

BRILL'S COMPANION TO

# CICERO

*Oratory and Rhetoric*



*Edited by*

James M. May

BRILL

BRILL'S COMPANION TO CICERO

This page intentionally left blank

# BRILL'S COMPANION TO CICERO

*Oratory and Rhetoric*

EDITED BY

JAMES M. MAY



BRILL  
LEIDEN · BOSTON · KÖLN  
2002

The illumination on the cover of this book is from a fifteenth-century edition of Cicero's orationes (Florence, Biblioteca Medicea Laurenziana, MS Plut. 48.8, c. 2r). Reproduced with permission from the Ministero per i Beni e le Attività Culturali.

This book is printed on acid-free paper

### **Library of Congress Cataloging-in-Publication Data**

Brill's companion to Cicero : oratory and rhetoric / edited by James M. May  
p. cm.

Includes bibliographical references and index.

ISBN 9004121471

1. Cicero, Marcus Tullius. Speeches. 2. Speeches, addresses, etc., Latin—History and criticism. 3. Rome—History—Republic, 265-30 B.C.—Sources. 4. Cicero, Marcus Tullius. Rhetorical works. 5. Rhetoric, Ancient. I. May, James M.

PA6285 .B75 2002

875'.01—dc21

2002066555

### **Die Deutsche Bibliothek - CIP-Einheitsaufnahme**

Brill's companion to Cicero : oratory and rhetoric / ed. by James M.  
May. — Leiden ; Boston ; Köln : Brill, 2002

ISBN 90-04-12147-1

ISBN 90 04 12147 1

© Copyright 2002 by Koninklijke Brill NV, Leiden, The Netherlands

*All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.*

*Authorization to photocopy items for internal or personal use is granted by Brill provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910 Danvers, MA 01923, USA.  
Fees are subject to change.*

PRINTED IN THE NETHERLANDS

For Joseph and Michael

This page intentionally left blank

## CONTENTS

Preface .....	ix
List of Contributors .....	xi
1. Cicero: His Life and Career .....	1
<i>James M. May</i>	
2. Rhetorical Education in Cicero's Youth .....	23
<i>Anthony Corbeill</i>	
3. Ciceronian Oratory in Context .....	49
<i>James M. May</i>	
4. Cicero's Early Speeches .....	71
<i>Ann Vasaly</i>	
5. Cicero's Consular Speeches .....	113
<i>Robert W. Cape, Jr.</i>	
6. The <i>Post Reditum</i> Speeches .....	159
<i>Andrew M. Riggsby</i>	
7. Ciceronian Invective .....	197
<i>Anthony Corbeill</i>	
8. Cicero's Caesarian Orations .....	219
<i>Harold C. Gotoff</i>	
9. The <i>Philippics</i> .....	273
<i>Jon Hall</i>	
10. The Lost and Fragmentary Orations .....	305
<i>Jane W. Crawford</i>	
11. The Intellectual Background of Cicero's Rhetorical Works .....	331
<i>Jakob Wisse</i>	
12. <i>De Oratore</i> : Rhetoric, Philosophy, and the Making of the Ideal Orator .....	375
<i>Jakob Wisse</i>	



13. <i>Brutus: The History of Roman Eloquence</i> .....	401
<i>Emanuele Narducci</i> (Translated by the Editor)	
14. <i>Orator and the Definition of the Ideal Orator</i> .....	427
<i>Emanuele Narducci</i> (Translated by the Editor)	
15. Cicero's <i>Partitiones Oratoriae</i> and <i>Topica: Rhetorical</i> <i>Philosophy and Philosophical Rhetoric</i> .....	445
<i>Robert N. Gaines</i>	
16. Cicero's Oratorical and Rhetorical Legacy .....	481
<i>George A. Kennedy</i>	
17. A Survey of Selected Recent Work on Cicero's <i>Rhetorica</i> and Speeches .....	503
<i>Christopher P. Craig</i>	
Bibliography .....	533
<i>Christopher P. Craig</i>	
General Index .....	601
Index Locorum .....	622

## PREFACE

At the beginning of a new century (and a new millennium), the name, the accomplishments, the works of Marcus Tullius Cicero still endure. Even a cursory reading of Professor Kennedy's essay on Cicero's oratorical and rhetorical legacy (see Chapter 16), or a glance at the impressive bibliography assembled by Professor Craig (Chapters 17 and 18), will confirm that Cicero's writings, despite periods when his popularity may have waned, have continued to be of great interest to many people throughout the ages and into the present. In addition to the scholars and the experts who have written and are writing about him, yet another generation of Latin students follows in the footsteps of countless other generations who have studied his speeches and his other works as models of elegant Latin prose and effective verbal persuasion. Indeed, there are legitimate reasons for such abiding interest. It is true that Cicero's extant corpus is huge in comparison to that of most other authors whose works survive from antiquity; his letters, speeches, and rhetorical and philosophical treatises stand as veritable mines of information about one of the most interesting and intriguing periods in all of Roman history. There are, however, many other prolific ancient authors whose volumes sit collecting dust on the shelves of our libraries. The fact remains that Cicero was, to put it simply, very good at what he did: his talent at persuading an audience has been matched by few orators in history, and his mastery of prose style and expression, in spite of criticism from 'Atticists' both ancient and modern, stands nearly unrivaled. Even those who are forced to rely on translations of Ciceronian prose have come to appreciate these accomplishments.

The authors of the essays in this volume offer their work as a companion to the study of Cicero's oratory and rhetoric, for both students and experts in the field. We hope that it will become a *vade mecum* of sorts: for the neophyte, a starting point; for the veteran, a place for renewing the dialogue (both old and new) about issues concerning Ciceronian oratory and rhetoric; for all, a site of engagement at various levels with Ciceronian scholarship and bibliography. Although the volume is arranged along roughly chronological lines, some of the authors choose to take a thematic approach

to their topics. The reader should not, therefore, expect every aspect of every speech of Cicero's to be analyzed and commented upon, though the vast majority of the extant corpus is, in some shape or form, treated in these pages. In my role as editor, I have avoided imposing any stringent set of requirements on the authors or any sort of artificial uniformity on their contributions, nor have I attempted to reconcile disagreements on particular issues that exist between contributors, which occasionally (and inevitably) crop up in the course of their essays. If perfect consistency of approach and absolute agreement on issues had been the goal, it would have been better (and certainly necessary) for one person to pen the entire volume. It is my conviction that the strength of this companion resides in the individual, often very original approach to sundry topics by an array of impressive contributors, all of whom have spent large portions of their careers concentrating upon the oratorical and rhetorical oeuvre of Cicero.

I owe a debt of gratitude to many people. First, to the staff of E. J. Brill, in particular to Julian Deahl, Michiel Klein-Swornink, and Irene van Rossum; Julian invited me, then convinced me, to undertake this project; Michiel and Irene have seen it through to a successful completion. I thank them especially for their support, their kindness, and their great patience during its composition and production. Sylvia Carullo, with characteristic generosity, offered her time and expertise in assisting me with difficult points in the translation of Professor Narducci's essays. Donna May and Jennifer Bothun provided invaluable help in preparing both the manuscript and the computer files. My colleagues in the Department of Classics at St. Olaf College have, as always, been gracious in countless ways. Finally and most importantly, I am deeply indebted to my fellow contributors, who share a love of Cicero and his works and have, consequently, been willing to give of their valuable time and expertise by composing an essay (or essays) for this volume. Among them, Christopher Craig must be singled out for his sage counsel, his invaluable editorial assistance, and his constant encouragement, from the beginning of this project through its completion.

James M. May  
St. Olaf College  
March 2002

## LIST OF CONTRIBUTORS

**Robert W. Cape, Jr.** is Associate Professor of Classics at Austin College. He has published articles on Cicero, Roman historiography, Roman rhetoric, women in antiquity, Cypriote religion, and the history of prudence. He is currently finishing an edition of Cicero's Catilinarian speeches with commentary and a book on the social function of oratory at Rome.

**Anthony Corbeill** is Associate Professor of Classics at the University of Kansas. He has written extensively on Roman oratory and Roman Republican society, and is author of *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton 1996) and a forthcoming book on gesture in ancient Rome.

**Christopher Craig** is Professor of Classics at the University of Tennessee. He is the author of a book on *Form as Argument in Cicero's Speeches*, and of articles and chapter-length studies on various aspects of Cicero's persuasive strategies and tactics in the orations. He is currently studying the conventions that govern a Roman audience's tolerance of Cicero's falsehoods.

**Jane W. Crawford** is Professor of Classics and Chair of the Department of Classics and Archaeology at Loyola Marymount University in Los Angeles. She is the author of two books on Cicero, *The Lost and Unpublished Orations* (1984) and *The Fragmentary Speeches* (1994). She has also published on women in Roman Britain, and is currently working on a translation of Bede's *Commentary on the Gospel of Luke*.

