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THE ROLE OF THE NATURAL WORLD
IN CICERO'S *DE RE PUBLICA* AND *DE LEGIBUS*

1. *Introduction*

In this paper, I examine Cicero's treatment of aspects of the natural world in *De re publica* and *De legibus*¹. My examination extends to such diverse matters as the planets and stars that comprise the universe, features of the landscape in which the city of Rome was sited, and landmarks characterising the countryside around Arpinum.

Some of the passages that I examine form part of the preliminary conversation that precedes the substantive philosophical dialogue of *De re publica* or *De legibus*. One might readily conclude that these passages serve only rather limited functions: they lend verisimilitude to the works as dramatic dialogues by allowing those who are to participate in the substantive philosophical discussions to reveal their distinctive characters and outlooks; and they generate a seemingly unforced transition from general conversational topics to the more serious matters that are to follow². In contrast, another of the passages to be examined forms an integral part of the substantive argument of *De re publica*. But, in reality, all these passages appear to serve the additional purpose of supporting and supplementing the arguments of *De re publica* and *De legibus*, by

¹ References to *De re publica* and *De legibus* are taken from Powell 2006. Powell's introduction discusses the transmission of the text and *testimonia* as to parts that do not survive. Dyck 2004, 5-12; 97-98; 323-324 discusses the composition of *De legibus* and its relationship with *De re publica*. On the relationship of the two treatises, see also Atkins 2013a, 3-5. On the relationship between Cicero's treatises and Plato's *Republic* and *Laws*, see Zetzel 1995, 13-16 and Powell 1990, 122-126.

² Calcò 2018 discusses the *locus amoenus* in which the dialogue of *De legibus* takes place. She argues that the chosen *locus* provides a suitable place (with suitable literary provenance) for Cicero and his companions to conduct a philosophical discourse, and that it evokes memories of the speaker's emotional attachment to the place, which are communicated and discussed in the treatise's introductory conversations. My present paper takes this analysis further, by looking also at how the introductory conversations about the *locus amoenus* operate to supplement and support the substantive political and legal arguments of *De re publica* and *De legibus*.



providing *exempla* of the deeds of the most successful political leaders for readers to follow, and by offering attractive and readily understandable analogies to the otherwise difficult and weighty subject matter of the two treatises. In other instances, the passages that I examine express the emotional response of Scipio (the main exponent of the argument of *De re publica*) or of Cicero himself (the main exponent of the argument of *De legibus*) to features of the natural world. I argue that, by evoking similar responses in readers, these passages tend to foster in Cicero's readers a commitment to the political project of the two treatises, in a way that goes beyond what the formal arguments of the treatises can achieve on their own: the formal arguments make a rational case for the importance of supporting the institutions of the *res publica*, but the treatises also deploy other devices to bring home to readers what is at stake if they do not rise to that challenge.

But why did Cicero choose to supplement his argument with *exempla*, analogies and appeals to his readers' emotions? One might expect that, if the substantive arguments of the two treatises were sufficiently persuasive, that would obviate the need for resort to such devices. But, it is unlikely that, as an orator and rhetorical theorist, Cicero would have considered such devices otiose. And, for reasons that I discuss in the remainder of this section, it is clear that the nature of Cicero's argument was such that its practical potency was likely to be enhanced by supplementing it with material of the kind discussed in this paper. To understand why that is so, it is helpful briefly to recall the substance of the arguments of the two treatises.

In *De re publica*, Cicero contends (through the speeches of P. Cornelius Scipio Africanus Aemilianus) that the best form of *res publica* (the *optimus status rei publicae*, 1, 33) is one that achieves a stable balance (*aequabilitas*)³ among the monarchic, aristocratic and democratic elements of each of the three simple forms of constitution traditionally recognised in Greek political thought. Where an appropriate balance is achieved among the three elements, the *res publica* will be better pro-

³ *Aequabilitas/aequatium et temperatum* (1, 69). Scholars differ as to the import of the terms *aequabilitas* and *aequitas*: compare Fantham 1973 and Dyck 1998. The matter is complicated by Scipio's apparent use of the term *aequabilitas* to refer both to the stable equilibrium that the best form of *res publica* achieves, and the (ultimately unsuccessful) attempts at balance that other, sub-optimal, mixed constitutions adopt. On the philosophical origins of the different concepts of equality considered in *De re publica*, see also Nicolet 1970, 64, Pagnotta 2007, 15-67, Atkins 2013b, 29-32 and Schofield 2021, 40-46.

tected against the prospect of degeneration and revolution than any of the three simple forms of constitution. It will therefore be capable of achieving *diuturnitas*, which (along with the closely-related *aequabilitas*) is identified at an early stage as an important hallmark of the success of a constitution, *omnis res publica [...] consilio quodam regenda est [...] ut diuturna sit* (1, 41)⁴. Scipio relies on both theoretical arguments (in book 1) and the empirical evidence of the durability of Rome's republican constitution as it emerged from its early history (in book 2)⁵ to make good his claims that the Roman *res publica*, in the form that he describes, instantiated that best attainable balance (2, 65-66)⁶. Recognising that a successful *res publica* depended on the quality of its political leaders, Scipio also discusses, in the later books of *De re publica*, questions as to how citizens should be trained to participate in civic affairs, and to discharge wisely and well the duties of political leadership. Those later books survive only in fragmentary form⁷.

So far as relates to the laws of Scipio's *res publica*, as elaborated in *De legibus*⁸, Cicero recites the text of his proposed laws in summary form, and discusses each of them in turn with his interlocutors, his brother Quintus and his friend, T. Pomponius Atticus. Only the provisions dealing with religious observance, and with constitutional matters (including the functions of the magistrates, the senate, and the conduct of popular assemblies) are extant and little is known as to the form that the laws on other matters would have taken. But before setting out his laws, Cicero outlines to his interlocutors the basis on which he contends that the laws he proposes are comprised in the *summa ratio* of the universe. Drawing on Stoic teachings, he proposes that *lex* is to be regarded as *ratio summa insita in natura*; it is the *mens ratioque prudentis* and it is *iuris iniuriaequae regula* (1, 19). The whole of nature, he continues, is ruled *deorum immortalium vi, natura, ratione, potestate, mente, numine* (1, 21); alone of all

⁴ On *diuturnitas*, see also *ad spem diuturnitatis* (2, 5); and *in hoc statu rei publicae, quem dixi iam saepe non posse esse diuturnum, quod non esset in omnes ordines civitatis aequabilis* (2, 62).

