it ends with a call to virtue through an invocation of great figures of the past.

Laws themselves are calls to virtue. As Julia Annas explains, what Cicero's laws do have in common with Plato's is that both aim at happiness.⁷³ Both Cicero and Plato, furthermore, want citizens to comply with the laws because they are persuaded that the laws are for their own good rather than because they fear the penalties facing non-compliance:

⁷² *Ibid.*, 247.

⁷³ Annas, “Plato’s «Laws» and Cicero’s «De Legibus»,” 215–16.

Certe, si modo acceptae a duobus vobis erunt. Sed ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit idemque separatim de legibus, idem mihi credo esse faciendum, ut priusquam ipsam legem recitem, de eius legis laude dicam. Quod idem et Zaleucum et Charondam fecisse video, quom quidem illi non studii et delectationis sed rei publicae causa leges civitatibus suis scripserint. Quos imitatus Plato videlicet hoc quoque legis putavit esse, persuadere aliquid, non omnia vi ac minis cogere.

Certainly [i.e., certainly, the laws will never be altered], they will be acceptable to the both of you. But, just as Plato has done, who is one and the same the most learned and important of all philosophers, who first composed a book about the republic and a separate work on laws, so I believe I must do the same, so that before I announce the law itself, I speak beforehand in praise of that law. I recognize that Zaleucus and Charondas have done the same thing, since indeed those great men drafted laws for states not out of zeal or enjoyment, but for the sake of the republic. It is in imitation of them, of course, that Plato also thought that the purpose of law is this: to persuade people of something and not to force everything through coercion and warnings.

Leg. 2.14

As James Zetzel notes, Cicero likely has in mind the Athenian stranger's justification of defining the persuasive function of his preludes (cf. Lg. 4.723a).⁷⁴ Julia Annas interprets this passage to mean that Cicero has followed Plato in providing a prelude; the difference, of course, is that whereas the Athenian stranger provides a prelude for each law, Cicero has the definition of natural law function as a prelude for the body of laws in Books 2 and 3 as a whole.⁷⁵ Additionally, I argue that Book 1 is not just a prelude for the content of the laws to come, but also a demonstration of the need for rhetoric to condition the souls of the public to want to follow the laws. As I have shown, Cicero grounds this demonstration in Platonic philosophy through allusions to the dialogues on the subject of the discrepancy between man's lower and higher nature as well as the ability of a philosophical rhetoric to negotiate between these two natures for the good of the state. Cicero indeed has followed Plato, but he has not limited himself to the Plato of the *Laws*.

⁷⁴ Zetzel, *On the Commonwealth and On the Laws*, 134 n. 21.

⁷⁵ Annas, "Plato's «Laws» and Cicero's «De Legibus»,» 217–18.

Instead, in his typically eclectic reading, he has complemented the Athenian stranger's lesson on persuasion with the content of other Platonic texts.

In Book 2, Cicero further elaborates on the Athenian stranger's message on persuasion by echoing Plato's *Laws* in his discussion of the Gods. As Helen North notes, the first allusion occurs when Marcus quotes from his own translation of Aratus: *A Iove Musarum primordia* ("from Jove, the origins of of the Muses" at 2.7). North notes that Plato comparably begins with a poetic citation before he begins his discussion of the gods (cf. *Lg.* 4.715e-716a).⁷⁶ We see another allusion in Marcus' deferral to the authority of Plato in forbidding that the impious placate the gods with gifts:

Donis impii ne placare audeant deos, Platonem audiant, qui vetat dubitare qua sit mente futurus deus, quom vir nemo bonus ab improbo se donari velit.

So that the impious never placate the gods with gifts, let them heed Plato, who forbids that there be any doubt as to what opinion a god would have, when no good man would ever wish to receive a gift from a bad man.

Leg. 2.41

Dyck notes that Cicero has passages in Books 4 and 10 of Plato's *Laws* in mind, where the Athenian stranger prohibits the wicked from seeking favor from the gods (cf. *Lg.* 4.716e, *Lg.* 10.905d, 910a-b).⁷⁷ This goes hand in hand with utilizing religion for political expediency. If wicked men were thought to gain favors from the gods, then that would hardly be expedient towards a philosophical rhetoric designed to turn the people away from crimes of self-gain. To illustrate the necessity of such laws against impiety, Marcus deploys an anonymous reference to Clodius' burning of Cicero's house and

⁷⁶ North, "« Sequar... Divinum Illum Virum... Platonem » : Cicero, De Legibus 3.1," 138.