**Robert N. Gaines** is Associate Professor of Communication, University of Maryland, College Park. His recent research examines the relation of rhetoric to philosophy in the Hellenistic era—especially in the works of Cicero and Philodemus. His current project is a critical edition and translation of Philodemus' *On Rhetoric*, book 4.

**Harold Gotoff** is the John Miller Burnam Professor of Latin and of Romance Palaeography at the University of Cincinnati. He is the author of commentaries on Cicero's *Pro Archia poeta* and his *Caesarian*

*Speeches*, both of which concentrate on stylistics, on how the ways in which Cicero expresses himself affect the points he makes. He is at present preparing a commentary on Cicero's speeches opposing the agrarian legislation proposed by the Tribune Rullus.

**Jon Hall** is Senior Lecturer in Classics at the University of Otago, New Zealand. He has published articles on Roman aristocratic society and manners and on various aspects of Cicero's work, including the style and design of *De oratore*. He is currently preparing a monograph on Cicero's *Epistulae ad Familiares*.

**George A. Kennedy** is Paddison Professor of Classics, Emeritus, from the University of North Carolina at Chapel Hill. He is a former president of the American Philological Association and the International Society for the History of Rhetoric, and author of several books on the history of rhetoric. His most recent book is an enlarged second edition (1999) of *Classical Rhetoric and its Christian and Secular Tradition from Ancient to Modern Times*.

**James M. May** is Professor of Classics and Provost and Dean at St. Olaf College. In addition to many articles and papers on ancient oratory and rhetoric, he is the author of *Trials of Character: The Eloquence of Ciceronian Ethos* (1988) and co-author of *Cicero: On the Ideal Orator (De oratore)* (translation with introduction, notes, etc., with Jakob Wisse, 2001).

**Emanuele Narducci** is Professor of Latin Literature at the University of Florence (Italy). In addition to numerous articles on classical authors, and on the tradition of classical scholarship, he has written books on the *Bellum Civile* of Lucan, on Roman political trials, and on Cicero (*Modelli etici e societa: Un'idea di Cicerone*, 1989; *Introduzione a Cicerone*, 1997<sup>3</sup>, *Cicerone e l'eloquenza romana: Retorica e progetto culturale*, 1997).

**Andrew M. Riggsby** is Associate Professor of Classics at the University of Texas at Austin. He is the author of *Crime and Community in Ciceronian Rome* (1999) and several articles on the Roman courts. He has also worked extensively on Pliny and representations of space in the Roman world.

**Ann Vasaly** is Associate Professor of Classics at Boston University and Director of the Classical Summer School of the American Academy in Rome (2001–2003). The author of *Representations: Images*

*of the World in Ciceronian Oratory*, a book on Cicero's use of real and imagined places in rhetorical persuasion, as well as articles on Cicero's speeches and Livy's history, she is currently writing a book on Livy I–V.

**Jakob Wisse** is Lecturer in Classics at the University of Newcastle upon Tyne. He is the author of *Ethos and Pathos from Aristotle to Cicero* (1989), and co-author of the fourth volume of the standard commentary on Cicero's *De oratore* (with A.D. Leeman and H. Pinkster, 1996), and of *Cicero: On the Ideal Orator (De Oratore)* (translation with introduction, etc., with J.M. May, 2001). He is currently working on intellectual life in first century B.C. Rome, and on the fifth and last volume of the commentary on *De oratore*.

## CHAPTER ONE

### CICERO: HIS LIFE AND CAREER

James M. May

The three elements of the traditional rhetorical triad, *ingenium*, *ars*, *exercitatio*—essential ingredients for the attainment of eloquence in any age—, have seldom, if ever, combined themselves as efficaciously as they did in the person of Marcus Tullius Cicero, the undisputed master of oratory in ancient Rome.<sup>1</sup> Endowed with extraordinary natural ability, the beneficiary of an extremely broad and deep education in both rhetoric and philosophy, and a dedicated practitioner of the art, disciplined enough to burn the midnight oil in honing his skills to near perfection (cf., e.g., *Brutus* 312), Cicero stands as one of most successful and abidingly influential orators and rhetorical writers of any age. The man whose name was soon to become synonymous with eloquence itself (*non hominis nomen, sed eloquentiae*; see Quintilian 10.1.112) left to his fellow Romans and to posterity a corpus of speeches that are models of both effective oratorical persuasion and brilliantly lucid prose style. As a rhetorician, Cicero moved beyond merely regurgitating the precepts of the handbooks, insisting in his mature works that his ideal orator be equipped with all the noble arts, calling for a marriage between eloquence and wisdom (rhetoric and philosophy), and providing a pattern, even to this day, of what we sometimes call a ‘liberally educated person.’ The sixty-odd years of Cicero’s life and career coincide almost exactly with the final six decades of the Roman Republic. During most of that time, this ‘new man’ (*novus homo*), none of whose ancestors had ever

---

<sup>1</sup> An exhaustive account of Cicero’s life and times would be out of place in a volume of this kind. The present essay attempts to give only a basic outline of Cicero’s life and career. For detailed analysis, the reader is directed to any of the many fine, comprehensive biographical studies on Cicero, several of which are listed in the bibliography below (21). The best ancient sources include Cicero’s own writings, especially his letters and the *Brutus*, as well as Plutarch’s *Life of Cicero*. The individual essays of this Companion provide valuable background on specific periods of Cicero’s life and his oratorical/rhetorical career.

attained any significant office at Rome, remained in the political arena, rubbing shoulders and butting heads with the likes of men such as Crassus, Pompey, Julius Caesar, Mark Antony, and Octavian. Perhaps most remarkable is the fact that in such an environment he was able to survive, indeed often thrive, by relying on a reputation and position in the state that he had attained and maintained almost exclusively by the force of his oratory. While others might appeal to the loyalty of their legions and play power politics backed by the force of arms, Cicero could wield only the weapon of his words. Ultimately, of course, the ‘toga’ did bow to arms.<sup>2</sup> Perhaps this was the inevitable outcome; but in the process, the potency that the art of oratory offered to a master practitioner was eloquently illustrated and confirmed for subsequent generations.

Marcus Tullius Cicero was born on 3 January 106 B.C. at Arpinum, a town approximately 70 miles southeast of Rome. His family were members of the local elite and, though no kinsmen had ever held high office in Rome, they lived comfortably and had important connections in the city. When Marcus and his younger brother, Quintus, were still boys, Cicero’s father moved the family to the capital, apparently in order to secure for his sons the finest possible education.<sup>3</sup> In that connection, Cicero tells us (*De oratore* 2.2) that he and his brother, along with two of their cousins, were received into the house of the famous orator and statesman, Lucius Licinius Crassus, who took an active interest in their education. In that environment, the young Cicero was able to interact not only with Crassus, but also his associates, most importantly Marcus Antonius, the other great orator of that generation, as well as L. Aelius Stilo, the famous Stoic teacher of grammar and rhetoric. These early contacts and connections proved invaluable to the young boy, and would have an abiding effect on the orator throughout his career (cf. *De or.* 2.1–9).

Much of Cicero’s youth was undoubtedly spent in the Roman Forum, the center of Rome’s political and forensic life. There Cicero could witness first-hand the oratory of Crassus, Antonius, and others who spoke before the courts and in public meetings. After the death of Crassus in 91 B.C., Cicero assumed the *toga virilis*, the ‘toga

---

<sup>2</sup> The reference is, of course, to Cicero’s (in)famous line of poetry, *Cedant arma togae, concedat laurea laudi* (‘Let arms yield to the toga, let the laurel yield to praise’).

<sup>3</sup> For a more detailed account of Cicero’s education, see Anthony Corbeill, “Rhetorical Education in Cicero’s Youth” (below, 23–48) with relevant bibliography.



of manhood,' and served a brief military stint during the Social War (War with the Italian Allies). It was during this period that he was introduced in a formal way to Crassus' father-in-law, Quintus Mucius Scaevola, 'the Augur,' who became his chief mentor, particularly in the study of the civil law. The young Cicero's philosophical pursuits also were kindled at this time. In 88, Philo of Larissa, head of the Academy at Athens, had fled to Rome because of the Mithradatic War. Cicero, 'filled,' as he says, 'with enthusiasm for the study of philosophy,' dedicated himself to this teacher.<sup>4</sup> Philo's thought was skeptical in nature, holding that nothing could be entirely known for certain, and he advocated debating every issue from all sides. This approach appealed greatly to Cicero and would continue to exert a profound influence on him throughout his life. A few years later, Diodotus, the Stoic philosopher, took up residence in the house of the young Cicero; from him, Cicero received training in diverse subjects, especially in dialectic (*Brutus* 309).