⁵ As to the sources for Cicero's account of early Roman history, see Ferrary 1984, and Zetzel 1995, 18-25.

⁶ Mehl 1999, 106 points out that even Scipio's preferred version of the *res publica* did not achieve a perfect balance.

⁷ On the overall structure of *De re publica*, and the subject matter of individual books, see Ferrary 1995, 48-51.

⁸ Arena 2016 argues that the laws of *De legibus* depart from the model implied by Scipio's *optimus status rei publicae*, but any such differences are not directly relevant to my argument.

earthly creatures, man shares in the *ratio* of the universe and, since man shares *ratio* with the gods, there is a single *civitas* of men and gods; accordingly, both men and gods act in obedience to the divine mind – that is, to *summa ratio* (1, 23)⁹. And, since all men share in *ratio*, they share in *recta ratio* and hence in *lex* which is *recta ratio in iubendo et vetando*. But in some men *ratio* is developed by *doctrina*; in others it is almost extinguished by *mala consuetudo* (1, 28-33).

A growing number of modern scholars argue that *De re publica* provides a convincing account of the *consensus iuris* that forms the basis of a stable political community; and that Scipio's preference for a mixed constitution is sound, on the basis that constitutional arrangements are likely to be more stable if essential functions are distributed among individual executive office-holders, a deliberative council and the people as a whole, with each institution operating to check the potential excesses of the others, and to protect certain fundamental rights or interests of individual citizens¹⁰. But the mixed constitution that Scipio describes in outline in book 1 and which he commends, on theoretical grounds, as superior to each of the three simple forms, admits of implementation in many different ways: multiple possible mixtures and functional interactions of its essential elements can readily be imagined¹¹. It therefore required something more than theoretical argument as to the superior merits of a mixed constitution *per se* to demonstrate that the particular constitution that emerged from Rome's early history instantiated the best attainable mixture.

⁹ For the difficulties of Cicero's formulation of the relationship between *summa ratio* and the powers of the gods, see Mehl 1999, 15-20.

¹⁰ See, for example, Asmis 2004, Atkins 2013a, Straumann 2016 and Schofield 2021. Drawing on aspects of these works, I treat *iuris consensus* as contemplating an agreement on the constitutional rights that citizens of a *res publica* should enjoy as against fellow citizens to participate in the governance of the *res publica* as legislators, members of a deliberative council, magistrates and/or judges (and the reciprocal obligations that they thereby accept). The *iuris consensus* is perhaps to be understood as extending to a shared commitment to certain other substantive rights of all citizens. It is not necessary to my argument to decide whether the *iuris consensus* is best characterised as comprising "rules" or "rights", nor as to whether such "rules" or "rights" are presented as originating in the *consensus iuris*, or as having some higher status to which any *consensus iuris* worthy of the name should adhere.

¹¹ Mantovani 1998, 499-500 rightly emphasises that, in Aristotle and later writers, the classification of constitutions aims not only to identify one or more "sovereign" institutions, but also to determine how specific functions (in Aristotle's account, legislative, executive and judicial) are distributed among them. There are, of course, multiple possible permutations for the allocation of functions within a mixed constitution.

It was also inevitable that Scipio's more detailed specification of his preferred constitution, in book 2 of *De re publica*, would incorporate features that would be unacceptable to some of Cicero's readers. I cite just one element that was likely to generate dissent: Scipio makes clear that, not long after the formation of the republic, the balance of powers enjoyed by the magistrates and senate, on the one hand, and the general populace, on the other needed to be reformed. He acknowledges that the solution that was chosen – the creation of two (and later ten) *tribuni plebis* – was not necessarily the best possible choice. Nonetheless, he suggests, that is simply the way that politics works (2, 57-58) implying that, in practice, the need to achieve a workable compromise is sometimes more important than the niceties of the particular solution that is chosen. Those hostile to the powers of the tribunes were bound to question whether that should be the end of the matter. Indeed, in *De legibus*, Cicero's account of the functions of the *tribuni plebis* under his proposed law code provokes a vigorous dissent from Quintus: Quintus disputes whether Pompey was wise to restore to the tribunes the wider powers that they had enjoyed before the Sullan reforms and which Cicero appears willing to adopt. Quintus argues (in substance) that a better constitutional balance would be struck by a diminution in the tribunes' powers (3, 19-26).

Faced with the prospect of dissent in relation to such matters, Cicero's arguments were, it seems, unlikely to be sufficient on their own to quell the dissenters' concerns. Despite his efforts to enlist Scipio's *auctoritas* in support of his case, it is clear that the argument advanced in *De re publica* is essentially Cicero's. Similarly, in *De legibus*, although Cicero claims to be reciting laws that have the status of the *summa ratio* that is formed in the mind of the *prudens*, it is clear that the laws are designed by Cicero and that the reader is simply expected to accept Cicero's assumption of the role of the Stoic *prudens* in expounding them¹². But Cicero offers little to demonstrate that his laws genuinely embody *summa ratio*: all that can be said is that his laws are, for the most part, designed to give effect to Scipio's preferred form of *res publica*, which was itself – as Scipio himself noted – the work of many generations of men¹³.

¹² See Dyck 2004, 103-104, adopting the analysis advanced by Girardet 1983, namely that Cicero's laws participate in true *lex* to the extent that they reflect true *ratio*.

¹³ We can assume that Cicero's readers would generally have accepted that there might be "higher laws" having some special status. Straumann 2016, 27-43 (and *passim*) makes a convincing case that educated Romans of Cicero's generation often argued that some provisions of Roman law enjoyed what might be termed "constitutional" signifi-

Indeed, it is questionable whether even Cicero's Stoic readers would readily have accepted Cicero's position: Cicero's claim that his laws have the status of *summa ratio* depends on his assertion that all men, and particularly those who are *docti*, share in *ratio*. But Cicero's assertion appears to go beyond traditional Stoic teaching which contemplated that only the perfect sage shares in such *ratio*. On that basis, Cicero's own claim to share in such *ratio* to such an extent as to enable him to expound laws having the status of *summa ratio* may also have appeared questionable¹⁴.

