for the same interpretation, given at greater length,[13] and so the verse has been understood by almost every editor since.[14] The only variation is that some have followed Bentley and made *rectumst* and *non est* interrogative.

The natural interpretation is to take *ego ut faciam* to be dependent on *rectumst* and to refer *faciam* to Chremes' actions in giving advice and asking questions: "it is right that I should do so." Indeed, by the Eugraphian interpretation of parataxis one would expect *rectumst: faciam; non est: deterrebo,* whereas here the apodoses consist of *ut*-clauses which are in fact dependent on verbs in the preceding sentence. I know of no parallel for this kind of paratactic construction. The reason for the Eugraphian explanation is that, if the *ut*-clauses are taken as dependent on *rectumst* and *non est,* the second half of the line does not make much sense: "it is not right that I should deter / dissuade you." How can Chremes say this, when that is exactly what he is trying to do?[15]

The difficulties of syntax and sense are removed if the second half of the verse is emended to read *non est tu ut deterreas:* "it is not right that you should deter me from doing so" (i.e., from giving advice and making inquiries). Chremes is answering the retort of Menedemus at 75–76, where he is virtually told to mind his own business. Chremes' answer, as emended, smacks of self-importance and pomposity, but that is in keeping with his characterization.[16]

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13. For Jeronimo Zurita, see *Enciclopedia de la cultura española,* vol. 5 (Madrid, 1963), p. 733.

14. The punctuation adopted by Kauer–Lindsay in the OCT suggests that they did not follow the standard interpretation of the line.

15. One could get round the difficulty if *deterrere* contained the idea of intimidation, but that sense is rare (cf. Cic. *Sest.* 89). Moreover, that sense is irrelevant here. There is no thought that Chremes would or could prevent Menedemus from doing what he wanted by threatening him.

16. Some support for taking Menedemus to be the subject of the verb *deterrere* in this context comes from *Ad.* 144 ff.: "quom placo, advorsor sedulo ac deterreo, / tamen vix humane patitur." The speaker is Micio, who is describing how he attempts to deal with the continual criticism leveled at him by his brother Demea with respect to how he is rearing his adopted son. Micio is saying that he has no success in dealing with Demea, whether he tries to placate him or whether he opposes him energetically and tries to deter him. Micio is in the same position as Menedemus in *Haut.* Both are on the receiving end of unwanted advice. If *Haut.* 79 is emended as suggested, the verb *deterrere* is used then of the attempts of both to stop similar interference.

CONTEMPORARY POLITICS IN CICERO'S *DE REPUBLICA*

The History That Cicero Never Wrote is an eternally fascinating subject for students of the Roman Republic.[1] As is clear from the introductory dialogue of the *De legibus,* he would have preferred to write the history of his own times; one of the reasons offered is that this would have enabled him to glorify Pompey.[2]

1. See E. Rawson, "Cicero the Historian and Cicero the Antiquarian," *JRS* 62 (1972): 33–45; P. A. Brunt, "Cicero and Historiography," in Φιλίας Χάριν. *Miscellanea di studi classici in onore di Eugenio Manni,* vol. 1 (Roma, 1980), pp. 311–40.

2. Cic. *Leg.* 1. 8 (Quintus speaking): "ipse autem aequalem aetatis suae memoriam deposcit, ut ea complectatur, quibus ipse interfuit." Atticus' reply includes the observation: "tum autem hominis amicissimi, Cn. Pompei, laudes inlustrabit."

It is generally recognized that Cicero most closely approaches the writing of history in his *De republica:* in some portions, as in the survey of the period of kings in the second book, he approximates it very closely indeed. Thus it will not come as a surprise that this work contains allusions to and reflections on matters that were in the political limelight at the time of its composition. In the following I propose to draw attention to two such cases: one concerns an issue not otherwise referred to in Cicero's extant writings, though it may have been prominent in one of the lost works of his later years; the other, an instance where Cicero's correspondence fails us in one of the most crucial periods of the waning Republic, and of Pompey's career.

