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Author(s): Tom Stevenson

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READINGS OF SCIPIO'S DICTATORSHIP IN CICERO'S *DE RE PUBLICA* (6.12)*

A well-known passage (*Rep.* 6.12) of the famous *Somnium Scipionis* (*Dream of Scipio*) in the sixth book of Cicero's *De Re Publica* (*On the State/Commonwealth*) may imply that moves were afoot to make Scipio Aemilianus a dictator just prior to his death in 129 B.C.[1] There has always been a question about how to read this passage. Is it to be read as evidence for events surrounding Scipio's death? Is it to be read as evidence for partisan politics of Cicero's day, with Pompey or Cicero himself to be substituted for Scipio? Should interpretation be governed by the philosophical character of the work as a whole? Or by the atypical nature of the dream sequence? Historians have naturally tended to search for historical and political significance. Recently their approach has been questioned, and their findings explicitly rejected for *Rep.* 6.12, by an interpretation that prefers to find meaning in the literary properties of the text itself. The aim of this paper is to defend the historians' approach in a way that maintains both the possibility that a dictatorship was mooted for Scipio and the likelihood that Cicero wanted to signal his support for an office like the traditional dictatorship in dealing with the troubled political conditions of contemporary Rome.

THE PASSAGE

At *Rep.* 6.12, Scipio Aemilianus is in the midst of recounting to his friends the events of a dream that he had experienced while on campaign in Africa. The ghost of Scipio Africanus the elder appears to his younger namesake. The older man looks ahead to events near the end of the younger man's life and says:

Hic tu, Africane, ostendas oportebit patriae lumen animi, ingenii consiliique tui. sed eius temporis ancipitem video quasi fatorum viam. nam cum aetas tua septenos octiens solis anfractus

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[1] Text of *De Re Publica*: K. Ziegler, *Cicero: De Re Publica* (Leipzig and Berlin, 1955[3]). Selected text and commentary: J. E. G. Zetzel (ed.), *Cicero, De Re Publica: Selections* (Cambridge, 1995). Text and translation: C. W. Keyes, *Cicero: De Re Publica; De Legibus* (Cambridge, MA and London, 1928). Text, French translation and commentary: E. Bréguet, *Cicéron: la république*, 2 vols. (Paris, 1980). German commentary: K. Büchner, *Kommentar zu Cicero, De Re Publica* (Heidelberg, 1984). Translation and notes: G. H. Sabine and S. B. Smith, *Marcus Tullius Cicero: On the Commonwealth* (Columbus, OH, 1929; repr. Indianapolis, 1950); N. Rudd and J. Powell, *Cicero: The Republic and The Laws* (Oxford, 1998). References in this paper use the numbering in Keyes's text. See also: C. W. Keyes, 'Original elements in Cicero's ideal constitution', *AJP* 42 (1921), 309–23; W. W. How, 'Cicero's ideal in his *De Republica*', *JRS* 20 (1930), 24–42; K. Von Fritz, *The Theory of the Mixed Constitution in Antiquity: A Critical Analysis of Polybius' Political Ideas* (New York, 1954); J. G. F. Powell, *Cicero: On Friendship and The Dream of Scipio* (Warminster, 1990); J. G. F. Powell, 'The *Rector Rei Publicae* of Cicero's *De Republica*', *Scripta Classica Israelica* 13 (1994), 19–29; J. G. F. Powell (ed.), *Cicero the Philosopher: Twelve Papers* (Oxford, 1995); J. E. G. Zetzel (ed.), *Cicero: On the Commonwealth and On the Laws* (Cambridge, 1999); J. G. F. Powell and J. A. North (edd.), *Cicero's Republic*, BICS Supplement 76 (London, 2001).

reditusque converterit, duoque ii numeri, quorum uterque plenus alter altera de causa habetur, circuitu naturali summam tibi fatalem confecerint, in te unum atque in tuum nomen se tota convertet civitas, te senatus, te omnes boni, te socii, te Latini intuebuntur, tu eris unus, in quo nitatur civitatis salus, ac, ne multa, dictator rem publicam constituas oportet, si impias propinquorum manus effugeris.

Hic cum exclamasset Laelius ingemuissentque vehementius ceteri, leniter arridens Scipio: St! quaeso, inquit, ne me e somno excitetis, et parumper audite cetera.

Then, Africanus [i.e. Aemilianus], it will be your duty to hold up before the fatherland the light of your character, your ability, and your wisdom. But at that time I see two paths of destiny, as it were, opening before you. For when your age has fulfilled seven times eight returning circuits of the sun, and those two numbers, each of which for a different reason is considered perfect, in Nature's revolving course have reached their destined sum in your life, then the whole state will turn to you and your name alone. The senate, all good citizens, the allies, the Latins, will look to you; you shall be the sole support of the state's security, and, in brief, it will be your duty as dictator to restore order in the commonwealth, if only you escape the wicked hands of your kinsmen.

Laelius cried aloud at this, and the rest groaned deeply, but Scipio said with a gentle smile: Quiet, please; do not wake me from my sleep; listen for a few moments, and hear what followed. (Loeb trans. C. W. Keyes)

On the mention of the dictatorship, Zetzel offers the following comment:

Sulla had taken the title of *dictator rei publicae constituendae*, and C. anachronistically introduces a phrase that gained constitutional significance only in his own lifetime; Claude Nicolet ('Le *de republica* [VI, 12] et la dictature de Scipion', *REL* 42 [1964] 212–30) argues that there was a real possibility of Scipio's becoming dictator, but J. Evrard-Gillis ('Historicité et composition littéraire dans le *Somnium Scipionis*: quelques observations', *Ancient Society* 8 [1977] 217–22 [at 222 n. 21]) is rightly sceptical. The precision of this prophecy has, in the absence of most of the second half of *Rep.*, caused considerable speculation about C.'s purpose here—an allusion to Pompey's sole consulship in 52, advocacy of dictatorship as the only way to solve the constitutional problems of Rome in the 50s, or even the indirect offer of himself as prospective dictator. The dictatorship had long been obsolete at the time of the Gracchan crisis; its function was to some degree taken over by the authority conferred on the consuls by the *senatus consultum ultimum*. C. uses it here, despite the anachronism, not to advocate its resurrection in his own day, but as a specific instance of the need for a single person of authority at moments of great crisis. The fact that Scipio did not live to do anything of the sort makes it possible for C. to have Africanus give such a prophecy and simultaneously removes from it any political significance for Scipio or for C. himself.[2]