Thus, already as a teenager, Cicero had encountered an impressive array of thinkers—philosophers whose thought was representative of the most important schools, statesmen, and orators, both Roman and Greek. He was practiced in speaking and in writing, both in Greek and in Latin, and he had spent time composing and translating poetry. In fact, considerable fragments of his translation of Aratus' *Phaenomena* are still extant. His teenage years also witnessed the publication of *De inventione* (*On Invention*), his first rhetorical work, most likely completed by 88 B.C. Later in life, Cicero himself would describe the treatise as 'the sketchy and unsophisticated work that found its way out of my notebooks when I was a boy, or rather a youth' (*De or.* 1.5), but it is clear that it had been the young man's initial intention to write a comprehensive handbook on all parts of oratory. He apparently lost interest in the project, and completed only two books. The important thing to note here, however, is the fact that, by age seventeen or eighteen, Cicero had already cultivated assiduously his considerable natural ability (*natura*) through training (*ars*) and diligence (*exercitatio*).

It is somewhat surprising, then, that a young man of such intellect and cultivation, obviously eager to follow in the footsteps of his mentors, Crassus and Antonius, delayed his forensic debut until the

<sup>4</sup> *Brutus* 306: . . . totum ei me tradidi admirabili quodam ad philosophiam studio concitatus.

age of 24 or 25. After all, Crassus, at the age of 20 or 21, had, in a rather spectacular debut, successfully prosecuted C. Papirius Carbo, one of the best orators of his generation; and Hortensius, Cicero's great rival and later friend and colleague, had addressed the Senate in an impressive speech on behalf of the inhabitants of the Roman province of Africa when he was only 19.<sup>5</sup> At least two reasons for this delay can be cited. Cicero's formative years happened to coincide with one of the most violent and bloody decades in Rome's history. As Cicero 'came of age' in about 90 B.C., Rome was embroiled in the War with the Italian Allies (91–87) and its aftermath. Sulla's election to the consulship in 88 was soon followed by his march on Rome and civil war (88–87). His subsequent departure for the East instigated another blood bath, upon the return of Marius and Cinna to the city; during this time (87–84) activity in many of the courts came to a halt or was seriously curtailed. Following the death of Cinna, a new civil war erupted, with Sulla ultimately restoring some semblance of order (82), but again, not without proscription and bloodshed. The violence of this decade would never be forgotten by Cicero. It made a lasting impression upon him, as is evidenced in the prologue to the third book of *De oratore* 3.7–12, wherein with great melancholy he mourns the deaths of Crassus, Antonius, and others of his mentors and models. Needless to say, these were times not very propitious or promising for launching a career in public speaking.

An equally pressing reason for the delay must have been Cicero's own doubts about his level of preparedness.<sup>6</sup> His penchant for exhibiting great caution before making an important decision or taking any crucial action can be seen on a number of occasions throughout his life.<sup>7</sup> Now at the beginning of his career, the young Cicero obviously wanted to avoid, as much as humanly possible, any chance at making a less than successful debut. Early on, he had chosen oratory as his preferred vehicle for advancement in Roman public life;

---

<sup>5</sup> This point is made effectively by Ann Vasaly, "Cicero's Early Speeches" (below, 72–73, 98).

<sup>6</sup> See C. Habicht, *Cicero the Politician* (Baltimore and London: The Johns Hopkins University Press 1990): 19–20.

<sup>7</sup> Perhaps the most vivid example of Cicero's hesitancy is the indecisiveness he displayed for nearly a half a year after the outbreak of the civil war in 49; at one point, he actually engaged in rhetorical exercises designed to help him debate the issue from every angle; see *Ad Atticum* 9.4.

his brief tour of duty as a soldier under Pompeius Strabo in the War with the Italian Allies had apparently done nothing but confirm that decision. Thus, he would wait until he was 25 to appear as a pleader in the courts; and when he did so, he would be confident that he had prepared himself as completely as possible for the challenge. As he himself tells us, 'it was then that I first began to undertake both civil and criminal cases, for it was my intention not to learn in the forum (as most do), but so far as possible to come into the forum already trained' (*Brutus* 311).

Cicero's first published speech dates from 81 B.C., delivered in a private case on behalf of Quinctius; the opposing advocate in this suit was the most distinguished orator of the day, Quintus Hortensius Hortalus. The following year, he entered the public arena in his first criminal case, with a striking and successful defense of Roscius from Ameria, who had been assailed by a certain Chrysogonus, a freedman and henchman of the dictator Sulla.<sup>8</sup> At this point, Cicero decided (perhaps somewhat unexpectedly) to interrupt his budding career as a pleader; he sailed for Greece and Asia Minor in 79. Plutarch (*Cicero* 3) asserts that he undertook the trip out of fear of recrimination from Sulla, though Cicero himself maintains that the tour was undertaken for reasons of health and further study. He tells us (*Brutus* 313–314) that, at that point in his life, he was thin and lacking in strength, with a long neck and weak lungs and voice, which he had strained by speaking continually without modulation and by holding his body tense throughout his entire delivery. Determined to gain strength and improve his speaking ability, he arrived in Athens and spent six months studying philosophy with Antiochus of Ascalon, a former member of the Academy, and rhetoric with Demetrius the Syrian. He then traveled through Asia Minor, where he practiced declamation with the most distinguished orators of the region, including Menippus of Stratonicea, Dionysius of Magnesia, Aeschylus of Cnidus, and Xenocles of Adramyttium. He moved on to Rhodes where he met Posidonius the Stoic, and spent considerable time with Apollonius Molon, who effectively critiqued his speaking and worked to repress the youthful, and sometimes excessively exuberant style evident in his early speeches. Cicero described the

---

<sup>8</sup> For these and other speeches of this period, see Vasaly, below, 71–111.

results in this way: 'I returned after two years' absence not only better trained, but practically transformed. My voice was no longer excessively strained, my language had ceased to boil, my lungs had acquired strength, and my body had gained weight' (*Brutus* 316).

Upon his return to Rome in 77 B.C., Cicero married, and once again turned his attention to pleading court cases and preparing for a political career. The next year, at 30 years of age, he was eligible to run for the quaestorship, the first magistracy in the succession of political offices (*cursus honorum*) that culminated in the consulship. He secured election and served as quaestor in western Sicily in 75 B.C., where he supervised the grain supply. His just and upright dealings in Sicily in combination with the connections he had made there during his service made him the Sicilians' first choice as prosecutor when they initiated action against their former governor Verres before Rome's standing court concerned with extortion.

Verres had been governor in Sicily in 73 B.C., but served two additional years because of the extraordinary political circumstances involved in the revolt of the slaves and gladiators led by Spartacus. During that time he was reputed to have extorted more than 40 million sesterces, boasting that one year's proceeds were enough for him, and those gleaned from the second and third years were sufficient for his defenders and his judges. As a member of the senatorial class, he was supported by influential members of the Senate, and defended by Hortensius, Rome's finest orator and, at the time, candidate for the consulship (whom Cicero had faced earlier in his defense of Quinctius). Cicero generally preferred the role of advocate for the defense, but it was something of a practice in Rome for a rising politician to undertake the prosecution of a prominent figure in a noble cause. In this case, even while prosecuting, Cicero could again speak for the injured and cast himself in the role of the defender of the downtrodden. In preparing and carrying out the prosecution, Cicero displayed incredible energy, boldness, and strategic brilliance—conducting the entire case simultaneously while a candidate for the curule-aedileship (which he secured for the year 69). This stunning victory (in 70 B.C.) by the aedile-elect over the consul-elect catapulted Cicero into the position of being one of Rome's premier public speakers.

The careful calculation with which Cicero had planned his early career was mentioned above. Such calculation had proven to be not only prudent, but, for someone of Cicero's background, practically

a necessity. As a young 'new man' (the first man of a family to enter the ranks of the Senate) in Rome, with no ancestral deeds to commend his character or waxen images to decorate his halls, Cicero was forced to operate in the society of his day under conditions far different from those under which the majority of his peers operated, and he was well aware of this fact:

But I am not permitted the same privileges as men of noble birth, who, even while sleeping, still see all the honors of the Roman people laid at their feet; in this state I must live under far different conditions and according to a very different law. (*In Verrem* 2.5.180)<sup>9</sup>

In Cicero's Rome, a man's character and the persona it projected were crucial elements for success in public life. Noble ancestry, a glorious reputation, a character full of dignity and authority were important factors that could persuade people and win votes. But for a *novus homo*, whose birth and familial connections provided no such advantages, the path to prominence in the state was full of obstacles that must have appeared nearly insurmountable. Hard work, virtue, and industry (*labor, virtus, industria*) were required of a 'new man' in order to break into the jealously guarded ranks of the nobility—and sometimes even these proved ineffectual. The story of Cicero's early career is, most significantly, a story of the struggle of a very gifted, very well-educated, very hard-working young 'outsider,' fighting to establish a reputation of some authority and prominence among the city's noble 'insiders,' a reputation that would enable him to reach his boyhood goal, 'ever to be the best and preeminent above all.'<sup>10</sup> His victory over Hortensius and Verres stands as one of the most significant steps toward the realization of that goal.

