

A Commentary
on
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THE UNIVERSITY OF MICHIGAN PRESS
Ann Arbor

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Published in the United States of America by

The University of Michigan Press

Manufactured in the United States of America

⊗ Printed on acid-free paper

2007 2006 2005 2004 4 3 2 1

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A CIP catalog record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Dyck, Andrew R. (Andrew Roy), 1947–

A commentary on Cicero, *De legibus* / Andrew R. Dyck.

p. cm.

Includes bibliographical references and indexes.

ISBN 0-472-11324-0 (alk. paper)

1. Cicero, Marcus Tullius. *De legibus*. 2. Dialogues, Latin—History and criticism.
3. Atticus, Titus Pomponius—In literature. 4. Cicero, Quintus Tullius—In literature.
5. Law and literature—History—To 500. 6. Roman law. I. Cicero, Marcus Tullius. *De legibus*. II. Title.

PA6296.D323D93 2003

340.5'01—dc21

2003053335

For J.G.F.P.

Preface

The neglect of Cicero, *de Legibus*, is striking. The edition in general use, intended merely as a stopgap, is not based upon rigorous application of the stemmatic method (see § 10 of the Introduction), and the last commentary on the whole work, dating from 1881, was conceived for the needs and interests of a very different generation of readers, not to mention being written too early to take advantage of standard works on lexicography, prosopography, etc., that began appearing at the end of the nineteenth century. The diversity of content—natural law theory, religious law, constitutional law—have made the work difficult to grasp and interpret as a unity, so that the parts have come in for more attention than the whole. Not surprising that Rawson, 1991, 125, remarks “it is depressing to see how little solid advance has been made in the last hundred years.” The neglect by specialists has led in turn to neglect by students of related subjects that might have benefited. Thus, in spite of the rise in interest in natural law theory among students of ancient philosophy, the lack of recent literature on *Leg.* from a philosophical angle is conspicuous.¹ Again, *Leg.* receives only cursory and unsympathetic treatment in a recent paper on Roman priesthoods by Mary Beard, who contrasts the treatment of the topic in Plato’s *Laws* and concludes that “the multifarious variety of the Roman priestly groups . . . presented Cicero with serious difficulties in generalizing in Hellenizing terms, which he did not fully overcome”;² but is “generalizing in Hellenizing terms” really what Cicero was seeking to do?³ Assessments of Cicero’s political philosophy can profit from attention to our work; yet in his influential *RE*-article “Cicero als Politiker” M. Gelzer devotes almost four columns to analysis of *de Republica* but no connected treatment to *Leg.*⁴

Incomplete, bristling with lacunae and other textual problems as well as archaic or pseudo-archaic language, with a problematic relation to Plato’s *Laws* on the one side and Cicero’s own *de Republica* on the other, more than most ancient works, *Leg.* needs to be read in a high quality critical edition with the aid of a detailed modern commentary. The need for a new

1. See below p. 1 and n. 1.

2. Mary Beard, “Priesthood in the Roman Republic,” in Beard-North, 45.

3. Contrast Mehl, 167, who emphasizes that “the religious laws of *De Legibus* can only be comprehended in the context of the work in which they appear.”

4. Gelzer, *RE* 7A (1948), 972.37–976.20 (on *Rep.*).

text has been catered for by J.G.F. Powell, whose new OCT should appear next year. In presenting a commentary, I am keenly aware that the task requires a formidable array of specialized knowledge—in philology, history of philosophy and religion and constitutional history, in each of which I can hope, at best, to approximate a beta.⁵ The method and goals outlined in the Preface to my commentary on *de Officiis* apply here as well; here I can focus on the needs of scholarly readers in the knowledge that the general reader has been catered for in the recent annotated translations by Rudd-Powell and Zetzel.

I owe thanks to many persons and institutions who made my work easier: to J.N. Adams, Clifford Ando, Catherine Atherton, Andreas Bendlin, David Blank, Mortimer Chambers, Peter Cohee, Thomas Frazel, Sander Goldberg, Brad Inwood, Christina S. Kraus, Andrew Lintott, Angelo Mercado, Sarah Morris, Paul Naiditch, David Phillips, Amy Richlin, P.L. Schmidt, Christine Schmitz, R.R.R. Smith, and Brent Vine for advice on various problems, passages, or parts of my commentary, and to Barbara Landis and M.D. Pike for help in preparing and correcting the indices; to All Souls College, Oxford, and Clare Hall, Cambridge, for providing me visiting fellowships during the academic year 1998–99, when the bulk of the commentary was completed; to Gisela Striker for kindly inviting me to participate in the 1999 Cambridge Mayweek seminar devoted to *Leg.* 1.1–2.14 and to all the other participants for sharing their views, which I have gratefully used and/or reacted to in the following pages; I regret that my notes enable me to attribute some, but not all, to their authors; to the Academic Senate of the University of California, Los Angeles, for providing research assistance and supplies to support work on this project; to the chancellor of the University, provost of the college, and dean of humanities for providing me with sabbatical leave during said academic year; to D.R. Shackleton Bailey, who read the whole commentary for the Press and provided a series of characteristically learned and acute comments from which I have benefited enormously; to W. Jeffrey Tatum for his valuable and detailed comments as Press reader; to the University of Michigan Press, in particular to Collin Ganio and Christina L. Milton for their enormous patience and help in seeing the manuscript through to publication; to J.G.F. Powell for giving me access to his texts of *Leg.* and *Rep.* in advance of publication and for patient, acute, and very fruitful dialogue extending over many months about textual problems; and, last but not least, to my wife, Janis, for considerable understanding and support during the gestation of the project.

5. Cf. Su. ε 2898 (of Eratosthenes): διὰ δὲ τὸ δευτερεύειν ἐν παντὶ εἶδει παιδείας τοῖς ἄλλοις ἐγγίσαντα (Meursius : ἐγγίσαι) τὸ βῆτα (Ps.-Hesych. : τὰ βήματα) ἐπεκλήθη.