

**ANCIENT APPROACHES TO PLATO'S *REPUBLIC***

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**ANCIENT APPROACHES  
TO PLATO'S *REPUBLIC***

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The cover image shows a copy, in Luni marble, of the portrait of Plato made by Silanion *c.* 370 BC for the Academia in Athens. From the sacred area in Largo Argentina, 1925. Musei Capitolini, Rome.  
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## TABLE OF CONTENTS

Introduction		1
John F. Finamore	Aristotle's criticisms of Plato's tripartite soul	3
Jed W. Atkins	Cicero on the relationship between Plato's <i>Republic</i> and <i>Laws</i>	15
J. G. F. Powell	Cicero's reading of Plato's <i>Republic</i>	35
Erik Eliasson	The Middle Platonist reception of the myth of Er as a theory of fate and <i>that which depends on us</i> : the case of Alcinous' <i>Didascalicus</i>	59
James Wilberding	The myth of Er and the problem of constitutive luck	87
Anne Sheppard	Proclus' place in the reception of Plato's <i>Republic</i>	107
Sebastian F. Moro Tornese	Music and the return of the soul in Proclus' Commentaries on Plato's <i>Timaeus</i> and <i>Republic</i>	117
General Index		129
Index of passages cited		131



## CICERO ON THE RELATIONSHIP BETWEEN PLATO'S *REPUBLIC* AND *LAWS*

JED W. ATKINS

In Plato's *Republic* Socrates attempts to investigate justice in individuals by first examining the virtues in the city. He will be able to see justice more clearly, he reasons, if he familiarizes himself with justice writ large. He subsequently sketches in speech the details of what he believes to be a perfectly just city, which he later refers to as Kallipolis (*Republic* 527c). The basic details of this city are well-known: women and men are to receive the same education; there is to be communality of property and women among the guardians; and philosophers are to rule. However, Kallipolis is not the only city to be found in the Platonic corpus. In his last work, the *Laws*, the cast of characters led by the Athenian Stranger discuss a 'second-best' city (739e) whose details differ from that of the *Republic* in several notable respects, including the lack of provision for the communality of women and property, and the absence of the philosopher-king. How are we to account for such differences?

Perhaps the most common answer to this question is what scholars often refer to as 'developmentalist'. These differences between the *Republic* and *Laws* exist because Plato has changed his mind about key philosophical and political questions.<sup>1</sup> Often the story told is a narrative of gradual decline from the optimism of the *Republic* to the pessimism of the *Laws*. However, scholars recently have questioned whether this developmentalist approach to reading Plato's *Republic* and *Laws* might be mistaken. Perhaps Plato intended the dialogues to be largely complementary?<sup>2</sup>

The complementarian approach has an ancient ancestry. In fact, André Laks identifies two such ancient readers of Plato in his seminal article arguing for a complementarian relationship between the *Republic* and *Laws*.<sup>3</sup> The first is Aristotle, who makes the following observation in the *Politics*:

But the greatest part of the *Laws* happens in fact to consist of laws, and he has said little about the regime (πολιτείας). As for this, although wishing to make it more attainable (κοινωτέραν) for other cities he gradually brings it around again to the

<sup>1</sup> See e.g., C. Bobonich, *Plato's utopia recast: his later ethics and politics* (Oxford 2002). Unlike many other proponents of a developmentalist view, Bobonich seems to think that the transition from the philosophy of the *Republic* to that of the *Laws* is a story of progress instead of decline.

<sup>2</sup> See A. Laks, 'Legislation and demiurgy: on the relationship between Plato's *Republic* and *Laws*', *ClAnt* 9 (1990) 209-29. For a consideration of the question with respect to the absence of the philosopher-king from the *Laws*, see M. Schofield, 'The disappearing philosopher-king', in *Saving the city: philosopher-kings and other classical paradigms* (London 1999) 31-50.

<sup>3</sup> See Laks, 'Legislation and demiurgy' (n.2, above) 211.

other regime. For except for the communality of women and property, everything else he assigns to both regimes: education is the same and likewise the life of abstinence from necessary tasks and provision for common meals (*Politics* 1265a1-8).<sup>4</sup>

For Aristotle, Plato's works are complementary in the following two respects. First, the *Republic* and *Laws* have different subjects – respectively regime (or constitution)<sup>5</sup> and law – which Aristotle elsewhere presents as complementary topics (*Politics* 1289a13-25). Although the *Laws* has a regime, it is for the most part concerned with laws. And likewise, we might suppose that although the *Republic* includes some laws (*cf. Republic* 452c4-5) the focus of the work is on the question of regime. Second, Aristotle's comments suggest that the works are complementary insofar as the best regime of the *Republic* and that of the *Laws* differ in relatively few respects. Except for the communality of women and property, all other provisions are the same for both regimes. (Interestingly, Aristotle does not mention the absence of the philosopher-king from the *Laws* as a difference).

However, although Aristotle thinks that the constitutional provisions of the *Republic* and *Laws* are largely similar, he does admit differences between the two regimes and, more importantly, provides Plato with a motive for introducing these changes: he wished to make the best regime of the laws 'more attainable'.<sup>6</sup> Now it seems to me that a contemporary developmentalist could agree with this last point. One might suppose, for instance, that Plato wanted to make the regime more attainable precisely because of a growing pessimism in the human capacity to attain to the ideal of the *Republic*. This indicates that the question at issue between complementarian and developmentalist readings need not turn on whether there are no differences between aspects of the *Republic* and *Laws*; rather, at question is whether Plato's thought in the *Republic* already anticipates or provides space for the changes introduced in the *Laws*. If so, then from the vantage point of the complementarian the *Laws* represents the completion rather than the revision of the project which Plato began in the *Republic*. Aristotle gives us no indication of his view on this further question of why Plato decided to make the regime of the *Laws* more attainable. He could have supposed that it was for reasons already anticipated in the *Republic* or he could have seen it as a new development in Plato's thought and attributed it to a change in mind and philosophy.

The second ancient complementarian reader of Plato's *Republic* and *Laws* whom Laks mentions is Cicero. An admirer of Plato and life-long member of the Academy, Cicero wrote a pair of dialogues modelled on Plato's *Republic* and *Laws*: *De re publica*

<sup>4</sup> All translations are mine.

<sup>5</sup> I shall use regime and constitution interchangeably as translations of *πολιτεία*.

<sup>6</sup> *Κοινότερος* literally means 'more common'. In translating the word as 'more attainable' I am following the general preference of translators to emphasize Aristotle's concern with practicable ideals (*cf. Politics* 1288b38). For example, Trevor Saunders notes that 'by "more acceptable" (*koinotera*, "more common or accessible") he means in effect "middling," "practicable," or "easier for ordinary men to live under"' (*Aristotle Politics Books I and II* (Oxford 1995) 127). However, it should be noted that it is possible for *κοινός* and its variants to carry democratic connotations (*cf. And.* 4.13, *Isoc.* 36.4). These are not completely absent from Aristotle's use of the term in *Politics* Book 2 (*cf. Politics* 1273b12-15).



and *De legibus*.<sup>7</sup> He has received a reputation as a complementarian due to two brief references to Plato's works in *Leg.* (cf. *Leg.* 1.15, 2.14). Scholars have discussed at some length what these passages tell us about Cicero's view of the relationship between Plato's *Republic* and *Laws*. And often they conclude that his complementarian reading of Plato's dialogues is naïve and simplistic.