⁷⁷ Dyck, *A Commentary on Cicero, de Legibus*, 363.

replacing it with a temple to Liberty (2.42). In fact, this passage is a rhetorical tour-de-force and reinforces the lesson on emotional rhetoric from Book 1. Contrary to North's declaration that Cicero never reaches the same emotional pitch as the Athenian stranger,⁷⁸ Dyck notes emotional force behind the rhetoric of this anecdote.⁷⁹ Such references to the gods, mediated by Plato's *Laws*, thus complement the lesson on rhetoric in Book 1. Such observances serve to condition the people of a republic to believe in the gods a certain way and make them more receptive to a rhetoric of the good in a courtroom setting.

Further allusions to Plato's *Laws* reinforce this sense of conditioning the public with references to music and funeral rites.

Adsentior enim Platoni nihil tam facile in animos teneros atque mollis influere quam varios canendi sonos, quorum dici vix potest quanta sit vis in utramque partem.

Indeed, I agree with Plato that nothing so easily flows into soft and tender souls than various notes of song, of which it is scarcely possible to say how influence it has in moving people into one direction or another.

Leg. 2.38

Quam ob rem ille quidem sapientissimus Graeciae vir longeque doctissimus valde hanc labem veretur. Negat enim mutari posse musicas leges sine mutatione legum publicarum.

It is because of this that he, who is by far the wisest and most educated man of Greece, especially fears this kind of degeneration. For he denies that it is possible to change the laws of music without changing the laws of the public.

Leg. 2.39

In the first of these citations, as Dyck notes, Marcus cites an argument of the Athenian Stranger, who begins his discussion of rhythm and harmony by stating how infants and animals all have some understanding of song and dance, though humans alone are

⁷⁸ North, “« Sequar... Divinum Illum Virum... Platonem »: Cicero, De Legibus 3.1,” 139.

⁷⁹ Dyck, *A Commentary on Cicero, de Legibus*, 364–65.

capable of rhythm and harmony (cf. *Lg.* 2.653d ff).⁸⁰ This goes hand in hand with Marcus' use of rhetoric in Book 1 to explain that all people have some understanding of natural law (cf. 1.40-42, as cited above). In the second citation, Marcus quotes the words of the Platonic Socrates (*R.* 4.424c; cf. also *Lg.* 3.700a-701d where the Athenian Stranger argues Socrates' case in detail).⁸¹

Marcus' concluding citation of Plato is reminiscent of the Dream of Scipio and underscores the importance of conditioning the public not to fear death:

Habemus igitur huius quoque auctoritatem de sepulcris summi viri, a quo item funerum sumptus praefinitur ex censibus a minis quinque usque ad minam. Deinceps dicit eadem illa de immortalitate animorum et reliqua post mortem tranquillitate bonorum, poenis impiorum.

We have then also the authority of this greatest man regarding tombs, and the costs of funerals were in turn limited by him, according to censuses taken, from 1 to 5 minae. It is then that he pronounces those same famous words about the immortality of souls and the tranquility that remains for the good after death and the punishments for the wicked.

Leg. 2.68⁸²

As Dyck notes, the use of *deinceps* is curious because it implies that the Athenian Stranger made his statement about immortality after he discusses limitations on funeral costs, when, in fact, he mentions this theory of the immortality of the soul before (cf. *Lg.* 12.953d and 12.953a).⁸³ Cicero's reason for inverting the order is rhetorical. He wants to crescendo with a theory of the immortality of the soul that recapitulates and aligns with the crescendo of *de Re publica's* Dream of Scipio. As we have seen in the Dream of

⁸⁰ Ibid., 357.

⁸¹ For a comparison of Cicero's assessment of Plato here and of all other philosophers, see Ibid., 358–59.

⁸² In retaining *eadem illa*, I follow James Zetzel (Zetzel, *On the Commonwealth and On the Laws*, 155) rather than J. G. F. Powell, who revises *eadem illa* as *eodem loco* (Cicero, *De Re Publica* ; *De Legibus* ; *Cato Maior de Senectute* ; *Laelius de Amicitia*, 235).

⁸³ Dyck, *A Commentary on Cicero, de Legibus*, 423.

Scipio, it is pragmatic to have a beautiful vision of the afterlife that compels the public to prioritize justice over self-gain in hopes of an eternal reward. That eternal reward is elaborated in Book 6 of *de Re publica*; Book 2 of *de Legibus* alludes to it. In either case, Plato's theory of the immortality of the soul is adapted to persuasion, as Cicero sees fit in his own political pragmatism.

