Cicero and the Body Politic

di *T. P. Wiseman*

Some time about 275 BC the south-Italian city of Locri Epizephyrii produced a coin issue showing Roma crowned by Pistis, the goddess of good faith and fair dealing. A century later, the Roman Republic was still perceived as a polity whose astonishing success was due to the moral virtues of its elected magistrates, men who kept their oaths and did not seek power and riches for themselves[1].

A century later again, however, that reputation had been lost. Now, the seeking of power and riches was precisely what characterised the Romans, and their virtues were a thing of the past[2]. Moreover, the Romans themselves agreed with that diagnosis[3]. What had happened?

What outsiders saw as Rome's most admirable achievement was her capacity to manage internal strife by argument and compromise rather than by violence and bloodshed[4]. The Republic defined itself by obedience to the laws, and down to 133 BC even the bitterest political controversies were carried out within the law[5]. What happened in that year was that one political faction thought itself entitled to defend its interests by murder. It was a disastrous precedent, leading directly to civil war[6]. The party responsible was a ruthless and arrogant aristocracy, which pursued its own economic interests in defiance of the laws[7].

Cicero constantly referred with admiration to the exemplary citizens of the old Republic[8]. His own career made him all too familiar with the selfish arrogance of the contemporary aristocracy[9]. His great sequence of philosophical arguments, from *De oratore* to *De officiis*, explored the moral basis of public and private life more thoroughly and eloquently than any Roman had ever attempted. And yet

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1. *Lexicon Iconographicum Mythologiae Classicae* 2, 2, 70 (Locri Epizephyrii coin); *Maccabees* 1, 8, 1-16, Polybius 6, 56.

2. Diodorus Sic. 31, 26, 2; 37, 2, 1; 3, 1-4; Dionysius Hal., *Ant. Rom.* 2, 11, 3; 74.5; 10, 17, 6.

3. Lucretius 2, 10-13; 3, 59-64; Sallustius, *Cat.* 10, 3-6; *Hist.* 1, 11-12M.

4. Dionysius Hal., *Ant. Rom.* 2, 11.2; 7, 66, 4-5.

5. Livius 2, 1, 1, *imperia legum potentiora quam hominum*; Appianus, *BC*, 1, 1, 1: ἔριδες ἔννομοι.

6. Velleius Pat. 2, 3, 3; Appianus, *BC* 1, 2, 4-8.

7. Sallustius, *Jug.* 5, 1-2, 16, 2; 42, 1-4; Varro, *Rust.* 2, praef. 4: *propter auaritiam contra leges*.

8. Cicero, *Sest.* 143; *Cael.* 39; *Pis.* 58; *Planc.* 60.

9. Cicero, *Verr.* 2, 5, 174-83, Sallustius, *Cat.* 23, 6.

he accepted the aristocracy's case that murder for political ends was not only acceptable but laudable[10].

For Cicero, Scipio Nasica had been wholly justified in killing Tiberius Gracchus[11]. For Cicero, the men who broke their oath and killed a defenceless man on the Ides of March 44 BC had carried out the most glorious of deeds, the greatest in human history[12]. How could he, of all people, have come to hold such a view? In chapter 9 of *Remembering the Roman People* (Oxford 2009), I suggested that part of the reason may have been his reading of Plato on the 'tyrannical man'[13]. This brief paper proposes a further contributory cause – the effect of the 'body politic' metaphor, when applied in times of political crisis.

The idea of the state as a human body was a very familiar one in Cicero's time. The early Roman historians all reported Menenius Agrippa's Aesopic fable of the necessary co-operation of the belly and the limbs[14], and the analogy of political strife as sickness, with surgical intervention a possible cure, went back as far as Herodotus and Aeschylus[15]. What Cicero's writings offer us is the opportunity to see how that idea could work in practice, influencing actual political decisions.