Cicero's mention of the dictatorship, on this view, is anachronistic rather than historical: it requires symbolic rather than literal interpretation; it exercises licence in relating a crisis office of the first century to a crisis situation of the second century. Zetzel prefers a literary reading over historical or political interpretations. Although caution is warranted, it seems nevertheless that historical and political readings are more justified than Zetzel implies ('... rightly sceptical ... The dictatorship had long been obsolete ... not to advocate its resurrection in his own day ... removes from it any political significance for Scipio or for C. himself.'). Even the traditional, temporary form of the dictatorship was available for political purposes that might be described as 'for settling the state' (*rei publicae constituendae*), and in the minds of many contemporary readers, historical and political readings probably took precedence over purely literary or philosophical readings (if such discrete approaches are ever possible). On Zetzel's view the text as a literary creation is sufficient to explain the

[2] Zetzel (n. 1, 1995), 229.

mention of the dictatorship here. Yet he proceeds to write that the episode furnishes 'a specific instance of the need for a single person of authority at moments of great crisis'. Given the sensitive nature of the topic, any work that argued for one person at such a time would surely provoke interest in Cicero's answer to the concomitant question about what to call him or what office to give him; and this passage has a clear answer. Therefore, after making a few remarks about the character of the text (§I), I would like to argue that it is wrong to come down so strongly against an actual dictatorship for Scipio Aemilianus (§II), and against the idea that Cicero was advocating a traditional dictatorship, or something like it, for his own times (§III). There was undoubtedly a degree of opposition to 'the dictatorship' in the second and first centuries, but it seems probable that what was really feared was a dictator who did not share one's own political outlook or allegiances.

I

The character of the *De Re Publica* has proved difficult to appreciate.[3] This owes much to the tendency to think of politics and philosophy as two discrete spheres rather than as related manifestations of aristocratic status-seeking. Such an assumption underlies the deep-seated idea that Roman politics was not about competing ideologies or programmes. Sir Ronald Syme furnishes the classic statement of this position:

> The political life of the Roman Republic was stamped and swayed, not by parties and programmes of a modern and parliamentary character, not by the ostensible opposition between Senate and People, *optimates* and *populares, nobiles* and *novi homines*, but by the strife for power, wealth and glory.[4]

In the words of Donald Earl: 'At Rome, politics dealt with individuals and factions, not political parties, with personalities, not programmes.'[5] This traditional view probably misrepresents the situation somewhat. Why should there not have been a certain level of genuine and consistent contention between conflicting visions for the *res publica*? The motives of modern politicians often seem to be a combination of factors such as self-interest, party allegiance, patriotism, and political conviction. As we know from Cicero himself, Roman political figures were also subject to various and sometimes competing allegiances and motivations.[6] If self-interest and factionalism frequently drove Roman political behaviour, they need not have been the only factors.

Some recent scholarship is keen to locate the *De Re Publica* against a broad background of ethical or moral discourse, with political behaviour being a branch of the conduct of the good and wise man.[7] This approach implies a philosophical basis to

[3] For an illustration of the difficult character of the text, contrast How (n. 1), 26 ('at bottom Plato's interest is philosophic and speculative, Cicero's practical and political') with 41–2 ('Cicero is so far imbued with the leading ideas of Greek philosophy that he is thinking at least as much ethically as politically').

[4] R. Syme, *The Roman Revolution* (Oxford, 1939), 11.

[5] D. C. Earl, *The Moral and Political Tradition of Rome* (Ithaca, NY, 1967), 17.

[6] Cf. P. A. Brunt, 'Cicero's *officium* in the civil war', *JRS* 76 (1986), 12–32.

[7] Zetzel (n. 1, 1995), 27: 'Ancient philosophy classified politics as a branch of ethics; modern experience does not. It is scarcely surprising that a text on public affairs by a politician should be interpreted as a practical work.' Malcolm Schofield, 'Cicero's definition of *res publica*', in Powell (n. 1, 1995), 63–83 = *Saving the City: Philosopher-kings and Other Classical Paradigms* (London and New York, 1999), 178–94, rates the quality of Cicero's

political behaviour, but it tends to distinguish politics from philosophy quite sharply and may even subordinate political activity. Zetzel may be cited once more: '[*Rep.* has been] read as if it were a political pamphlet, not an elaborately composed philosophical dialogue. Cicero's subject is ethics, and the concern of pragmatic critics is power; the two are not the same thing.'[8] Yet Cicero was participating in ethical discourse in the hope of persuading his audience to see things his way,[9] and such a formulation tends to obscure the way that philosophy and politics were both fundamentally concerned with power and morality at Rome. The cultural activities of Roman nobles formed part of a general pattern of competitive behaviour, so that a noble's attainments in fields like oratory, philosophy, art, literature, and history counted to his credit in relation to the power of his peers. Moreover, given the strong connection between morals and politics in Roman thought,[10] it is hardly surprising to find politics and philosophy intertwined in the *De Re Publica.* The morality of the great men of Rome's successful past was a topic that virtually obsessed Romans of Cicero's day and beyond. Cicero's ideal *res publica* rests upon, and could only be re-established with, such moral foundations. The text, then, is fundamentally about power, which was dependent upon morality, and it connects with a variety of spheres in which power was pursued. The *De Re Publica* can be accepted as a genuine reflection of Cicero's political beliefs, a serious contribution to political theory, and an attempt to enhance its author's standing and influence. The combination of philosophy with politics served to sharpen the message about power and to strengthen its impact in both spheres.