However, there are many relevant passages in *Rep.* which scholars have overlooked with regard to Cicero's view of the relationship between Plato's two works. When one turns to *Rep.*, one finds substantial information about Cicero's view of the purpose and nature of the best regime of the *Republic* and the second-best regime of the *Laws* and, furthermore, about how the latter relates to Plato's project in the *Republic*. Instead of a crude complementarianism based on a careless reading of Plato, these passages reveal that Cicero had a rather more developed view of the matter. Like Aristotle, Cicero held that the *Republic* and *Laws* were complementary even while admitting that differences existed between Kallipolis and the second-best regime of the *Laws*. However, what makes Cicero's account especially interesting is that we can ascertain his views on the precise question which Aristotle left unanswered: why Plato decided to make the regime of his *Laws* more attainable and whether he did so for reasons already anticipated in the *Republic*. According to Cicero, Socrates' teaching about the best regime and the nature of politics in the *Republic* already points to the modified constitutional theory of Plato's *Laws* – and to the ideal Roman constitution of *Rep.*

### *I. Preliminary considerations*

At the very outset of our enquiry, there are a couple of matters which I must address. First, I recognize that using one dialogue to ascertain what its author thought about the views advanced in another dialogue is an undertaking with significant pitfalls and challenges. Unlike their counterparts working on Plato, students of Cicero's philosophical dialogues do not normally agonize over whether a given character's views reflect the position of the author.<sup>8</sup> Even so, I think that it is a mistake to indiscriminately attribute the views of the characters of *Rep.* and *Leg.* to Cicero irrespective of speaker or dramatic context. For the purposes of this paper, I will proceed on the following assumptions: the statements of Scipio, the leading character in *Rep.*, are the main source for Cicero's views. However, they are not the only source and in a few instances should not be taken to reflect Cicero's views at all. Fortunately, no essential part of my argument turns solely on something said by a character other than Scipio or Marcus, the character in *Leg.* representing Cicero himself. Moreover, the only instance in which I find an argument uttered by Scipio as not reflecting Cicero's views occurs in a passage where Scipio himself declares that he is not speaking *in propria persona* but rather is representing the views of others. Since the vast majority of scholars take Scipio to represent Cicero's own views, I trust that most will find my basic approach acceptable.

<sup>7</sup> For the Latin text of *De re publica* and *De legibus*, I have used the following edition: *M. Tulli Ciceronis De re publica, De legibus, Cato Maior De senectute, Laelius de amicitia*, ed. J. G. F. Powell, Oxford Classical Texts (Oxford 2006).

<sup>8</sup> However see M. Fox, *Cicero's philosophy of history* (Oxford 2007) 55-79.

Second, readers may wonder why I draw my primary evidence from *Rep.* rather than from a parallel reading of *Rep.* and *Leg.* Why not proceed by trying to discover how Cicero believes his *Rep.* and *Leg.* are related on the assumption that he takes his own works to relate to each other in the exact same way as Plato's *Republic* relates to the *Laws*? It would be presumptuous, however, to adopt such a procedure since we have no evidence for the assumption that Cicero intended the relationship between his own works to be analogous to the one obtaining between the works of Plato.<sup>9</sup> However much Plato's works may influence Cicero's conception of his own project, we should keep in mind that Cicero is perfectly capable of departing from his Greek sources and may very well be doing so here.

Finally, we must turn to the two passages in *Leg.* on the basis of which Cicero has acquired a reputation as a complementarian. These passages have led some scholars to conclude that Cicero's complementarianism is of a simple or unsophisticated nature.<sup>10</sup> Whereas Aristotle recognized that some differences existed between the regimes of the *Republic* and *Laws* which he attributed to Plato's desire to make the regime of the latter work more attainable, Cicero is supposedly unaware of these differences. So one commentator writes: 'Just as Plato's *Laws* was meant to be the sequel to the *Republic*, so *On the Laws* is the sequel to *On the Commonwealth* ...[.] The difference is that the *Laws* provides legislation not for the ideal state of the *Republic* but for a second-best state; C[icero] does not recognize this'.<sup>11</sup>

This view of Cicero's understanding of Plato's *Republic* and *Laws* was prompted by a remark which Marcus' friend Atticus makes early in the first book of *Leg.* Atticus says: 'Because you have written about the best constitution (*de optimo rei publicae statu*), it seems to follow that you should also write about laws (*de legibus*). For that Plato of yours has done likewise ...' (*Leg.* 1.15). As we shall see, when read alongside another passage in *Leg.*, Atticus' comment may help us to understand Cicero's view of the relationship between Plato's *Republic* and *Laws*. However, it does not establish a substantive connection between the law code of the *Laws* and the best regime of the *Republic*.

The Latin words which I translated as 'constitution' (*rei publicae statu*) are important for understanding Atticus' remark. By entitling his first work of political theory '*De re publica*', Cicero is likely trying to evoke the title of Plato's *Republic*, 'Πολιτεία'. However, he generally does not use *res publica* to indicate what Plato and Aristotle mean

<sup>9</sup> Jonathan Powell considers and rejects such an analogy between the relationship of the works of Cicero and Plato in his article 'Were Cicero's *Laws* the laws of Cicero's *Republic*?', in *Cicero's Republic*, ed. J. G. F. Powell and J. A. North, *BICS Supplement* 76 (London 2001) 19. I should emphasize that here I am not claiming that such an analogy does not exist, only that there is no good reason for supposing that it does exist before one has discovered both how Cicero intended *Rep.* to relate to *Leg.* and how he thought Plato's *Republic* relates to the *Laws*. But one of the terms necessary for establishing the validity of the analogy is precisely what we are trying to determine. Therefore, we cannot safely proceed on the basis of such an analogy.

<sup>10</sup> So Laks writes: 'What I have tried to do is to show why it is possible to say, with Cicero, that the *Laws* present the laws of the *Republic*. Yet, as I see it, the relation is of a more complex kind than Cicero thought' ('Legislation and demiurgy' (n.2, above) 225).

<sup>11</sup> J. E. G. Zetzel, trans. and ed., *Cicero: On the Commonwealth and on the Laws* (Cambridge 1999) 110 n.18.

by the term: a constitution or regime, that is, the arrangement of offices in a polis (cf. Aristotle, *Politics* 3.6, 4.1).<sup>12</sup> Rather, when he wants to refer to a regime or constitution, he typically uses not *res publica* alone but rather writes of the 'condition of the commonwealth' (*status rei publicae/civitatis*).<sup>13</sup> For example, in Book 1 of *Rep.* Laelius prepares the way for the discussion of the best constitution which will occupy the first two books by asking Scipio, the dialogue's main character, to speak on the *optimum statum civitatis* (1.33; cf. 1.34). Later Scipio begins his discussion of monarchy as a constitutional form by defining monarchy (*regnum*) as the *rei publicae statum* under a king (*Rep.* 1.42). He uses the same terminology to describe the other simple constitutions as well (cf. 1.68). And in a letter to his brother Quintus, Cicero described the discussion about the ideal constitution of Books 1 and 2 as *de optimo statu civitatis* (*Q. fr.* 3.5.1).

Given that *status rei publicae* signifies constitution or regime in Cicero's political writings, then for Plato to have written *de optimo rei publicae statu* – as Atticus implies in 1.15 – is to have written 'about the best regime'. That is, he wrote a work (*i.e.*, the *Republic*) that sketched provisions for an ideal regime (*i.e.*, Kallipolis). He also wrote 'about laws' (*de legibus*). This passage, then, alludes to both the ideal regime of Plato's *Republic* and also to Plato's *Laws*. But does it imply anything about the connection between the two?