We may begin with the Romans' own perception of their law-abiding Republic, as expressed by Cicero himself as praetor in 66 BC (*Pro Cluentio* 146):

[…] tu mihi concedas necesse est multo esse indignius in ea ciuitate quae legibus contineatur discedi ab legibus. hoc enim uinculum est huius dignitatis qua fruimur in re publica, hoc fundamentum libertatis, hic fons aequitatis: mens et animus et consilium et sententia ciuitatis posita est in legibus. ut corpora nostra sine mente, sic ciuitas sine lege suis partibus, ut neruis et sanguine et membris, uti non potest. legum ministri magistratus, legum interpretes iudices, legum denique idcirco omnes serui sumus ut liberi esse possimus.

You must admit that it is much more unworthy, in a citizen body which is held together by the laws, to depart from the laws. For this is the constraint of this status I enjoy in public life, this is the foundation of liberty, this is the fountain-head of justice. The mind and heart and judgement and verdict of the citizen body is placed in the laws. As our bodies cannot employ their parts – their sinews, blood and limbs – without a mind, so the citizen body cannot do so without law. The magistrates administer the laws, the jurors interpret the laws, all of us in fact for that reason are slaves of the laws so that we can be free men.

This reassuring picture, of a healthy political organism animated by the rule of law, did not survive Cicero's own experience as consul three years later.

Faced with the challenge of Catiline's attempted coup, Cicero now warned the Senate that the Republic was infected by disease (*In Catilinam* 1, 30-31):

hoc autem uno interfecto intellego hanc rei publicae pestem paulisper reprimi, non in perpetuum comprimi posse. quod si sese eiecerit secumque suos eduxerit et eodem cete-

10. Cicero, *Mil.* 72-91.

11. Cicero, *Planc.* 88; *Tusc.* 4, 51; *Brut.* 212.

12. Cicero, *Att.* 14, 4, 2; *Off.* 3, 19; *Fam.* 11, 5, 1.

13. Cicero, *Att.* 9, 10, 2; 13, 4; 10, 8, 6; *Rep.* 1, 65-8.

14. Livius 2, 32, 8-12; Dionysius Hal., *Ant. Rom.* 6, 83, 2 (cf. Aesopus 197): φέρεται ἐν ἁπάσαις ταῖς ἀρχαίαις ἱστορίαις.

15. Herodotus 5, 28; Aeschylus, *Ag.* 848-50.

ros undique collectos naufragos adgregarit, exstinguetur atque delebitur non modo haec adulta rei publicae pestis uerum etiam stirps ac semen malorum omnium. […] ut saepe homines aegri morbo graui, cum aestu febrique iactantur, si aquam gelidam biberunt, primo releuari uidentur, deinde multo grauius uehementiusque adflctantur, sic hic morbus qui est in re publica releuatus istius poena uehementius reliquis uiuis ingrauescet.

I realise that if this one man is killed, this plague of the republic can be checked for a short time but not suppressed for ever. If on the other hand he banishes himself and takes his followers out with him, and groups together in the same place the rest of the bankrupts he has collected from all sides, then not only this plague of the republic, now grown so serious, but also the root and seed of all evils will be extinguished and destroyed. […] Just as people who are seriously ill often toss about in the heat of the fever, and if they drink cold water seem at first to get relief, but then suffer much worse and more grievously, so this disease which afflicts the republic, though relieved by this man's punishment, will develop much more dangerously if the others are alive.

The idea was more than just a rhetorical trope; Cicero's private correspondence shows that it was an integral part of his political thinking.

Here, for instance, is his assessment to Atticus of the political situation during Caesar's consulship in 59 (*Ad Atticum* 2, 20, 3):

nunc quidem nouo quodam morbo ciuitas moritur, ut cum omnes ea quae sunt acta improbent querantur doleant, uarietas nulla in re sit aperteque loquantur et iam clare gemant, tamen medicina nulla adferatur.

As things are, the citizen body is dying of a new sort of disease: although everyone disapproves, complains and grieves at what has been done, and there's unanimity on the subject and they speak openly and mourn without concealment, yet no treatment is being offered.

The disease consisted of the aristocracy's inability to prevent an elected magistrate from passing legislation in the interests of the Roman People and against the interests of the aristocracy itself.

What sort of treatment would be appropriate? Pompey's sole consulship in 52 offered one model (*In Milonem* 68):

sed quis non intellegit omnis tibi rei publicae partes aegras et labantis, ut eas his armis sanares et confirmares, esse commissas?