Moreover, as Cicero himself acknowledged, not all his readers subscribed to Stoic teachings: the Epicurean Atticus had, at the start of the main discussion of *De legibus*, merely agreed to suspend his disbelief for the purposes of hearing what Cicero had to say, and was content to accept Cicero's premises only on the basis that loud birdsong would prevent his fellow Epicureans from hearing his concession (1, 21). And Cicero intimates that he wished even the Sceptics (among whom he would generally have counted himself) to refrain from objecting to his argument (1, 39)¹⁵: it must be inferred that Cicero was simply concerned to provide a Stoic pedigree for his laws, and not to have his argument questioned, since his argument was directed *ad res publicas firmandas* (1, 37).

Furthermore, even if readers were generally persuaded of the status and merits of the constitutional model advocated by Scipio in *De re publica*, and codified by Cicero in *De legibus*, yet more was needed to secure the successful functioning of the *res publica*. The argument of *De re publica* and the laws of *De legibus* distinguish between the constitution and laws, on the one hand, and the discretions available to those exercising constitutional functions, on the other¹⁶. In order for the *res publica* to

cance – entailing their entrenchment and reflecting their political importance. But that need not imply that there was a sufficient consensus as to what was, or should be, the substantive content of such “higher laws”, nor that readers would readily have accepted Cicero's laws as embodying such content.

¹⁴ As to elements of Cicero's argument that depart from traditional Stoic teaching and the rationale for the differences, see also Mehl 1999, 89-158. Dyck 1984, 238 discusses the difficulties of extending Stoic *ratio* to include all men (not just sages), while Ferrary 1995, 70 describes Cicero's position as «a far cry from Stoicism». Vander Waerdt 1989, 44-46; 235-244 discusses the philosophical origins of Cicero's position.

¹⁵ On Cicero's own scepticism, and for a fuller analysis of this passage, see Görler 1995, 85-90.

¹⁶ That is, discretions as to what new laws the people should adopt, what policies the senate should promote in relation to particular questions of domestic and foreign affairs, and as to how the magistrates should discharge their various functions. The distinction between the constitution and laws and the exercise of such discretions is reflected in the different language used to discuss the establishment and consolidation of *res publicae*

function well, and to continue to command the respect of citizens, it was necessary that citizens – and particularly political leaders – should act wisely and selflessly in the collective interest: in *De re publica* Scipio acknowledges that even a well-balanced constitution may disintegrate if its leaders are flawed (1, 69, *magnis principum vitiis*) and, for this reason, a substantial part of *De re publica* was devoted to discussing the training and formation of the best political leaders. Similarly, in *De legibus*, Cicero emphasises that his laws are designed for better men than those of his own generation: no member of the senate should be *viti particeps*, a standard that he acknowledges to be hard to attain without *educatio* and *disciplina* (3, 29).

In these circumstances, there was clearly merit in supplementing the arguments of the two treatises with elaborate and attractive images, that could render the arguments more persuasive by providing a visible or tangible analogy to what was otherwise abstract or theoretical; similarly, there was merit in using *exempla* and other rhetorical devices to foster in readers a desire to devote themselves to promoting the stability of the *res publica*. Such devices could remind readers in compelling terms of the importance of their personal service to the *res publica*, if they were to maintain all that they individually held dear: their ancestral homes, the memories of their ancestors that those homes evoked, and the hope of immortality for those who served the *res publica* wisely and well. I argue in what follows that the descriptions and images of the natural world examined below are calculated to contribute to attaining these results.

2. *Nature on a Grand Scale: De re publica 1, 15-30 and 6, 12-33*

The first relevant passage occurs in a preliminary conversation to the main discussion of book 1 of *De re publica*. Q. Aelius Tubero is the first to arrive at Scipio's home, where the main dialogue of *De re publica* is to take place during the course of a public holiday in 129 BCE. Tubero asks Scipio about the two suns recently observed in the sky¹⁷. But Scipio expresses only modest interest in the matter: he considers that the philos-

(*rep.* 1, 12; 2, 5; 2, 51, *condere rem publicam* and *firmare rem publicam*) and that used to discuss the conduct of public affairs within the framework of the constitution and laws (*gerere rem publicam* (*rep.* 1, 12-13; 2, 70)).

¹⁷ A parhelion: see Zetzel 1995, 110-111.

opher Panaetius places too much confidence in his understanding of matters of astronomical science which are, Scipio suggests, ultimately unknowable (1, 15). As others arrive, the conversation continues. When G. Laelius appears and is informed of its subject matter, he also professes to see little value in the discussion: have domestic and political matters (1, 18, *ea quae ad domos nostras quaeque ad rem publicam pertinent*), he asks, been so thoroughly resolved as to allow for the discussion of the heavens?

L. Furius Philus rejects this challenge, suggesting instead that Laelius should recognise that the domestic sphere is not an area enclosed by its own boundary walls, but the whole world: 1, 19, *mundus hic totus, quod domicilium quamque patriam di nobis communem secum dederunt*. Laelius concedes that the conversation should continue (1, 20), thereby allowing Philus to describe an earlier occasion when a phenomenon similar to the recently-observed second sun had occurred.

The recollection of that earlier occasion prompts Philus to describe a celestial sphere which M. Claudius Marcellus had removed from Syracuse when he captured that city: it comprised a model showing not only the fixed planets and stars, but also those referred to as *errantes et quasi vagae*. The model apparently comprised a hollow sphere to which bands had been affixed. Their rotation represented the movements of the wandering stars. The particular sphere that Philus describes had been made by Archimedes. But Philus' elaborate explanation reveals that Archimedes had taken advantage of the works of such men as Thales of Miletus, who had previously made a more rudimentary globe, and Eudoxus of Cnidos. Archimedes' most notable innovation was the introduction of the mechanism to set the various bands in rotation around the sphere (a *conversio*), and thus to show the movements of different celestial bodies relative to one another: he had devised *quem ad modum in dissimillimis motibus inaequabiles et varios cursus servaret una conversio*. When the mechanism was activated, it revealed how a solar eclipse or a lunar eclipse would periodically occur, as the sun, moon and earth came into alignment with one another: 1, 22, *fiebat ut soli luna totidem conversionibus in aere illo quot diebus in ipso caelo succederet, ex quo et in caelo <et in> sphaera solis fieret eadem illa defectio, et incideret luna tum in eam metam quae esset umbra terrae*. A *lacuna* directly after this passage leaves it uncertain how the discussion ended, though it is likely to have

returned to the question that prompted Philus' excursus, namely the question of the two suns that had recently appeared in the sky¹⁸.