Cicero would certainly have resisted readings of his work that denied or overlooked connections with contemporary political conditions. His priorities are quite clear. He felt that philosophers were inferior to those who can compel their fellow citizens to obey their magistrates and the laws of the state (*Rep.* 1.3). Study of the best constitution and laws does not belong to philosophers but to 'men experienced in civic affairs' (*Div.* 2.12: *viri periti rerum civilium*). In a letter to his brother Quintus, Cicero says that the *De Re Publica* was about *politika*, 'things for a statesmen', where we might have expected *politeia*, 'things for a polis', in reflection of the title of the Platonic original (*QFr.* 2.14.1). Perhaps a more balanced and accurate assessment comes in a later letter, where he says that the subject of the *De Re Publica* was

philosophy highly in *De Re Publica*, e.g. 82: '[*Rep.*] is no mere ideological reflex of his senatorial prejudices.'

[8] Zetzel (n. 1, 1995), 28; cf. Zetzel (n. 1, 1999), xix: 'What [Cicero] offers in *On the Commonwealth* is less a practical program for political reform than a philosophical rationale for what had been lost [i.e. ancestral virtue], together with an explanation of why it had failed.' David Stockton, *Cicero: A Political Biography* (Oxford, 1971), 344, saw 'not a political blueprint for the Roman state, but a nostalgic and idealized picture of that state before the disruptive tribunate of Tiberius Gracchus (*Rep.* 1.31, 3.41)'.

[9] E. M. Atkins, 'Cicero', in C. Rowe and M. Schofield (edd.), *The Cambridge History of Greek and Roman Political Thought* (Cambridge, 2000), 477–516 (at 495–6): '[The *De Re Publica* was] written to influence those very aristocrats upon whose *mores* and *consilium* Rome's stability depended: *moribus antiquis res stat Romana virisque* ('Rome's foundations are her ancient customs and her heroes') (*Rep.* 5.1 [August. *CD* 2.21], quoting Ennius' *Annales*) ... Cicero's object (following Plato) is to discuss not the constitution of the city, but the education and ethics of its leading men.' Cf. A. W. Lintott, *The Constitution of the Roman Republic* (Oxford, 1999), 220: 'the *De Re Publica* [was] not a piece of escapism but a contribution, albeit theoretical, to the current political debate ... It follows from [his desire to avoid giving offence] that the dialogue had in fact a contemporary agenda and embodied Cicero's own views.'

[10] Sall. *Cat.* 6; Earl (n. 5), esp. 11–43; C. Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge, 1993).

'the best condition of the city and the best citizen' (*QFr.* 3.5.1). Books 1–3 seem to cover the former and Books 4–6 the latter.

As stated above, *Rep.* 6.12 forms part of the *Dream of Scipio*, which, thanks to the popular commentary by the Platonist Macrobius (*floruit* late fourth or early fifth century), became one of the most familiar Classical texts of the Middle Ages.[11] It speaks about moral obligation and divine reward for the activities of a statesman: our earthly existence is transitory and insignificant, and earthly reward will in the end be unsatisfactory; but by practising virtue, the good statesman can achieve eternal life and happiness after death.[12] The dream element, which is entirely understandable in terms of the work's philosophical genre and antecedents,[13] makes play with various types of boundaries, such as between reality and unreality, human and divine, politics and religion, drama and history. It is certainly proper to ask how a political message can have fared in the midst of an episode of such literary allusion, dramatic atmosphere, and layered authority. Just who, for instance, is communicating to the audience—Africanus, Aemilianus, Cicero, a creation of Cicero—and is the authority divine or mortal? Notwithstanding the potential for debate, it is likely that such layering does not so much confuse as add potency, so that all such questions should inevitably come down to Cicero the author and to his broad contemporary setting, both within and beyond his text (see §III below). Before looking at this, however, let us first enquire into the possibility that Scipio Aemilianus was offered a dictatorship in 129.

II

A passage from Cicero's *Philippics* has not previously been connected with this debate. In it Cicero says that enemies of his were planning to bring *fasces* to him in the Forum. They wanted to imply that he had tyrannical ambitions and that they were acting with his consent. Their fundamental aim was to foment hatred against him, as against a tyrant, after which a general massacre of Rome's citizens would begin with him. Cicero denies that he has any such ambitions and has thankfully been able to convince the Roman people of this (*Phil.* 14.14–16). The episode seems extraordinary, given Cicero's strident opposition to autocracy and autocratic ambitions in the *Philippics.* Caution is warranted, since he records the events as a rumour and describes matters that either did not take place or cannot be verified. It appears, however, that it is believable for Cicero to imply in a roundabout way that some at least of his supporters might have been inclined to convey *fasces* to him, as a sign that he should become a dictator in order to deal with the threat posed by Antony. Even if there was only loose talk of such a thing happening, it is hard to imagine that it would ever have amounted to much. The sight of *fasces* being

[11] On the *Somnium Scipionis*, see P. Boyancé, *Études sur le songe de Scipion* (Paris, 1936); R. G. Coleman, 'The dream of Scipio', *PCPhS* 190 (1964), 1–14, who probably overestimates Pythagorean influence; Büchner (n. 1), 453–8; Powell (n. 1, 1990), 122–33; Zetzel (n. 1, 1995), 15, 34, 223–4; Atkins (n. 9), 490, 496; cf. C. S. Lewis, *The Discarded Image* (Cambridge, 1964), esp. 23–8, for its influence on medieval and Renaissance literature. On Macrobius, see B. C. Barker-Benfield, 'Macrobius', in L. D. Reynolds (ed.), *Texts and Transmission: A Survey of the Latin Classics* (Oxford, 1983), 222–35.

[12] Powell (n. 1, 1990), 125; Zetzel (n. 1, 1999), xx.