Book 2 ends with an imitation of the narrative of Plato's *Laws*. Marcus, as noted by Dyck, echoes the Athenian Stranger in describing the sultry weather of the day (cf. *Leg.* 2.69 and *Lg.* 1.625b).⁸⁴ On one level, this allusion functions to alert Cicero's audience to the fact that he has been following Plato in his political program designed to optimize the statesman's ability to persuade the people. On another level, the uncomfortable weather underscores the uncomfortable issues that must be discussed in Book 3.

4.8 Concord amidst Controversy: the Lessons of de Legibus in Action, and Cicero's Optimate Audience

As we have seen throughout, the question of concord and stability is of great importance to Cicero. In the midst of a political system falling apart due to factions, fissions, and unbridled ambition, Cicero strives for a way to achieve harmony and stability. In Chapter 3, we have seen this in Cicero's elaborate imitation of Plato's harmony-metaphor, when Laelius defines the responsibility of the *rector rei publicae* as harmonizing the souls of the people with the good of the Republic (*Rep.* 2.69). The metaphor then becomes further developed in the Dream of Scipio of Book 6.

⁸⁴ *Ibid.*, 424.

In order to understand Cicero's project in *de Legibus*, as I mention at the end of 4.1, a crucial distinction must be made between looking after the stability of the system at large and defending the minutiae of each and every law as being just: Cicero's program is the former and not the latter. In Book 3 especially, Cicero reveals his pragmatism in maintaining laws that are inherently problematic, but necessary to obtaining the good will of the people. Ultimately, it is rhetoric and persuasion that prevent the inherently problematic laws of a system from causing the system to collapse.

It is for this reason that, though *de Legibus* also aims at concord, the last book Cicero finished involves such discord between Cicero's own persona, Marcus, and his interlocutors, Atticus and Quintus. The two controversies concern the tribune of the plebs on the one hand, and the secret ballot on the other. I agree with Dyck's interpretation that Cicero has an Optimate audience in mind, and the revulsion felt by Atticus and Marcus towards these popular institutions is meant to strike a chord with Optimates, such as Cato the Younger, who would find such practices as the secret ballot equally distasteful.⁸⁵ Marcus' response is not that the tribune of the plebs or the popular ballot are inherently good institutions, but that withdrawing privileges in governance from the plebs would be so politically tumultuous, that the Optimates would ultimately lose more political ground than they would gain (3.23-25, 3.38-39).

In fact, Cicero makes an earlier point to the Optimates shortly after his return from exile in his speech *Pro Sestio*: after celebrating the moral supremacy of the

⁸⁵ Ibid., 12, 18–19, 28.

Optimates, Cicero lists popular legislature, including the introduction of a secret ballot, that the Optimates unsuccessfully opposed (*Pro Sestio* 97-103), but he balances his lament for such political setbacks with recent examples of Optimates gaining popular support through rhetorical appeals to the people (106ff). *De Legibus* is a work also addressed to the Optimates, in order to teach them that both compromise and rhetoric will be necessary to achieve a stabile Republic, in which, if not all, at least the most important pieces of conservative legislature can be maintained.

Rhetoric is an ameliorant to the imperfect laws regarding the tribune of the plebs and popular ballot, since, when the people are given such power, rhetoric is needed to ensure that the people do not use their power to overthrow the good legislation already in place.

4.9 The Controversies of Book 3

Book 3 addresses the necessity of compromise in respect to the Tribune of the Plebs and the popular ballot, both of which are politically threatening to Cicero and his senatorial class. I argue that Cicero does not merely construct the dialogue so that Marcus' argument finds approval, but rather so that his Optimate audience is aware of just how volatile and potentially destabilizing these compromises are. Although Benardete calls Cicero more "democratic" than his interlocutors, Dyck is more accurate to say that Cicero has in mind an Optimate audience, whom he strives to convince of a

compromise for the sake of stability.⁸⁶ I would argue that in Marcus' defense of the Tribune of the Plebs, he is following the example of the consuls Lucius Valerius Potitus and Marcus Horatius Barbatus, whom Scipio cites in Book 2 of *de Re publica* as "men who were shrewdly populist for the sake of concord (*hominum concordiae causa sapienter popularium*)" (*Rep.*2.54). I now cite Marcus' defense of Pompey's reinstatement of the Tribune of the Plebs:

Pompeium vero quod una ista in re non ita valde probas, vix satis mihi illud videris attendere, non solum ei quid esset optimum videndum fuisse, sed etiam quid necessarium. Sensit enim deberi non posse huic civitati illam potestatem: quippe quam tanto opere populus noster ignotam expetisset, qui posset carere cognita? Sapientis autem civis fuit, causam nec perniciosam et ita popularem ut non posset obsisti, perniciose populari civi non relinquere.