The language that Philus uses in this passage to describe Archimedes' sphere anticipates various aspects of the account that Scipio is yet to advance of the *optimus status rei publicae*.

Thus, the suggestion that even the renowned Archimedes had built on previous generations' learning anticipates Scipio's praise for the Roman republican constitution, which was all the better for being the work of many men: Scipio recalls the elder Cato's comment that, unlike cities whose laws had been handed down by a single law-giver, 2, 2, *nostra autem res publica non unius esset ingenio sed multorum, nec una hominis vita sed aliquot constituta saeculis et aetatibus*. The revelation that, in innovative scientific endeavour, the product of many minds may surpass the achievement of any single individual appears calculated to lend weight to Scipio's argument that, as the product of multiple generations of citizens, the Roman *res publica* is all the more likely to have achieved a form that comes close to perfection.

More significantly, however, Philus' description of Archimedes' sphere anticipates the language that Scipio will use later in book 1 to describe the origins of human society and its potential instability: he describes mankind as a gregarious rather than a *solivagum genus* (1, 39), in language that invites comparison with the stars that are *vagae et errantes*. Similarly, Scipio's account of the *aequabilitas* among unequal groups of citizens that is essential to the best attainable *res publica* (1, 69) will recall the orderly interactions in Archimedes' model of different stars and planets pursuing *inaequabiles et varios cursus*. Scipio will also go on to explain that, whilst simple forms of constitution are unstable, and therefore do not last (*convertuntur*), there is no reason why a well-balanced mixed constitution should fail (1, 69, *praecipitet ac decidat*). In this instance too, his terminology recalls Philus' account of the way in which, in Archimedes' model, the movements of the various celestial bodies are revealed to observers by *conversio* – the mechanism by which the different celestial bodies are set in motion – culminating in Philus' account of the modelling of the solar eclipse, when there is a failure (*defectio*) of the sun's light, and the lunar eclipse, when the moon falls (*in-cideret*) to a particular point in its cycle.

¹⁸ As Laelius' comments at *rep.* 1, 31 suggest; see the discussion *infra*.

Indeed, Laelius himself draws a parallel between features of the heavenly bodies and of the *res publica*, when, having heard Philus' account and Scipio's reply, he asks why a politician of Scipio's standing prefers to discuss the appearance of two suns in the sky, rather than considering how it has come about there are now virtually two Roman senates and two peoples (1, 31).

Laelius' question invites readers to consider potential likenesses between what Philus has described and political communities, but the relationship between the two is initially puzzling: in the celestial model, *conversio* is the mechanism by which the different celestial bodies are set on the different paths that allow them to avoid collision and destruction; in human society, *conversio* is the destructive replacement of one kind of political organisation by another; in the model, the fact that the different courses pursued by different stars and planets are *inaequabiles* does not prevent the system from attaining long term stability, whilst in human society *aequabilitas* is said to foster a constitutional stability which affords protection against revolution and turmoil (*i.e.* constitutional *conversio*).

Yet, on reflection, Archimedes' model can be seen to exemplify the way in which a multiplicity of different elements can function together to produce a system that enjoys *aequabilitas* and, therefore, *diuturnitas*: each star or planet pursues its own course; some courses are longer than others, some are further from the centre of the sphere than others, and, in this sense, they are *inaequabiles* (uneven, unlike) relative to one another. Collectively, however, the model demonstrates that the stars and planets need not all follow an identical course for the system to achieve *aequabilitas*. Thus Philus' account of Archimedes' model appears to lay the ground for readers to visualise how a society of citizens with different rights of political participation may nonetheless achieve stability, without requiring the equivalent participation of all its members.

In the extant text, Philus ends with an exposition of the way in which the model discloses how and when solar or lunar eclipses will occur. The fact that such eclipses are shown to occur without destructive consequences may be read as suggesting that, in human society too, it should be possible to pass through periods of political or other disturbance (a metaphorical "darkness") and to emerge without damage to the pre-existing constitutional model. This will, presumably, be a challenge for the *populus*, but one through which wise leaders should guide them suc-

cessfully, particularly if those leaders develop the foresight to anticipate looming problems.

Indeed, it appears that, in missing sections of the text, Scipio may have responded to Philus' account of Archimedes' model with examples of just such leadership: when the text resumes after the *lacuna* at the end of 1, 22, Scipio is reporting how C. Sulpicius Galus, a legate in the Roman army in Macedonia, had been present in the camp when a lunar eclipse occurred. Galus had explained to the army the cause of the eclipse, and had thereby allayed the soldiers' consternation at what they took to be an adverse omen. In this way, Galus dispelled a fear that might otherwise have resulted in disaster for the Roman army. Scipio follows up with further examples to show the benefit of understanding how and when eclipses will occur.

After a further *lacuna* the text resumes with what appears to be an invitation from Tubero to Scipio to reconsider his initial expression of doubt as to the value of studying the physical universe. Scipio apparently concedes that there is value in such study: indeed, he asks, how could one consider that there is anything of significance in human affairs, once one has contemplated the regions ruled by the gods; or how could one judge anything to be long-lasting (*diuturnum*) in human affairs, once one has learned of what is truly eternal; or how could one regard as glorious anything that man can possess, once one has seen how small is the earth, how little of it is settled by human communities, and how small a part one occupies oneself? Reflection on these matters leads him to conclude that man has only a fragile hold on earthly possessions, which are ultimately of little value. He therefore commends those who recognise this and eschew the pursuit of earthly prizes, instead spending their time in reading the works of philosophers and, as it were, communing with them (1, 26-29).