[13] For the well-known Platonic precedent from the end of the *Republic*, in which Socrates tells the story of Er, who died and came back to life having seen the rewards and punishments in store for the souls of the dead, see Pl. *Resp.* 10.614B-621B; Macrob. *In Somn.* 1.1.2–3; How (n. 1), 26; Powell (n. 1, 1990), 122.

offered to Cicero at this time would have been embarrassing, given his lack of military power. Cicero had spoken in favour of Antony's abolition of the office of dictator near the start of the *First Philippic* (*Phil.* 1.3–4). This measure, a reaction to the strength of feeling engendered by the extraordinary dictatorships of Sulla and Caesar, removed despotism (*regnum*) and signalled a commitment to freedom (*libertas*) for the state (*res publica*) (*Phil.* 1.4). Any contemplation of a dictatorship for Cicero, surely of the more traditional (temporary) kind, could probably only arise from inconsequential flattery on the part of strong supporters. An idea that may under different conditions have been fairly innocuous was potentially dangerous at a time when dictatorship could be equated with perpetual monarchy and when there were aspirants to the autocratic power of Julius Caesar. If Cicero had been a military figure, the implications would have been even more serious. Augustus, for instance, was quite clear about refusing when he was offered the dictatorship by supporters from among the Roman people: he fell dramatically to his knees and tore open his toga to offer his bare chest (Suet. *Aug.* 52). This was an office he did not want; its nature and history made it dangerous for a leader with his power, especially the son of Julius Caesar. The dictatorship, following the models of Sulla and Caesar, had become a symbol of autocracy, violence, repression, and consequent hatred. Yet it seems from what Cicero says that the more traditional, limited kind of dictatorship was available as an idea, even at the time of the *Philippics*, and that supporters of a prominent Roman might have been in the habit of talking about his appropriateness for this office during times of emergency. The fact that dictators of the old style ceased to be employed after 202 certainly did not prevent contemplation of the office in the second and first centuries. In its traditional form it must at times have appealed to various groups in Rome, though it had tended to be used by conservative forces against popular agitations in the past.[14] However, its associations with civic repression and consequent bitterness meant that the solution it offered was almost bound to be opposed, so that it became impossible to advance a man's claims unless he was in control of overwhelming force, like a Sulla or a Caesar. In this light, the connection between Scipio Aemilianus and dictatorship in *Rep.* 6.12 probably becomes less momentous than it has appeared to some, for we might be dealing with nothing more than conventional thinking on the part of supporters at a critical time. It hardly needs saying that there is no mention of *fasces* or a concerted campaign or a good chance of ultimate success; in fact, the overriding impression is one of strong opposition to Scipio in the circumstances (cf. *Rep.* 1.31).

Aemilianus' death was sudden, reported not long after he had successfully brought about a halt to Gracchan land distributions in Italy.[15] The topic of Gracchan involvement in his death was evidently an open question in Cicero's day, and it was in any case in the interests of the *boni* to foster incriminating rumours.[16] In *Rep.* 6.12 Cicero appears to provide a certain divine support for rumours of Gracchan plotting, while at

[14] See *OCD*[3], s.v. 'dictator'. For conservative dictatorships, see those attributed to Camillus in 368 and 367: Livy 6.38–42.

[15] Scipio claimed that the Gracchan agrarian reforms were depriving Rome's Italian allies of their rights: cf. Cic. *Leg. Agr.* 2.45–6. For Scipio's proposal to suspend the judicial powers of the Gracchan land commission, see *Rep.* 1.14.3; A. E. Astin, *Scipio Aemilianus* (Oxford, 1967), 238–41; Zetzel (n. 1, 1995), 8.

[16] On Scipio's death, see *MRR* I, 505; Astin (n. 15), 241. A fragment of Laelius' funeral oration for Scipio (22 *ORF*) implies a natural death, as does Cic. *Lael.* 12 (*Quo de genere mortis difficile dictu est*); cf. E. Badian, review of H. Malcovati, *Oratorum Romanorum Fragmenta Liberae Rei Publicae Iteratis Curis Recensuit Collegit*, in *JRS* 46 (1956), 218–21, at 220, and 'Three fragments', in *Studies Presented to H. L. Gronin* (Pretoria, 1971), 1–3.

the same time implying that Scipio's death stymied moves (or potential moves?) to make him a dictator. The mention of kinsmen (*propinqui*) leads one naturally to think of Tiberius and Gaius Gracchus, whose sister Sempronia was married to their cousin Aemilianus.[17] Could rumours of a dictatorship have contributed to Gracchan anger? Or is the suggestion of a dictatorship in *Rep.* 6.12 merely the type of thing one might expect a supporter to say in the circumstances?

One point to make against the latter idea is that Cicero was careful about historical facts. He knew that he might be quizzed closely about assertions made in his text and evidently relished the opportunity to display his erudition or even repel pedantry with command of detail. An enquiry from Atticus in relation to the *De Re Publica* itself, about whether Gnaeus Flavius in fact published the official calendar and his reason for doing so, was met with a confident and triumphant reply. Cicero affirms that there are several authorities for this and assures Atticus that Scipio as his narrator did not invent it (Cic. *Att.* 6.1.8). On another occasion he tells Atticus that he used Dicaearchus the historian as his source for the assertion that all the states of the Peloponnese bordered on the sea. He then asks Atticus to correct a mistaken form of a Greek name (Cic. *Att.* 6.2.3). In *Rep.* 6.12 Cicero's carefulness about historical detail seems apparent in his reference to 'the Senate, all good citizens, the allies, [and] the Latins' (*te senatus, te omnes boni, te socii, te Latini intuebuntur*). This formulation applies well to 129, prior to the Social War of 91–89, in the wake of which citizenship was extended throughout Italy. The *equites*, so prominent in Ciceronian rhetoric of the 60s and 50s, are omitted because they only began to acquire political prominence under Gaius Gracchus, while the allies and Latins were undoubtedly disadvantaged by Tiberius Gracchus' agrarian legislation.[18] Historical detail, then, was indeed important to Cicero. Historians have some reason to be encouraged by this attitude, especially since sources for the events of 129 are beset by problems of exiguous survival and interpretive difficulty.