As to the fact that in truth you strongly disapprove of Pompey in this one issue, you scarcely seem to me to have attended sufficiently to the following: he had to look not only to what is best, but also to what is necessary. He felt indeed that that power should not be owed to the state: since the people sought it with so much vigor before experiencing it, how could they go without it, now that they understand it? It was the mark of a wise politician not to abandon to a member of the popular party a cause that was not ruinous in itself and so popular, that it could not be resisted.

Leg. 3.26

Like Scipio in his anecdote of Barbatus and Potitus, who appeased the masses with the right to appeal any elected magistrate, Marcus does not permit the plebs political power because he feels that they deserve it; on the contrary, he is afraid of the power he would be conceding to members of the populist party, if he tried to force the people to be deprived of it. In what follows this defense, Marcus tells Quintus that usually in dialogues, the interlocutor must approve before the main speaker can continue; Quintus and Atticus, however, respond that they do not agree, but want Marcus to continue

⁸⁶ Benardete, "Cicero's *de Legibus* I. Its Plan and Intention," 296; cf. Dyck, *A Commentary on Cicero, de Legibus*, 28.

anyway (3.26). As Dyck notes, the words that Marcus suggests to his interlocutors (*admodum* and *prorsus ita est*) “are typical forms of assent, the Greek equivalents of which are often found in Platonic dialogues.”⁸⁷ I agree with Dyck that Cicero’s dramatization of Quintus’ and Atticus’ disapproval is designed to win over the trust of his Optimate audience,⁸⁸ since Optimate members such as Cato the Younger would be likely to react with equal disgust.

The same can be said of the popular ballot, when Marcus acknowledges it as a necessary evil, much to the chagrin of Quintus and Atticus (3.39). Instead of abolishing the ballot, Marcus opts to amend it, so that the Optimates have full access to the votes (3.38). Despite the disapproval of Atticus (3.37) and Quintus (3.34), he defends the decision as a necessary evil:

Sed ego, etsi satis dixit pro se in illis libris Scipio, tamen ita libertatem istam largior populo, ut auctoritate et valeant et utantur boni.

But I, even if Scipio has said enough for himself in those previous books, nonetheless indulge the people with this liberty, so that good men may thrive and make use of their own authority.

Leg. 3.38

This time, Marcus marks the consistency of his own position with that of Scipio in *de Re publica*. The strategy is to yield the people enough privilege in political participation that they do not feel discontented on the one hand, and to deploy persuasion, on the other, to win the people over to the *auctoritas* of the *boni*. By “*boni*,” Cicero means the Optimate senatorial class.

⁸⁷ Dyck, *A Commentary on Cicero, de Legibus*, 516.

⁸⁸ *Ibid.*, 28.

4.10 *The Ciceronian Turn to Plato*

The question remains as to how the *boni* can stabilize the system after permitting political compromises that threaten to destabilize it. Compromise is necessary to win the people's goodwill, so that they are likely to pay attention to those in charge; compromise, however, is also inherently dangerous, because it yields potentially destabilizing power to the people. The result is that those in charge are pressured to persuade the people not to desire to abuse their privileges to the detriment of the state. Persuasion, therefore, becomes invariably more important, the more power and freedom are yielded to the people per political compromise.

There is a vague sense of Plato's importance to the solution of this problem in the programmatic opening of Book 3:

Marcus: Sequar igitur ut institui divinum illum virum quem quadam admiratione commotus saepius fortasse laudo quam necesse est. Atticus: Platonem videlicet dicis. M: Istum ipsum Attice. A: Tu vero eum nec nimis valde umquam nec nimis saepe laudaveris. Nam hoc mihi etiam nostri illi, qui neminem nisi suum laudari volunt, concedunt, ut eum arbitrato meo diligam. M: Bene hercle faciunt. Quid enim est elegantia tua dignius? Cuius et vita et oratio consecuta mihi videtur difficillimam illam societatem gravitatis cum humanitate.

Marcus: I shall follow therefore that divine man, whom, stirred by a certain wonder, I perhaps rather often praise more than is necessary. **Atticus:** You mean Plato of course. **M:** The very same, Atticus. **A:** You indeed have not ever praised him too greatly or too often. For even my own people [i.e., Epicureans], who want no one praised except their own philosopher [Epicurus], permit me this one freedom: that I love him by my own judgment. **M:** By Hercules, they do well. What indeed is worthier of your taste? Both his life and speech seem to me to have obtained that most difficult friendship of weightiness with humanity.