Again, Scipio's reflections appear to bear on the arguments that he will make in later books about the character and training of the wise and dispassionate political leader who should direct the affairs of the *res publica*. The preliminary discussion about the value of studying the physical universe invites the inference that, because the wise man will recognise that none of his earthly possessions enjoys *diuturnitas*, he will more readily devote himself selflessly to maintaining the *diuturnitas* of the *res publica* – a duty that Cicero had emphasised at the outset, in his introduction to the dialogue of *De re publica* (1, 2). To attain and

then apply this understanding in his leadership of the *res publica*, the successful political leader must devote himself sufficiently to philosophy to appreciate the limitations of earthly success. But he must also make himself available to serve his earthly community, in order to develop the political standing and skills that he will need if ever a crisis arises. The difficulty of striking this balance correctly is exemplified in Scipio's reconsideration of his own initial dismissal of the value of speculative study of the stars.

The same tensions between public life and a life of philosophical study are addressed again in book 6, in the *Somnium Scipionis* (6, 8-29): Scipio describes to the assembled company a dream in which he was transported beyond the earth to the heavens, where Scipio Africanus (the father of his own adoptive father) appeared to him, and revealed to him the military victories that Scipio himself would win, his future conflict with Ti. Gracchus, and the role he might be called upon to play in the resulting crisis of the *res publica*. Africanus encouraged Scipio to rise to this challenge, by disclosing to him that those who saved or helped their *patria* would enjoy eternal life in a special place in the heavens, since the gods valued, above all other earthly things, both human political communities and the service of those who maintained and protected them. Scipio describes the parts of the heavens where all this occurred in terms that recall Philus' description of Archimedes' celestial model: Africanus first pointed out to him the city of Carthage *de excelso et pleno stellarum, illustri quidem et claro quodam loco* (6, 15); later he observed the earth, where men lived out their lives, and the place where the souls of illustrious men dwelt, which was *splendidissimo candore inter flammam circum elucens*, and there then appeared to him *eae stellae quas numquam ex hoc loco vidimus* (6, 20). From his celestial vantage point (with its similarity to the vantage point enjoyed by those who observe a model representing the same matters in miniature), Scipio was able to observe the whole earth, and the stars and planets.

Africanus explained to Scipio that the sweet sound that he could hear was generated by the motion of the celestial bodies. It created a harmony based on uneven intervals, but the inequality of the intervals was proportionate and based on reason (*intervallis coniunctus imparibus, sed tamen pro rata parte ratione distinctis*), and the different sounds created in combination a balanced music (6, 22, *varios aequabiliter concentus efficit*).

Africanus also explained to him that, whilst those on earth counted as one year the time it took for one star – the sun – to complete a revolution of the earth, Scipio could see from his new vantage point how many human lifespans it would take for all the stars and planets to complete their cyclical movements, so as to return to their starting points. Africanus invited Scipio to reflect on the insignificance of the earth and of those who dwelt there, and of how transient would be a man's posthumous fame that depended on the memories of generations of men (6, 28-29).

Within the wider context of *De re publica*, Scipio's experience of the music of the spheres recalls the choral harmony that he had invoked in book 1 by way of analogy for the civic concord that characterises a well-balanced *res publica*: in a choir, a *concentus* must be maintained *ex distinctis sonis* by a process of *moderatio dissimillarum vocum*, in order to avoid an intolerable cacophony; in the same way, Scipio argues, a *civitas* that is *moderata ratione* will enjoy a *concordia* that corresponds to the *harmonia* of a well-conducted choir (2, 69).

The *Somnium Scipionis* offers little by way of coherent philosophical argument to support its claims for the immortality of men like Scipio¹⁹. But, by creating a ring composition with the discussion introduced by Tubero and Philus at the beginning of *De re publica*, and by introducing a celestial counterpart to the harmonious concord that Scipio had attributed to his preferred form of *res publica*, Scipio's dream appears to offer readers a final endorsement of the constitutional model that Scipio has advocated, and a compelling vision of the immortality that may await those who rise to the challenge posed by Cicero in his introduction: that they should learn by lifelong experience how to serve the *res publica* well, and should do so selflessly, even to the point of earthly death. Scipio's vision, in his dream, of the insignificance of the earth and its human communities, and of the brevity of the lives of individual generations of men, makes clear to him how superior is the immortality of the soul that Africanus has shown him compared with the posthumous, but nonetheless transient, reputation which is all that can be achieved among earthly communities.

¹⁹ Powell 1990, 122, 128-131 discusses Cicero's diverse philosophical sources for the *Somnium*, as well as his criticism of Plato's myth of Er, which the *Somnium* seeks to surpass.

3. *Nature on a Smaller Scale: The Site of Rome – De re publica 2, 5-10*

After providing in book 1 a general account of the superiority of the mixed constitution over the three simple forms, Scipio describes in book 2 how the Roman *res publica* evolved from its inception to a stage where it instantiated a successful balance among its various elements. So far as presently relevant, Scipio describes Romulus' decision, after the conquest of Alba Longa, to found a new city and to provide a firm footing for its political community: 2, 5, *urbem auspiciato condere et firmare [...] rem publicam*.

The siting of a city is, Scipio claims, a matter to be undertaken with great foresight, if one aims to sow the seeds of a *diuturna res publica*. Romulus exhibited such foresight in realising that coastal sites are not suitable for cities founded *ad spem diuturnitatis [...] atque imperi* (2, 5): such sites are exposed to unforeseen naval attacks, by unidentified enemies; in contrast, an enemy approaching over land gives forewarning of his arrival, is unable to approach so quickly, and his origin and identity will be readily ascertained.

In addition, says Scipio, coastal cities are open to *corruptela ac mutatio morum* (2, 7): their citizens are exposed to the new talk and new learning that travelling traders bring, and they are themselves tempted to travel abroad. The adverse effects of such influences are said to be visible in the experience of Greek city states, both on the mainland and, particularly, on the islands, which are, as it were, both physically and morally afloat: 2, 8, *fluctibus cinctae natant paene ipsae simul cum civitatum institutis et moribus*.

Yet the site that Romulus chose for the city of Rome was not cut off from the sea: being built on the banks of the Tiber, the city was well-placed to carry upstream any imports that it needed, and to sell downstream its own surplus production. The site was, in Scipio's estimation, unique in Italy in affording a suitable seat for a city that was to lead a great empire: its natural fortifications had enabled it to survive even the Gallic attack.