I

In *De republica* 1. 21, in the astronomical discussion ensuing from the reported appearance of the two suns, Philus mentions a globe, the construction of Archimedes, at the home of M. Claudius Marcellus (cos. 166, 155, 152), the only piece of booty taken for himself by Marcellus' grandfather, the conqueror of Syracuse ("aliud nihil ex tanta praeda domum suam deportavisset"). Although the circumstances of the siege of Syracuse are well known[3] and all the reports are interspersed with anecdotes concerning Archimedes, this is our only evidence for Marcellus' designating a globe as the only loot he would take. Cicero could have seen the globe at the homes of the descendants of Marcellus, three of whom, two brothers and a cousin, were to reach the consulate in successive years (viz., 51, 50, and 49) close to the publication of the *De republica,* and may have heard the story of its acquisition—probably a cherished family tradition of the Claudii Marcelli.[4] The story was very possibly not widely known, a circumstance that may explain its absence from, for example, Plutarch's *Life of Marcellus*. Nevertheless, the mention and presentation of the story have the unmistakable ring of the historical *exemplum:* Marcellus took nothing from the immense booty (*tanta praeda*) but an object of cultural interest practically devoid of material value. Now this story seems to fit into a pattern of historical *exempla,* all in some way or other connected with the *De republica.*

Cato the Younger's discharge of his mission in Cyprus in 58–56 gave rise to a vivid political controversy with shrill personal overtones.[5] It has been shown that, a short time after his return to Rome, Cato was attacked by Metellus Scipio in a vicious invective, suggesting, *inter alia,* embezzlement of the proceeds of the sale of Ptolemy of Cyprus' property.[6] Very probably it is the refutation of these charges that brought forward the defense reflected in Pliny *Naturalis Historia* 34. 92:

3. Polyb. 8. 3–7; Livy 24. 33–36; Plut. *Marc.* 14–19; Diod. 26. 18; Sil. 14. 292–352, 580–688; Zonar. 9. 4–5; Tzetz. *Chil.* 2. 103–56.

4. It is noteworthy that Cicero's friend Atticus published a family history of the Claudii Marcelli: Nep. *Att.* 18. 4.

5. S. I. Oost, "Cato Uticensis and the Annexation of Cyprus," *CP* 50 (1955): 98–112; E. Badian, "M. Porcius Cato and the Annexation and Early Administration of Cyprus," *JRS* 55 (1965): 110–21; J. Geiger, "Canidius or Caninius?," *CQ* 22 (1972): 130–34.

6. L. Piotrowicz, "De Q. Caecilii Metelli Pii Scipionis in M. Porcium Catonem Invectiva," *Eos* 18 (1912): 129–36; cf. also J. Geiger, "Munatius Rufus and Thrasea Paetus on Cato the Younger," *Athenaeum* 57 (1979): 55.

non aere captus nec arte unam tantum Zenonis statuam Cypriae expeditione non vendidit Cato, sed quia philosophi esset.

The complete parallel between the cases is apparent. Marcellus did not take from the booty anything but a globe, and Cato only a statue of the founder of Stoicism. A Roman general was entitled to *manubiae*.[7] The accusation against Cato may have been of *peculatus,* maintaining that the confiscation of the property of the king of Cyprus did not amount to the taking of booty:[8] it must have been in reply to such arguments (or to forestall them) that Cato equated the Cyprian expedition with military conquest (Dio Cass. 39. 22. 4). The issue involved was not obeying the laws but setting moral standards higher than those required by the state. Already the Elder Cato, Cato's great-grandfather and model in public life, insisted that he had never taken booty or distributed it among his friends,[9] and Cato must have emphasized the exception which the case of Zeno's statue constituted.[10]

It is in this context that we should review our next item of information. Pliny the Elder (*HN* 34. 93) tells us about a statue of Heracles near the *rostra* bearing three inscriptions:

> L. Luculli imperatoris de manubiis
> aliter pupillum Luculli filium ex *s.c.* dedicasse
> tertium T. Septimium Sabinum aed. cur. ex privato in publicum
> restituisse.