*Leg. 3.1*⁸⁹

⁸⁹ This can be seen as a crescendo to the praise given Plato before (cf. 1.15, 2.14, 2.39, 2.68); for more on these passages, see *Ibid.*, 430.

This passage echoes the conversation Marcus has with Quintus in Book 2, where the former also claims to be following Plato (2.14-15). As Julia Annas argues, Quintus is partially mistaken to say that Marcus follows Plato in style rather than content: although the legislature of Book 2 does resemble Roman tradition more than that of Plato's *Laws*, the definition and argument for natural law in Book 1 acts as a prelude for all the legislature to come and is, therefore, an imitation of the preludes of the Athenian stranger.⁹⁰ I have additionally argued that the prelude of Book 1 is not just about natural law, but the necessity of rhetoric and persuasion and calls on other Platonic works to make its case. Something similar is happening in the banter of Marcus and Atticus at the beginning of Book 3. Once again, the central issue is persuasion (hence the emphasis on Plato's rhetorical ability), but there is an additional attribute given to that ability especially relevant to the political problems addressed in Book 3: "that most difficult union of weightiness with humanity (*illam difficillimam societatem gravitatis cum humanitate*)." These words underscore the political strategy of Book 3: not just to grant the Plebs political freedom, as Pompey had done, but also to deploy a humane rhetoric to win them away from the indulgent political practices of men like Clodius and towards a program of ennobled severity.

In fact, this comes very close to what Cicero himself says in *Pro Sestio*. He criticizes political rivals of the popular party for winning adherents through doles (*pretio et mercede*) rather than good legislature (*Pro Ses.* 104), then he proceeds to celebrate the

⁹⁰ Annas, "Plato's «Laws» and Cicero's «De Legibus»,» 217–18.

accomplishments of Lentulus and Pompey, who won the plebs over to voting Cicero's return from exile through their own rhetorical ability (106-108). I now cite a particularly telling appraisal of Lentulus' speech.

egit causam summa cum gravitate copiaque dicendi tanto silentio, tanta adprobatione omnium, nihil ut umquam videretur tam populare ad populi Romani auris accidisse.

He pleaded the case with the utmost weightiness and talent for speaking to so much silence, to so much approval of all, that nothing ever seemed to have fallen **as popularly** on the ears of the Roman people.

Pro Ses. 107

Inasmuch as Lentulus pleaded Cicero's case, he was an Optimate, but in winning over the people he appropriated to himself the political advantages of the popular party. Indeed, coming as it does after Cicero's differentiation between the Optimate and popular party, the term *populare* is meant ironically. Through his talent for weighty eloquence and his ability to win over the plebs to Cicero's party, Lentulus exemplifies the political strategy of Book 3. In Cicero's celebration of Plato's rhetoric, it is significant, then, that he puts a special emphasis on the latter's union of weightiness with humanity.⁹¹

⁹¹ It is also significant that Marcus' dedication to Plato echoes Scipio's treatment of Plato's dedication to Socrates in *de Re publica*:

Itaque cum Socratem unice dilexisset, eique omnia tribuere voluisset, leporem Socraticum subtilitatemque sermonis cum obscuritate Pythagorae et cum illa plurimarum artium gravitate contexuit.

Rep. 1.16

A: Nam hoc mihi etiam nostri illi, qui neminem nisi suum laudari volunt, concedunt, ut eum arbitrato meo diligam ... M: Cuius et vita et oratio consecuta mihi videtur difficillimam illam societatem gravitatis cum humanitate.

Leg. 3.1

And so, **seeing as he loved Socrates alone** and wanted to attribute all things to him, **he interwove Socrates' wit** and subtlety of speech with the obscurity of Pythagoras and **with the weightiness** of the greatest number of arts."

Rep. 1.16

A: For even my own people [i.e., Epicureans], who want no one praised except their own philosopher [Epicurus], permit me this one freedom: **that I love [Plato] him by my own**

Cicero gives us a clearer picture of what Plato's rhetoric of weightiness married to humanity might look like with an explicit allusion Marcus makes to Plato's *Laws*:

Nec vero solum ut obtemperent oboediantque magistratibus, sed etiam ut eos colant diligentque praescribimus, ut Charondas in suis facit legibus, noster vero Plato Titanum e genere esse statuit eos qui ut illi caelestibus, sic hi adversentur magistratibus.

