

CICERO'S HISTORICAL APPROACH TO THE BEST REGIME

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Prepared for delivery at annual meeting of Western Political Science Association, Hollywood, California, March 28, 2013.

AUTHOR'S NOTE: This paper represents an attempt to understand Cicero's varied purposes in book 2 of *On the Republic* and the beginning of *On the Laws*. At this stage it may be more of a series of analyses than a unified argument.

Book 2 of *On the Republic* begins with a lacuna; but because we know that only a few words are missing, we know that Cicero did not write a preface in his own voice to begin book 2. In other words, he does not see a need to make a new beginning here. The historical account of the best regime that Scipio will give in book 2 is intended to complement, not replace, the theoretical account of book 1. It is a necessary step toward the fulfillment of the request of one of the participants, Gaius Laelius, that Scipio begin with an explanation of the best form of a city and conclude with an analysis of the present political situation in Rome. The movement from theoretical principles to historical model to current situation is deductive and what one would expect from the Stoically inclined Laelius in response to the question of the best form of government. From Cicero, an Academic skeptic, one would expect inductive reasoning. As with his promotion of natural law, Cicero yields to the Stoics here. The historical account aids in understanding the Roman regime in a way that a theoretical account cannot. But it is not even the penultimate step toward Laelius's goal because it assumes the superiority of justice to injustice that must be argued for in book 3.

Scipio, who in book 2 approaches the question of the best through a championing of the old, begins by invoking the old in a manifold way: through a statement made by (1) a celebrated Roman politician, (2) who was also a historian, (3) as an old man. Cato the Elder (thus named in order to distinguish him from his famous great-grandson, known as Cato the Younger) was the greatest combination of politician and historian that Rome produced: consul in 195 BCE, the finest orator of his era, and author of a history called *Origins* (*Origines*). He poses the claim on which the historical account is based: Unlike other cities that were the work of one legislator, Rome was the result of many men's talents over a long period of time, and was therein superior to those other cities. Cato maintained (in Scipio's words) "that there had never been anyone at any time whose intellect had been so excellent that nothing escaped it, and that all the intellects at one time, brought together as one, could not foresee enough to comprehend everything without experience in things and the passage of time" (*Rep.* 2.2).<sup>1</sup> Politics that, it could be argued, disproved that rule—such as Crete with Minos and Sparta with Lycurgus—turned out to be imperfect. Athens had several legislators over the centuries, but each of them changed its form, with the implied resulting instability. Rome, by contrast, seems to have developed in a coherent manner.

Cato's and Scipio's thesis is not the claim made by Edmund Burke, that establishing a constitution cannot be "the effect of a single instantaneous regulation," and that "the

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<sup>1</sup>All translations of Cicero's works in this essay are mine and will soon be published in Marcus Tullius Cicero, *"On the Republic" and "On the Laws,"* trans. David Fott, Agora Editions (Ithaca, NY: Cornell Univ. Press, forthcoming, 2013). Parenthetical references are to book and section numbers. For *On the Republic* and *On the Laws*, the references are to J. G. F. Powell, ed., *M. Tulli Ciceronis "De re publica," "De legibus," "Cato Maior de senectute," "Laelius de amicitia,"* Oxford Classical Texts (Oxford: Oxford Univ. Press, Clarendon Press, 2006). The following abbreviations are used for Cicero's works: *De or.* for *De oratore* (*On the Orator*), *Leg.* for *De legibus* (*On the Laws*), *Rep.* for *De re publica* (*On the Republic*).

circumstances and habits of every country . . . decide upon the form of its government.”<sup>2</sup> It would be odd if, in a work that champions statesmanship as much as Cicero’s *Republic* does, he even appeared to endorse a position that diminished its importance. Scipio does not explicitly deny that a single ruler can establish the entire framework of a regime but instead questions whether he should try to do so. James Zetzel observed that Cicero “throughout book 2 emphasizes the role of the reason and planning . . . of individual statesmen in the construction of the Roman constitution; in this, he opposes Polybius’ ideas of natural growth . . . and of the development of Roman government by reaction to crisis rather than by decision (6.10.14 . . .).”<sup>3</sup>

But a denial that the regime was entirely the work of its founder is emphatically not an admission that a founding is unimportant. Using no fewer than four largely synonymous words, Scipio asks, “What established republic has a beginning [*exordium*] so clear and well known to all as the start [*principium*] of the founding [*condendae*] of this city commenced [*profectum*] by Romulus?” (*Rep.* 2.4). He proceeds to give the first king of Rome a degree of attention approaching that of the other six kings combined.

### The Contributions of the Kings

To Scipio, Romulus is remarkable first for his valor: “It is asserted that, when he grew up, he so excelled others in bodily strength and fierceness of spirit that all persons who inhabited those fields, where today this city is, calmly and willingly obeyed him.” The military success needed to found Rome was the first source of his “glory” (*Rep.* 2.5). Then follows a brief mention of the importance of religion (“after the auspices had been taken”); here is the initial indication of the priority of arms to religion. That subject recurs in Scipio’s contrast of the emphases of the first two kings: When Numa Pompilius, the second king, “saw that Romans were kindled with eagerness for war because of Romulus’s instruction, he thought they should be turned back from that habit to a slight extent” (*Rep.* 2.25). Thus he “set up all aspects of religion with the greatest sanctity” (*Rep.* 2.26). That sequence—arms first, then religion—seems to be part of what Scipio encompasses in his claim that the Roman Republic came “into its best form along a certain natural path and course” (*Rep.* 2.30).

Scipio also makes clear that Romulus did not completely neglect religion. In fact his two main legacies were to have “devised these two extraordinary foundations of the republic, the taking of auspices and the senate” (*Rep.* 2.17). The theoretical significance of the auspices is evident from Scipio’s claim that Romulus “founded the city after having taken the auspices himself, an act that was the start of the republic” (*Rep.* 2.16). To understand that that claim does not conflict with Scipio’s lesson that arms must precede religion, I must explain the phrase “the start of the republic.”

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<sup>2</sup>*The Works of Edmund Burke*, Bohn’s British Classics (London: Bohn, 1854-89), 2:554, 3:36, quoted in Harvey Mansfield Jr., “Edmund Burke,” in *History of Political Philosophy*, 3rd ed., ed. Leo Strauss and Joseph Cropsey (Chicago: Univ. of Chicago Press, 1987), 696, 697.

<sup>3</sup>James E. G. Zetzel, ed., “*De re publica*”: *Selections*, by Cicero (Cambridge: Cambridge Univ. Press, 1995), 159. The parenthetical reference in the quotation is to Polybius’s history.