The decade following the Verrine affair was a particularly eventful time for Cicero. He served as curule-aedile in 69, and was then elected, again ahead of all of his rivals and at the youngest possible age, as praetor in 66. In office as praetor, Cicero presided over the extortion court and presented his first deliberative oration, supporting the proposal of the tribune Manilius to grant command of the war against King Mithradates of Pontus (the so-called Third Mithradatic War) to Pompey (*Pro lege Manilia* or *De imperio Cn. Pompei*). Cicero

<sup>9</sup> *Sed non idem licet mihi quod iis qui nobili genere nati sunt, quibus omnia populi Romani beneficia dormientibus deferentur; longe alia mihi lege in hac civitate et condicione vivendum est . . .*

<sup>10</sup> *Iliad* 6. 208, quoted by Cicero in a letter to his brother Quintus (*Q.Fr.* 3.5.4).

seems to have been eager to display his allegiance to the general, an allegiance that would endure, in greater or lesser degree, throughout the rest of his life. During this time, too, Cicero lost his father and had, himself, become a father with the birth of his son, Marcus. He continued to plead prominent cases in the courts, building a reputation among his fellow-citizens. All of his actions, all of his energies were now aimed at securing election to the consulship *suo anno*, in the first year of legal eligibility. He carefully assessed the situation,<sup>11</sup> and worked hard and continuously to garner support from every possible corner. When the election results for the year 63 were announced, once again Marcus Tullius Cicero's name topped the list. With the help of his considerable oratorical abilities, his hard work, the support of the Roman Knights, along with substantial senatorial backing (gained largely by fear of Catiline's presence on the ballot), Cicero had managed to achieve something extraordinary: a *novus homo*, the son of a Roman knight having no noble ancestors, had secured the aedileship, the praetorship, and now the consulship, first on the ballot and at the earliest possible age—a feat that even the great general Marius had not performed. This accomplishment stands as one of the defining moments in Cicero's life and career. It invested his character with prestige and authority which he would subsequently wield in his oratorical and political career.<sup>12</sup>

Cicero's remarkable rise to *nobilitas* and the consulship was punctuated in another extraordinary way as his consular year drew to a close. Through careful attention, diligent investigation, and the fortunate confluence of a number of circumstances, Cicero uncovered a revolutionary plot to overthrow the government, led by a disenchanted, bankrupt senator of noble descent, Lucius Sergius Catilina, who had been a rival of Cicero's in the consular elections. In a flurry of activity from late October to early December, Cicero managed to expose the conspiracy, obtain from the Senate the decree (*senatus consultum ultimum*) that granted extraordinary powers to the consuls to protect the state, and secure the apprehension of several conspirators along with crucial, incriminating evidence against them. Following a spirited debate in the Senate on December 5, the nones

<sup>11</sup> Cf. *Ad Atticum* 1.1.

<sup>12</sup> For a detailed account of Cicero's oratorical activity during his consulship, see Robert Cape, "Cicero's Consular Speeches" (below, 113–158).

of December, Cicero, buoyed by the vigorous support of Marcus Cato and invoking the authority of the Senate and its decree, took firm and decisive action in the midst of the danger; he ordered, without a trial, the execution of the conspirators who were in custody (including Publius Cornelius Lentulus Sura, ex-consul and praetor for the second time). A public thanksgiving was declared and Cicero was hailed as *Pater Patriae* ('Father of the Fatherland').

The Catilinarian crisis had presented the consul with an arena in which to showcase his abilities as a leader, and he had, as it seemed, made the best of it: he not only saved the state from a serious threat, but in doing so, fashioned for himself a public persona of power and authority, as the *dux* or *imperator togatus* ('civilian commander'); what others had accomplished on the field of battle, Cicero had managed in the forum in the garb of a citizen. Cicero makes the comparison with great military commanders of the past and with Pompey explicitly,<sup>13</sup> and shortly thereafter, he will go so far as to suggest an alliance between the *imperator militaris* and the *imperator togatus*, the soldier and the statesman, the 'Scipio' and the 'Laelius'.<sup>14</sup> Indeed, the consul's expeditious handling of the attempted coup was stunning enough to have provoked the envy of Pompey, and Cicero had every right to be justly proud of his accomplishment, of which he boasted, as Seneca later commented, *non sine causa sed sine fine*.<sup>15</sup> The parvenu from Arpinum had, by the age of 43, secured for himself a lasting place in the annals of Roman history.

The Nones of December, however, did more than merely ruffle the feathers of Pompey the Great. The execution of the conspirators without a trial provoked the hostility of the *populares* (those whose political power tended to derive from their influence with the common people), who believed that the consul and the Senate had overstepped the bounds of their legal authority—an hostility that would

<sup>13</sup> Cf. *In Catilinam* 3.26; 4.21. For the *imperator togatus* theme, cf. e.g., *In Cat.* 3.15, 23, 26; 4.5, 21, 23; *Pro Murena* 84; *Pro Sulla* 85; see also Cl. Nicolet, "Consul togatus," *Revue des études latines* 38 (1960): 236–263; J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: The University of North Carolina Press 1988): 56–58.

<sup>14</sup> *Ad Familiares* 5.7.3 (addressed to Pompey, April 62 B.C.): *Sed scito ea, quae nos pro salute patriae gessimus, orbis terrae iudicio ac testimonio comprobari; quae, cum veneris, tanto consilio tantaque animi magnitudine a me gesta esse cognosces, ut tibi multo maiori, quam Africanus fuit, me non multo minorem quam Laelium facile et in re p. et in amicitia adiunctum esse patiari.*

<sup>15</sup> *Dialogi* 10.5.1.

ultimately result in personal disaster for Cicero. Only a few weeks after the public thanksgiving decreed in his honor, when laying down his office on 31 December, he was prevented by the tribune Q. Metellus Nepos from addressing the people in customary fashion, on the grounds that, by executing the conspirators, he had put to death Roman citizens without a trial. Making the best of the situation, Cicero confined himself to the oath that he had performed the duties of the consulship faithfully, swearing that by his efforts the city and the state had been saved. The people roared their approval, but storm clouds lingered on the horizon. A year later, P. Clodius Pulcher, a patrician descended from one of the noblest families of Rome,<sup>16</sup> was caught disgracefully dressed as a woman at the festival in honor of the Bona Dea, which, incidentally, had been held at the house of Julius Caesar. In the subsequent judicial investigation, Clodius, on trial for sacrilege, claimed to have been 90 miles away from Rome at the time. Cicero, however, had seen him in Rome within three hours of the time of his alibi, and testified to that effect. Despite this testimony and the obvious guilt of Clodius, a bribed jury acquitted the perpetrator. Contributing further to the enmity between them, Cicero, on another occasion, employing his characteristic quick repartee and caustic wit, humiliated Clodius publicly in the Senate. Personal hatred would soon turn into public vindictiveness.

At about this same time, the Senate obstinately (and shortsightedly) snubbed the requests of three of its most powerful members, Pompey, Caesar, and Crassus, actions which led to the formation (in 60 B.C.) of the coalition among these men known generally to history as the 'first triumvirate.' Cicero himself was courted by Caesar as a fourth member of the group, certainly on the strength of his legal knowledge and powers of persuasion, but the orator could not bring himself to support in an active way Caesar's manipulation of the constitution. In fact, he spoke out against it. In 59 B.C., Clodius, still bent on revenge, arranged to have himself adopted into a plebeian family in order to allow him to run for the office of tribune (which was open only to plebeians). Cicero surely saw the handwriting on the wall, but he seemingly refused to acknowledge it. As

---

<sup>16</sup> For a detailed account of Clodius' life and career, see W. J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill and London: University of North Carolina Press 1999).



late as November of 59, he expressed confidence in his future. He even went so far as to refuse a generous offer from Caesar to become one of his deputies (*legatus*) in Gaul or a commissioner for supervising the division of public lands. Clodius secured the office of tribune and the support of the consuls for 58 B.C., L. Piso and A. Gabinius, in order to avenge himself. Finally in March of 58 B.C., Clodius, who had earlier garnered support from the urban crowd by proposing a law that granted them free grain, secured the adoption of a bill that outlawed from Rome anyone who had put Roman citizens to death without a trial. The Senate was powerless, and help from the consuls and triumvirs (who were angered by Cicero's rejection and content to have him removed from the scene for a time) was not forthcoming. Cicero decided to leave Rome, retiring into exile in northern Greece. A second law, naming Cicero specifically (and hence unconstitutional) was passed shortly thereafter. Clodius then engineered the razing of Cicero's house on the Palatine, managing to have part of it consecrated to Liberty. Other of his property suffered damage, and his wife and children were forced to take shelter with relatives.