It is the second of these inscriptions that requires our attention. The *senatus consultum,* otherwise unknown, may have been worded "in general terms, and called upon the owners of *manubiae* to dedicate works of art," as suggested by Shatzman.[11] But it is the date of the dedication, and by implication of the *senatus consultum,* that is relevant to our investigation. Lucullus' death in ca. 57[12] is the *terminus post quem.* Young Lucullus' guardian was none other than Cato,[13] his great-uncle,[14] who entered upon this guardianship no doubt only after his return from Cyprus. The *terminus ante quem* is Cato's and young Lucullus' departure from Rome at the outbreak of the Civil War:[15] in other words, we are back at the time of the affair of the statue of Zeno, and the composition of the *De republica.*

It is not necessary, and it would entail too much speculation, to reconstruct the

7. I. Shatzman, "The Roman General's Authority over Booty," *Historia* 21 (1972): 177–205. I am grateful to Prof. Shatzman for a discussion of a draft of the present article.

8. There seems to be little point in the query of Oost, "Cato Uticensis," p. 117, n. 43: "Did Cato pay for the statue himself?"

9. *ORF*^{3}, p. 82, frag. 203; cf. ibid., p. 42, frag. 98; p. 91, frags. 224–26.

10. Another case that immediately comes to mind is that of Aemilius Paullus, the victor of Pydna and the father of Scipio Aemilianus, who did not take from the unprecedentedly large booty anything but Perseus' library. But Cicero apparently knew an earlier version of the story, according to which Paullus did not take anything at all: see *Off.* 2. 76 (cf. also Val. Max. 4. 3. 8); the later version appears in Plut. *Aem.* 28. 10; cf. Isid. *Etym.* 6. 5. 1. Was the later version introduced in order to bring the story in line with the parallels under discussion?

11. "Roman General's Authority," p. 188.

12. Drumann–Groebe 4. 179.

13. Cic. *Fin.* 3. 7; *Att.* 13. 6. 2; Varro *Rust.* 3. 2. 17.

14. For the correct relationship, see J. Geiger, "The Last Servilii Caepiones of the Republic," *Anc. Soc.* 4 (1973): 143–56.

15. Plut. *Cat. min.* 54. 1.

details of the affair, though the outlines appear now clear enough. The *senatus consultum* may have been introduced by Cato's enemies in the senate in response to his above-mentioned claim, the dedication made by Lucullus the Younger—in effect, by his guardian Cato—in compliance with the resolution. The most probable date for these happenings is 55 or at the latest 54. Cicero started planning his *De republica* in May 54 and began writing, after a revision of the plan, later that year.[16] Early in the first book, presumably written close to the inception of the work, he mentioned the story—apparently not widely known—of Marcellus and the globe. Surely few would have missed the parallel with the recent cause célèbre and the moral to be drawn from that parallel. Unfortunately it is not possible to know whether Cato was aware of any precedents and invoked them in his defense.[17] Be this as it may, we probably witness here the birth of a historical *exemplum,* though it is not for us to know whether Cato or Cicero invoked it first.[18] Later, of course, Cicero may have referred to the affair in his *Cato,* written shortly after the suicide in Utica. But speculation on that work abounds,[19] and it would be idle to add to it.

II

Our second passage comes from the *Somnium Scipionis*. It occurs in the course of the speech of the Elder Scipio in the dream of Aemilianus. Scipio prophesies his descendant's career and achievements up to the last crisis, from which he will free the state if he escapes the impious hands of his relatives: "dictator rem publicam constituas oportebit, si impias propinquorum manus effugeris" (*Rep.* 6. 12). This passage is our only evidence that there was ever a plan to make Scipio Aemilianus dictator.[20] Since the plan was never carried out, we have no means of knowing whether it ever existed. But even on the assumption that we are dealing with a notice for which Cicero had reliable historical evidence, the question arises, what made him include it in Scipio's speech? Apart from this single detail, the speech reiterates the well-known facts of the Younger Africanus' career, thus conforming to the widely used pattern of *vaticinia ex eventu*. The insertion into such a prophecy of one detail, and one detail only, of an occurrence that never took place must be motivated by some serious reason.[21]

16. Cic. *Att.* 4. 14. 1; 16. 2; *Q. fr.* 2. 13. 1; 3. 1. 11; 5. 1–2.

17. It should be mentioned, though, that Cato may have taken a personal interest in Lucullus' *manubiae:* these included a library "e Pontica praeda" (Isid. *Etym.* 6. 5. 1) kept in his *Tusculanum,* the scene of the second dialogue (Books 3–4) of the *De finibus,* where Cato is depicted (3. 7) "in bibliotheca sedentem, multis circumfusum Stoicorum libris." Again, it is impossible to tell whether there exists a parallel between the library of Perseus taken by Paullus and Lucullus' library from the spoils of Pontus.