Scipio has been using the term “republic” broadly, so that even in its first phase as a kingdom (traditionally 753-510 BCE), Rome would also be considered a republic. Earlier he has defined a republic (*res publica*) as “a thing of a people” (*res populi*) (*Rep.* 1.39). Thus *publica* means “of a *populus*” (*populi* is the genitive—i.e., possessive—form of *populus*), “of a people.” “A people, however,” he continues, “is not every assemblage of men herded together in whatever way, but an assemblage of a multitude united in agreement about right and in the sharing of advantage.” A people, then, is defined by two characteristics: “agreement about right” (*consensus iuris*) and “the sharing of advantage” (*communio utilitatis*). Lacking those characteristics, a group of individuals does not deserve the name “people.”

Book 2 does not present history for its own sake, and it suits Cicero’s forward-looking intention for Scipio not to be specific about the people who became the first Romans. According to various legends, the original inhabitants of Rome were either shepherds or fugitive murderers and slaves. In Scipio’s telling, they are simply “persons who inhabited those fields, where today this city is” (*Rep.* 2.4). That vagueness caused one scholar to declare that Scipio does not keep his promise to “recall the origin of the Roman people” (*Rep.* 2.3).<sup>4</sup> But the same scholar, just before making that charge, cited Scipio’s definition of a people. That scholar did not recognize that, until Romulus united the inhabitants of the fields so that they could display their agreement about justice and could have a common utility, those inhabitants were not “the Roman people” or any unity called a “people,” but instead mere individuals. “The origin of the Roman people” is to be located in Romulus’s activity, specifically in his taking of the auspices. Romulus’s military activity had to come first. But that was only the prehistory of the Roman people and republic; their history began with the taking of the auspices.

Scipio makes a further claim that by the end of Romulus’s reign, “not only did a new people rise, but it was already adult and almost of ripe age—not like one left crying in a cradle” (*Rep.* 2.21). The significance of that claim depends at least in part upon the importance of the auspices. If the auspices are a foundation of the republic, the Roman people must continue to accept that institution as a guide. Scipio goes to considerable effort to argue that the earliest Romans, who accepted the auspices, were not gullible children. Concerning the deification of Romulus, he remarks, “Others who are said to have become gods from human beings were of less accomplished human eras, so the process of fabricating was easy because the ignorant were easily urged to believe. But we notice that the age of Romulus was less than six hundred years ago, when literature and learning were already of long duration and all of the earlier error from uncivilized human life had been eliminated” (*Rep.* 2.18). As Scipio must know, however, the literature and learning were in Greece and had not begun to reach Rome by Romulus’s death.

Now we see how crucial Scipio considers the auspices to be. The agreement about justice that helps to constitute the Roman people must have a religious basis, and, perhaps to an extent, the common advantage must also have that basis.

As for the other “extraordinary foundation,” the senate, Scipio appears to admit that Romulus is twice removed from deserving full credit. It was the joint action of Romulus and his co-ruler Titus Tatius, the Sabine king, that chose “leading men for a royal council” (*Rep.* 2.14),

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<sup>4</sup>T. J. Cornell, “Cicero on the Origins of Rome,” in *Cicero’s Republic*, ed. J. G. F. Powell and J. A. North, *Bulletin of the Institute of Classical Studies* 76 (London: Univ. of London, 2001), 50.

and the result was only a “quasi-senate” (*Rep.* 2.15). Scipio seems to suggest that it was enough for Romulus to understand the governing principle behind the institution: when a senate exists to provide “authority and deliberation” (*Rep.* 2.14), the king’s power is not so “dominating” as it would otherwise be (*Rep.* 2.15). Not only was the inchoate senate an important political institution, but it also provided part of the foundation for the social division between patricians and plebeians, with the plebeians “arranged into bodies of clients under the leading men” (*Rep.* 2.16). We may forgive Scipio for his ambiguity as to the “quasi” status of the senate because he clearly implies that Romulus left it, as he left the Roman people, in “adult” condition. “When Romulus’s senate, which consisted of aristocrats (whom the king himself credited so much that he wanted them to be named ‘Fathers’ [*pater*] and their children ‘patricians’ [*patricius*]), attempted after Romulus’s departure to rule the republic by itself without a king, the people did not tolerate it and, out of longing for Romulus, thereafter did not cease to demand a king. Then those leading men prudently thought out a plan for instituting a period of interim rule that was new and unheard of by other nations”: an interim king would be selected until the people in assembly, under the guidance of the senate, chose a permanent king (*Rep.* 2.23). Unlike Lycurgus of Sparta, “those rustics of ours saw even then that regal virtue and wisdom, not family, ought to be sought” (*Rep.* 2.24). We will see again later that the wealth of the “leading men” is not their most important characteristic.

Scipio is not quite so lavish in his praise of Numa Pompilius as he is of Romulus. But the second king of Rome illustrates a point that Scipio made in book 1: the deficiency of monarchy is especially noticeable in the business of instituting plans, where reliance on one ruler is likely to result in “feebleness” (*Rep.* 1.52). Summarizing Numa, Scipio says that he “strengthened the two most splendid things for the long life of a republic, religion and mildness” (*Rep.* 2.27). Numa did not lay the foundation for religion, but he expanded the auspices, created new priesthoods, added effort to the performance of religious rites while he removed the expense of performing them, and generally “softened through religious ceremonies the spirits that were burning with the habit of, and the desire for, making war” (*Rep.* 2.26). Romulus was not completely lacking in mildness: the auspices could support a law that enacted harsh punishments for many acts or a law that used disincentives to keep people within the bounds of propriety, and he prudently chose the latter course—namely fines in the form of animals (*Rep.* 2.16). Numa broadened that principle, however. First, he took the common territory that Romulus had acquired in war and divided it among individual Romans for private cultivation (*Rep.* 2.26). Second, he invented marketplaces to encourage the obtaining of goods peacefully rather than militarily (*Rep.* 2.27). Scipio does not employ a dichotomy of public and private in this context, but Cicero must be aware of the benefit that Numa conferred by providing avenues for private gain that would allow military affairs to be free from that spirit. Third, Numa established games that allowed friendly, private competition while they simultaneously brought people together. In general he “infused them with a love of leisure and peace, through which justice and trust most easily grow strong” (*Rep.* 2.26). The development of the Roman Republic was not simply in terms of institutions; rather it required an understanding of the many ways in which character is shaped. Knowing that it was “Romulus’s instruction” that heightened the Romans’ desire for war, Numa took the countermeasures mentioned above (*Rep.* 2.25).