It was psychologically devastating for Cicero to deal with the fact that his crushing of the Catilinarian conspiracy, the crowning glory of his consulship, was, likewise, the cause of his forced departure from Rome. The year and a half which he spent in exile was the low point of his life. Letters from that period to his friend and confidant Atticus reveal an unseemly yet understandable mood of depression that led him even to contemplate suicide. Friends and supporters, however, were not lacking back in Rome. The consuls and tribunes of 57 B.C. were favorable to Cicero's cause; Pompey, who had done nothing to throttle Clodius' previous attacks, now became irritated by his actions and actively supported the recall. On 4 August 57 B.C. the law was passed authorizing his return; a month later, Cicero arrived in Rome amid an atmosphere of great triumph.

Despite the glorious occasion of his return,<sup>17</sup> the exile was obviously a devastating setback for Cicero, who had invested so much of his time and energy up to that point to establish a public persona invested with dignity, authority, influence, and reputation. His personal *dignitas* was seriously diminished, and his consular ethos as

---

<sup>17</sup> Cicero describes the event in great detail in a letter to Atticus, *Ad Atticum* 4.1.

the *imperator togatus*, who had saved the state without recourse to arms, was nearly destroyed. Once again, Cicero was forced to scramble with all of his energy, this time to re-establish his private and public standing, to regain his *auctoritas* and reconstruct a persona befitting his station in Roman society. His public speeches delivered during this time, generally known collectively as *post reditum*,<sup>18</sup> are, among other things, calculated to accomplish this goal. They often seem to be as much apologies on behalf of Cicero as political deliberations or defenses of clients. Cicero now adds a new dimension to his ethos: he presents himself as the consular orator who has now saved the state twice without resorting to arms—once through his efforts to thwart Catiline and his conspiracy, the second time by his voluntary withdrawal from Rome to maintain the public peace. At times he identifies himself closely with the state; at other times, he portrays himself as the sacrificial victim who was offered, as a kind of *devotio*, on its behalf.<sup>19</sup>

Events immediately subsequent to his successful recall, including the recovery of his building site and damages for the loss of his house and estates, as well as a stunning success in his defense of Publius Sestius, instilled Cicero with an overconfidence in his position. Encouraged by what he perceived as a growing rift among the triumvirs, Cicero proposed, in early April of 56, that the Senate should, the following month, re-open the discussion of Caesar's distribution of the Campanian land. Once again Cicero had miscalculated the strength and willingness of the senatorial establishment to support him in the face of the triumvirs. His action precipitated the so-called conference of Luca, a meeting held in order to patch up their differences. Cicero was soon brought to heel: Cicero's brother Quintus, in a meeting with Pompey, was reminded of the pledges he had given Pompey (about Marcus' future conduct) previously when he had sued for his brother's recall; Pompey made it clear that Marcus' silence, if not his cooperation, was expected. As a result, Cicero, crestfallen and humiliated, withdrew his motion; in fact, he was forced (in June or July of 56 B.C.) to present what he called his 'palinode' or 'recantation' (see *Ad Att.* 4. 5) and, for the next several years, presented no public opposition to the three; in fact, he

<sup>18</sup> See Andrew Riggsby, "The *Post Reditum* Speeches," below, 159–195.

<sup>19</sup> See May (1988): 88–127.

was at times enlisted in their service. He was all too aware of the inconsistency of his actions, and he found it embarrassingly exasperating, as he candidly revealed in private correspondence with Atticus.

Withdrawal from the public arena, however, did not mean any lack of activity for Cicero. During the half-decade following Luca, he composed three important treatises, *De oratore* (*On the Ideal Orator*), *De republica* (*On the Republic*), and *De legibus* (*On the Laws*). Obviously, returning to the his youthful studies of rhetoric and philosophy provided Cicero both refuge and solace, but more importantly, it supplied him with a vehicle by which he could 'defend and celebrate the ideals of constitutional government in a free republic . . . It was these brilliantly innovative dialogues that established Cicero as the voice and conscience of the Republic, politically in the wilderness though he was.'<sup>20</sup> During this time, however, he did receive another significant honor: nominated by Hortensius, he was elected to the College of Augurs in 53 B.C.

While Cicero was writing about the ideal state and its laws, the Roman state, during the same time, was in chaos, embroiled in bribery, political maneuverings, disorder, and violence. Elections had been repeatedly postponed because of the unrest, and riots between rival gangs, headed by Clodius and Milo, a candidate for office and friend of Cicero (who had, as tribune, worked for his recall from exile), were frequent. In January 52 B.C., the companies of Clodius and Milo met, probably by accident, on the Appian Way; fighting broke out, and in the scuffle, Clodius was killed. To control the further unrest that ensued, Pompey was appointed sole consul and enforced strict measures to govern the subsequent proceedings. Cicero delivered his speech on Milo's behalf (*Pro Milone*) in a packed forum under the eye of Pompey and his armed guard. Visibly shaken by the circumstances, he completed his speech, but not with his accustomed effectiveness. Milo was convicted and went into exile. The speech as transmitted to us is an extraordinary rhetorical composition, employing the three modes of persuasion—logical argumentation, portrayal of character (ethos), and appeal to the emotions (pathos)—to near perfection.

---

<sup>20</sup> T. P. Wiseman, "The Necessary Lesson," *Times Literary Supplement* (June 15–21, 1990): 647.

Unlike many Roman magistrates, Cicero never had a desire to leave Rome as a governor of a province. He had refused such duty after his praetorship and consulship. But in March of 51 B.C., much to his dismay, he was sent as proconsul to the large province of Cilicia in Asia Minor. Upon his arrival, he found matters, both civil and military, in much disarray. He set about restoring order, fixing reasonable interest rates, and fighting extortion. Faced with the threat of a possible invasion by the Parthians, he shored up his military forces and undertook a small campaign against the hill-tribes of Mt. Amanus. After a siege of 46 days, he captured the stronghold, and was granted a *supplicatio* (a public thanksgiving) by the Senate. Although he long cherished hopes for a triumph, these were never realized.

Cicero returned to Rome in early January of 49 B.C. to find the political situation in turmoil and the state on the brink of civil war. Crassus had been killed in Parthia in 53, and the relationship between Pompey and Caesar, so often strained in the past, had now reached the breaking point. Even after Caesar had crossed the Rubicon, Cicero hoped to be able to negotiate some sort of reconciliation which might secure peace. Appointed by the government as district commissioner at Capua, he spent the next several weeks away from the city, in Campania and at his estate in Formiae, debating with himself, in true Academic fashion, his best course of action. He realized that war, no matter who the victor, would precipitate confiscation, bloodshed, and proscription; he could not stomach the unconstitutionality of Caesar's actions, but was equally repulsed by many deeds of Pompey's supporters. On 28 March, Caesar himself visited Cicero at Formiae and requested that he come to Rome to work for peace. The orator frankly set forth conditions which Caesar could not accept, and in the end, Cicero did not go to Rome—a decision of which he was justly proud; eventually he joined the republican forces in Greece. After Caesar's victory at Pharsalus on 9 August 48 B.C. (from which Cicero was absent because of illness), Cato proposed that command of the army be handed over to Cicero. Cicero refused and returned to Italy, passing a year fraught with anxiety in Brundisium. In September of 47, Caesar returned and graciously gave Cicero permission to remain in the country.

Cicero generally abstained from politics under the dictatorship of Caesar, though in 46 B.C., he broke a six-year period of silence by delivering in the Senate a speech on behalf of Marcellus, soon to be followed by the other so-called 'Caesarian Speeches,' the *Pro*

*Ligario* and the *Pro Rege Deiotaro*.<sup>21</sup> The political hardships that Cicero faced during this period were compounded seriously by the troubles he experienced in his own private life. After 30 years of marriage, he divorced his wife Terentia in 46 B.C., the culmination of an estrangement that had begun several years before. He almost immediately re-married, but then came the greatest blow: Tullia, his beloved daughter, died from complications of childbirth. Cicero's grief at the death of his daughter was nearly inconsolable, and his new wife Publilia's lack of sympathetic support led quickly to divorce. Once again, as he had done a decade earlier, he took refuge in philosophy and literature. Working day and night because he could not sleep, Cicero's literary output during the next two years was absolutely astounding. Writing at a feverish pace, Cicero, as he had done ten years previously, found not only consolation in his composition, but a way to serve his countrymen and, according to some, present a tacit, but powerful critique of autocratic rule.<sup>22</sup> The *Brutus*, the *Orator*, *Paradoxa Stoicorum*, *De finibus bonorum et malorum* (*On the Supreme Good*), the *Tusculan Disputations*, *Academica*, and *De natura deorum* (*On the Nature of the Gods*), as well as the lost works, the *Hortensius* and the *Consolatio*, are all products of this period.