18. There can be no doubts as to Cicero's attitude: he exalted Cato's *continentia* in Cyprus (*Dom.* 23).

19. There is very little that appears acceptable in the recent attempts at reconstruction of K. Kumaniecki, "Ciceros 'Cato,' " *Forschungen zur römischen Literatur: Festschrift zum 60. Geburtstag von Karl Büchner,* vol. 2 (Wiesbaden, 1970), pp. 168–88; C. P. Jones, "Cicero's Cato," *RhM* 113 (1970): 188–96; W. Kierdorf, "Ciceros 'Cato.' Überlegungen zu einer verlorenen Schrift Ciceros," *RhM* 121 (1978): 167–84.

20. Unless Plut. *Apophth. Scip. min.* 23. 201F, and the cry κτεῖναι τὸν τύραννον be connected with such a situation. See A. E. Astin, "*Dicta Scipionis* of 131 B.C.," *CQ* 10 (1960): 139, n. 3; id., *Scipio Aemilianus* (Oxford, 1967), pp. 266, 240, nn. 2, 3.

21. It is not quite clear to me what is meant by Astin's suggestion (*Scipio,* p. 240, n. 2) that "this should be regarded as an anachronism which Cicero has allowed to slip into this highly coloured passage."

It appears that such a reason can be found in the political context of the composition of the *De republica*. A century and a half after the cessation of the appointment of dictators at Rome, and one generation after Sulla had resumed the title and remodeled the office, Roman political circles were full of speculation concerning schemes to appoint Pompey dictator. The apparent impossibility of carrying out the consular elections in 54 inspired during the latter part of that year repeated rumors of plans to make Pompey dictator. From Cicero's correspondence we derive a fairly detailed knowledge of these rumors[22]—and of Cicero's noted lack of enthusiasm, easily understood against the background of his strained relations with Pompey in the wake of the defense of Gabinius.[23] There is no need here to recount the crowded political events of the next two years: the election of the consuls of 54 in the summer of that year; the scandalous consular elections for 53; the subsequent death of Julia and of Crassus in the Parthian disaster, changing fundamentally the relations between the two surviving "triumvirs"; and the situation that eventually led to the appointment of Pompey to the unprecedented and paradoxical position of consul without colleague. For the second half of 53 and for the year 52, Cicero's correspondence fails us almost completely, leaving only the retouched version of the speech in defense of Milo, from the latter part of that year, among the orator's political pronouncements. Thus we are reduced to secondhand assertions and guesses concerning Cicero's stance in certain transactions that were to decide the fate of the Republic. One such matter is the prolonged political struggle that led to Pompey's appointment as sole consul. As is well known, this was a compromise involving a reconciliation with such staunch *optimates* as Cato and Bibulus, who eventually offered him the unprecedented office. Before that there is ample evidence for various plans, or at least for reports of such, that had as their aim the appointment of Pompey as dictator.[24] Cicero's involvement in these political machinations is not clear, though inferences drawn from later developments—and *a fortiori* from the attitude of Pompey's bitter opponents, Cato and Bibulus—leave little room for doubt that he must have supported the placing of emergency powers into the hands of Pompey.

It is to these plans of the winter of 53–52 that the reference in the *Somnium Scipionis* must allude. The disclosure that there existed a plan which would have saved the state in the period of the Gracchan crisis, a plan to appoint Scipio Aemilianus dictator, would have been understood even by the dullest of political novices among Cicero's contemporaries.[25]

This interpretation of a neglected passage in the *Somnium Scipionis* is relevant to two major problems of Cicero's work. (1) No issue connected with the *De*