The fact that Numa was a foreigner, and the opinion of many that he studied with

Pythagoras, could lead to doubt about the Romans' native capabilities. Scipio tries to assuage that doubt by explaining that Numa lived more than one hundred years before Pythagoras and by appearing to second the assertion of Manius Manilius, the oldest participant in the dialogue and a distinguished jurist, that Romans are accomplished in "domestic virtues," not in "arts that have been imported from overseas" (*Rep.* 2.29). But what begins as an endorsement ("And you will recognize this much more easily . . ." [*Rep.* 2.30]) quickly becomes an admission that foreign practices were important to the development of Rome if only in order for Romans to improve them. To introduce the speech in which Scipio responds to Manilius, Cicero refers to him as Africanus, emphasizing his military service abroad and hence exposure to foreign customs. We should not be surprised at that, or at Scipio's response to Manilius, because he has prepared us in book 1 by stating his qualifications when invited to lead the discussion of the best regime:

Although I am not content with the writings that the highest and wisest men of Greece have left us concerning that problem, I do not dare to prefer my opinion to theirs. Therefore, I ask you to listen to me neither as someone who is altogether ignorant of Greek affairs nor as someone who ranks their things ahead of ours, especially on this subject, but as one of the toga-wearers<sup>5</sup> not illiberally educated by a father's diligence and kindled from boyhood with an eagerness for learning, but instructed much more by experience and by precepts from home than by literary studies. (*Rep.* 1.36)

Among his educated colleagues, Scipio does not want to be regarded as unacquainted with Greek learning.

The positive effect of foreign learning and practices is also seen in Scipio's treatment of Romulus's knowledge of geography. With "excellent foresight," he says, Romulus chose a site away from the sea (*Rep.* 2.5). The king's primary consideration seems to have been defensive (*Rep.* 2.6), but thereafter Scipio turns to the harm that a maritime location would do to the people's morals—the argument that Plato emphasizes in his *Laws*.<sup>6</sup> The Athenian Stranger's account of the harm is specific: nearness to the sea "infects a place with commerce and the money-making that comes with retail trade, and engenders shifty and untrustworthy dispositions in souls; it thereby takes away the trust and friendship a city feels for itself and for the rest of humanity."<sup>7</sup> But Scipio's words are more general: "a certain corruption and change of customs" (*Rep.* 2.7); "new topics of conversation and teachings"; restlessness of spirit; foreign goods that are "invitations to luxury" and hold "many expensive or slothful enticements to desires" (*Rep.* 2.8). Scipio is less severe in his condemnation because he knows that the "new topics of conversation and teachings" can be at least partly beneficial. Later he seizes the opportunity to make that point when Laelius laments the fact that the father of the fourth king, Ancus Marcius,

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<sup>5</sup>I.e., one of the Roman citizens, one of the freeborn Roman males.

<sup>6</sup>Plato, *Laws* 704a-705b.

<sup>7</sup>*The Laws of Plato*, trans. Thomas L. Pangle (New York: Basic Books, 1980; Chicago: Univ. of Chicago Press, 1988), 90. The citation is of the Chicago edition.

was unknown (*Rep.* 2.33). That relatively unimportant matter is the best time for Scipio to assert that the Romans needed to be “more educated”—and, he implies, in areas more significant than the knowledge of basic historical facts (*Rep.* 2.34). Indeed he cannot admit the merit of the opposing argument concerning maritime location any more forcefully than by using an aquatic metaphor to describe the favorable circumstances surrounding the advent of Lucius Tarquinius Priscus, the benevolent fifth king, whose father was from Corinth: “It was not some thin, small brook that flowed into this city from Greece but an overflowing river of that training and those arts.” Even if Zetzel was correct to say that the training and arts were “not those of high culture but of social organization,” they opened a path for the higher arts.<sup>8</sup> To a great extent, Rome needed what Greece had to offer. Cicero seems to leave no doubt when he mentions, in his own voice at the beginning of book 3, “the foreign learning from Socrates” that “conducted to the highest praise of famous men” (*Rep.* 3.5).

### Further Development toward the Best Regime

The best form of government, according to Scipio, consists of monarchic, aristocratic, and democratic elements. Each element needs to be studied separately in order to arrive at an understanding of the regime as a whole.

#### Monarchic Power

The third, fourth, fifth, and sixth kings—Tullus Hostilius, Ancus Marcius, Lucius Tarquinius Priscus, and Servius Tullius—each contributed to Roman government. Some of those contributions involved bolstering the aristocratic or democratic elements. But Scipio reminds his colleagues that a republic in which one man has permanent power “cannot be called, or be, anything but a kingdom” (*Rep.* 2.43). There may be a senate, as there was at Rome, but it will lack effective deliberative authority; and the people will lack freedom. The safety, equality under law, and leisure of all citizens will depend on one man’s virtue. Roman history illustrated the problem with that state of affairs when Lucius Tarquinius Superbus (whose last name means “haughty”) became the seventh and final king after murdering Servius Tullius. Fearful of being punished, he ruled to make himself feared; awash in military success and wealth, he became insolent and allowed his family to become the same (*Rep.* 2.45).

The result, according to Scipio, was nothing less than a change of regime from kingdom to tyranny (cf. *Rep.* 1.65). Romans have not wanted to admit this change because they have used the word “king” to refer to any ruler, good or bad, with perpetual power (*Rep.* 2.49). But Scipio insists that a neutral term does not allow an adequate understanding of the situation, and that the Romans can learn from the Greeks, who were the source of the Latin *tyrannus*. When Superbus “turned to a more unjust mastery, he immediately became a tyrant; no animal more horrid, foul, or hated by gods and human beings can be thought of than that. Although he has the figure of a human being, he surpasses the most immense beasts in monstrosity of habits. Who could rightly call a ‘human being’ one who wants for himself no sharing in justice, no fellowship of humanity

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<sup>8</sup>Zetzel, *Selections*, 189.

with his fellow citizens or even with the entire human race?” (*Rep.* 2.48).

The transformation from kingdom to tyranny is one step in the “natural motion and revolution” of regimes (*Rep.* 2.45). Scipio does not teach that there is a determinate cycle of regimes; a kingdom is “inclined and, so to speak, prone” to becoming a tyranny, but the lapse from one to the other is not inevitable (*Rep.* 2.47). Nor does he have a view of nature that is either progressive or regressive. But his historical account does advance the principle that “the nature of republics itself often overcomes reason” (*Rep.* 2.57). In this case the principle suggests that a kingdom that features no more than the beginnings of a mixed constitution will eventually succumb to the assumption of power by a tyrant.