At the assassination of Caesar on the Ides of March, 44 B.C., Brutus, raising high his bloody dagger, called on Cicero by name and congratulated him on the recovery of freedom,<sup>23</sup> rejoicing in victory for what he and his fellow-conspirators believed would be a new lease on life for the Republic. Once again Cicero answered the call. On March 17, he delivered a speech in the Senate urging a general amnesty for the conspirators, like that declared in Athens after the expulsion of the Thirty Tyrants. The arrival in Rome of the young C. Octavius, Caesar's adopted son and heir, further buoyed the hopes of the republicans. But Marcus Antonius (Mark Antony), who had been Caesar's colleague in the consulship and had, after the assassination, gained possession of Caesar's political papers and private fortune, continued to strengthen his own position. Cicero soon found himself losing hope, in fear that Rome had merely substituted one tyrant for another. Again he turned to philosophy, composing

<sup>21</sup> For background and detailed analysis of these speeches, see Harold Gotoff, "Cicero's Caesarian Orations," below, 219–271.

<sup>22</sup> Habicht (1990): 74–76.

<sup>23</sup> *Philippic* 2.28.

the *De divinatione* (*On Divination*), the *De senectute* (*On Old Age*) and the *De amicitia* (*On Friendship*). It was also during this time (44 B.C.) that Cicero began his last, and perhaps most influential philosophical treatise, the *De officiis* (*On Moral Duties*), written not in dialogue form, but as an expository epistle to his son, discussing the cardinal virtues of wisdom, justice, fortitude, and temperance, and the notion of *utile*, the expedient, which cannot ever be rightly divorced from the honorable (*honestum*).

Many thoughts about duties, the honorable and the expedient must have been swirling about in Cicero's mind, when in July of 44 B.C., on his way to Greece and hearing news that a reconciliation between Antony and the conspirators was probable, he decided to turn back in order to attend the Senate meeting scheduled for 1 September. In Rome, he found the situation less promising than he had hoped, and decided not to attend the meeting, claiming that he was ill. Antony, angry at his absence, delivered a speech against him, and made offerings to the deified Caesar. On the next day, 2 September 44 B.C., Cicero took the first step on a journey from which there would be no turning back when he answered Antony (who was absent) with the *First Philippic*, a speech critical of Antony, though free of harsh personal attack. Cicero's final sentence proved an appropriate valediction for the final year of his life: "For myself, I have lived pretty well long enough, whether in years or in glory. If more is to come, it will come not so much for me as for you and for the Commonwealth" (translated by Shackleton-Bailey).

Antony retired to prepare his reply, which he delivered in the Senate on 19 September 44. Cicero countered with his celebrated *Second Philippic*, a scathing invective showing no restraint, which he sent to Atticus for approval in late October. The speech was never delivered, but published as pamphlet in late November. It is worth noting that Cicero himself referred to his speeches against Antony as 'Philippics' (*Ad Brut.* 2.4), purposely drawing a comparison between these attacks on Antony and those that the great Greek orator Demosthenes had made on Philip II of Macedon, three hundred years earlier. From this point on, all of Cicero's energies were directed toward rousing the senatorial order in hopes of recapturing the spirit and the glory of the languishing Republic. During the next half year, Cicero delivered twelve more *Philippics*, two to the people and ten to the Senate, all aimed in one way or another at warding off any

sort of reconciliation between the Senate and Antony.<sup>24</sup> In these orations, Cicero paints Antony as he had his previous adversaries (Verres, Catiline, Clodius, et al.), representing all things un-Roman, even inhuman, personifying the forces of despotism, madness, evil, and darkness.<sup>25</sup> In stark contrast stands the character of Cicero the patriot, true and unfailing, ready and willing to put his life on the line for the survival of the state—in fact, he is in a way the symbol, even the literal embodiment of the Republic. Nearly twenty years after his consulship, Cicero finds himself once again leading the Senate and the state in the midst of an internal crisis. Two decades earlier, he had fashioned himself as the *imperator togatus* (the civilian commander), the *pacis alumnus* (the nursling of peace), who would go to any length—including voluntary exile—to save the state without recourse to arms. Now, on the contrary, he presents himself as the *princeps sumendorum sagorum*, ‘the leader in the putting on of military cloaks,’<sup>26</sup> rousing the Senate and people to confront Antony in arms, but still relying on the only real weapon he ever knew how to wield—his eloquence.

In the end, of course, Cicero had, among other things, seriously miscalculated Octavian and his actions. His hopes were ultimately dashed, yet the effect of his oratory lingered, enough so that its target felt the need to exact vengeance. After the trio of Antony, Lepidus, and Octavian had sealed their compact and were appointed commissioners for the reorganization of the state in November (a compact known to history as the ‘second triumvirate’), they immediately set about removing their enemies from the scene. Cicero’s name appeared prominently on the list of proscribed (despite, according to Plutarch, the objections of Octavian). At first, Cicero thought of fleeing to the East, but after a half-hearted attempt to escape, he ordered his slaves to stand aside, and with these words, ‘Let me die in the country that I have so often saved’ (Livy 120. 50), he offered his neck to Antony’s minions (7 December 43 B.C.). His head and hands were carried back to Rome, and, to the horror of the people, nailed to the Rostra, the place from which he had so often spoken.

<sup>24</sup> For details, see Jon Hall, “The Philippics,” below, 273–304.

<sup>25</sup> Cf. J. M. May, “Cicero and the Beasts,” *Syllecta Classica* 7 (1996): 143–153.

<sup>26</sup> See *Philippic* 12.17; cf. *Phil.* 7.7–8; May (1988): 157–161.

In some sense it seems fitting that Cicero's life should come to its end as the curtain was about to fall on Rome's free Republic. Over the course of four decades of public service, Cicero's life and career had been, in many ways, inextricably intertwined with the major events and personalities of Rome. By the time of his murder in 43, Cicero had become, in more than merely his own (often egotistically inflated) opinion, a kind of symbol for the Republic; today he endures as its most prolific and eloquent spokesman, a politician whose career, despite its failings and compromises, 'stood for the rule of law against the rule of force.'<sup>27</sup> What he accomplished he accomplished largely through words—the power of speech. The essays that follow attempt not only to chronicle the history and the development of Cicero's rhetoric and oratory, but also to examine in some detail their unique characteristics—characteristics that allowed, almost within his own lifetime, the very name of Cicero to become synonymous with eloquence itself.

*Chronology*

(All dates are BC)

- 106 Birth of Marcus Tullius Cicero (January) and of Cn. Pompeius Magnus (Pompey the Great) (September)
- 104 Marius, consul for the 2nd time, reorganizes Roman army
- 100 Marius, consul for the 6th time; birth of C. Julius Caesar (July)
- 95 Lucius Licinius Crassus and Quintus Mucius Scaevola Pontifex consuls
- 91–87 Social War (War with Italian Allies); Cicero serves under Pompeius Strabo (89) and Sulla (88); assumes *toga virilis*; writes *De inventione*
- 88 Cicero meets Philo of Larissa, head of Academy, who had fled to Rome; Sulla occupies Rome; Marius flees and joins L. Cornelius Cinna
- 88–85 First Mithradatic War
- 87 Marius and consul Cinna seize Rome while Sulla fights in Greece; proscriptions
- 86 Marius, consul for the 7th time, dies in office

---

<sup>27</sup> Wiseman (1990): 648.



- 85 Sulla concludes peace with Mithradates
- 84 Cinna, consul for the 4th time, killed in mutiny
- 83–81 Second Mithradatic War
- 82 Civil War; Sulla siezes Rome and is named dictator (82–81); proscriptions
- 81 Sulla as dictator reforms constitution, including establishment of 7 standing criminal courts with senatorial juries; Cicero's *Pro Quinctio*
- 80 Cicero's *Pro Roscio Amerino*
- 79 Sulla resigns dictatorship
- 79–77 Cicero travels to Athens, Rhodes, and Asia Minor; studies with Molon of Rhodes
- 78 Sulla dies
- 76 Cicero's *Pro Roscio comoedo* (or 66)
- 75 Cicero serves as quaestor in Western Sicily; becomes a member of the Senate
- 74–63 Third Mithradatic War; Lucullus given command against Mithradates
- 73–71 Verres governor of Sicily; Spartacus leads slave rebellion and is defeated by Pompey and Crassus; Cicero's *Pro Tullio* (71 or 69)
- 70 1st consulship of Pompey and Crassus; Trial of Verres; Cicero's *Divinatio in Caecilium, In Verrem; Lex Aurelia* changes constitution of juries to two-thirds equestrian
- 69 Cicero serves as aedile; Cicero's *Pro Caecina, Pro Fonteio*
- 67 Lucullus relieved of Mithradatic command; *Lex Gabinia* gives Pompey command against pirates
- 66 Cicero serves as praetor, presides over extortion court; Cicero's *Pro lege Manilia; Lex Manilia* gives Pompey Mithradatic command; Cicero's *Pro Cluentio*
- 63 Cicero serves as consul; Cicero's *De lege agraria, Pro Rabirio perduellionis reo*; conspiracy of Catiline; Cicero's *In Catilinam, Pro Murena*; execution of the conspirators (5 December); Metellus Nepos attacks Cicero (10 December); death of Mithradates; Pompey organizes campaign in the East
- 62 Defeat and death of Catiline; Cicero's *Pro Sulla, Pro Archia*; Bona Dea scandal (Clodius) in Caesar's house; Pompey returns to Italy and disbands army
- 61 Senate opposes Pompey and Crassus; Clodius acquitted of sacrilege through bribery