Indeed, not only do we require that they [citizens] submit to and obey their magistrates, but even that they worship them and love them, as Charondas does in his own laws, and our Plato indeed has maintained that they are from the race of Titans, who oppose their magistrates just as those Titans did their celestial rulers.

Leg. 3.5

Specifically, Marcus cites a story the Athenian Stranger tells about the corruption and downfall of Athens. He compares to Titans those who first insist on their freedom to judge music, then proceed to claim freedom of judgment on other matters, until they reject all authority, including parents, elders, oaths, laws, and gods (*Lg. 3.701c*).⁹² I would argue that the initial judgment of music, though not explicit, is the reason why Cicero cites this story. Music is a metaphor for rhetoric. Indeed, in the list of responsibilities, broadly laid out by Marcus, that lead up to this citation, the metaphor of music is vaguely present:

judgment... M: Both his life and speech seem to me to have obtained **that most difficult friendship of severity with humanity.**

Leg. 3.1

I have put the words in boldface echoed by the discussion of Marcus and Atticus. Socrates has a unique status as the object of Plato's affection, just as Plato is the one philosopher the Epicureans permit Atticus to love. Plato combined wit and severity in his imitation of Socrates, according to Scipio, and this combination is precisely what Marcus admires about Plato. Through the intertextuality with *de Re publica*, Cicero establishes his own canonic importance as an imitator of Plato. I do not agree with Dyck, however, that the imitation is in form (i.e., the dialogue form of the *Laws*) rather than content (Dyck, *A Commentary on Cicero, de Legibus*, 430). Instead, I see this gesture towards Plato not only as declaring Cicero's canonical importance to philosophy, but also declaring Plato as the teacher of the most important lesson in Book 3 of *de Legibus*.

⁹² See *Ibid.*, 436–37. for more on how Cicero modifies the passage.

*Magistratibus igitur opus est, sine quorum prudentia ac diligentia esse civitas non potest, quorumque discriptione omnis rei publicae **moderatio** continetur. Neque solum iis praescribendus est imperandi, sed etiam civibus obtemperandi **modus**. Nam et qui bene imperat, paruerit aliquando necesse est, et qui modeste paret, videtur qui aliquando imperet dignus esse.*

There is therefore a need for magistrates, without whose prudence and diligence, and in whose collocation of powers **the moderation** of the republic is contained. Not only must there be **measure** of commanding prescribed to them, but also of obeying the citizens. For it is the case that it is both necessary for the good commander to obey sometimes and that the one who obeys appropriately seem worthy to command at some point.

Leg. 3.5

Moderatio and *modus* are both words that belong to Latin's vocabulary of music.

Significantly, in book 2 of *de Re publica*, Laelius uses *moderatio* to compare the conducting of voices in a choir to the statesman's moderation of the people (*Rep.* 2.69).⁹³

Thus, the dynamic of yielding compromises to the people while restraining them from licentiousness is like the conducting of music.⁹⁴

Music as a metaphor for persuasion is connected with Plato again at the heart of Book 3. Marcus cites Plato on music during his progression from the controversial issue of the Tribune of the Plebs to his own poorly received leniency regarding the ballot. The reference to Plato comes after an anecdote on Lucullus (3.31), in which Marcus faults the latter for losing credibility among the people for his openly luxurious lifestyle. Indeed, exemplarity is part of Cicero's rhetoric of persuasion, and he develops the issue in Book 3 through recourse to Plato. As Michèle Lowrie notes, the modern world has lost its faith in exemplarity, largely due to the fear of a dehumanizing effect that "good" and "bad" *exempla* may have on alienating the individual from his singularity; hence, the

⁹³ See also *Leg.* 2.38.

⁹⁴ For the relevance of the *rector rei publicae* as re-acustoming people to old laws rather than introducing new ones, see Annas, "Plato's «Laws» and Cicero's «De Legibus»," 222; cf. also Ferrary, "The Statesman and the Law in the Political Philosophy of Cicero," 51–53.

championing of individuality in modern philosophers from Rousseau to Adorno.⁹⁵ A fair question to ask is whether, as Horace might put it, we have avoided one vice by running into its opposite, that is, whether our resistance of the vice of universalism has led us to a preference for individualism to the point of absurdity. Cicero, by contrast, seems to have avoided both extremes. He had the humanity, to name one instance, not to reduce the singular humanity of Caelius to an example of vice (esp. *Pro Caelio* 29-30); on the other hand, he saw the corrosive effect that hypocrisy of magistrates would have on morale. In his understanding of the symbolic and exemplary value of a magistrate's behavior on citizens, Cicero has clearly benefited from Plato. Marcus' lesson on Lucullus, therefore, is concluded with a citation of Plato:

Nam licet videre, si velis replicare memoriam temporum, qualescumque summi civitatis viri fuerint, talem civitatem fuisse. quaecumque mutatio morum in principibus extiterit, eandem in populo secutam. Idque haud paulo est verius, quam quod Platoni nostro placet. Qui musicorum cantibus ait mutatis mutari civitatum status: ego autem nobilium vita victuque mutato mores mutari civitatum puto.