### Aristocratic Deliberation

For the most part, Romulus reigned “according to the authority and deliberation of the Fathers,” even though they formed only a “quasi-senate” (*Rep.* 2.14). After the kingdom ended, the senate’s authority grew. In the early years of what is usually called the Roman Republic—the period between kingdom and empire (509-27 BCE)—“the senate maintained the republic in this form, so that while the people was free few things were managed by the people, more things were managed through the authority of the senate by plan and by custom, and the consuls held only annual power that was royal in its very type and in its right. What was assuredly greatest for maintaining the nobles’ power was strongly retained: no [vote of an] assembly of the people would be valid unless the Fathers’ authority approved it” (*Rep.* 2.56).<sup>9</sup> It appears that the senate is responsible for this balance—*primus inter pares*. But Scipio has just credited Publius Valerius Poplicola (or as Scipio calls him, Publicola), who was thought to have been consul four times in the first years of the republican period, with having “maintained the authority of the leading men more easily when he had given moderate freedom to the people” (*Rep.* 2.55).<sup>10</sup> If the consul was responsible for keeping the senate powerful, what does that imply about the consul’s power? No simple doctrine of sovereignty emerges from Scipio’s historical account. The senate’s authority existed by both formality (“plan”) and informality (“custom”).

Another issue raised in Scipio’s treatment of “leading men” (*principes*) is whether wealth is a welcome sign of them. Scipio seems to exalt wealth in describing Servius Tullius’s creation of the centuriate assembly: Servius divided the people into classes “in such a way that the votes were in the power of the opulent, not the multitude; and he took care that the greatest number should not be the strongest—something that should always be maintained in a republic. . . . So no one was denied the right to vote, but the man who exerted the most influence in the vote was the one who was most concerned for the city to be in its best form” (*Rep.* 2.39-40). A closer reading, however, indicates that opulence was only a means to the end expressed in the rest of the quotation. Moreover, contrary to Cicero’s reputation as a defender of privilege, Scipio observes that the senators were able to keep their authority even after the creation of the tribunes of the

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<sup>9</sup>This practice lasted until 339 BCE.

<sup>10</sup>Scipio takes “Publicola” to mean the Latin for “cultivator of the people,” although he may commit an etymological error in implicating the Latin for “cultivator.”



plebeians because they were “the wisest and most courageous men in arms and deliberation” and “they had a smaller share of pleasures and a hardly larger one of wealth” (*Rep.* 2.59). In fact they used their property to protect individual citizens.

### Democratic Freedom

The freedom of the people—not merely the absence of oppression, but also political participation—began to take shape early in the kingdom. Scipio suggests that the Roman people would not have been prudent enough to see the merits of a foreigner after Romulus’s death; but they were twice responsive to the reason of others (*Rep.* 2.25). First, at the urging of the senate, they met in the curiate assembly—which included both patricians and plebeians—and selected Numa Pompilius as king. Second, at Numa’s insistence, in the same assembly they passed a law conferring the power of command on him. With some variation this two-step process became the pattern for the next four kings (*Rep.* 2.31,33,35,38). But the Roman people were only “tasting” freedom in the kingdom because “the fear will always threaten that an unjust king may emerge (as very often happens)” (*Rep.* 2.50). Scipio seems to imply that the full realization of democratic freedom requires a sense of security on the part of the people; but the clearer conclusion is that freedom depends on a greater sharing of political power. The “moderate freedom” that Poplicola gave to the people in the early republic took the form of a law, provided in the centuriate assembly, that Roman citizens had the right to appeal a sentence of death or flogging (*Rep.* 2.53). Yet we are left to wonder exactly what Poplicola gave to the people, because immediately thereafter Scipio observes that the right of appeal existed in the kingdom (*Rep.* 2.54).

In telling us that the people can receive some freedom and still be governed by fear, Scipio has prepared us for the plebeians’ secession to the Sacred Mount, beyond the boundary of Rome (*Rep.* 2.57-59). Their motive was to escape the harsh penalties exacted from them for their debt. No plan for forgiveness of debts was forthcoming from consuls or senate, so two tribunes were created to protect the plebeians, more from the senate—the patricians in large number—than from the consuls. Scipio’s verdict on the establishment of the tribunate is that “reason was perhaps lacking in this, but the nature of republics itself often overcomes reason.”

The people—including the senators, according to Scipio’s definition of the term—was an important participant in politics from the beginning of the kingdom. To Malcolm Schofield that fact meant that Cicero “marries a fundamental recognition of popular sovereignty with an unshakeable and deep-seated commitment to aristocracy as the best practicable system of government.”<sup>11</sup> Schofield arrived at the notion of popular sovereignty by the following reasoning: The term *res publica* means that a people’s affairs are its property since (to simplify his argument) *res* can mean both “affairs” and “property.” Because the people has property, “it has rights over its management and use. And the ability to exercise those rights is what political liberty consists in.”<sup>12</sup> The people may manage its own affairs or “choose” others to manage

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<sup>11</sup>Malcolm Schofield, “Cicero’s Definition of *Res Publica*,” in *Cicero the Philosopher: Twelve Papers*, ed. J. G. F. Powell (Oxford: Oxford Univ. Press, Clarendon Press, 1995), 77.

<sup>12</sup>*Ibid.*, 76.

them.<sup>13</sup> The ability to make that decision is sovereignty.

Two passages from *Republic* seem to figure most heavily in Schofield's argument. The first is as follows: "Every people, which is such an assemblage of a multitude as I explained, every city, which is an arrangement of a people, every republic, which is, as I said, a 'thing' of a people, must be ruled by a kind of deliberation so that it may be long lasting. And this deliberation, in the first place, should always be measured by the cause that gave birth to the city. Then it should be assigned to either one man or certain select men, or it should be undertaken by the multitude—that is, by all" (*Rep.* 1.41-42). There is a noticeable difference between, on the one hand, monarchy and aristocracy, which result from an *assigning* of deliberation, and democracy, which results from the people's *undertaking* of it. The question is who does the assigning. It is reasonable to suspect that the answer is the people. But Schofield should have recognized that if that is what Scipio wants to proclaim, he could have been clearer.