- 60 Formation of 'first triumvirate'
- 59 Caesar serves as consul; Pompey marries Caesar's daughter Julia; *Lex Vatinia* gives Caesar command of Cisalpine Gaul and Illyricum, the Senate adds Transalpine Gaul; Clodius adopted into a plebeian family; Cicero's *Pro Flacco*
- 58 L. Calpurnius Piso and Aulus Gabinius serve as consuls; Clodius as tribune; Cato sent to annex Cyprus; Cicero exiled; Caesar in Gaul defeats Helvetii and Ariovistus
- 57 Cicero returns to Rome (4 September); Cicero's *Post reditum in senatu*, *Post reditum ad quirites*, *De domo sua*; Pompey commissioner for grain supply
- 56 Cicero attempts to break up the 'triumvirate'; Cicero's *Pro Sestio*, *In Vatinius*, *Pro Caelio*; Conference at Luca (May) reaffirms 'triumvirate'; Cicero's 'palinode'; Cicero's *De provinciis consularibus*, *De haruspicum responsis*, *Pro Balbo*
- 55 Pompey and Crassus consuls for the 2nd time; Caesar's command in Gaul extended for another five years; Cicero's *In Pisonem*, *De oratore*
- 54 Cicero defends Vatinius; Cicero's *Pro Plancio*, *Pro Scauro*; Cicero defends Gabinius; death of Pompey's wife Julia, daughter of Caesar; Cicero's *De republica* (54–51), *De legibus* (begun about this time), *Partitiones oratoriae* (54–52 or 45–44)
- 53 Crassus defeated and killed by the Parthians at Carrhae; Cicero co-opted into the College of Augurs; rioting between gangs of Clodius and Milo; Cicero's *Pro Rabirio Postumo* (or 52)
- 52 Murder of Clodius (18 January) by Milo, followed by riots and burning of Senate House; Pompey appointed sole consul; trial of Milo and Cicero's *Pro Milone*
- 51–50 Cicero serves as governor of Cilicia
- 49 Caesar crosses Rubicon (January), civil war; Pompey leaves Italy (17 March); Caesar visits Cicero (28 March); Cicero follows Pompey to Greece (7 June); Caesar dictator, defeats Pompey's army in Spain
- 48 Pompey defeated at Pharsalus (9 August) and subsequently murdered in Egypt; Caesar in Egypt; Cicero returns to Brundisium
- 47 Caesar in Egypt, Syria, and Asia; returns to Italy (September) and pardons Cicero
- 46 Pompeian forces defeated at Thapsus; Cato commits suicide; Cicero's *Pro Marcello*, *Pro Ligario*, *Brutus*, *Orator*, *Paradoxa Stoicorum*

- 45 Pompey's sons defeated at Munda (March); Cicero's *Cato*, Caesar's *Anticato*; Cicero's *Pro rege Deiotaro*, *Academica*, *De finibus bonorum et malorum*, *Tusculanae disputationes*, *De natura deorum*, *De senectute* (or 44)
- 44 Caesar *dictator perpetuus* (February); assassinated (15 March); Octavian named Caesar's heir; falling out between Cicero and Antony; Cicero assumes unofficial leadership of Senate and makes pact with Octavian; Cicero's *Philippics* 1–4, *De officiis*, *De divinatione*, *De amicitia*, *Topica*, *De fato*
- 43 Civil War; Cicero's *Philippics* 5–14; Antony declared public enemy (April), defeated at Mutina by Octavian and consuls Hirtius and Pansa (consuls are killed); Octavian occupies Rome, elected consul, outlaws Caesar's assassins; forms 'second triumvirate' with Antony and Lepidus (November); proscriptions; murder of Cicero (7 December)

## BIBLIOGRAPHY

- Bailey, D. R. Shackleton. *Cicero*. New York: Scribner, 1971.
- Dorey, T. A., ed. *Cicero*. Studies in Latin Literature and Its Influence. London: Routledge & Kegan Paul, 1964.
- Gelzer, M. *Cicero: ein Biographischer Versuch*. Wiesbaden: Steiner, 1969.
- Gruen, E. *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.
- Habicht, C. *Cicero the Politician*. Baltimore and London: The Johns Hopkins University Press, 1990.
- May, J. M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: The University of North Carolina Press, 1988.
- . "Cicero and the Beasts." *Syllecta Classica* 7 (1996): 143–153.
- Mitchell, T. N. *Cicero: The Ascending Years*. New Haven: Yale University Press, 1979.
- . *Cicero: The Senior Statesman*. New Haven: Yale University Press, 1991.
- Nicolet, C. "Consul togatus." *Revue des études latines* 38 (1960): 236–263.
- Rawson, E. *Cicero: A Portrait*. Ithaca: Cornell University Press, 1983. Revised edition.
- Smith, R. E. *Cicero the Statesman*. Cambridge: 1966.
- Stockton, D. *Cicero: A Political Biography*. New York: Oxford University Press, 1971.
- Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Wiseman, T. P. "The Necessary Lesson." *Times Literary Supplement* (June 15–21) 1990: 646–647.

This page intentionally left blank

## CHAPTER TWO

### RHETORICAL EDUCATION IN CICERO'S YOUTH

Anthony Corbeill

I begin with a remark datable to the late second or early first century B.C.E. that offers a frank assessment of one aspect of Roman education: 'Our people are like Syrian slaves; the better they know Greek, the worse they get'.<sup>1</sup> This witticism is attributed to a man about whom very little is known. He appears to have been active in municipal politics in Arpinum and it is likely that his contacts with powerful men in Rome allowed him to send his son to the capital city for an education.<sup>2</sup> The speaker's grandson, on the contrary, is the person about whom we know more than any other figure in Roman antiquity: the orator and statesman Marcus Tullius Cicero. By the standards of the grandfather, the more famous Cicero, who quotes this witticism in his treatise *On the Orator*, was to become one of the worst Romans of the Republican age. This tension between the elder Cicero's alleged disdain for Greek learning and the younger's undeniable achievement in making that learning a part of Roman culture marks not just a progression within the family of the Tullii Cicerones; the decades separating the adulthood of the two men mark a period during which Romans were continually confronted with the question of how to integrate Greek influence into their own culture.

It does not really matter for my discussion whether Cicero's grandfather really did make his remark; nor does it much matter whether he would have believed it if he had. Similar forms of anti-Hellenic sentiment occur throughout Roman literature, both before and after the elder Cicero offered his own concise contribution. Most significantly,

---

<sup>1</sup> *De or.* 2.265: *nostros homines similis esse Syrorum venalium: ut quisque optime Graece sciret, ita esse nequissimum.*

<sup>2</sup> For Cicero's grandfather, see Cic. *Leg.* 3.36, with C. Nicolet, "Arpinum, Aemilius Scaurus et les Tullii Cicerones," *Revue des Études Latines* 45 (1967): 276–304, esp. 293–304; for Cicero's father, T. N. Mitchell, *Cicero: The Ascending Years* (New Haven: Yale University Press 1979): 3–4.

Lucius Licinius Crassus and Marcus Antonius, the two principal interlocutors of the same treatise *On the Orator*, are depicted as trying to avoid the kind of criticism that this witticism reveals, as they carefully conceal the ways in which Greek learning has contributed to the success of their careers. Cicero relates that Crassus, although feigning no more than superficial familiarity with the Greek language, in fact knew Greek so well that it seemed his native tongue; similarly, Antonius's pretense of not knowing Greek rhetorical theory proves a sham upon closer examination (2.1–5). Cicero's comment when composing the treatise in the 50s B.C.E. makes it clear that such disingenuous behavior would no longer serve a purpose; moreover, he declines even to conjecture what the original purpose could have been that inspired these denials. Refusing to speculate, he closes discussion with the following enigmatic remark: 'whatever their object may have been, it surely no longer pertains to our own time.'<sup>3</sup> The issue of how Greek learning should be used can, by Cicero's adulthood, be dismissed as irrelevant.