A number of historians find the idea of a dictatorship for Scipio attractive, or at least plausible for the Gracchan period, and would like to employ *Rep.* 6.12 in support of this theory. Nicolet, who rightly sees the dictatorship as a vehicle for the restoration of civil order, believes that Gracchan agitation ultimately convinced conservative forces to support moves to make Scipio a dictator.[19] In the lead-up to this development Scipio had upset the Roman people with his statement that 'if Tiberius Gracchus sought to take over the state, then he was justly slain'.[20] The big problem, of course, is that we lack direct, contemporary testimony. Hence the scepticism of Evrard-Gillis, who is inclined to see poetic composition rather than historical evidence in *Rep.* 6.12.[21] Beness has recently argued that a special commission of some kind for Scipio in 129 should be strongly contemplated. She points out that one consul, M.' Aquillius, left for Asia early in the year and the other,

[17] For charges of murder levelled at prominent Gracchans, including Sempronia and her mother Cornelia, see Astin (n. 15), 241, nn. 5, 6.

[18] Cf. Zetzel (n. 1, 1995), 229.

[19] C. Nicolet, 'Le *de republica* (VI, 12) et la dictature de Scipion', *Revue des Etudes Latines* 42 (1964), 212–30.

[20] Vell. 2.4.4: *si is occupandae reipublicae animum habuisset, iure caesum*; Nicolet (n. 19), 221.

[21] J. Evrard-Gillis, 'Historicité et composition littéraire dans le *somnium scipionis*: quelques observations', *Ancient Society* 8 (1977), 217–22, at 222, n. 21. Others who reject a dictatorship for Scipio include Powell (n. 1, 1990), 152; Zetzel (n. 1, 1999), 96. Appian, *BCiv.* 1.16, is surprised that the Romans did not turn to a dictator in 133, asserting that the dictatorship did not come to people's minds 'either at that time or later'.

C. Sempronius Tuditanus, fought a campaign in Illyria from which he returned on 1 October. The absence of both consuls for a considerable period could indeed have heightened anxiety in already tense circumstances. A leadership vacuum may have been perceived. In addition, Beness stresses that the eminent consulars P. Mucius Scaevola and Q. Metellus Macedonicus found it necessary to oppose the advancement of Scipio at this disturbed and dangerous time, though precise details are, as ever, unavailable (Cic. *Rep.* 1.31). Scaevola was not unequivocally a 'Gracchan' (Plut. *Ti. Gracch.* 9 says only that he was consulted during the drafting of Tiberius' land bill), and Metellus' anti-Gracchan activity earlier in his career implies that the problem may not have been related to Gracchan agitation. In Beness's reconstruction, the position mooted for Scipio was sufficient in itself to prompt obstruction, especially from a lawyer and constitutional expert like Scaevola. The argument is woven in such a way that it does become tempting to accept that something dramatic was in the wind for Scipio, though when Beness writes that it 'need not have been a dictatorship' and 'I repeat that the proposed solution need not have been a dictatorship for Aemilianus', this rather tends to undercut the historicity of *Rep.* 6.12 in the midst of an argument that depends significantly upon emphasizing its value as historical evidence.[22]

Ultimately, the point is that a dictatorship for Scipio, whether definitely moved or merely discussed by supporters, cannot be ruled out absolutely as implausible, especially in light of Beness's suggestive new study. It remains a possibility, even if positive proof is lacking. Given the present state of our knowledge, it seems that our passage may contain information of historical value and many among Cicero's audience may have taken it literally, especially on his authority.

III

It cannot be said that Cicero advocates a dictatorship or any particular autocratic office openly. In fact he carefully avoids doing so. There is nothing prescriptive about the *De Re Publica*—one of the features which make it a work of lasting value and interest. It aims more at promoting the value of a certain type of leading man for guiding the *res publica* in times of trouble. Nonetheless, events of the time and certain notable features of the text do make it reasonable to contemplate in a positive vein a traditional kind of dictatorship and also the suitability of Pompey and Cicero himself for some such position. It seems that Cicero was at least open to the idea of a dictatorship for dealing with the troubled political conditions of contemporary Rome.

The old idea that the *De Re Publica* was a kind of political blueprint for the Roman state in Cicero's day is too crass and limiting, but connections with contemporary conditions and personalities seem obvious, and these make it plain that one must venture beyond the text in the quest for understanding. Begun in 54 and published soon after its completion in early 51,[23] the work evolved over a period of extreme political difficulty, and sometimes anarchy, at Rome: Crassus' death in Parthia left Caesar and Pompey to contest dominance, trials were subverted, gangs of thugs frequently

[22] J. Lea Beness, 'Scipio Aemilianus and the crisis of 129 B.C.', *Historia* (forthcoming).

[23] Cic. *QFr.* 2.14.1 (May 54 B.C.: *scribebam illa, quae dixeram, πολιτικά*); 3.5.1–2 (October 54 B.C.); *Att.* 5.12.2 (July 51 B.C.); 6.1.8 (February 50 B.C.); 6.2.3 (May 50 B.C.); *Fam.* 8.1.5 (June 51 B.C.: *tui πολιτικοὶ libri omnibus vigent*). As Cicero left Rome for Cilicia at the beginning of May 51 (*Att.* 5.1 [Minturnae 5–6 May 51 B.C.]), the work was finished at the latest in April 51, possibly a month or two earlier. For dates of composition and evolution of the work, see Powell (n. 1, 1990), 119; P. L. Schmidt, 'The original version of the *De Re Publica* and the *De Legibus*', in Powell and North (n. 1), 7–16.

disrupted assemblies, the election process broke down in 53, riots followed the murder of Clodius in January 52, Pompey was appointed sole consul to quell the violence, the trial of Milo was conducted in a court ringed by soldiers. The *De Re Publica* is likewise set at a time of crisis (see especially Laelius at *Rep.* 1.31 on the significance of the two suns and the divided state). Furthermore, Cicero reports to his brother Quintus in October 54 that one reason for the scandalous acquittal of Gabinius was an alarming rumour of a dictatorship for Pompey (presumably in the event of trouble at the trial) (Cic. *QFr.* 3.4.1: *dictaturae etiam rumor plenus timoris fuisset*). Dictatorship (with a link to Pompey) was evidently in the air as Cicero was beginning the composition of the *De Re Publica*, and of course Caesar was to employ a decidedly non-traditional version of the office a few years later. Contemplation of the dictatorship probably remained a constant throughout these years. Admittedly, the tone of Cicero's letter to his brother hardly conveys support for the rumoured dictatorship for Pompey. Pompey's politics in 54 were not those of Cicero. By 51, however, much had changed. In 52 Pompey had been made sole consul, a move widely backed, even by arch-optimates like Cato the Younger.[24] Many had come to accept that the violence which plagued the city could only be quelled by an individual in control of overwhelming force.[25]