For it is permitted to see, if you wish to rewind the record of history, that the state has been of the same quality as its most prominent men. Whatever alteration of moral character has taken place in its leaders has also come to pass in its people. And that is quite a bit truer than what felt right to our Plato. He says that the ethical standing of states is altered with changing the songs of musicians: I, however, think that when the life and diet of nobles has changed, so too have the moral characters of states.

Leg. 3.31-32

It is curious that Marcus discredits Plato of this lesson on the character of leaders in Book 3 of *de Legibus* when he cites this very same lesson as deriving from Plato in his letter to Lentulus, as explored in Chapter 1:⁹⁶

⁹⁵ Lowrie and Lüdemann, "Introduction," 4–5.

⁹⁶ See also Dyck, *A Commentary on Cicero, de Legibus*, 522–23.

erant praeterea haec animadvertenda in civitate, quae sunt apud Platonem nostrum scripta divinitus, quales in re publica principes essent, talis reliquos solere esse civis.

Besides, these maxims, which were written so beautifully in the work of our Plato, had to be heeded in the state: that the rest of the citizenry tends to be such as the leaders in a republic are.

Fam. 1.9.12 –SB 20

We know from this citation of Plato in Cicero's letter to Lentulus as well as from his imitation of Plato's harmony metaphor in *de Re publica* (2.69) that Cicero knows better than his staged persona Marcus. His reason for discrediting Plato is likely to appease his target Optimate audience, who would rather hear his own Roman wisdom based on the anecdote of Lucullus than his reliance on the theories of Plato. That said, the Platonic import of the importance of exemplarity to political persuasion is unmistakably Platonic to the members of his audience who are more sympathetic to Plato and, moreover, have read all the dialogues of his trilogy with some care. Lucullus is a negative paradigm for changing the music of Roman *mores* by setting a poor example as a leader. Thus, persuasion is at the heart of Book 3, and, through the anecdote of Lucullus, Cicero has introduced exemplarity as another element of this persuasion.

Conclusion

Cicero authors *de Legibus* as a sequel to *de Re publica*. In *de Re publica*, Cicero utilizes the advantage of setting his dialogue in another time and addressing political controversies that belong to the past. The disadvantage of *de Re publica*, however, is its inability to address contemporaries on current political problems in the hope of a solution. The challenge is to convince members of the Optimate party, who share the doggedness of Cato the Younger legislating as if he were "in the Republic of Plato" (Att. 2.1.6). Cicero's strategy in *de Legibus* has therefore been to defer to the Optimates both in

his Stoic definition of natural law in Book 1 as well as his championing of the *mos maiorum* in Book 2. In addition to this deference, however, Cicero also wants to motivate the Optimates to a form of politics that is at once more flexible as well as more supple. The strategy is to permit the plebs the limited participation in government that they already enjoy, while deploying a weighty rhetoric to win the people over to the conservatism of the Optimates.

Plato has an important voice in Cicero's laying out of this lesson. In Book 1, Cicero alludes to Plato both in showcasing the weaknesses of human nature that require rhetoric and in exemplifying the ability of rhetoric to turn humans to their higher nature. Though mostly focused on Roman sacred law, Book 2 offers a reprise of this Platonic lesson on rhetoric in key allusions to the *Phaedrus* and *Laws* that look back to Book 1. Book 3 then addresses the controversial issue of yielding the plebs political power.