In the second passage, Scipio says, "But if a free people will choose those to whom it entrusts itself and will choose entirely the best men (provided it wants to be safe), certainly the safety of cities depends on the best men's judgments . . ." (*Rep.* 1.51). Schofield saw that passage as embodying a "doctrine of government as trust."<sup>14</sup> But he was unjustified in ascribing that doctrine to Scipio—or *a fortiori* to Cicero—because in that passage Scipio is clearly relating the arguments for aristocracy rather than speaking in his own voice. The next sentence begins, "But they say," referring to the defenders of aristocracy. Moreover, the entire long speech (which unfortunately starts after a lacuna) concludes with this sentence: "These arguments and certain things of this kind, Laelius, are approximately the ones that are usually made by those who praise this shape of republic the most" (*Rep.* 1.53). At first it may seem puzzling that advocates of aristocracy would recognize in the people a right or power of choosing a form of government. But granting freedom to the people could well confer a rhetorical advantage on the partisans of the few.

Another reason supports the conclusion that we do not have a sufficiently clear statement from Scipio to say that he articulates a doctrine of popular sovereignty. Schofield understood that the concept of the state is anachronistic to ancient political thought.<sup>15</sup> Why then did he not understand the same about the concept of sovereignty?<sup>16</sup> The word has no equivalent in ancient Greek or Latin. It might be described as a combination of *auctoritas*, "authority," and *potestas*, "power"; but even that combination does not capture the full meaning of sovereignty. We might come closer by adding the adjective *summa* to indicate "highest" power or authority. But then we may ask: Did the people have the highest authority when Romulus ruled according to the

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<sup>13</sup>Ibid., 79.

<sup>14</sup>Ibid., 80.

<sup>15</sup>Ibid., 67.

<sup>16</sup>Schofield cited, as support for his argument, J.-L. Ferrary, "L'archéologie du *De re publica* (2, 2, 4-37, 63): Cicéron entre Polybe et Platon," *Journal of Roman Studies* 74 (1984): 87-98. But nowhere in Ferrary's article did he use the noun *souveraineté*, and his only use of the adjective *souveraine* was to refer to "l'autorité du Sénat" (ibid., 88).

authority of his (quasi-)senate (*Rep.* 2.14)? when the people elected Numa Pompilius king “with the Fathers in authority” (*Rep.* 2.25)? when Tullus Hostilius, seeing that “certain things should be granted to the people,” refused to use the bundle of rods symbolizing governmental authority except by order of the people (*Rep.* 2.31; my emphasis)? when for more than 150 years in the republic “no [vote of an] assembly of the people would be valid unless the Fathers’ authority approved it” (*Rep.* 2.56)? It is anachronistic to look to Cicero for a statement of sovereignty.

### The Mixed Constitution as a Whole

According to Scipio, the kingly, aristocratic, and democratic elements were all “mixed” in the time of the Roman kingship, but they were “not tempered in any way” (*Rep.* 2.42). The three elements were present, and perhaps in such a way that it was difficult to tell which of them was the agent behind a particular action. But the elements were not modified so as to accommodate one another. Scipio is clear that the main obstacle was the perpetual power of the king. When he discusses the republic, he emphasizes the continuity from the kingdom with respect to the senate’s authority and the people’s right to appeal a sentence of death or flogging; the difference lies in the fact that “the consuls held only annual power” even though that power “was royal in its very type and in its right” (*Rep.* 2.56). Once the royal element was limited in duration, the other two elements could stand on firm ground, and it was possible to have “an even-handed balancing of rights, duty, and service,” containing “enough power in the magistrates, enough authority in the deliberation of the leading men, and enough freedom in the people” (*Rep.* 2.57). That balance was threatened in 451 BCE with the appointment of decemvirs, who replaced all existing magistrates, had the highest power of command, were immune to appeal, and rewrote Roman laws; and the balance was destroyed in the third year of their rule, when, after two years of justice, they passed unjust laws (*Rep.* 2.62-63).

For Scipio accommodation entails cooperation, which extends beyond the political realm into society. His clearest statement of that cooperation takes the form of a musical analogy: “As with lyres or flutes, so also with song itself and voices, a certain harmony must be maintained from distinct sounds, and trained ears cannot bear for it to be changed or discordant; yet this harmony is made concordant and congruent by the moderation of very dissimilar voices. So a city harmonizes in the agreement of very dissimilar persons through reason moderated by the intermingling of the highest, lowest, and middle orders, as with sounds” (*Rep.* 2.69). The three “orders” seem to refer to the nobles, the knights, and the plebeians.<sup>17</sup> The nobles obviously correspond to the senate and the plebeians to the tribunes; but because the knights do not correspond to the consuls, direct comparison between government and society is impossible.

### Is Injustice Inevitable?

The concord needed by a city is impossible without justice, Scipio says—immediately before a long lacuna, unfortunately. If we attempt to imagine what occurs in that gap, we can

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<sup>17</sup>Karl Büchner, *M. Tullius Cicero, “De Re Publica,” Kommentar* (Heidelberg, Germany: Carl Winter, 1984), 260.

guess that Scipio recurs to his definition of a “people,” to the agreement about justice therein. We can also imagine that one of his colleagues raises the possibility that a number of individuals might be united by an agreement about justice that would allow them to take as much from other people as they can—in other words, a “people” consisting of thieves. We may call that conduct injustice, the argument goes, but what would be wrong with it? Is that not an accurate description of conduct among peoples or nations that are trying to preserve themselves? If Scipio’s thesis is that the mixed regime is the best form of republic, and the mixed regime depends on concord, and concord requires justice, does not Scipio’s thesis imply that the mixed regime requires complete justice? Thus Scipio concludes book 2 by announcing that “we should consider what has been said so far about the republic to be nothing, or that we cannot proceed further, unless not only [the claim] that the republic cannot exist without injustice is confirmed as false, but also [the claim] that a republic can be managed in no way without utmost justice is confirmed as profoundly true” (*Rep.* 2.70). In the ensuing debate between Philus, representing injustice, and Laelius, representing justice, Scipio will take the side of justice and revise his definitions of “people” and “republic” to exclude the possibility of their compatibility with injustice (*Rep.* 3.35).