Although Scipio's sentiments are not novel²⁰, the terms in which he describes the virtues of Rome's physical situation evoke the intangible qualities of the *optimus status rei publicae* that Scipio had described in

²⁰ For similar discussions of the siting of cities, see Plato (*lg.* 704a-707d) and Aristotle (*pol.* 1326b-1327b).

book 1: the *perennis* [...] *et aequabilis* flow of the Tiber (2,10) provides a physical analogue for the stable and well-balanced constitution that Rome was to acquire. And the early city, built *arduis praeruptisque montibus* (2,11), enjoyed strong defences that matched the *firmitudo* which its political institutions were to acquire, through, *inter alia*, Romulus' establishment of the *senatus* and the *auspicia* (2, 17). Rome's situation contrasts with that of the Greek islands, which appear to float amidst the waves, without any fixity or firm foundation, a state of affairs that leads in turn to *mutatio morum*.

Scipio's account clearly demonstrates Romulus' practical wisdom as a political leader: Romulus was, Scipio says, the son of a god: Scipio willingly concedes divinity to Romulus, since, in early times, men who served their community well were considered to enjoy divine ancestry as well as a divine *ingenium* (2, 5); and no one could have acted *divinius* than Romulus in choosing such an advantageous position for his new city (2, 10). For his success in founding Rome, and establishing fundamental elements of its *res publica*, Romulus was finally deified (2, 17). In Scipio's account, this serves to confirm his exemplary status. Within the context of the larger arguments of *De re publica* and *De legibus*, Romulus is presented as a political leader who is sufficiently *prudens* to make decisions that partake directly in *summa ratio*: such men will ultimately be deified, or will share in the immortality contemplated by the *Somnium Scipionis*.

4. *The Landscape of Arpinum*: *De legibus* 1, 1-14 and 2, 1-6

The dialogue *De legibus* is set in the countryside around Arpinum, Cicero's ancestral home, where Cicero is accompanied by Quintus and Atticus²¹. The dialogue apparently opens without any authorial proem. Instead, Atticus begins by asking whether the oak tree mentioned in Cicero's poem *Marius* still survives and whether it is that tree that he now sees. Quintus answers first, arguing that the tree mentioned in Cicero's poem will last forever, for it was sown by the imagination (*sata est ingenio*), and no plantsman's tree could be as long-lived (*diuturna*) as one

²¹ Dyck 2004, 54-58; 246-264.

that is sown by the verse of a poet. The tree, and a nearby grove, are the only features of the landscape mentioned at this point (1, 1).

But Atticus' brief exchange with Quintus prompts further conversation: Atticus wants to hear from Cicero himself whether Cicero invented the tree and the episode of Marius' life relating to it, or whether his poem recorded what he had heard from other sources. Cicero responds with his own question: does Atticus expect what he learns of early history or myth to be true? Atticus replies that one expects more truth in accounts of recent history, including events as recent as those of Marius' lifetime. Nonetheless, Cicero counters, one should not expect truth from a poem as one expects it from a witness in legal proceedings; and one should be equally wary of believing all that is related in relation to Rome's regal period. Quintus agrees that there are different rules for judging truth in poetry, and different ones again for history, such as the accounts of Rome's early kings (1, 2-5). The mention of Roman history prompts Atticus to ask whether Cicero would consider writing history: his learning and eloquence would allow him not only to record events, but to adorn them by his writing. Atticus deplors the deficiencies of much earlier Roman historiography. His criticisms focus on the stylistic shortcomings of existing Roman historiography. But they cohere with criticisms aired in the earlier *De oratore*, where Crassus had argued that historians required rhetorical skills to explain and interpret events, whilst nonetheless ensuring that their overall account should be true (2, 64-66). In *De legibus*, however, Cicero is simply concerned that he does not have enough time to write history; if he had spare time from his duties as an orator, he might offer advice as a jurisconsult. But that would simply add to his workload. Atticus asks whether Cicero would instead consider writing about the *ius civile*. Cicero declines to do so, dismissing much of it as relating to trivial domestic matters. But he agrees, in the time now available to him, to deliver a *sermo* about the law (1, 8-13). The three men decide to walk along the shady bank of the river Liris, pursuing their conversation as they walk, and then to continue the discussion while they sit and rest.

So far, this preliminary conversation appears to have the primary function of providing a seemingly unforced opportunity to present Cicero's credentials: the conversation touches on Cicero's poetry, his oratory and his qualifications to write history or to act as a jurisconsult. In short, Cicero's companions consider that his literary skills, and his career,

make him well-qualified to write about all aspects of Roman law and politics²². In addition, Cicero's insistence that different kinds of writing or speech offer different kinds of truth alerts readers to the possibility of finding different kinds of truth in what follows.

The conversation also lays the ground for Cicero's account of the philosophical basis for the laws of the *optimus status rei publicae* which he is to expound in subsequent books, and for his claim that those laws participate in *summa ratio* – that is, that they emerge from the mind of the *prudens*: if Cicero is to take on the role of the *prudens*, it is important that he should, so far as possible, establish his fitness to do so, in terms that will assist in securing the respect of his readers for what is to follow. This preliminary conversation appears calculated to contribute to that objective by emphasising the exceptional breadth and depth of Cicero's learning and experience in terms that might mitigate possible shortcomings in the philosophical underpinning of his laws, as outlined in section 1 above.

The opening chapters of book 2 provide further details of the topographical setting of the dialogue. After completion of the discussion of book 1, Cicero and his companions consider moving to a nearby island in the river Fibrenus to continue their conversation. Atticus takes the opportunity to comment on how impressed he is by the local landscape. Cicero readily agrees, noting that, whenever he is away from Arpinum for any time, he misses it. But, he adds, he has an additional reason to take delight in the place, beyond those that have impressed Atticus: it is his and Quintus' true *patria*. He explains what he means: 2, 3, *hinc enim orti stirpe antiquissima sumus, hic sacra, hic genus, hic maiorum multa vestigia*. But, his family home has, he explains, changed considerably in recent times: his father rebuilt it in a more elegant style, then spent his latter years there, in declining health, but amidst his books. Cicero was born in the older, more modest house. Though the place has changed, Cicero still feels an emotional attachment to it: 2, 3, *quare inest nescioquid et latet in animo ac sensu meo*. He recalls Odysseus, who preferred to give up the prospect of immortality, if only he could return to his home in Ithaca.