The information that we find here about Plato's *Republic* and *Laws* is delivered by way of analogy to Cicero's own project. Atticus' point is that Marcus should follow up his treatment *de optimo rei publicae statu* by writing *de legibus* because Plato had first done so. Now one might perhaps be tempted to assume that this implies that Cicero believed that his own works related to one another in the exact same way as the *Republic* related to the *Laws*. Because Cicero's own laws turn out to be suited to the type of regime deemed best in the *Republic* (cf. *Leg.* 3.4), we might suppose that he believed that Plato's laws are intended for Kallipolis. However, this assumption is not warranted by the text. While *Leg.* 1.15 does suggest that Cicero's project is analogous to Plato's, the analogy lies only in the writing of works treating the particular subjects of the best regime and laws. Atticus' statement does not suggest that Cicero's *Rep.* and *Leg.* will relate to each other philosophically in the same way that Plato's *Republic* related to Plato's *Laws*. His point is merely that Plato wrote about the best regime and about laws, and therein provides a precedent for Cicero. About the particular relationship between Plato's best regime and the law code of the *Laws*, Atticus is silent.

This brings us to the second passage in *Leg.* which refers to Plato's *Republic* and *Laws*. Here Marcus himself makes the comparison to Plato:

Sed ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit, idemque separatim de legibus eius, id mihi credo esse faciendum, ut priusquam ipsam legem recitem, de eius legis laude dicam (*Leg.* 2.14).

<sup>12</sup> Aristotle also defines a regime as the way of life of the citizens (*Politics* 4.11).

<sup>13</sup> See M. Schofield, 'Cicero's definition of *res publica*', in *Saving the city* (n.2, above) 182.

But I believe I must do as Plato did, the most learned and greatest of all philosophers, who first wrote about the commonwealth, and also wrote separately about its laws, that is, before I recite the law itself, I shall speak in its praise.

Unlike in the previous passage where Atticus mentioned that Plato wrote 'on laws' (*de legibus*), in the relative clause in the sentence above Marcus describes the *Laws* as a work about 'its laws' (*de legibus eius*). The pronoun *eius* is surely standing for *res publica*; therefore, scholars have sometimes suggested that Cicero is indicating here that the laws of Plato's *Laws* belong to the *best regime* of the *Republic*.<sup>14</sup> At first glance, this view seems plausible. Surely the text here clearly suggests that Cicero held the simple and unsophisticated view that the laws of the *Laws* are the laws of the ideal regime of the *Republic*?

There are, however, good reasons to question this view, or at very least, to refrain from deciding the matter solely on the basis of this text. First, there is some debate over whether the *eius* that appears in the manuscripts is an interpolation. Konrat Ziegler, editor of the Teubner edition, has deleted *eius* with the result that the text no longer suggests any connection between the two Platonic works. Other scholars have found this emendation to be plausible, especially given *Leg.*'s corrupt manuscript tradition and the existence of *eius legis* later in the same sentence.<sup>15</sup>

Secondly, even if we reject Ziegler's emendation, the matter is far from settled in favor of a crude complementarian reading of the text. The pronoun *eius* refers to *res publica*, but does *res publica* in fact refer to the best regime of the *Republic*? Our discussion of *Leg.* 1.15 suggests that it most likely does not. When Cicero wanted to emphasize the arrangements of the best constitution of his *Republic* (and Plato's) he wrote not '*de re publica*' but rather '*de optimo rei publicae statu*'. This was in keeping with his general practice. As we have seen, when he wanted to focus on constitutional arrangements in general he used *status rei publicae/civitatis* to which he added the adjective *optimus* to designate the best regime in particular. With this in mind, we see that unlike Atticus' remark in 1.15, Marcus' comment here does not naturally direct our attention to the constitutional provisions of the best regime of Plato's *Republic*. Indeed, the contrast with 1.15 is significant. When the best regime of Plato's *Republic* is clearly in view at 1.15, the content of the *Laws* is simply referred to as *de legibus*. The *eius* only appears with *de legibus* in the transmitted text when the more indeterminate *de re publica* replaces *de optimo rei publicae statu*.

If we have no reason to believe that *res publica* in 2.14 refers specifically to Kallipolis, then to what does it refer? The most likely answer is that it refers more generally to what Cicero believes is the subject of the *Republic* taken as a whole, that is, to matters concerning the commonwealth. Plato of course wrote about an ideal regime, but Cicero believed that Plato used this particular regime and its decline to convey general principles about the commonwealth (*cf. Rep.* 2.51-52). Hence, while the question of the best regime is an important part of both the *Republics* of Cicero and Plato (*cf. Leg.* 1.15), it is subordinate to a larger investigation into the nature of the commonwealth (*de re*

<sup>14</sup> See, e.g., Zetzel, *On the Commonwealth* (n.11, above) 134 n.20.

<sup>15</sup> See Powell, 'Were Cicero's *Laws* the laws of Cicero's *Republic*?' (n.9, above) 19. One should note that Powell retains *eius* in his OCT edition of the text.

*publica*). Cicero uses *res publica* here to focus our attention on the wider topic of investigation rather than, as in *Leg.* 1.15, on the particular provisions of Kallipolis. The relative clause, then, would indicate that Plato wrote on the topic of the commonwealth and then separately wrote about laws which are to accompany his investigation of this topic.<sup>16</sup> The text is silent on whether there is any relationship between these laws and the best regime of the *Republic*.

Even if *eius* is retained, then, we find that Marcus' remark, like Atticus' earlier comment, does not draw a relationship between the best regime of the *Republic* and the content of the *Laws*. However, interestingly enough, the transmitted text at 2.14 does suggest that Cicero believed that Plato intended for the content of his *Laws* to accompany the *Republic* and its political teaching in some way. It asserts that the *Laws* are the laws of Plato's *Republic*, but not on the grounds that they are strictly the laws of its best regime. Thus, if we do opt to retain the transmitted text, we find that it does not point in the direction of the simple complementarian view with which Cicero has been saddled, but rather instead leaves space for a more nuanced view which allows that Plato's works may be complementary even if the laws of the *Laws* are designed for a regime that differs from Kallipolis in at least some respects. That is to say, it leaves space for precisely the type of relationship between the two works suggested by *De re publica*.<sup>17</sup> As we turn to this dialogue, we will see that the work provides compelling evidence that Cicero believed that the constitution of the *Laws* differs from the ideal regime of the *Republic*. However, according to the view we find in *Rep.*, Plato introduced these changes to complement and complete his analysis of political affairs in the *Republic*.

## II. Cicero and the ideal constitution of Plato's *Republic*

The first two books of *Rep.* are concerned with constitutional theory. In the first book, Scipio considered and rejected the respective claims of the simple constitutions to the title of the best or ideal constitution. He awarded the palm to the constitution that was mixed from monarchy, aristocracy, and democracy – the three simple constitutions. At the end of the book he announces that he will now focus his remarks on the best constitution and that he will use the historical Roman republic as an example (*exemplum*; 1.70). As Scipio begins his investigation in Book 2, he immediately places Plato's *Republic* before us. Scipio remarks that it will be 'easier' to attain his goal of illustrating his ideas about the best constitution by using Rome than by 'making up' (*finxero*) a city 'as Socrates did in Plato' (2.3). The 'made up' city from the *Republic* that Scipio has in mind is presumably Kallipolis. Why does Scipio believe that his task will be 'easier' if he substitutes historical Rome for Kallipolis? In order to answer this question, we must discover the view of

<sup>16</sup> Jonathan Powell, who likewise emphasizes the indeterminateness of *res publica*, translates *de re publica* 'about the state in general' and *de legibus eius* 'about the laws of the state in general' ('Were Cicero's *Laws* the laws of Cicero's *Republic*?', (n.9, above) 19).

<sup>17</sup> Thus, I prefer to retain the transmitted text at *Leg.* 2.14. One should note, however, that my general account of Cicero's understanding of the relationship between Plato's *Republic* and *Laws* is also consistent with Ziegler's emendation.

Plato's ideal city advanced in the dialogue and attempt to understand more clearly the nature of Scipio's investigation of the best constitution.

We learn more about the ideal constitution of Plato's *Republic* a little later in Book 2 when Laelius interrupts Scipio's treatment of the early constitutional history of Rome to make a point about the latter's methodology.