At a number of points in book 2 we can see Cicero prepare the ground for the debate over justice. First, Scipio omits several fables concerning Romulus that are found in Livy, Dionysius of Halicarnassus, and Plutarch. The two most striking omissions are Mars’s rape of Ilia, mother of Romulus and Remus, and Romulus’s murder of Remus after their quarrel over the location of the new city. The difficulty lies in knowing how to interpret the omissions. Is Scipio—and therefore possibly Cicero—disagreeing with Machiavelli’s thesis (please pardon the anachronism) that injustice is at the root of justice, or is he expressing covert agreement with that thesis?<sup>18</sup> Even if Zetzel was partly correct that Cicero “eschews the personal and the sensational in favour of constitutional and institutional matters,” he was not fully correct because Scipio does not completely ignore the personal qualities; as we have seen, he makes a point of Romulus’s excellence “in bodily strength and fierceness of spirit” (*Rep.* 2.4).<sup>19</sup> The interpretation of silence regarding the fables may be uncertain, but Cicero is clearly raising the question of justice to his readers who notice the silence.

Second, Scipio speaks highly of the rules for declaration of war proclaimed by Tullus Hostilius. Those rules set as the condition of a just war that it be openly announced (*Rep.* 2.31); thus they legitimize not only defensive wars but also wars of expansion. The reader may question Scipio’s judgment on this point, and Laelius will implicitly do so in book 3 when he adds to that condition (*Rep.* 3.24-25).

Third, we should recall Scipio’s claim that “the nature of republics itself often overcomes

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<sup>18</sup>Machiavelli mentions Romulus’s murder of Remus more than once. Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: Univ. of Chicago Press, 1996), bk. 1, chap. 9, pp. 29, 30; bk. 1, chap. 18, p. 51. For the claim that Cicero disagrees with Machiavelli, see Harvey C. Mansfield Jr., *Taming the Prince: The Ambivalence of Modern Executive Power* (New York: Free Press, 1989), 99.

<sup>19</sup>Zetzel, *Selections*, 160.

reason” (*Rep.* 2.57). “The nature of things itself compelled” the Roman people, burdened by debt and neglected by consuls and senate, to “appropriate[ ] to itself a somewhat greater measure of rights” than reason would allow. Scipio has already outlined the developments in book 1:

When Tarquinius [Superbus] was driven out, the people exulted in a certain amazing excessiveness of freedom. Then innocent men were driven into exile;<sup>20</sup> then many persons had their goods torn away; then came annual consuls; then the rods were lowered before the people;<sup>21</sup> then came [the allowance of] appeals in all matters; then the secessions of the plebeians; then, in short, most of the things done so that everything was in [the hands of] the people. (*Rep.* 1.62)

In that explanation we may see the mix of reason and unreason—from the perspective of Scipio—that characterized the events of the early republic. Scipio does not defend the exile of innocent men, of course, but the limited power of consuls made the mixed regime possible. To have the just without the unjust would have been too much to ask. The nature of republics is inherently defective, Scipio seems to say, because the balances are difficult to maintain: the political balance among magistrates (power), senate (deliberation), and people (liberty); and the social balance among patricians, knights, and plebeians. The implication in Scipio’s speech that a degree of injustice is inevitable will pose a silent challenge to the defense of justice that Laelius will give in book 3.

### History and Fabrication

What is Cicero’s purpose in placing a historical analysis of the Roman Republic between the theoretical analysis in book 1 and the debate over justice in book 3? His foil is none other than Plato. After Scipio has concluded his account of Romulus, Laelius says that Scipio has “begun a new plan of arguing, which is nowhere in the books of the Greeks” (*Rep.* 2.21). Plato

built up a city according to his own choice—admittedly splendid, perhaps, but inappropriate for human life and customs. The others have discussed the types and principles of cities without any certain pattern and shape of republic.<sup>22</sup> You seem to me to be about to do both: you have begun in such a way that you prefer to credit others with what you find instead of fabricating as Socrates does in Plato’s work; and you ascribe to reason those things concerning the site of the city that Romulus established by chance or necessity; and you argue not in a roaming speech but about one fixed republic. (*Rep.* 2.21-22)

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<sup>20</sup>Apparently the reference is to Tarquinius Collatinus and the remaining Tarquin family. Collatinus was one of the first consuls in 509 BCE, forced to abdicate because he was related to Tarquinius Superbus.

<sup>21</sup>Attendants (lictors) carried the bundle of rods (*fascēs*) to symbolize the highest governmental authority. The attendants lowered the rods at an assembly of the people.

<sup>22</sup>Zetzel (*Selections*, 179) claimed that the reference is to Aristotle’s followers, the Peripatetics.

Laelius offers Scipio a remarkable mix of praise and blame: praise for originality and for combining an analysis of the principles of republics with a focus on one republic; blame for giving Romulus too much credit. Scipio is guilty of fabrication, according to Laelius, but a different sort of fabrication from Plato's. Scipio has lauded Romulus for choosing a location away from the sea yet on a river open to the sea (*Rep.* 2.5), and in doing so for foreseeing that one day Rome would become the seat of an empire (*Rep.* 2.10); for anticipating the building of the Servian Wall as protection for the city (*Rep.* 2.11); for choosing a salutary place in an unhealthful region; for obtaining women for the city by seizing Sabine maidens (*Rep.* 2.12); for creating and giving authority to a quasi-senate (*Rep.* 2.14-15); for enriching the city through war (*Rep.* 2.15); for establishing and following auspices and augurs (*Rep.* 2.16); for organizing the plebeians under the protection of the patricians; and for relying on fines and not force to keep people from misconduct.

It is unimportant to determine whether Laelius means that Romulus deserves no credit for any of those actions. It is Scipio's response to the charge that is noteworthy, and the immediate reply is silence: when Laelius stops speaking, Scipio simply begins a transition to the accession of Numa Pompilius with the word "therefore," as if he had no need to defend himself (*Rep.* 2.23). After his account of Numa, however, he does give a sort of reply to Laelius. Manilius has just expressed his approval of the Romans' "domestic virtues," and Scipio says that "our ancestors' wisdom should be praised for this very fact because . . . many things taken from somewhere else have been done much better by us than they had been whence they had been brought and where they had first existed. And . . . the Roman people has been strengthened not by chance but by deliberation and training, yet not when fortune opposes" (*Rep.* 2.30). Scipio's statement is a reaffirmation of the significance of political judgment, albeit not a direct reply to Laelius's charge concerning Romulus. The only explicit concession that Scipio makes is a recognition of potential adversity from bad fortune.

Laelius's comparison of Scipio to Plato deserves deeper consideration than either Laelius or Scipio gives it. How similar is Scipio's historical approach to Plato's philosophical approach? Scipio says that he will show the development of the Roman Republic over time, in contrast to the method of Socrates, who "fashioned" a republic in Plato's dialogue of that name (*Rep.* 2.3). Giving a historical account of a regime would then seem to be fundamentally opposed to making a regime in speech. If so, history and philosophy would seem to be at loggerheads. But does Cicero see history as opposed to all "making in speech"? One form of "making in speech" is poetry, and the distinction between history and poetry happens to be the opening subject of Cicero's *On the Laws*.