But everyone understands that all the sick and weakened parts of the republic have been entrusted to you so that by this armed force you can heal and strengthen them.

Since the same medical terminology repeatedly appears in later authors' treatment of that episode, it may well have been used by Pompey's own supporters during the tense political debates that followed the murder of Clodius[16].

16. Appianus, *BC* 2, 23, 84; 87; 25, 95; 28, 107 (θεραπεία, νοσεῖν τὰ κοινά, νοσοῦσαν τὴν πολιτείαν); Plutarchus, *Pomp.* 55.3 (ἰατρός); Tacitus, *Ann.* 3, 28, 1 (*grauior remediis quam delicta erant*).

Anomalous though it was, the sole consulship was a legal expedient. But the 'body politic' metaphor allowed more than one view of what might be needed to cure the patient. Let us go back to Cicero as consul in 63, this time addressing the Roman People (*In Catilinam* 2, 11):

huic ego me bello ducem profiteor, Quirites; suscipio inimicitias hominum perditorum; quae sanari poterunt quacumque ratione sanabo, quae resecanda erunt non patiar ad perniciem ciuitatis manere.

For this war, citizens, I offer myself as leader. I accept the enmity of the criminals. What can be cured, I shall cure by any means possible; what has to be cut back, I shall not allow to remain to the destruction of the citizen body.

'Cut back' (*resecare*) is usually a horticultural term, and even though the medical context implies something more drastic than mere pruning, it is clear that Cicero was expressing himself carefully before the People. The private correspondence shows more clearly what he had in mind (*Ad Atticum* 2, 1, 6-7, 60 BC):

quid si etiam Caesarem, cuius nunc uenti ualde sunt secundi, reddeo meliorem? num tantum obsum rei publicae? quin etiam si mihi nemo inuideret, si omnes, ut erat aequum, fauerent, tamen non minus esset probanda medicina quae sanaret uitiosas partes rei publicae quam quae exsecaret.

What if I even make Caesar, who has really favourable winds at the moment, a better citizen? Is that doing the republic so much harm? In fact, even if no-one were malicious towards me and everyone were on my side (which would be right and proper), even then a treatment that would heal the corrupt parts of the republic would be no less desirable than one that would cut them out.

The word now is *exsecare*, and the sense is clearly 'amputation'. A few months later, during Caesar's consulship, Cicero was reported to have said "We need to find a Servilius Ahala, or a Brutus"[17].

That assassination could be a serious political choice is startlingly revealed in a dramatic letter to Atticus in 57 (*Ad Atticum* 4, 3, 3):

itaque a.d.III Id. Nou. cum sacra uia descenderem, insecutus est me cum suis. clamor, lapides, fustes, gladii, et haec improuisa omnia. discessi in uestibulum Tetti Damionis. qui erant mecum facile operas aditu prohibuerunt. ipse occidi potuit, sed ego diaeta curare incipio, chirurgiae taedet.

So on 11 November [Clodius] pursued me with his men as I was going down the Sacra Via. Shouts, stones, clubs, swords, and all without any warning. I withdrew into Tettius Damio's forecourt. The people with me easily prevented the hired men from getting in. He himself could have been killed, but I'm starting to use diet treatment, I'm tired of surgery.

'The people with me' were presumably Cicero's own armed guards[18], and the 'surgery' option was simply that they should kill Clodius while they had the chance. Cicero decided against it, but it was still a possibility.

17. Cicero, *Att.* 2, 24, 3: *Ahalam Seruilium aliquem aut Brutum opus esse reperiri.*
18. Cf. Cicero, *Mil.* 10; *Ad Q. fratrem* 2, 9, 2.

A few months later, defending his friend P. Sestius from a charge of political violence, Cicero again used the 'amputation' metaphor (*Pro Sestio* 135):

et cohortari ausus est accusator in hac causa uos, iudices, ut aliquando essetis seueri, aliquando medicinam adhiberetis rei publicae. non ea est medicina cum sanae parti corporis scalpellum adhibetur atque integrae. carnificina est ista crudelitas; ei medentur rei publicae qui exsecant pestem aliquam tamquam strumam ciuitatis.