Yes, we indeed see [this], and moreover we see that you have introduced a new means of investigation, which exists nowhere in the books of the Greeks. For that most eminent man, whom nobody could surpass in writing, selected his own territory on which he could construct a state (*civitatem*) according to his own judgment (*arbitratu suo*). It may indeed be an admirable state (*praeclaram*), but it is out of harmony with human life (*vita hominum*) and dispositions (*moribus*). The rest wrote about the types and principles of states without any fixed example (*exemplari*) or form of a commonwealth (*forma rei publicae*). You appear to me to be doing both: you have started out by preferring to attribute to others those things which you yourself discover rather than, as Socrates did in Plato's work, making it all up yourself (*ipse fingere*; 2.21-22).

At *Rep.* 2.3 Scipio had remarked that the ideal city of Plato's *Republic* was 'made-up' (*finxero*). Here Laelius elaborates upon this point. Socrates 'made up' (*fingere*) Kallipolis by constructing it entirely according to his own judgment (*arbitratu suo*). In laying out the provisions for Kallipolis, Socrates was not constrained by considerations of human life or dispositions. This, however, does not mean that for the characters in *Rep.* Plato, through Socrates, had constructed his ideal constitution arbitrarily. Far from it: Socrates ordered his city according to rational principles and for the purpose of inspecting these same principles. Thus Scipio later claims:

[Plato] ... civitatemque optandam magis quam sperandam, quam minimam potuit, non quae posset esse, sed in qua ratio rerum civilium perspici posset effecit. Ego autem, si 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 (2.52).

Plato fashioned a city more to be prayed for than to be expected; it was as small as possible, not one that could exist, but one in which the principles of civic affairs could be discerned. But if only I can do it I will try to employ these same principles that he saw, not in the shadowy outline of a city, but in the largest commonwealth, so that I should appear to touch the cause of each public good and evil as if with a rod.

This passage, crucial for understanding Cicero's view of Plato's *Republic*, states that Plato built his city in speech in order to uncover the principles of political affairs. It also suggests an answer to the question that we asked of Scipio at the outset of this section: why does he believe that his decision to use historical Rome as his model makes his task 'easier' than Plato's? Whereas Socrates' city was very desirable (*optandam*), his account was dogged by questions about whether one could expect it to come into existence (*optandam magis quam sperandam*). Here Scipio seems to be alluding to the fact that Socrates and his interlocutors encountered three waves of difficulties and throughout their

discussion raised the question of whether their ideal city was possible (*Republic* 471c, 471e, 502c, 540d, 592a-b). By replacing Socrates' 'made up' city whose provisions were only roughly sketched in speech with historical Rome, 'the largest commonwealth', Scipio apparently sought to deflect these criticisms.<sup>18</sup>

The passage also raises further questions about Plato's ideal city. Scipio does not stop at admitting that Plato's ideal regime is unlikely, but baldly states that it cannot exist. Why? With what assumptions about possibility is Scipio working when he claims that Plato's city is not possible (*non quae posset esse*)? Additionally, what are the important political principles that Scipio believes Plato saw? How does Scipio's model city, historical Rome, demonstrate these 'same principles'?

We shall return to these questions shortly. For now, it is sufficient to take stock of the details regarding Plato's ideal city provided in the previous two passages from *Rep.*: the city is not constructed to suit human life and dispositions; it is small and not capable of existing; it is what one would hope for but not expect; and Socrates provides only a shadowy outline of a city (*in umbra et imagine*). To these observations, we may add one more which Scipio provides at 2.51: Socrates 'painted' (*depinxerit*) his city 'in speech' (*in sermone*).

On which parts of Plato's *Republic* is Cicero drawing to form this view of Kallipolis? The observation about its size seems to be based on a general reading of the *Republic* as a whole while a general reading of Book 5 supports the assertion that Socrates' ideal regime is out of harmony with human life and *mores*. As we have seen, the question about whether the ideal city could exist is raised repeatedly in the later books of the *Republic*. However, Scipio's observations that Socrates 'painted' a city in speech and that this city existed only in shadowy outline are evocative of a particular passage in Plato's *Republic*. There Socrates describes the philosophical construction of the just city as the work of painters (*ζωγράφοι*) who proceed by tracing in outline form (*ὀπογράφασθαι*) the shape of the constitution (*σχῆμα τῆς πολιτείας*; 501a9-10). The 'painter of regimes' (*ζωγράφος πολιτειῶν*) will imitate the divine and orderly, and fashion the regime according to those things that 'have everything in order according to reason (*κατὰ λόγον*)' (500c4-5). He will also consider 'what is in humans' insofar as it is 'that aspect of humans which Homer too called godlike (*θεοειδές*) and the divine image (*θεοεἰκελον*)' (501b5-7). However, he will pay no mind to that in humans which is opposed to what is rational and divine, for to look into 'human affairs' as such leads to envy and ill-will (500b8-c7).

This passage, which also likely serves as inspiration for Cicero's later depiction of the Roman Republic as a faded picture in the preface to Book 5,<sup>19</sup> presents what Cicero seems to think is most significant about Socrates' methodology: Socrates decided which arrangements were best according to the divine and rational order and with no regard for human affairs and characteristics. Indeed, we are told that the painter of regimes commences his project by wiping the 'canvas' clean of 'human dispositions (*ἥθη*

<sup>18</sup> Though whether he was successful is a disputed question. James E. G. Zetzel (*Cicero De re publica: selections* (Cambridge 1995) 178) and Matthew Fox (*Cicero's philosophy of history* (n.8, above) 62) have suggested that ironically Scipio's ideal state is as fictive as Socrates'.

<sup>19</sup> See E. Asmis, 'A new kind of model: Cicero's Roman constitution in *De re publica*', *AJPh* 126 (2005) 387.

ἀνθρώπων)' (*Republic* 501a2-3) which must be refashioned until they become 'dear to god' (501c1-2). This is the reason for Laelius' earlier reference to Kallipolis as a city 'out of harmony with *human* life and dispositions (*moribus*)' (*Rep.* 2.22).<sup>20</sup>

We are now in a position to formulate a response to the first of the pair of questions prompted by Scipio's description of Plato's ideal regime at *Rep.* 2.52: what assumptions about possibility lay behind Scipio's statement that the ideal city of Plato's *Republic* could not exist? When Scipio said that this city was not possible, he meant that it was not possible *for humans*. A city built according to divine specifications is pitched too high for humans. While humans may indeed share some attributes with the gods, they necessarily do not share every characteristic. Laelius' remark reminds us that a city that embraces only those dispositions characteristic of divinity will not accommodate those traits that are common to humans but not shared between humans and gods. Socrates' city in speech is not possible for humans precisely because it fails to take into account important human characteristics or dispositions which are not also shared with the gods.

What characteristics or dispositions fundamental to human life does Cicero believe that Plato's best regime cannot accommodate? Reflection on Socrates' own description of his project provides a likely solution. Socrates' blueprint for his city in speech was divine insofar as it was also rational and orderly (*cf.* *Republic* 500c4-5). Presumably the characteristics of humans and human affairs that must be removed from the city are those traits that are opposed to this ideal model, namely, the disposition for irrationality and the propensity for disorder. Since (according to Laelius) Scipio's regime differs from Kallipolis precisely in that the latter does not take into account characteristics of humans and human affairs, one might reasonably expect the Roman constitution to make provision for irrationality and disorder, which are characteristics of humans and human affairs but not of gods and divine affairs. And indeed, in a programmatic statement towards the end of Book 2, we find confirmation of this suggestion. Scipio turns to the revolution of the plebs in 493 BC, an event characterized by the absence of reason (*defuit fortasse ratio*) to illustrate a general political principle: 'the very nature of commonwealths often overcomes reason' (*Rep.* 2.57). The development of the Roman constitution encompasses irrationality and a degree of disorder. For Scipio as a general rule human political affairs do not yield to reason. If this is true, then any attempt to arrange all such affairs according to the strict dictates of reason must necessarily fail. It is because he understands Socrates' ideal regime as an attempt to do just this that Scipio stated at *Rep.* 2.52 that it could not possibly exist.