### The Impersonality of History

In discussing Romulus, Scipio puts much weight on the example of someone who, according to most historians, probably never existed. Admittedly Scipio knows that he is relating

“fables”—at least up to a point (*Rep.* 2.4).<sup>23</sup> That Romulus was the son of the god Mars, that King Amulius of Alba Longa had him and his brother Remus exposed as infants near the Tiber River out of fear that they would eventually overthrow his kingdom, that they were nourished by a suckling beast and then raised by shepherds, that Romulus’s strength and spirit made him a leader among men—all of those things are considered “fables” by Scipio. But Scipio presents most of what Romulus does thereafter as “facts”—albeit facts some of which are introduced by the qualifying phrases “it is reported” (*Rep.* 2.4), “it is said” (*Rep.* 2.5), and at his death “he was thought to have been placed among the group of the gods” (*Rep.* 2.17; cf. *Rep.* 2.20). The line between fable and fact is not so bright there as a historian might wish.

That line is briefly, tantalizingly explored in Cicero’s *Laws*, a dialogue among Cicero and two other men he knew very well. His younger brother Quintus held high political office and served as legate with Pompey and later with Caesar, before joining forces with Pompey against Caesar. He was also a poet and a tragedian. Titus Pomponius Atticus was probably Marcus’s closest friend, a knight of inherited wealth who enjoyed good relations with both sides in Rome’s different civil disputes by remaining aloof from politics. His thinking was Epicurean; his genealogical scholarship, apolitical. The conversation was purportedly contemporaneous to Cicero’s beginning to write it, in the late 50s. It is set during one summer day, which leaves the participants to seek shade.<sup>24</sup> The scene is Cicero’s villa in his hometown of Arpinum, which figures in the discussion.

The dialogue begins without a preface and with a statement by Atticus that is as awkward in Latin as is this literal translation: “That sacred grove and this oak tree of the inhabitants of Arpinum is certainly recognized” (*Leg.* 1.1). If we set aside the disagreement, strictly speaking, between subject and verb, the awkwardness of the sentence is due mainly to its impersonality; we would expect to hear, “I certainly recognize that grove and tree,” but Atticus makes no reference to himself. Atticus is merely reporting what his vision has registered, and Cicero as author is beginning to tell us, by means of strikingly odd writing, that impersonality is appropriate to describe such reporting. Atticus continues, “I have often read about it in *Marius*,” Cicero’s poem about his fellow townsman Gaius Marius, who held seven consulships. Through Atticus’s use of the personal pronoun, Cicero implies that poetry is a more personal form of communication. “If that oak tree remains, surely this is it,” Atticus says; “and in fact it is certainly old.” Does the poetic tree remain? If so, Atticus will connect it to the recognized tree, and he is inclined to make the connection owing to the evident age of the recognized tree. Quintus replies that the poetic tree does remain because it has been planted by a poet’s verse, and the work of the poet’s intellect will outlive the work of the farmer’s hands. To support that claim, Quintus presents examples of things from ancient poetry that are still spoken of, despite the fact that the things visible today cannot be the same as those (*Leg.* 1.2). Atticus agrees with Quintus and thereby grants that the recognized tree is the same as the poetic one.

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<sup>23</sup>The Latin for “fable” does not necessarily imply falsity, but it may contain that implication. *Oxford Latin Dictionary*, 2nd ed., s.v. “*fabula*”.

<sup>24</sup>Leo Strauss, *Natural Right and History* (Chicago: Univ. of Chicago Press, 1953), 137-38n15, 154.

But he has a question for Marcus:<sup>25</sup> “Did your verses plant this oak tree, or did you accept that this happened about Marius as you describe it?” (*Leg.* 1.3). Atticus wants to know whose intellectual activity is responsible for the account of Marius and the oak tree: did it originate with Marcus, or did he adopt it according to tradition? Atticus does not ask whether the account is true, a question that would apply the standard of truth to poetry.<sup>26</sup> But the question that he does ask has possible implications for a judgment about the truth of the account, and Marcus knows that most people would care mainly about the question of truth. Thus Marcus suggests to Atticus, through examples from the latter’s two residences of Rome and Attica, that applying the standard of truth to poetry would have the effects of uprooting traditions near and dear to him and causing political upheaval (*Leg.* 1.4). Marcus’s reply treats his own poetry as equivalent to tradition—that is, as fable.<sup>27</sup> It has the effect of denying the status of fact to Scipio’s statements in the *Republic* introduced by such phrases as “it is reported.”

Perhaps the prudent course then would be for Atticus to withdraw his question, but he is curious and willing to express his curiosity in the popular, dichotomous terms: “Yet it is asked about many things in *Marius* whether they are fabricated or true.” Atticus does not bother to say who does the asking; it does not seem to matter. Impersonality is the appropriate mode of expression when the standard is truth, as it is when the work of the senses is being described. In those cases the situation is such that, all other things being equal, one person is the same as another—unlike the situation in poetry, where the quality of the intellect is all important. Of course all other things are not always equal: Atticus reminds Marcus that some people will expect a true report about Marius from him because they shared a hometown and their lives overlapped. Marcus responds by swearing an oath that he does not want to be accused of lying. Here is a prudent man, who cares what those “some people” think. But he says that they “act ignorantly in that trial you imagine when they demand truth not as from a poet but as from a witness.” Atticus made no mention of a trial; Marcus has chosen the aspect of politics in which ascertaining the truth plays the most prominent part. Those who apply the judicial standard to poetry, Marcus continues, will believe the fantastic stories, the fables, told about the Roman kings of centuries ago. It requires a skeptical attitude to refrain from judging poetry in terms of truth.

Quintus then introduces the subject of *De legibus*: “I gather, brother, that you think some rules should be observed in a history, others in a poem” (*Leg.* 1.5). The Latin for “rules” is *leges*, plural of *lex*, which also means “law.” Quintus implies that truth, the judicial standard—not necessarily the complete political standard—is also the standard of history. Marcus does not object when he replies, “By all means, Quintus, because in the one [everything is] measured by truth, in the other most things are measured by delight.”<sup>28</sup> That sentence treats history and poetry as

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<sup>25</sup>I refer to Cicero as Marcus when I am considering him as a character in his own work.