Atticus expresses sympathy with Cicero's sentiments. He feels an attachment to various sites in Athens, which he associates with the great

²² See Dolganov 2008 on the significance of this generic discourse, and Krebs 2009 on the construction of the whole preliminary conversation.

men of the past who frequented them (2, 4). And we may infer that readers will also have recognised the potency of particular places in evoking memories of those who once lived there²³. But Atticus has a further question for Cicero: does he really regard Arpinum rather than Rome as his *patria*? Was Tusculum rather than Rome the elder Cato's *patria*?

Cicero responds that Cato had one *loci patria*, and one *iuris patria* (2, 5), since he was born in Tusculum but was given Roman citizenship. Cicero similarly has two *patriae*. But, he insists, one should recognise the greater *caritas* owed to Rome, the *patria iuris*, and one should be willing to dedicate oneself to it and to die for it, though one's *patria* by birth is no less *dulcis*. Thus, Cicero does not deny that Arpinum is his *patria*, but his Roman *patria* is the greater of the two. Atticus replies simply that Pompey had been right when he said that Rome owed thanks to the *municipium* of Arpinum, since it had produced two great saviours of Rome.

By now, the three men have reached the island. Atticus notes that it juts forward into the centre of the river Fibrenus like the *rostrum* of a ship, parting the river into two channels which then unite again once they pass the island. The island itself is the size of a modest wrestling ground (*palaestra*). And, as the Fibrenus flows on, it rushes headlong into the Liris. At the point at which it becomes a tributary of the larger river, it loses its own less well-known name, as if joining a patrician family. But its own, much colder waters, make the waters of the Liris colder: *praecipitet in Lirem, et quasi in familiam patriciam venerit, amittit nomen obscurius, Liremque multo gelidiorem facit* (2, 6). The others readily agree to sit in the shade and Quintus invites Cicero to resume his account, with a discussion of the religious laws of the Roman *res publica*.

These opening sections of book 2 offer a more detailed account of the locality where the three men are to conduct their further conversation and of Cicero's affection for it. Some commentators suggest that these paragraphs merely allow Cicero to imitate Plato's practice of situating

²³ Both Cicero's and Atticus' comments reflect the general sentiment expressed in Cicero's *De finibus*, where Piso notes that one often feels closer to men of the past when one visits places that they knew than when one hears directly of their lives, or reads their own works (5, 2). The association of memory with particular places – the so-called *locus memoriae* – is frequently explored in Latin literature. See Calco 2018 (discussed at footnote 2 above), as well as Seidman 2013 (discussing passages from Catullus, Ovid, Lucan and Tacitus), along with the wider discussion in Nora 1986-1992 and, in relation to the Roman world, Stein-Hölkeskamp-Hölkeskamp 2006. See also Flower 2006 for the importance attached to demolishing the homes of Roman citizens who had betrayed the *res publica* and who were therefore to be erased from collective memory.

his Socratic dialogues in a specific location, and to celebrate his ancestral home, by placing this, his first Aristotelian dialogue, in Arpinum²⁴.

But this appears to miss the wider significance of this passage: thus, one function of this preliminary conversation is to allow Cicero to explain the primary importance he attaches to his Roman citizenship, and the enormity of the duties that he owes to the Roman *res publica*: Odysseus was willing to forgo immortality to see Ithaca again, but it is for Rome, rather than Arpinum, that Cicero would be willing to sacrifice his life. This point is made all the more powerful by Cicero's touching account of his genuine attachment to his *patria loci*.

The same passage also serves to confirm that, for Cicero, the truly valuable things in life are not material possessions, but intangible things: he regards Arpinum as his home, and the seat of his familial *sacra*, even though the house that now stands there is not the one that his grandfather had known²⁵. And, so far as relates to Rome, Cicero expresses attachment not to its buildings, but to its political institutions, and to the rights and duties consequent upon citizenship of Rome.

Atticus' account of the rivers Liris and Fibrenus also appears calculated to add further nuance to what Cicero has said about the priority he attaches to his Roman citizenship over his attachment to Arpinum: the lesser Fibrenus loses its separate identity when its waters are absorbed into the larger and nobler Liris. But the distinctive quality of the waters of the Fibrenus – their coldness – has the effect of cooling, and hence altering, the waters of the Liris. Likewise, we may infer, the distinctive character of the citizens of Arpinum – men like Marius and Cicero – has, through being absorbed into Roman society, contributed to the formation of a new Roman character²⁶.

By emphasising that his own citizenship of Arpinum has been subsumed into a greater Roman citizenship, Cicero also suggests that, to the

²⁴ See, for example, Gasser 1999, 32-49. The discussion of the landscape around Arpinum, and of the spot where Cicero and his companions choose to sit, certainly exhibits parallels with the setting of Plato's *Phaedrus*. Whilst these parallels have wider significance to the main arguments of *De legibus*, it is beyond the scope of this paper to consider them in detail. On allusions in *De legibus* to the *Phaedrus*, see Dyck 1984, 20, 64, 94, 263 and, on comparable allusions in Cicero's *De oratore*, see Zetzel 2003. See also Calcò 2018 as to parallels with the setting of the *Phaedrus* in both *De legibus* and *De oratore*.

²⁵ The importance of continuity of such familial *sacra* is emphasised in the prominence given to religious laws in book 2 of *De legibus*.

²⁶ See the paper by G. Tsouni in this volume which also explores the opening sections of book 2 and their significance to aspects of the subject matter of *De legibus*.

extent that Roman constitutional law (governing citizens' rights of participation in the *res publica*) partakes of *summa ratio*, the benefit of that highest form of law extends beyond Rome itself, to all who share in Roman citizenship. Indeed, as Roman citizens, Atticus and Cicero see the island in the midst of the Fibrenus in Roman terms: the size of a modestly sized *palaestra*, it juts out like a *rostrum* – familiar from the speaker's platform in the Roman forum, where the reality of Roman civic *libertas* was routinely enacted in *contiones*, and where the exposition of the laws will be played out in *De legibus*. And the absorption of Cicero's Arpinate citizenship into Rome is likened to the assumption of a patrician name in place of a lesser, more obscure one.

5. Conclusions – Learning from the Natural World

In Section 1 above I noted the essential elements of Cicero's exposition of the nature of the universe, its governance by *summa ratio*, and the relationship among that *ratio*, true *lex* and the laws of political communities. Cicero's account of these matters is central to his argument that the laws he proposes for the *optimus status rei publicae* should be upheld and maintained, as being part of the *ratio* that governs the universe.