The foregoing discussion brings to light an important distinction between Kallipolis and the Roman constitution of *Rep.* Like Socrates' ideal state, the Roman mixed constitution has a claim to the 'best type of state' (1.71). However, the latter represents the best type of state

<sup>20</sup> *Rep.* 2.22: *civitatem...a vita hominum abhorrentem et moribus*. It appears that 'hominum moribus' is an allusion to ἡθῆ ἀνθρώπων at Plato, *Republic* 501a2-3, cited above. Literally meaning 'custom', both *mos* and ἥθος in the plural commonly indicate characteristic traits or dispositions.



*possible for humans*. More than Sparta, Carthage, or any actual regime, the constitution of Rome exemplifies the best practicable regime (*cf. Rep.* 2.42, 66).<sup>21</sup>

At this point it would appear as if Plato's *Republic* has little to do with the positive constitutional theory of *Rep.* The constitution of Kallipolis represents one type of ideal, the constitution of Republican Rome another. The former illustrates the best regime *simpliciter* whereas the latter represents the best practicable regime for humans. In constructing his ideal city in Book 5 of the *Republic*, Socrates has ignored what Scipio believes to be a fundamental principle of politics. Given our findings thus far, we might be inclined to view *Rep.* as evidence in support of Julia Annas' view that in antiquity Plato's *Republic* 'survived as a literary model, not as a set of political ideas worth discussing'.<sup>22</sup> However to do so would be to overlook one very important detail: Cicero seems to indicate that he has learned his general principle about the limits of reason in political affairs from Plato's *Republic*.

### *III. Plato's Republic and the limits of reason*

With our discovery of Scipio's general principle of politics at *Rep.* 2.57 we were able to explain fully why he had suggested at *Rep.* 2.52 that Socrates' ideal city was impossible. However, this earlier passage had provoked a second question: what important political principle did Scipio discover in Plato's *Republic* and subsequently highlight in his own work using the Roman constitution? It is now time to offer an answer.

Remember Scipio's promise: 'I will try to employ these same principles that he saw, not in the shadowy outline of a city, but in the largest commonwealth, so that I should appear to touch the cause of each public good and evil as if with a rod' (2.52). How are we to determine what these principles are? Scipio's statement suggests that the relevant passage or passages will have three features. First, we should expect to find a general principle that is applicable to multiple cases. Second, we will find this principle after 2.52, as the future tense (*enitar*) suggests. Finally, Scipio will use developments in historical Rome to illustrate the principle. This last feature also effectively limits our investigation to the end of Book 2, since the conversation in Book 3 turns away from Scipio's discussion of historical Rome to feature a debate on justice between two of Scipio's interlocutors. The only passage in the surviving text and fragments that fulfills these criteria is the one found at 2.57 where Scipio uses the revolution of the plebs in historical Rome to illustrate the general principle that in politics reason has its limits. Consequently I think Walter Niegorski must be correct when he suggests that Cicero learned this principle from Plato's *Republic*.<sup>23</sup>

But how does a work which portrays a perfectly rational regime that ignores the limits of rationality in political affairs teach that nevertheless the essential nature of politics encompasses what is not completely rational? Niegorski offers the following suggestion:

<sup>21</sup> See also W. Niegorski, 'Cicero's focus: from the best regime to the model statesman', *Political Theory* 19 (1991) 241.

<sup>22</sup> J. Annas, 'Politics and ethics in Plato's *Republic* (Book V 449a-471c)', in *Platon: Politeia*, ed. O. Höffe (Berlin 1997) 152.

<sup>23</sup> Niegorski, 'Cicero's focus' (n.21, above) 236.

'One way to teach it would be to sketch or imagine a perfectly rational city, the city in speech, and then to let appear the incredible gap between such a city and the way human beings are and conduct themselves'.<sup>24</sup> According to this view, Cicero believes that Plato's *Republic* demonstrated the importance of irrationality in political affairs indirectly and implicitly by sketching the provisions of the ideal city in Book 5. Reflection on these perfectly rational arrangements places into sharp relief the irrationality inherent in human political practice. Thus Plato is able to demonstrate the limits of rationality in human affairs precisely by painting a rational regime which ignores these very limits.

Nicorski is no doubt correct that Cicero recognized that a great gap existed between the rationality that characterized the ideal regime of Plato's *Republic* and the irrationality that characterizes human political practice. Moreover, Nicorski's suggestion does provide a possible explanation for Scipio's assertion that Plato's ideal city could not exist: the ideal city is intended only to demonstrate the *ratio rerum civilium*, i.e., the limits of rationality in politics, and not as a model for imitation.<sup>25</sup> However, in spite of its initial plausibility, there is one feature of *Rep.* which suggests that this account may not accurately represent Cicero's own views. Scipio's discussion of constitutional theory in the first two books of *Rep.* provides ample evidence that Cicero believed that Plato's *Republic* demonstrated the effects of irrationality in political affairs explicitly rather than implicitly. He discovered Plato's analysis of human irrationality and the accompanying instability of human affairs not by reflecting on the conditions of ideal rationality reflected by Kallipolis, but rather by focusing on Socrates' account of its decline. Indeed, Scipio himself points us in this direction. His announcement at 2.52 that he will follow the same principles as Plato in the *Republic* was preceded by a reference at 2.51 to the origin of the tyrant in *Republic* Book 9.

In *Republic* Books 8 and 9, Socrates and his interlocutors follow Kallipolis as it declines and is transformed into a number of inferior regimes: timocracy, oligarchy, democracy, and tyranny in turn. In the Platonic account, each of these regimes also corresponds to a particular type of man. Thus, the account is at least as concerned with the soul as the city, with moral psychology as much as with politics.<sup>26</sup> Scipio draws heavily on these passages as he explores the inherent instability of political life.

Soon after beginning his discussion of constitutions in Book 1, Scipio raises the matter of constitutional change. He observes that forms of rule in commonwealths are never stable, but are always undergoing change (1.45). He drops the matter and continues on to discuss the simple forms of constitutions, among which are monarchy, aristocracy, and democracy. However, Laelius raises the issue again when he requests that Scipio teach him about 'those paths of changes (*cursus istos mutationum*)...in every commonwealth' (1.64). This is often thought to be a reference to Polybius' theory of anacyclosis which maintained that constitutions followed one another in a regular cycle (*cf. Histories* 6.2-10).

<sup>24</sup> Nicorski, 'Cicero's focus' (n.21, above) 236.

<sup>25</sup> See Nicorski, 'Cicero's focus' (n.21, above) 236. Leo Strauss also held that this was how Cicero understood the best regime of Plato's *Republic* (*Natural right and history* (Chicago 1953) 122 n.4).

<sup>26</sup> Some modern scholars (*e.g.*, Annas, 'Politics and ethics' (n.22, above)) contend that the *Republic* is solely concerned with ethics and Socrates' discussion of the city is completely in the service of ethics. Cicero seems to disagree.

Despite Laelius' oblique reference to Polybius' theory, Scipio turns to Plato's *Republic* in his attempt to explain constitutional degeneration. In particular, he focuses his attention on the degeneration of democracy and its transformation into tyranny. He explains the former by translating freely from Plato's *Republic* 8.562c-563e (cf. *Rep.* 1.66-67) and the latter by paraphrasing 563e-569c (cf. *Rep.* 1.68). A democracy starts down the path towards tyranny when there is too much freedom and too little respect for right order: *libertas* is transformed into *summa licentia* (1.67). The decline of the regime is accompanied by a transformation of the citizens' souls (*Rep.* 1.67: *mentes*; *Republic* 563d5: ψυχῆ). As a result, the citizens are now no longer able to bear any authority. The soil is prepared for the growth of a tyrant. Scipio explains the basic principle, which he gleans from Plato *Republic* 563e6-564a1: 'Everything that was too prosperous...generally is changed into the opposite, and this especially is the case with commonwealths'. Thus, just as excessive power brought on the downfall of the aristocrats, so the excessive freedom enjoyed by the democrats leads to slavery (1.68).