The prosecutor in this case has dared to urge you, gentlemen, to be severe at last, to apply at last some healing treatment to the republic. But it's not healing to apply the scalpel to a sound and healthy part of the body – that's the cruelty of a butcher. The ones who heal the republic are those who cut out some plague as if it were a tumour on the citizen body.

It is clear that both sides of the political argument appealed to 'the health of the Republic', and saw their opponents as the disease to be cured. But in this case at least, the *populares* were using the legal system as their remedy, whereas Cicero's surgical alternative (*exsecare* again) seems to imply a readiness to resort to more radical action.

The crisis of the Republic was made more acute by two notorious murders, of Clodius in 52 and of Caesar in 44. Though neither act could claim any legal justification, Cicero approved wholeheartedly of both[19]. For him, the 'body politic' metaphor had evidently superseded the traditional idea that the laws were the guarantee of Roman liberty.

Politicians who were thought incompatible with Cicero's conception of the Republic were now labelled 'tyrants', and denied even the protection of a common humanity (*De officiis* 3, 32):

nulla est enim societas nobis cum tyrannis et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. etenim, ut membra quaedam amputantur si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et immanitas beluae a communi tamquam humanitate corporis segregenda est.

We have no fellowship with tyrants, but rather the widest possible separation, and it is not against nature, if you can, to rob one whom it is honourable to kill. That whole infectious and impious breed of men should be placed beyond the bounds of human society. For just as certain limbs are amputated if they begin to lose their blood and their life, as it were, and are harming the other parts of the body, so that savagery and brutality of a beast in the shape of a man must be separated, so to speak, from the common body of humanity.

When Cicero wrote that in October 44 BC, did he remember the letter he had sent to Nigidius Figulus two years before, praising Caesar's *humanitas* towards himself?[20]

19. E.g. Cicero, *Mil.* 79-80 (Clodius); *Att.* 14, 4, 2; 9, 2; 12, 1; 13, 2; 14, 4; 22, 2; 15, 3, 2, etc. (Caesar).

20. Cicero, *Fam.* 4, 13, 2, *obtinemus ipsius Caesaris summam erga nos humanitatem.*

By this stage, the surgeon's knife seems to have been Cicero's answer to everything. In 43 BC he put all his oratorical skill into a campaign to get Antony declared a public enemy, and thus deprived of the protection of the laws. When Q. Calenus protested in the Senate, Cicero replied (*Philippicae* 8, 15):

hoc interest, Calene, inter meam sententiam et tuam. ego nolo quemquam ciuem committere ut morte multandus sit; tu, etiam si commiserit, conseruandum putas. in corpore si quid eius modi est quod reliquo corpori noceat, id uri secarique patimur ut membrum aliquid potius quam totum corpus intereat. sic in rei publicae corpore, ut totum saluum sit, quicquid est pestiferum amputetur.

This is the difference between your opinion and mine, Calenus: I don't want any citizen to commit an act that makes him punishable by death, you think he should be preserved even if he does commit such an act. If in the body there is something of the kind that harms the rest of the body, we allow it to be burned and cut so that a particular member should perish rather than the whole body. So in the body of the republic, let whatever brings infection be amputated so that the whole be safe.

Who was to decide what was punishable by death? Evidently not a jury of Roman citizens. Cicero had come a long way from his praise of the rule of law as praetor in 66. It is easy to see why Livy, who admired him, nevertheless believed that he would have acted as ruthlessly as the Triumvirs did, if he had had the chance[21].

Livy himself used the metaphor of healing the sick state when reporting the appointment of dictators[22]. It may have been the influence of his classic narrative that caused later authors to portray Sulla as a surgeon who went too far in the amputation of diseased limbs, applying remedies that were worse than the disease[23], and Caesar and Augustus, by contrast, as gentle physicians who healed without violence[24].