But, by adopting and adapting an essentially Stoic account of the nature and functioning of the universe, Cicero also arguably confers additional significance on the descriptions and images of the natural world discussed in Sections 2 to 4 above.

Stoic doctrine taught the coherence of the universe, in that everything can be regarded as part of a single, coherent, causal system. Some Stoic teaching also drew attention to the beneficence of nature. Accordingly, in book 1 of *De legibus*, Cicero claims that nature is beneficent towards man. The earth provides man with useful resources to sustain him and to enable him to prosper: *ad hominum commoditates et usus tantam rerum ubertatem natura largita est* (1, 25).

In this context, Scipio's account in *De re publica* of Romulus' successful siting of the city of Rome presents Romulus' choice as having been made in accordance with nature to the ultimate benefit of the Roman people.

Nature's coherence also generates recurring patterns in the world, and it is by nature's beneficence that man is able to observe in the world's visible or tangible features qualities that he discerns to be replicated in what is invisible or intangible²⁷.

Accordingly, when Cicero uses similar language to describe the physical world and the political realm, the text may readily be interpreted as suggesting that both the physical phenomenon he describes and its counterpart in his political argument instantiate a similar natural pattern: the distinctive (tangible) quality of the river Liris arises from the combination of its warmer waters with the colder waters of the Fibrenus; the (tangible) effect that the Fibrenus' waters have on the temperature of the merged stream explains and provides an image of the (intangible) way in which the character of the Arpinum-born Cicero has contributed something distinctive to the Roman *res publica* and has thereby altered that *res publica*. Cicero grew from an *antiquissima stirps* that was rooted in the soil of Arpinum – soil that was probably fed by its river waters; he thereby took on qualities of his birthplace, and passed them on into the Roman *res publica*.

Similarly, in *De re publica*, Archimedes' (visible) celestial sphere may disclose a pattern that is also instantiated in the (invisible) *aequabilitas* and *diuturnitas* of well-structured *res publicae*. Cicero's suggestion of a parallel between the harmonious functioning of the celestial system, on the one hand, and well-structured political communities, on the other, appears to be innovative, at least in the sophistication of the parallels that he draws between the two. Cicero may have found the seeds of this relationship in Aratus' *Phainomena*, since it was Aratus' poetic account of Eudoxus' astronomical science which appears, for the first time, to have identified the astrological sign of the *parthenos* (*Virgo*) with Justice. Aratus' identification of the star sign with Justice may have prompted interpretation of the celestial system itself as having a moral or political dimension²⁸. References to Aratus' *Phainomena* in *De re publica* (1, 22; 1,

²⁷ The educational role of nature is well-illustrated in Seneca's *De clementia*: 1, 19, 3: by revealing to mankind the organisation of colonies of bees, nature provides evidence, in miniature, of what is also natural to, and therefore good for, human societies. Cf. Roby 2014, discussing the range and limitations of the numerous analogies relating to the natural world deployed in Seneca's *Quaestiones Naturales*. See also Cicero *leg.* 1, 26, *artes vero innumerabiles repertae sunt docente natura, quam imitata ratio res ad vitam necessarias sollerter consecuta est*.

²⁸ Gee 2013 elaborates some of the implications of Aratus' equating of Justice with the star sign of the *parthenos*, and their development in Latin literature.

56) and in *De legibus* (2, 7) suggest that Cicero had Aratus' work firmly in mind in writing both treatises but, in its developed form, Cicero's text draws a far more elaborate analogy between the celestial system and the well-functioning *res publica* than Aratus' text alone could suggest.

But any link between Archimedes' sphere, or Scipio's dream, and the political argument of *De re publica* is expressed only tentatively. Whilst Cicero and his companions could observe the landscape of Arpinum, and see and feel the waters of its rivers, Archimedes' sphere is merely a model, at one remove from the reality of the celestial bodies that it represents (and, at an early stage in the dialogue, Scipio makes very clear his doubts as to how much one might really know about celestial matters); and, in book 6, the vision of immortality that Scipio relates derived from a dream. Accordingly, the status and significance of these passages is perhaps somewhat diminished: parallels in the language of these passages with that used in Scipio's formal argument implicitly invite the reader to draw an analogy between these passages and elements of Scipio's argument, but the kind of truth that these passages offer about the *aequabilitas* of Rome's mixed constitution, or about the rewards that await the best and most dedicated statesmen, is perhaps best regarded as a poetic truth, such as attached to Cicero's account of Marius' oak²⁹.

The dialogue of *De legibus* points out its formal relationship with *De re publica*: the laws that Cicero is to offer are those of the *optimus status rei publicae* of *De re publica* (1, 15). I have argued in the preceding sections of this paper that there are other significant links between the two treatises³⁰: in both *De re publica* and *De legibus* Cicero deploys a range of descriptions and images drawn from the natural world to support his political and philosophical arguments.

In *De legibus*, Quintus reminds Atticus that there are different kinds of truth, including poetic truth and historical truth – a reminder which is important for Cicero's wider readership too. In the same passage Atticus encourages Cicero to write a history that would draw on his judgment and his oratorical excellence, a project that is already achieved, in small part, in *De re publica*: Scipio's account of Rome's early history in book 2 of *De re publica* explains and interprets the events he relates in the manner contemplated in *De oratore* to be essential to good historical writing. By drawing out the implications of the actions of men who, like Romu-

²⁹ See also Görler 1995, 88-90.

³⁰ See also Zetzel 2022 on the relationship between *De re publica* and *De oratore*.

lus, contributed to Rome's successful development (for example, by likening the *perennis* and *aequabilis* current of the Tiber to the qualities required to equip its people to achieve political *aequabilitas* and *diuturnitas*), Scipio confers on his account an explanatory truth that is appropriate to historiography.

In short, the advice that Cicero offers in *De legibus* as to the different kinds of truth associated with different contexts of writing appears to be equally relevant to a reading of *De re publica*, and it invites readers to regard the two treatises as parts of a single project: both treatises advance a defence of the Roman *res publica* and its laws, and both aim to secure leading citizens' commitment to selfless service of the *res publica*; and both treatises explore and deploy different kinds of truth relating to elements of the natural world to achieve that end.

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