As in Plato's account, constitutional degeneration is accompanied by moral degeneration. Scholars debate whether there is a causal relationship between the decline of city and soul for Plato.<sup>27</sup> In Scipio's account, there is no such ambiguity: moral degeneration causes constitutional change. The people revolt against the aristocracy precisely because they have become soft-souled (*fastidiosae mollesque mentes*; 1.67), wild (*immani*; 1.68), and have been given over to their passions (*libidini*; 1.65) or anger (*irascantur*; 1.67). Moral degeneration causes the constitutional degeneration of a good constitutional form into its degenerative version. Thus, kingship changes into tyranny when the king's mind (*mens*) becomes unsound and he is ruled by passions (*libidines*; 2.45). Like the people, his moral state is also characterized by wildness (*immanitate*; 2.48). Indeed, it is suggested that despite outward appearances he is really an animal rather than a man (2.48).

The result of the psychological instability is political instability and flux in which one regime follows another. The government is passed around between tyrants, aristocrats, and popular leaders as if it were a ball: 'the same constitution never lasts for very long' (1.68). The nature of politics is marked by disorder rather than order. It is driven by irrationality rather than rationality. According to Cicero, Plato was the teacher of this lesson. Reviewing his own philosophical writings almost a decade later Cicero would recall: 'This I had learned from *Plato* and philosophy: there are certain natural alterations of commonwealths (*conversiones*) so that commonwealths are held now by aristocrats, now by the people, and at another time by a tyrant' (*Div.* 2.6; emphasis added).

What is the remedy for this state of affairs? One possibility would be to subordinate the excessive desires of the citizens for liberty completely to the rule of reason in an attempt to attain a stable order, as in Plato's Kallipolis. Scipio rejects that option because he believes humans are not capable of attaining to such rationality. As we will see, he

<sup>27</sup> Jonathan Lear ('Inside and outside the *Republic*', in *Plato's Republic: critical essays*, ed. R. Kraut (Lanham 1997) 61-94) argues that a strong causal interrelation exists between city and soul while G. R. F. Ferrari (*City and soul in Plato's Republic* (Sankt Augustin 2003)) contends that the two run on parallel tracks with no intersection.

finds support for this view of human psychology in the *Republic's* treatment of the soul, just as he learned about the inherent instability that characterized politics from its treatment of the city.

Scipio returns to the theme of constitutional change in Book 2, where he takes up the theme in light of Roman history. Once again he borrows from Plato's discussion of constitutional change, this time comparing his own discussion of the tyrant with that in *Republic* Book 9 (*Rep.* 2.51). At the very end of the book, he discusses human psychology and places before us the striking image of a small elephant trainer controlling a large elephant. While an elephant is a 'single beast' (*unam beluam*), and thereby easy to control, 'what lies hidden in the souls of men, the part of the human soul called the mind (*mens*), governs and masters not a single beast (*unam*) or one easy to tame'. Consequently, unlike the elephant trainer, the beasts within the human soul rarely yield to the control of the mind. The wise statesman (*prudens*) will have a difficult time imposing the rule of reason on the human soul (*Rep.* 2.67). Scipio clearly is using the picture of a multitude of beasts within the human soul to indicate the human passions. Indeed, many editors place fragments containing a catalogue of passions immediately after the metaphor.<sup>28</sup> His point is that humans are a complex mix of passions and it is no easy task to get the human soul to obey reason.

Scipio very likely derived his vivid image of a composite beast representing the human soul from *Republic* Book 9 at 588c. Indeed, the passage in Cicero is in some ways a type of meditation on the Platonic passage. There Socrates also presents the soul as a manifold beast. The just man will attempt to tame the beast so far as he is able (591b). But will he succeed? Quite possibly, the Platonic passage suggests, so long as he finds a city in his soul based on the pattern of the just city in speech (592b).

Scipio's answer, however, seems to be different. Doesn't his metaphor seem to suggest that such control over the human passions is more difficult than Plato allows? We must remember that throughout his discussion Scipio has been concerned with constitutions. Here his discussion of psychology occurs in the context of the task of the statesman (*prudens*) with regard to organizing the state (2.67-69). Given human psychology, Scipio is suggesting that a rational *political order* will be difficult. With respect to this question, his pessimistic view does find some support in the Platonic text. After all, Socrates and Glaucon conclude their discussion of psychology by casting doubt on whether the just political order will ever come into existence (592a-b).

Scipio, then, has been able to use the text of the *Republic* to support his contention that political affairs are marked by instability and do not easily follow reason. Just as through the constitutional arrangements of his ideal regime Socrates was able to offer a model of rational rule, so through his account of the decline of this regime he suggested why human political affairs might not readily admit of such rule. Socrates, according to Scipio, had focused on the divine and rational to the exclusion of human affairs and passions in the construction of Kallipolis (*Rep.* 2.22, 52; *cf. Republic* 500b-c). In discussing its decline he now has shifted his attention precisely to what had been ignored

<sup>28</sup> See Zetzel, *On the Commonwealth* (n.11, above); Konrat Ziegler, *De re publica* (Leipzig 1969); and *Cicéron: La république*, ed. E. Bréguet, 2 vols (Paris 1980).

before: the irrationality that characterizes both humans and politics. But if – according to the Ciceronian reading of the passage – Plato's shift in focus to human affairs reveals that they are not amenable to perfectly rational rule, what kind of regime is appropriate? What does the regime look like which is possible for humans precisely because it encompasses human irrationality? Plato's *Republic* does not provide an answer. Thus, there is a lacuna waiting to be filled. Cicero himself, as we have intimated, has filled it with the mixed constitution of Rome. However by doing so he is self-consciously following Plato himself, who first filled this lacuna with the mixed constitution of his *Laws*.

#### *IV. The mixed constitution and Plato's Laws*

It was not just because he had admired the eloquence of the passage that Cicero had translated Plato's description of the democratic regime at length (1.66-67). In Socrates' account the extreme democracy is transformed into a tyranny because of the emergence of a demagogue who begins to redistribute property (*Republic* 565a7-8; 565e7-566a4). Scipio's summary of the passage emphasizes just this aspect of the demagogue's programme (*populo gratificans et aliena et sua*; 1.68). This is no accident. Cicero was very concerned about the capacity of demagogues to enslave the *res publica* by employing such popular measures. The dramatic setting of the dialogue confirms this: the conversation between Scipio and his companions took place during the *Feriae Latinae* in 129 BC, just a few years after Tiberius Gracchus as tribune had introduced a law which provided for the distribution of public land to the poor (cf. *Rep.* 1.14).<sup>29</sup> The law proved to be extremely divisive. Laelius observes near the beginning of the dialogue that there are now in Rome two senates and almost two peoples as a result of Gracchus' reforms (1.31).

For Cicero the crisis confronting Scipio and his friends had a contemporary resonance. In his *Pro Sestio*, delivered in 56 BC just a few short years before he began work on *Rep.*, Cicero had divided politicians into two classes: *optimates* and *populares*. While the former promulgated policy with a view towards gaining the approval of the best men (*optumo cuique*), the latter sought to please the multitude (*multitudini*; 96).<sup>30</sup> The *populares* are responsible for revolutions (*novos motus conversionesque rei publicae*) and, as in *Rep.*, Cicero suggests that the root cause is psychological (*propter insitum quendam animi furorem*; 99). Here too we find that irrationality is the fundamental force in political affairs.<sup>31</sup>

Of central importance to the conflict between the *optimates* and *populares*, as Cicero saw it, was a conflict over the meaning of *libertas*. The *populares* believed that true liberty is democratic liberty which required numerical equality rather than equality of merit. In the

<sup>29</sup> See Zetzel, *Selections* (n.18, above) 6-8.