The *De Re Publica* appears to be in tune with the attitudes of those who had supported Pompey's sole consulship. Scipio is made to assert unambiguously his preference for the mixed form of constitution, which is best exemplified by the traditional *res publica* of Rome (*Rep.* 1.54, 1.69, 2.52). However, he states that if he were forced to choose a single, unmixed form, he would choose kingship (*Rep.* 1.54, cf. 1.69: 'by far the best'). Thus Cicero's philosophy seems to move beyond mere affirmation of the traditional state form. The image of kingship, in fact, is notably positive—something that has surprised commentators for a long time. Rome's kings are said to have been like fathers to the Roman people prior to the reign of Tarquin, and as a consequence they received much goodwill in return (*Rep.* 1.54, 1.64). In times of war the Romans have learnt to yield obedience to their rulers as to a king (*Rep.* 1.63). The dictatorship is not mentioned explicitly here but it comes readily to mind and should share in the positive associations. Cicero refers to the dictatorship on two other occasions in the extant parts of the *De Re Publica*; the first of these relates similarly to the role of dictators in fighting major wars during the early Republic (*Rep.* 2.56); the second comes in *Rep.* 6.12. The treatment of kingship and dictatorship, then, is remarkably free of negative connotations. Cicero repeats that the mixed form of government is preferable even to kingship (*Rep.* 1.69), but in later sections he dwells at length on the qualities of the ideal statesman (for example, *Rep.* 2.64–70, 5.1–11). In Book 5 (especially 5.5–9) Cicero's ideal individual is clearly a theoretical construct: he is a pilot, a *rector*, a *moderator*, a *princeps*. There is absolutely no emphasis upon a named Roman magistracy. Nevertheless, given the generally positive treatment of kingship and dictatorship in the surviving sections, along with talk of a dictatorship for Pompey in 54, the hindsight knowledge of Caesar's dictatorship, and the fact that Cicero once spoke of himself as Laelius to Pompey's Scipio (*Fam.* 5.7.3), it is little wonder that scholars have argued for the idea that Cicero was advocating the employment of Pompey to the overall advantage of the *res publica* as a dictator (or

[24] In July of 52 Pompey took Metellus Scipio as his colleague for the rest of the year: Plut. *Pomp.* 54–5; R. Seager, *Pompey: A Political Biography* (Oxford, 1979), 135–42.

[25] *OCD*[3] 465 (A. W. Lintott): 'the anachronistic fiction [i.e. the mention of a dictatorship in *Rep.* 6.12] suggests that in the 50s such a wide-ranging office was now acceptable to many of Cicero's readers'.

short-term autocrat of some kind) or an ongoing *princeps inter pares* ('first among equals') whose brief would be to deal with the gang violence and other civil and military problems of the mid to late 50s at Rome.[26]

Of course, there are clear problems with this view: not only is the work heavily abstract and theoretical, but Pompey was by no means universally popular, there were strong attitudes against autocracy in an environment of noble power-sharing, and the office of dictator had by this time acquired a new set of associations after Sulla had revived it and used it to perpetrate horrors like the proscriptions that would scar the Roman psyche for a long time to come.[27] Cicero even seems to have toyed with the idea of casting himself in the leading role, instead of Scipio Aemilianus, and as such one must ask whether he saw himself as the ideal statesman to whom Rome should turn in its hour of greatest need. Adcock argued that Cicero found much in Pompey to disillusion him between 54 and 51, and that the hand of Pompey restoring the state by force would hardly be like the hand of the *rector rei publicae* guiding the state by wisdom. Moreover, there is nothing to show that Cicero's *moderator* was to possess military power; he was to be a statesman and a philosopher. It is concluded that 'we may not be doing him an injustice if we suppose that this figure, so far as it is not a thing of theory alone, is the figure of Cicero himself'.[28] Cicero ultimately decided against a personal appearance in order 'to avoid giving offence in any quarter if I came into contact with our own period' (Cic. *QFr.* 3.5.1–2: *ego autem id ipsum tum eram secutus, ne, in nostra tempora incurrens, offenderem quempiam*; Penguin trans. D. R. Shackleton Bailey). His brother Quintus had earlier cautioned him about conciliating some and not estranging others (Cic. *QFr.* 2.14.2). Yet it is not really that Cicero was reluctant to engage with the present. He undoubtedly wanted to do so. The question was how best to do it. His allusion to sharp sensibilities does tend to imply that his peers were capable of reading a political message into his words, and were even ready to do so. Atticus thought he had found an allusion to Hortensius in the *De Re Publica*; Cicero cheekily denies the allusion in his reference to an actor's mannerism (Cic. *Att.* 6.1.8). While trying to convince Cicero to appear in the work as himself, Sallustius (motivated partly by flattery, to be sure) argues that the ideas would be far more persuasive coming from the mouth of an ex-consul than a philosopher (Cic. *QFr.* 3.5.1: *multo maiore auctoritate*). He evidently saw the contemporary possibilities quite clearly. Such peers would, therefore, be likely to contemplate what Cicero might be meaning in relation to men like Pompey and himself. Given the insecurity of the times, the endemic aristocratic conflict, and the critical danger represented by the military warlords, it can hardly be

[26] See especially T. Zielinski, *Cicero im Wandel der Jahrhunderte* (Berlin, 1912[3]), 5, 151; R. Reitzenstein, 'Die Idee des Principats bei Cicero und Augustus', in *Nachrichten von der königlichen Gesellschaft der Wissenschaften zu Göttingen, phil.-hist. Klasse* (1917), 399–436; E. Meyer, *Caesars Monarchie und das Prinzipat des Pompeius* (Stuttgart, 1918), 5, 176–89. A strong rebuttal was produced by R. Heinze, 'Ciceros "Staat" als politische Tendenzschrift', *Hermes* 59 (1924), 73–94 = *Vom Geist des Römertums* (Stuttgart, 1960[3]), 141–59. R. Reitzenstein, 'Zu Cicero *De Re Publica*', *Hermes* 59 (1924), 357–62, is a reply. Syme (n. 4), 144, n.1, seems to have judged the debate tedious: '[*De Re Publica* is] a book about which too much has been written.' Powell (n. 1, 1994) is against the view that Cicero was thinking of a quasi-legal office for Pompey or himself.