<sup>26</sup>Seth Benardete, *Plato’s “Laws”*: *The Discovery of Being* (Chicago: Univ. of Chicago Press, 2000), 356.

<sup>27</sup>*Ibid.*, 357.

<sup>28</sup>Brackets indicate words added by Powell, but he has followed an earlier editor.



separate activities and in a non-hierarchical manner. Yet Marcus continues, “But there are countless fables in both Herodotus, the father of history, and Theopompus,” a renowned Greek historian who wrote after Thucydides. If histories are judged solely according to whether they contain truth, great historians become great by being more than historians.

Atticus then begins to encourage Marcus to write a history himself. He reminds Marcus that for a long time many people have wanted him to write a history so that Rome will no longer be inferior to Greece in that regard. “And so that you may hear what I feel myself, you seem to me to owe this service not only to the eagerness of those who delight in your literary studies but also to your fatherland, so that what is safe because of you may also be honored by you.” The word I have translated “I feel” (*sentiam*) is often translated “I think,” but its primary meaning is “[t]o perceive by any one of the senses.”<sup>29</sup> Less reasoning by Atticus is implied than if Cicero had used another word (for example, *puto*, *arbitror*, *opinor*). Atticus has not thought deeply or well enough to recognize that Marcus’s time can be better spent (as Marcus himself will suggest later [*Leg.* 1.10]). When Atticus urges Marcus to do something honorable for Rome, he is implying that more people will appreciate a history from him than the philosophy and poetry that he has written up to now. But we should not excuse Atticus’s claim on the grounds that he is speaking with public sensibilities partly in mind. If he fully appreciated his friend’s philosophical project, as manifested in the already published *On the Orator* and *On the Republic*, he would recognize that Cicero has already honored Rome by attempting to make a home for philosophy there.

Atticus tells Marcus that he is confident of his ability to write a satisfactory history “since by all means this is one need especially suited to orators (as indeed it has long seemed to you).” The end of that sentence refers us to *On the Orator*, a dialogue in which Cicero makes the statesman and orator Marcus Antonius say that history may be the greatest task that an orator can perform “with respect to fluency and variety of diction” (*De or.* 2.62). Antonius also claims that history includes judgment of “what the writer approves” in the plans leading to great events, and judgment of whether the causes of events were “accident or wisdom or rashness” (*De or.* 2.63); orators must make those judgments too. If Cicero the author concurs with his character’s statement, he might be teaching that there is more to history than presenting the facts. But Antonius has previously suggested that the first “law” of history is “not to dare to say something false” and that the second is to tell the complete truth (*De or.* 2.62), so Cicero’s description of history does not differ much if at all there from the *Laws*. The qualitative distinctions required of orators and historians call for a kind of judgment that, in the main, history discourages because of its emphasis on accurate reporting of sensory objects.

### Cicero vs. Plato?

Therefore the difference between Scipio’s historical approach to understanding the republic and Plato’s philosophical approach is significant. History is not another form of “making in speech.” But Scipio does not want to be merely a historian; his telling of Roman history is designed to fit between the philosophical discussions of books 1 and 3. We have seen the cagey way in which he handles Laelius’s charge of fabrication; and we should also note that

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<sup>29</sup>*Oxford Latin Dictionary*, 2nd ed., s.v. “*sentio*.”

when Manilius asks Scipio whether Numa Pompilius was a student of Pythagoras, Scipio replies that that tradition has been “not merely fabricated but ignorantly and absurdly fabricated. And falsehoods that we notice to have been not [only] fabricated but also quite impossible certainly must not be tolerated” (*Rep.* 2.28). Scipio is opposed not to all fabrications but only to those that could not be true.

Moreover, although Laelius criticizes Plato’s republic as unsuitable to human life, Scipio allows that it is “more to be desired than hoped for— . . . not one that could exist, but one in which the meaning [*ratio*] of political things could be examined” (*Rep.* 2.52). At least some of the substance of Scipio’s teaching about republics—and about “political things” in general—is the same as Plato’s teaching in his *Republic*. In book 1 Scipio paraphrased or drew upon Plato’s account of the transition from democracy to tyranny; it is an analysis of human tendencies when people are given so much liberty that the result is license (*Rep.* 1.65-68). Clearly Scipio approves of that analysis, and (at least more than Laelius does) of the rule of philosopher-kings. Scipio differs from Plato, he says, in that “I will take pains [in talking] not about the shadow and image of a city but about the most distinguished republic, [applying] the same considerations [*ratio*] he saw, so that I may seem to touch, as if with a wand, the cause of each public good and bad thing” (*Rep.* 2.52). Scipio’s thinking is the same as Plato’s, but the material differs: “I clarify [*definio*] models of men and things through familiar characters and circumstances” (*Rep.* 2.55).

We might assume that the purpose of clarifying “models of men and things” is clarification of the mixed regime as the best form of government. Oddly, however, Scipio denies that connection: “My use of the model of our city was worthwhile, not for clarifying [*definio*] the best form (that could have been done without a model) but so that it could be noticed [in] the greatest actual city what sort of thing it was that reason and speech were describing” (*Rep.* 2.66). Scipio does not say why it is important to notice the teachings of reason in “the greatest actual city”; the encouragement of civic engagement is one possibility that comes to mind. Scipio seems to imply that nothing is lacking in Plato’s philosophical approach, which uses no model. He may also have Plato in mind when he continues: “But if you are inquiring about the type of the best form without the model of any particular people, we must use the image of nature, since you . . . this image of city and people . . .” That sentence contains, and leads into, one of the most annoying lacunae in the manuscript. If only we knew more about what Scipio is suggesting by “the image of nature.”

In closing, however, we may note that Scipio himself has made some use of the image of nature. At the beginning of book 2 he pledged to “show you our republic being born and growing and adult and then steady and hardy,” in contrast with Socrates’s method in Plato’s *Republic* (*Rep.* 2.3). Romulus’s achievement was to leave the Roman people “already adult and almost of ripe age—not like one left crying in a cradle” (*Rep.* 2.21). Of his description of Tarquinius Superbus, he remarks, “Let this be the first shape, appearance, and origin of a tyrant, which we have discovered in the republic that Romulus founded after taking the auspices, not in the one that Socrates himself depicted in the conversation that Plato wrote in detail” (*Rep.* 2.51). Is it not sensible to regard those instances of organic language as constituting a claim by Scipio that his historical approach is closer to nature than the purely philosophical approach found in Plato’s *Republic*? Yet the historical approach is guided by the philosophical analysis of book 1. History and philosophy differ, but they may also strengthen each other.