<sup>30</sup> For a helpful discussion of this excursus ranging from 96-135 in relation to Cicero's overall purpose in *Pro Sestio*, see R. A. Kaster, *Cicero: speech on behalf of Publius Sestius* (Oxford 2005) 31-37.

<sup>31</sup> In *Pro Sestio* Cicero often indicates human irrationality by comparing humans to animals (cf. 16, 18, 111, 112). For further analysis, see N. Wood, 'Populares and circumcelliones: the vocabulary of "fallen man" in Cicero and St. Augustine', *HPT* 7 (1986) 33-51.

name of such liberty, the *populares* argued for measures such as voting by ballot. The laws enjoyed much support by the people who considered them to be essential to 'its own liberty'.<sup>32</sup> From the point of view of an *optimas*, however, freedom that exists without any respect for worth (*dignitas*) is really a perversion of liberty (*licentia*).<sup>33</sup> This is the line that Cicero takes in *Pro Sestio*. He portrays the historical debates over the ballot laws as an instance in which 'the desire of the many and the advantage of the people differed from the interests of the *res publica*' (103). In contrast to numerical equality and egalitarianism, Cicero made his key political concept *dignitas*, a term which 'denoted the esteem and standing enjoyed by an individual because of the merit that was perceived to exist in him'.<sup>34</sup> Virtue and merit are the salient political concepts and it is only within the context of a regime based on respect for worth (*dignitas*) that the plebs will have freedom (137).

This dispute over liberty lies in the background of the discussion of constitutional theory in *Rep.* The democrats maintain that the desire for liberty is natural; after all, they point out, even wild animals desire it (1.55). And the type of liberty that they have in mind is the particularly democratic version which holds that if liberty is not completely impartial (*aequa*), then it is liberty only in name (1.47). The aristocrats disagree and argue as Cicero did in *Pro Sestio*. For them, liberty requires equality of worth rather than numerical equality. Numerical 'equality itself is inequitable because it takes into account no degrees of worth (*gradus dignitatis*)' (*Rep.* 1.43; *cf.* 1.53).<sup>35</sup>

Given Cicero's argument in *Pro Sestio* we might expect Scipio to side completely with the aristocrats and reject the democratic argument for democratic liberty out of hand.<sup>36</sup> However, Scipio seems to have understood the degree to which democratic liberty appeals to human beings. If one is to craft a stable regime one must (as we have seen) consider what is possible for human beings. After some reflection on human nature, Scipio has decided that free men 'are hardly able (*vix possunt*)' to go long without a degree of such freedom (1.69).

<sup>32</sup> *Pro Sestio* 103: *populus libertatem agi putabat suam*. For a discussion of the ballot as a measure debated between the *optimates* and *populares* on the grounds of liberty, see Ch. Wirszubski, *Libertas as a political idea at Rome during the late Republic and early Principate* (Cambridge 1950) 50.

<sup>33</sup> Thus Cicero reports in *Pro Sestio* that the *optimates* 'feared the licence (*licentiam*) of the ballots' (103).

<sup>34</sup> T. N. Mitchell, *Cicero: the senior statesman* (New Haven 1991) 47.

<sup>35</sup> Although Scipio does not designate this argument as aristocratic at 1.43, he puts a similar argument into the mouths of the aristocrats at 1.53.

<sup>36</sup> Scholars commonly assume that Cicero is as unflinchingly devoted to the aristocratic/optimate line of argumentation in *Rep.* as he was in *Sest.* (see Mitchell, *Cicero: the senior statesman* (n.34, above) 47; Schofield, 'Cicero's definition', (n.13, above) 189-92; and Kaster, *Speech on behalf of Publius Sestius* (n.30, above) 379-80). However, proponents of this view freely attribute to Cicero views that Scipio has aired while he is speaking not in his own voice, but as an advocate of aristocracy (*cf. Rep.* 1.51-53), just as he had earlier spoken as a democrat (*cf. Rep.* 1.47-50). Scipio is not necessarily endorsing the aristocratic (and democratic) arguments which he recites. In fact he later states that in his own opinion the best simple form of constitution is monarchy (1.54). Thus, we should remain open to the possibility that Cicero does not adopt in *Rep.* the same strict aristocratic line that he articulated in *Pro Sestio*.

Some concession must be made to the will of the many (*voluntatiue multitudinis*). Consequently, the constitution must make provision for democratic freedom (*aequabilitatem quandam*) if constitutional change is to be forestalled for any substantial length of time. The solution is the mixed constitution which makes an allowance for democratic freedom even while maintaining the authority of the senate and 'something outstanding and kingly' (1.69). The character representing Cicero himself makes a similar argument in Book 3 of *Leg.* There considerations of what is possible (*quid possit*) convince Marcus to make provision in his legislation for voting by ballot, one of the measures of providing for numerical equality championed by the *populares* that Cicero had dismissed in *Pro Sestio*. For this reason, he rejects the strict position of the *optimates* supported by his brother Quintus (*cf. Leg.* 3.33-39).

What has changed between *Pro Sestio* and *Rep.* to convince Cicero to make some provision for democratic liberty and numerical equality? I suggest it is his reading of Plato's *Laws* which makes an effort to fill the lacuna left by the *Republic* by offering a regime that accommodates human nature in a way that the best regime of the *Republic* does not.<sup>37</sup> Both Elizabeth Asmis<sup>38</sup> and Claude Nicolet<sup>39</sup> have identified the *Laws* as the source for Cicero's concern with the distinction between numerical equality and equality of merit (*cf.* 1.43, 69). 'There are', the Athenian Stranger argues, 'two types of equality. Although they have the same name, in practice they are very often almost opposites' (757b). The first is numerical equality while the second 'distributes what is fitting to each according to proportion' (757c). Equality of merit is best by far, but must be mixed with numerical equality if division within the polis is to be avoided. 'And so', he concludes, 'we must necessarily use both types of equality but the one requiring fortune [*i.e.*, numerical equality] as little as possible' (757e-758a). According to Plato's account, the regime that would avoid revolution will make some provision, however small, for numerical equality.

The Athenian Stranger's advice to allow for a measure of numerical equality is part of Plato's larger strategy in the *Laws* to account for the attraction that democratic freedom has for humans. Given human nature, Plato in the *Laws* does not try to construct a regime like Kallipolis that will subordinate to complete rational control the excessive desires of the Athenian citizens for liberty. Rather, he accommodates these ineradicable desires by incorporating the Athenian desire for freedom ('the extreme case') into the constitution. Consequently the regime of the *Laws* will be a mix of democratic and monarchical principles (693d; *cf.* 756e). This mixed constitution moderates the excess of freedom and produces freedom (*ἐλευθερία*) and friendship (*φιλία*) along with wisdom (*μετὰ φρονήσεως*; 693d-e; *cf.* 693c, 694b, 697c, 701d).

With the three elements that must be combined in the constitution, Plato's *Laws* once again provides inspiration for Cicero in *Rep.* Just as the Stranger suggested that the constitution is to embody freedom, friendship, and wisdom, so Scipio argues that the Roman mixed constitution includes *caritas*, *consilium*, and *libertas*. Fashioning his

<sup>37</sup> For this basic approach towards Plato's *Laws*, see A. Laks, 'The Laws', in *The Cambridge History of Greek and Roman political thought*, ed. C. Rowe and M. Schofield (Cambridge 2000) 258-92, esp. 275.