[27] For Sulla's revival of the dictatorship after 120 years: Cic. *Att.* 9.15.2; Plut. *Sull.* 33.1; App. *BCiv.* 1.98–9 (stressing national emergency); *MRR* II, 66–7; A. Keaveney, *Sulla: The Last Republican* (London and Canberra, 1982), 160–5. Proscriptions: Cic. *Rosc. Am.* 6, 89, 125, 136–7; Liv. *Per.* 88; Plut. *Sull.* 28–32; App. *BCiv.* 1.87–97; Keaveney (n. 27), 148–68.

[28] F. E. Adcock, *CAH* 9[1] (Cambridge, 1932), 623–4, citing E. Ciaceri, 'Il Trattato di Cicerone *De republica*', *Rend. Linc.* 27 (1918), 312.

doubted that a work on the Roman state was intended to have contemporary political relevance.

Turning now to the text itself, it may be repeated that there is nothing prescriptive in its emphasis upon rulers and leaders. Powell has argued persuasively that the terms *rector rei publicae* and *moderator rei publicae* ('ruler/director of the state') mean nothing more than 'statesman', as used in Book 5 of the *De Re Publica.*[29] The liberal use of such generalized, abstract, imprecise terms does give reason to resist the idea that Cicero had a particular individual or a particular office with specific legal and military powers in mind.[30] At a later date, when he intimates that he had thought of Pompey for the part of his *moderator rei publicae*, the sentiments might be read as a product of his disillusionment with the conduct and outcome of the civil war against Caesar (Cic. *Att.* 8.11.2). Similarly, when in 62 he wrote of his desire to play the Laelius to Pompey's Scipio (*Fam.* 5.7.3), this reference might be read as crediting Pompey with military power and Cicero with political wisdom. Yet even if it is hard to see that Cicero ever credited Pompey completely or enthusiastically with the qualities of a *moderator rei publicae*, he is the kind of figure who has to be considered when reading the *De Re Publica.* For contemporaries wondering about political implications, he would surely have been the first to come into their minds.

In fact, notwithstanding the text's theoretical nature, previous scholarship has perhaps underestimated a part of its specific suggestiveness in relation to Pompey, Cicero and the dictatorship. Note, for instance, the reference to seven and eight as perfect numbers in *Rep.* 6.12. Zetzel's commentary notes that numerological mysticism is principally associated with Pythagoreanism, though it is also prominent in Plato (*Timaeus* 39D). He goes on to say that:

> Macrobius devotes considerable space and ingenuity to explaining the perfection of these two numbers, clearly chosen by C. because Scipio was in fact 56. Seven is traditionally a mystical number, and the climacteric (in ancient theory, a critical turning-point) at age 63 was 7×9 years; eight is the first number other than 1 expressing the cube of a positive integer; both are important in the account of the music of the spheres at 18.4. For a brief account of number symbolism, cf. W. L. Burkert (trans. E. L. Minar), *Lore and Science in Ancient Pythagoreanism* (Cambridge MA, 1972) 466–76.[31]

One could go on virtually forever about these numbers.[32] The sun and moon, the five planets known in ancient times, and the fixed stars can be shuffled to come up with either number, and it is worth emphasizing that there was considerable interest in the view, described at length in Varro's *Hebdomades* (Gell. *NA* 3.10), that human lifespans could be divided into seven-year periods.[33] However, most scholars stress that the dramatic setting for the *De Re Publica* is the Latin festival of 129 (*Rep.* 1.14),[34] a few days before Scipio Aemilianus' death (Cic. *Amic.* 14). Cicero evidently believed

[29] Powell (n. 1, 1994); cf. Cic. *De Or.* 1.211; *Rep.* 2.67, 6.13; How (n. 1), 36–7; P. Krarup, *Rector Rei Publicae* (Copenhagen, 1956), Eng. summary, 175–206.

[30] Keyes (n. 1, 1921), 320, notes that in *De Legibus*, Cicero is concrete and detailed, whereas in *De Re Publica*, he is abstract and indefinite.

[31] Zetzel (n. 1, 1995), 228.

[32] A point made by Powell (n. 1, 1990), 151–2.

[33] Bréguet (n. 1), 2.106.

[34] Astin (n. 15), 245, n. 1, points out that the Latin Festival was originally held in spring or early summer and that the consuls tended to leave for their provinces after it was over. The Festival may have been moved forward after 153, when the beginning of the consular year was changed from 15 March to 1 January.

that Scipio was then either in his fifty-sixth year or perhaps just turned fifty-six, which means that he would have been born in 185.[35] The Romans would, by inclusive counting, have reckoned his age at fifty-six up until his birthday in 129.

What Macrobius and others in his wake have failed to notice is that Cicero and Pompey, both born in 106, would have entered their fifty-sixth years in 51, so that in Roman terms they would both be fifty-six after their birthdays in that year—Cicero on 3 January, Pompey on 29 September.[36] The *cursus honorum* (sequence of offices) would have produced a reasonable awareness of the ages of the great men, so this coincidence was probably meant to be noticed. Certainly the allusion is fluid, even evaporative. There is similarity but also difference. Scipio is yet to be called upon to deal with civic disturbance. Pompey's sole consulship, in which he had dealt with civic disturbance, has passed. Cicero's consulship, marked by his suppression of the Catilinarian Conspiracy, dates back to 63, and it is stretching credibility to think of the state turning to him in 51. Pompey was moving closer to optimate groups, as was Scipio at the end of his life, but there is hardly a comparison in their families, for Pompey had just married the youthful daughter of the optimate Metellus Scipio after the death of Julia, Caesar's daughter, in 54.[37] The comparisons turn out to be more apparent than real. Scipio has either completed or is well into his fifty-sixth year and he is yet to be called upon; Pompey is yet to enter his fifty-sixth year but has already been called upon to quell the rioting in Rome which took place in the wake of Clodius' murder. There is evocation but scarcely anything imperative. Is a suggestion nevertheless made? Are allusions actually given power by such fluidity and subliminality?