In Cicero's championing of dynamic leadership grounded in rhetoric and persuasion over the fantasy of an ideal system grounded in absolutes, his thinking has been informed by Platonic dialogue—and I mean “inform” here in the Latinate sense of *in-formare*, i.e. to give shape to an idea or being.⁹⁷ Cicero turns to Plato, in order to characterize both the incompatibility of the ideal and the pragmatic as well as the need for rhetoric and persuasion to make the people attentive of Roman values of justice in a world where justice can never be fully attained. It is in Cicero's turn towards Plato that he also turned to himself and developed this nuanced appreciation for the inherent

⁹⁷ Short and Lewis, “Informo.”

impossibility of instituting any state or codification of law that is manifestly ideal and the need for rhetoric, therefore, to stabilize the system. We can rightly call this the Ciceronian worldview, and we can rightly praise this as what makes Cicero a political thinker worthy of our reflection today. Indeed, just as a careful reading of Plato enabled Cicero to rise above the Stoic monolith of Roman political thought, so too can an untimely meditation on Cicero give us the wings to soar and view our own political dogmatism with a god's-eye-view. When we consider our educational system as well as our political deliberations, both on an international as well as national level, we see how much more similar to Cato we are than to Cicero. We value skills, knowledge, and a properly designed system—we even believe that it is not only possible to manifest an impeccable system of order, but even to impose systems of order on others, as if the system would control itself. Cicero is here to remind us of how wrong we are: the strings that hold a system together are tenuous bonds of human relations, which require the volition and concord of their participants to work. Such concord is not inherent in us, but must be instilled through persuasion.

Epilogue

The most important question my dissertation seeks to answer is why Cicero is worth preserving for the 21st Century. In answering this question, I have striven not to delude the reader with anachronistic construals of Cicero that distort him into a moral champion akin to the personas of moral standing adopted by politicians of our own time. Cicero was an elite and a landed aristocrat, who had more villas in his possession than the majority of Romans had teeth. As a *novus homo* that was eager to establish his permanence and historical importance within the topmost echelon of the Late Republic, we could hardly expect less. On the other hand, Cicero's elitism along with his sexism and ownership of slaves should not blind us to the moral progress achieved through his personage. Indeed, to damn Cicero for falling in line with the most ubiquitous vices of his age is no less ludicrous than condemning modern-day Americans and Europeans for possessing articles of clothing that were manufactured in offshore sweatshops. As Goethe once said, "Truth belongs to the man, error to his age." This is certainly not true of all people, but it is true of Cicero. The truth that Cicero discovered in his pursuit of rhetoric and philosophy through his dialogue with Plato is no less true now than it was in Cicero's time. Bryan Garsten entitled his book *Saving Persuasion*, yet persuasion and the use of rhetoric are in no more need of defense than the law of gravity. Whether politicians choose to take rhetoric seriously or not, rhetoric will always win because of its ability to appeal to human nature more directly than reason. One of the greatest problems with America is the decline in an education that would prime citizens for a higher, more complex species of rhetoric than that utilized by the mobilizing imposters of people's tribunes. Indeed,

when Thomas Jefferson was asked by his friend, John Brazier, to comment on the utilities of studying Greek and Latin, Jefferson's answer began with his praise of the classical style:

The utilities we derive from the remains of the Greek and Latin languages are, first, as models of pure taste in writing. To these we are certainly indebted for the national and chaste style of modern composition which so much distinguishes the nations to whom these languages are familiar. Without these models we should probably have continued the inflated style of our northern ancestors, or the hyperbolic and vague ones of the east.¹

Aside from his politically incorrect essentializing about styles "of the east" and "our northern ancestors," Jefferson is quite prophetic in his outlining of the vices of style that dominate political discourse today. Politicians either resort to inflation, exaggeration, and hyperbole to win mass approval for an oversimplified argument or, when details are attempted, degenerate to so much vagueness of rhetorical structure, that the argument becomes barely intelligible. What is needed is raising the low standards of common sense in order to make "the national and chaste style" once more perceptible, so that more complex thoughts can be communicated in a meaningful way. Ciceronian Pragmatism understands the sad truth that, if people cannot feel an argument, the effect is much the same as if they had not understood it.

¹ Jefferson, "The Study of Greek and Latin, August 24, 1819," 1087.

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Biography

Robert Dudley was born in Boston, Massachusetts in 1985. His honors include one Fulbright Fellowship as FLA in southern Germany, a Fulbright Graduat Fellowship at Freie Universität Berlin, the Duke Classical Studies Competitive Teaching Fellowship, the CAMWS Mary A. Grant Award, the Eta Sigma Phi Rome Prize, the Beinecke Scholarship, and, during his undergraduate career, the Mansfield College Visiting Student Prize at Oxford University, as well as the Bean Scholarship at College of the Holy Cross, where he finished his B.A. in Classics. Robert Dudley has delivered papers at conferences at Harvard as well as the SCS, and his scholarly endeavors were recognized by CAMWS with the Grant Award to complete the Classical Summer Session of the American Academy in Rome.