22. Cic. *Q. fr.* 2. 14(13). 5; 3. 4. 1; 6(8). 8; 7(9). 9; *Att.* 4. 16. 11; 18. 3; cf. Plut. *Pomp.* 54. 3. For a good analysis of the period, see E. S. Gruen, "The Consular Elections for 53 B.C.," *Hommages à Marcel Renard,* vol. 2, Coll. Latomus 102 (Bruxelles, 1969), pp. 311–24. It is best to assign Brutus' *De dictatura Pompei* (Quint. 9. 3. 95) to this period with, e.g., E. Meyer, *Caesars Monarchie und das Prinzipat des Pompeius* (Stuttgart and Berlin, 1922), p. 211, as against B. Rawson, *The Politics of Friendship: Pompey and Cicero* (Sydney, 1978), p. 141, n. 15, who dates it to 52.

23. For their relationship, see, e.g., M. Gelzer, *Pompeius*[2] (Munich, 1959), p. 166.

24. Asc. 33, 35C; Dio Cass. 40. 45. 5–46. 1; 50. 3–5; App. *BCiv.* 2. 19. 71; Plut. *Pomp.* 54. 5; *Caes.* 28. 7.

25. The argument would be even stronger if the story was invented by Cicero as a rather crude piece of political propaganda.

republica remains as controversial in modern scholarship as the identity of the *rector rei publicae* of the very fragmentary Books 5 and 6. There is no need here to review the controversy or to list the modern authorities in favor of the most popular solutions: that Cicero had Pompey in mind for the role (with himself as Laelius to the Imperator's Scipio);[26] that Cicero himself was the intended *rector;* or that we have here some impersonal theorizing, with no particular political figure in the writer's mind.[27] It would be pretentious to assert that the present investigation offers the definitive solution for a problem that has troubled the minds of virtually all historians of the Late Republic; but it would be rash to leave it out completely from any future consideration of the problem.

(2) The date of composition. We have seen that Cicero started planning the *De republica* in 54, and started working on the composition later in that year. Yet only in 51, shortly after his departure to enter the proconsulate of Cilicia, was the work published.[28] It seems very probable that it had been finished for some time and that Cicero only waited for the best opportunity to give it to the political world of Rome.[29] The Case of the Symbolic Booty was well in line with the hypothesis that Book 1 was written in or soon after 54; the present passage would suggest that Cicero composed the last part of the dialogue in late 53 or early 52—a suggestion that seems easy to harmonize with the available evidence.[30]

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26. Cf. Cic. *Fam.* 5. 7.

27. For a survey of modern scholarship, see P. L. Schmidt, "Cicero 'de re publica': Die Forschung der letzten fünf Dezennien," *ANRW* 1. 4. 319–23.

28. (M. Caelius Rufus) Cic. *Fam.* 8. 1. 4: *tui politici libri omnibus vigent.*

29. Cf. M. Gelzer, *Cicero* (Wiesbaden, 1969), p. 212: "Sozusagen als ein geistiges Vermächtnis für die Zeit der Abwesenheit veröffentlichte er in diesen Wochen seine sechs Bücher *de re publica.*"

30. It would be idle to speculate why Cicero did not change a reference that later proved irrelevant; but one should consider that some friends, notably Atticus, may have had "advance copies" of the dialogue.

ΠΟΝΟΣ IN AELIAN *VARIA HISTORIA* 5. 6

According to Aelian, Alexander was so impressed by the fortitude of the Indian sage Calanus on the pyre that "he said Calanus had overcome greater adversaries than himself. For he had fought it out with Porus, Taxiles, and Darius, but Calanus with *τὸν πόνον καὶ τὸν θάνατον*" (*VH* 5. 6). William M. Calder III (*CP* 78 [1983]: 51) objects that "toil was no enemy of Alexander," and proposes to replace *πόνον* with *φόνον*: "abduction, torture, or murder are meant." A very common sense of *πόνος*, already found in Thucydides (2. 49. 3) and amply discussed in the usual lexica, is "pain." There is an instance, precisely in connection with Calanus, in the only other version of the story cited by Calder, Philo *Quod omnis probus liber sit* 96; Calanus is there said to have written to Alexander: *πῦρ μεγίστους τοῖς ζῶσι σώμασι πόνους καὶ φθορὰν ἐργάζεται.* Ambrose (*Epist.* 7[37].