<sup>38</sup> 'A new kind of model' (n.19, above) 403.

<sup>39</sup> 'Cicéron, 'Platon et le vote secret'', *Historia* 19 (1970) 64.

constitution from three rather than two simple constitutions, he associates *caritas* with monarchy, *consilium* with aristocracy, and *libertas* with democracy (1.55).<sup>40</sup> Cicero clearly has derived his basic conception of the mixed constitution as a combination of the values associated with the various simple constitutions from Plato's *Laws*.

Both Plato and Cicero have proposed a mixed regime which incorporates the democratic desire for freedom while moderating its excesses. Instead of the *Republic's* wild mob that becomes intoxicated by freedom without limits, one finds that freedom is blended in with other principles (Plato *Laws* 693d; Cicero *Rep.* 1.69). Both Plato and Cicero suggest that accounting for the human desire for democratic freedom within the constitution is the best, and perhaps only, way to avoid revolution. In such a regime, there is stability and no cause for revolutions (*cf. Rep.* 1.69). Neither Cicero nor Plato offer checks and balances as a mechanism for ensuring stability, such as we find in Polybius (*cf. Histories* 6.10). Instead of forestalling revolution by obstructing desires, the mixed constitutions in *Rep.* and the *Laws* limit the desire for freedom (*libertas/ἐλευθερία*) with prudence (*consilium/φρόνησις*). The result is both a politically and psychologically harmonious and stable order.

This is an important point. For both Plato and Cicero, the mixed constitution continues to share the same goal as Kallipolis: harmony and stability. Thus, Scipio is able to apply Socrates' picture of the just individual and city of the *Republic* to the Roman mixed constitution of *Rep.* Borrowing Socrates' musical metaphor from *Republic* Book 4 (443d-e), Scipio says that the state 'sings by the agreement (*consensus*) of the very different groups. What is called harmony (*harmonia*) by musicians in song is concord (*concordia*) in the state' (2.69). However, the mixed regime produces harmony because the statesman recognizes that he must make some concessions to human desires, especially the desire for democratic freedom. Thus Scipio describes Lucius Valerius Potitus and Marcus Horatius Barbatus, the consuls of 449 BC, as 'men wisely democratic for the sake of concord' (*hominum concordiae causa sapienter popularium*; 2.54).

Cicero has clearly modelled his own version of the Roman constitution on the mixed constitution found in Plato's *Laws*. Moreover, both constitutions seem to be proposed for similar reasons and in the service of a common project. Both make allowances for human desires; neither seeks to facilitate rational rule to the exclusion of the human desire for democratic freedom. By recognizing the limits of rational rule, both regimes are better suited to account for the general rule that human political affairs do not yield completely to reason. This, of course, is the important lesson that Cicero claimed Plato taught in the *Republic*. From his appropriation of the mixed constitution of the *Laws*, we can infer that Cicero thought that Plato's *Laws* offers precisely the sort of regime that takes into consideration the concerns with the limits of rationality raised by the *Republic*.

We can make this inference with some measure of confidence, however, because Scipio himself draws an explicit connection between the lesson of Plato's *Republic* concerning the limits of rationality and the mixed constitution.

[A] But after a short period of time (about sixteen years later during the consulships of Postumus Cominius and Spurius Cassius) an event occurred which the very

<sup>40</sup> For further analysis, see J.-L. Ferrary, 'L'archéologie du *de re publica* (2, 2, 4-37, 63): Cicéron entre Polybe et Platon', *JRS* 74 (1984) 92.



nature of commonwealths required to happen: the people, freed (*liberatus*) from kings, claimed for themselves even more rights. This development perhaps was not rational, but nevertheless the very nature of commonwealths often overcomes reason. [B] For you must remember what I said at the beginning: Unless there is this equal balancing in the state (*civitate*) of rights, duties, and offices so that there is enough power in the magistrates, authority in the judgment (*consilium*) of the senate, and liberty (*libertas*) in the people, this constitution (*statum rei publicae*) cannot be preserved unchanged (*Rep.* 2.57).

Here we have the principle that Scipio derives from Plato's *Republic* in its larger context. As he had promised (*Rep.* 2.52), Scipio is using Roman history to point to the same principles as Plato. Much could be, and has been, written on this passage. Here it is enough to note the general sequence of Scipio's argument. In part [A] he establishes the general premise that political affairs do not often follow reason. Politics is characterized by change, revolution, and instability. As we have seen, Scipio has learned this lesson from Plato's discussion of constitutional change and decline in *Republic* Books 8 and 9.

The nature of politics as revealed in the later books of the *Republic* requires a particular sort of regime, which Scipio describes in part [B]. Given ineradicable human desires and the limits of reason, the most stable regime is the mixed constitution as found at Rome, which in turn incorporates important elements of the mixed constitution of Plato's *Laws*. The structure of this passage, then, is that of a condition diagnosed, [A], and then remedied, [B]. The implication of this for Cicero's view of the relationship between Plato's *Republic* and *Laws* seems clear: Plato's *Republic* illuminates the unstable nature of politics for which the mixed constitution of the *Laws* serves as the remedy.

#### *V. Conclusion*

Cicero did not hold the simple and straightforward complementarian view of the relationship between Plato's *Republic* and *Laws* which has sometimes been imputed to him. Like Aristotle before him, he recognizes differences between Kallipolis and the regime of the *Laws*. And again like Aristotle, Cicero suggests that Plato made these modifications to ensure that the regime of the *Laws* was more attainable than Kallipolis. However, Cicero's *Rep.* and *Leg.* provide evidence that he had developed an answer for precisely the question that Aristotle's treatment of the matter leaves open: whether Plato's desire to make the regime of the *Laws* more attainable derives from, or is anticipated by, the political philosophy of the *Republic*. The text of *Rep.* reveals that Cicero believed that Plato's two dialogues were complementary works insofar as the modifications introduced in the *Laws* are to be seen as the completion rather than the revision of the investigation into the nature of politics begun in the *Republic*.

According to the picture presented by Scipio and his fellow interlocutors, Plato created the best regime of his *Republic* to exhibit the perfect rationality, order, and harmony that would make a regime most desirable (*cf.* 2.52). Kallipolis is the answer to the question of what the best regime looks like provided that political affairs admit of such rationality, order, and harmony. However, the discussion of psychology and constitutional change in Books 8 and 9 of the *Republic* suggests that such a regime is not possible for humans. Political affairs, driven by desire and irrationality, are constantly in flux. Psychic and

political harmony is difficult to achieve and rationality has its limits. Given this, for Cicero the *Republic* raises a second question: what type of regime is appropriate provided that political affairs do not easily admit of rationality, order, and harmony? The answer, of course, is not provided in the *Republic*. However, Cicero finds that Plato has provided the remedy for the state of human affairs first diagnosed in the *Republic* with the mixed regime of his *Laws*. Thus, according to the evidence provided by Cicero's appropriation of the Platonic texts, Plato has completed his discussion of constitutional theory in the *Republic* by introducing the modifications of the regime in the *Laws*.

Of course, we can only ascertain that Cicero believed the regime of the *Laws* completed the investigation of the *Republic* because he used the former as an important philosophical model for his own version of the mixed constitution. Indeed, it is first and foremost the Romanized mixed constitution of *Rep.* that Scipio presents as the remedy for the principle of the *Republic* that political affairs do not typically follow reason. The mixed regime of *Rep.*, no less than that of Plato's *Laws*, completes the teaching of the *Republic* concerning politics and regimes. And so it is that our investigation into Cicero's understanding of the relationship between the *Republic* and *Laws* ultimately illuminates the way in which Cicero intended for his own *Republic* to relate to Plato's. Perhaps here too modifications in content are better seen as part of an effort to complete and complement rather than to reject and revise.<sup>41</sup>

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