It has been pointed out, too, that mention of the dictatorship at *Rep.* 6.12 is not free of negative connotations.[38] Does this decrease the likelihood that Cicero would have had it in mind as a possible means to deal with contemporary problems? The treatment suggests that Cicero desired a dramatic impact: note the close association between Scipio as dictator and Scipio as murder victim. In 129 the dictatorship had yet to acquire its Sullan accretions, and it has been argued above that positive assessments were probably available on a consistent basis. None the less, the office did have a reputation problem. Last used in 202 at the close of the Second Punic War,[39] it was dogged by associations of aristocratic misuse of autocratic authority,[40] and was bypassed in 121, only a few years after Scipio's death, in favour of the *senatus consultum ultimum* in circumstances (the suppression of Gaius Gracchus and his followers) that must have required its consideration. It can be argued that the *s.c.u.*, which was to acquire its own chequered history, was invented because of reluctance to appoint a dictator. Pompey, of course, was awarded a sole consulship (a contradiction in terms) rather than a dictatorship in 52. In the wake of Sulla, such avoidance of

[35] Bréguet (n. 1), 2.106; Büchner (n. 1), 454; Powell (n. 1, 1990), 152; Zetzel (n. 1, 1995), 228. Astin (n. 15), 245–7, discusses the dates for Scipio's birth and death. He finds 'no reason to reject the opinion of Cicero, who is likely to have made some effort to discover the correct date' (246).

[36] Cicero: Plut. *Cic.* 2.1; *OCD*[3] 1558. Pompey: Plin. *HN* 37.13, Plut. *Pomp.* 46.

[37] Plut. *Pomp.* 55: '... Cornelia, who was more of an age to marry one of Pompey's sons'; Dio 40.51.3; Seager (n. 26), 140.

[38] J. Michelfeit, 'Der Konig und sein Gegenbild in Ciceros Staat', *Phil.* 108 (1964), 262–87, thinks the reference to the dictatorship indicates Cicero's warning to anyone who might be required to restore order to the state.

[39] Livy 30.39.4–5; *MRR* 1.316; *OCD*[3] 465.

[40] For disturbances surrounding the dictatorship in 217, for instance, see Polyb. 3.87–8; Livy 22.8–9, 22.10.10, 22.31.8–11, 23.30.13; *MRR* 1.243.

the dictatorship can well be understood. However, it seems in the context that Cicero is using negative feelings about the dictatorship to buttress his case against the Gracchans. The audience is continually aware that Scipio's death is imminent. Dictators can earn hatred, especially in the minds of Cicero's post-Sullan audience; Gracchan hatred of Scipio, it is implied, brings about his murder. At the dramatic date Sullan associations would not have been relevant, but they help to persuade the contemporary reader of Gracchan involvement, and they excite the emotions. Cicero plainly has a specific purpose for employing negative associations which may not be relevant elsewhere. The passage is scarcely evidence for a generally negative attitude in Roman society. In fact, the elder Africanus is surely positive, and Cicero's references to the dictatorship in the *De Re Publica* seem connected with his high opinion of both Aemilianus and the traditional *res publica*, in which the office performed a valuable role and was close to being an apex office in a great man's career.[41] In the *De Legibus* (3.9), Cicero makes it plain that he would employ a dictator only for dealing with a serious war or civil discord, and for no longer than six months. The law that enabled Sulla, as dictator, to execute citizens without a trial was plainly unjust (*Leg.* 1.42). It is probable that modern readers have found elements like Scipio's preference for kingship as the best of the unmixed forms of constitution[42] and the mention of a dictatorship for Aemilianus far more shocking than did contemporary audiences.

In conclusion, the *De Re Publica* needs to be read as both literary creation and political statement. It carries a dual message which prefers the traditional mixed form of constitution at Rome but also supports the appointment of an appropriate individual in an emergency. There is a good chance that it contains evidence of historical value with respect to moves of uncertain nature which might have aimed at a dictatorship for Scipio Aemilianus in 129. It does relate to contemporary political conditions, and evidence both external and internal certainly seems to associate Pompey and Cicero himself with Scipio and the figure of the ideal statesman who might be called upon in times of trouble. This is not done prescriptively. The treatment is suggestive rather than a definitive blueprint. Finally, the work seems to support other indications that there was a positive way of viewing the traditional, temporary dictatorship that is often swamped by thoughts of the extraordinary offices taken by Sulla and Caesar with the dire results which attended them. Recommendations with respect to the traditional office were probably not of the great moment for contemporaries that they have often seemed to us.

University of Queensland TOM STEVENSON
t.stevenson@uq.edu.au

[41] Büchner (n. 1), 451, compares the prophecy to an *elogium*, the honorary inscription recording a great man's offices and services to the state. *Elogia* appeared, for instance, on tombs and statue-bases and tended to follow the man's progress through the *cursus honorum*.

[42] J. Blänsdorf, 'Cicero, *De Re Publica* I 54–55', *RCCM* 3 (1961), 167–76; P. Krarup, 'Scipio Aemilianus as a defender of kingship', *Classica et Mediaevalia Francisco Blatt Septuagenario Dedicata* (Copenhagen, 1973), 209–23; R. W. Sharples, 'Cicero's *Republic* and Greek political theory', *Polis* (1986), 30–50; J.-L. Ferrary, 'The statesman and the law in the political philosophy of Cicero', in A. Laks and M. Schofield (edd.), *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy* (Cambridge, 1995), 48–73; Lintott (n. 9), 222, 224–5; R. T. Radford, *Cicero: A Study in the Origins of Republican Philosophy* (Amsterdam, New York, 2002), 34–41.