Augustus was not a dictator, though the Roman People wanted to make him one[25]. His authority, less easily defined but well enough understood, is indirectly illustrated at the start of Ovid's great epic poem, where the heavenly Senate is in session (*Metamorphoses* 1.175-81, 190-1, 199-206):

hic locus est quem, si uerbis audacia detur,
haud timeam magni dixisse Palatia caeli.
ergo ubi marmoreo superi sedere recessu,
celsior ipse loco sceptroque innixus eburno
terrificam capitis concussit terque quaterque
caesariem, cum qua terram mare sidera mouit.
talibus inde modis ora indignantia soluit: […]
"cuncta prius temptata, sed inmedicabile corpus
ense recidendum est, ne pars sincera trahatur. […]"
confremuere omnes studiisque ardentibus ausum

21. Quoted in Seneca Pater, *Suas.* 6, 22.
22. Livius 3, 20, 8 (460 BC), 22, 3-5 (217 BC).
23. Lucanus 2, 140-3; Seneca, *Ben.* 5, 16, 3.
24. Plutarchus, *Comp. Dion Brut.* 2, 2 (Caesar); Dio Cassius 46, 39, 2 (Augustus).
25. Augustus, *RG* 5, 1; Vell. Pat. 2, 89, 5; Suet., *Aug.* 52; Dio Cassius 54, 1, 3-5 (22 BC).

talia deposcunt: sic, cum manus impia saeuit
sanguine Caesareo Romanum exstinguere nomen,
attonitum tanto subitae terrore ruinae
humanum genus est totusque perhorruit orbis;
nec tibi grata minus pietas, Auguste, tuorum est,
quam fuit illa Ioui; qui postquam uoce manuque
murmura compressit, tenuere silentia cuncti.

This is the place which, if boldness were given to my words, I should not fear to have called the Palatine of great heaven. When therefore the gods seated themselves in the marble chamber, [Jupiter] himself from his higher place, leaning on his ivory sceptre, three or four times shook his head's terrifying locks, and with them moved the land and sea and stars. Then to this effect he let loose his indignant words: "[…] Everything has been tried before, but the body cannot be healed. It must be cut back with the blade, lest the sound part be infected. […]" They all murmured together, and with ardent enthusiasm demanded fitting retribution; just so, when an impious gang raged to extinguish the Roman name with Caesar's blood, the human race was shocked by so great a terror of sudden ruin, and the whole world shuddered. The piety of your people, Augustus, was no less welcome than that of the gods was to Jupiter, and when he had stilled their murmurs with hand and voice they all fell silent.

On Olympus, Jupiter alone decides what surgery is necessary. So too on earth the Augustan principate soon became an absolute autocracy, where all that was needed was one man's decision, unfettered by law or any other constraint[26]. The body politic became the *princeps* himself[27].

The Republic had been set up to prevent that from happening. It was betrayed by the arrogant aristocracy of the second century BC, which claimed the right to execute fellow-citizens 'at its own whim', as if the laws did not exist[28]. His enemies said that Cicero did the same[29], and his use of the 'body politic' metaphor goes some way towards justifying their accusation. It is a tragic irony that the author of *De republica* and *De legibus* should have given up his philosophical retirement to defend the aristocracy's view of what the Republic ought to be, and paid for it with his life.

26. E.g. Suetonius, *Gaius* 29, 1: *'Memento omnia mihi et in omnes licere'*.

27. Seneca, *Clem.* 1, 5, 1.

28. Sallustius, *Iug.* 31, 7: *'Non lex sed lubido eorum'*; 42, 4: *ex lubidine sua*.

29. Ps. Sallustius, *In Cic.* 5: *in tua libidine*; Dio Cassius 46, 22, 7: πρὸς τήν ἑαυτοῦ βούλησιν.

Abstract

In the third and second centuries BC, the Roman republic was regarded as morally exemplary; in the first century BC it was regarded as morally corrupt. What had happened in the meantime was the usurpation of power by an ambitious aristocracy which considered murder an acceptable political option. Cicero, not an aristocrat but a decent and civilised man with an extensive knowledge of Greek ethical thinking, shared the aristocracy's view. This article seeks to explain the paradox by an analysis of Cicero's use of the 'body politic' metaphor.