The progression in *On the Orator* from the grandfather to Antonius and Crassus to young Cicero marks a path from disdain to denial to dismissal. This transition renders especially interesting the narrative context within which Cicero portrays these attitudes toward Greek learning. In 92 B.C.E., this same Crassus was one of two censors to pass an edict denouncing a group calling themselves the 'Latin rhetoricians'; the censors, apparently, disapproved of these teachers for not fully engaging their students in the intricacies of the Greek rhetorical tradition.<sup>4</sup> The Greek education of Cicero's Crassus and the activities of the historical Crassus seem at odds with one another. Furthermore, the dramatic date of the dialogue *On the Orator*, September of 91 B.C.E., covers a period when the teen-age Cicero is fully immersed in learning rhetoric from Greek treatises and teachers and declaiming in the Greek language—all with the approval of Crassus. To describe 'Rhetorical Education in Cicero's Youth' entails, it is clear, not simply reconstructing a probable curriculum, but disentangling intermingled ideologies. I propose, therefore, to examine this

<sup>3</sup> *De or.* 2.5: *quorum consilium quale fuerit, nihil sane ad hoc tempus.*

<sup>4</sup> For the complicated issues and various theories regarding this edict, see most conveniently E. S. Gruen, *Studies in Greek Culture and Roman Policy* (Leiden: Brill 1990): 179–192, R. Kaster, ed., *Suetonius Tranquillus: "De Grammaticis et Rhetoribus"* (Oxford: Clarendon 1995): 292–294.

period and the ensuing decade to show how the tensions between Greek influence and Roman heritage are reflected in what we know of Roman pedagogical practice. I shall begin by reviewing what can be reconstructed concerning Greek contributions to the education of Cicero from his early years in Arpinum until approximately 88 B.C.E., when Cicero turned eighteen.<sup>5</sup> I shall then consider how this type of education is reflected in two rhetorical treatises composed during roughly the same period: Cicero's own *On Invention* and the anonymous treatise *To Gaius Herennius*. Both authors offer first-hand evidence of how Roman rhetorical theory was forged from a simultaneously rich and disparaged Hellenic tradition.

### *Cicero's Education*

The single best description of Republican education is Cicero's account of his own.<sup>6</sup> Born at Arpinum in 106 B.C.E., he claims in his later writings that the outlying areas of Rome shared a deep respect for learning during his youth; in fact, a speaker remarks in one of his treatises that the people of Latium have a greater engagement with letters than the residents of Rome itself.<sup>7</sup> A contemporary of Cicero's father from near Arpinum, Quintus Valerius Soranus, receives particular praise for his learning in both Greek and Latin literature.<sup>8</sup> It is not unlikely that the wealthy families of Latium saw in education a means for social advancement. It comes then as little surprise that Cicero's father was active in promoting the education of his two sons Marcus and Quintus (*De or.* 2.1).

Young Marcus's education in Arpinum, before he moved to Rome at about the age of ten, can only be inferred from other evidence for Roman education. He may, like Horace, have attended a local

<sup>5</sup> Because of this terminus, I shall be considering neither Cicero's oratorical debut (*Pro Quinctio*) nor his travels and studies in Greece after 88; for these years, see M. Gelzer, *Cicero: ein biographischer Versuch* (Wiesbaden: Steiner 1969): 6–26.

<sup>6</sup> *Brut.* 304–316, supplemented by remarks in other texts, especially *On the Orator* and Plutarch's *Cicero*; for modern syntheses, see Gelzer (1969): 1–28, E. Rawson, *Cicero: A Portrait* (London: Allen Lane 1975): 1–28. S. Bonner, *Education in Ancient Rome from the Elder Cato to the Younger Pliny* (Berkeley and London: University of California Press 1977), surveys ancient Roman education in general.

<sup>7</sup> *De or.* 3.43: *nostri minus student litteris quam Latini* (Crassus speaking).

<sup>8</sup> *Brut.* 169, *De or.* 3.43; for other examples, see E. Rawson, *Intellectual Life in the Late Roman Republic* (Baltimore: Johns Hopkins University Press 1985): 34.

school, but more likely he and his brother were educated by household slaves, who taught the Greek language and likely instilled in young Marcus the love of Greek literature that he was to display throughout his life.<sup>9</sup> It was also surely at Arpinum that the children were taught to read and write Latin and first became exposed to the archaic Roman poets who reappear throughout Cicero's writings.

Cicero does mention once in passing that part of his early training entailed memorizing the centuries-old law code of the Twelve Tables, a practice he asserts was standard among young boys of his day.<sup>10</sup> His remark to his friend Atticus that 'we used to learn the Twelve Tables as boys' implies that the young Cicero received this training after moving to Rome with his father and brother, since it is only then that he first met Atticus.<sup>11</sup> His uncle Gaius Aculeo is a good candidate for being among the first teachers to introduce him to legal studies. Aculeo receives praise in Cicero's writings for his knowledge of civil law and it is known that he trained his own children and that they were among Cicero's fellow students.<sup>12</sup> Beginning in 90 Cicero would further refine his knowledge of civil law by listening as often as permitted to Quintus Mucius Scaevola the augur as he gave legal advice to clients.<sup>13</sup> Legal knowledge would become essential background to his rhetorical training and one which he exploits in his early treatise *On Invention*. It would be interesting to know whether the young Cicero's study of this venerable body of law included the tradition that it derived from Greek sources.<sup>14</sup> The presence of a Hellenic kernel in even this revered set of Latin texts would offer an early instance of the hybrid sources he would encounter in his rhetorical training.

Cicero's exposure to Greek philosophy also began in his early years. He tells us that he listened to Diodotos the Stoic beginning

<sup>9</sup> M. L. Clarke, "Cicero at School," *Greece & Rome* 15 (1968): 18; Rawson (1975): 7.

<sup>10</sup> *Cic. Leg.* 2.59: *discebamus enim pueri duodecim ut carmen necessarium.*

<sup>11</sup> House in Rome: *Plut. Cic.* 8.6; first meeting with Atticus: *Nepos, Att.* 1.4.

<sup>12</sup> Aculeo: *De or.* 1.191, *Brut.* 264; Cicero and his cousins as fellow students: *De or.* 2.2.

<sup>13</sup> *Brut.* 306; *Amic.* 1; Gelzer (1969): 5.

<sup>14</sup> R. M. Ogilvie, *A Commentary on Livy Books 1–5* (Oxford: Clarendon 1970): 449–450, concisely summarizes, with bibliography, the relevant ancient evidence for this tradition; for its relevance to Roman republican education in general, see A. Corbeill, "Education in the Roman Republic: Creating Traditions," in *Education in Greek and Roman Antiquity*, edited by Y. L. Too (Leiden: Brill 2001): 275–276.



from his boyhood; his instruction from this teacher may have included lessons in music and geometry.<sup>15</sup> The same period saw his introduction to the school of Epicurus, in part through the teachings of the philosopher Phaedrus.<sup>16</sup> In 88 B.C.E., the head of the Academy in Athens, Philo of Larissa, arrived in Rome and Cicero devoted himself to studying under this philosopher.<sup>17</sup> It may also have been at this time that he was introduced to the teachings of Molon, under whom he would later study in Rhodes.<sup>18</sup>

Despite a deep interest in philosophy, especially the variety of skepticism promoted by the New Academy (an attraction perhaps attributable to the civil disturbances of the eighties), Cicero eventually focused, of course, on oratory. As early as 96, when he first arrived in Rome, his teachers included friends of Crassus, and some of his training brought him in close contact with this famous orator.<sup>19</sup> Initially, his principal language of instruction was undoubtedly Greek. The name of only one of his Greek instructors is known with any type of certainty, the poet Archias, whom Cicero describes as teaching him in his earliest youth, presumably in literature.<sup>20</sup> In respect to his rhetorical studies, Cicero makes clear that the first steps of instruction came at the hands of Greek teachers of public speaking.<sup>21</sup> Indeed, in a move that would have puzzled Cicero's grandfather and has caused much scholarly debate, Cicero relates how he was forbidden in his mid-teens from attending a school that offered the innovation of teaching rhetoric in the Latin language. He was dissuaded, he writes, by 'very learned men . . . who thought that innate talent was better nurtured through Greek exercises.'<sup>22</sup> This notion that Greek rudiments, combined with innate talent, lay at the basis

<sup>15</sup> *Acad.* 2.115 (*a puero*); *Tusc.* 5.113; Clarke (1968): 21. For his later studies with Diodotos see *Brut.* 309.

<sup>16</sup> *Fam.* 13.1.2 (SB 296): [*Phaedrus*] *qui nobis, cum pueri essemus, . . . valde ut philosophus, postea tamen ut vir bonus et suavis et officiosus probabatur.*

<sup>17</sup> *Brut.* 306: *totum ei me tradiidi admirabili quodam ad philosophiam studio concitatus*; Plut. *Cic.* 3.1.

<sup>18</sup> *Brut.* 307 with A. E. Douglas, ed., *M. Tulli Ciceronis Brutus* (Oxford: Clarendon Press 1966): 221; J. C. Davies, "Molon's Influence on Cicero," *Classical Quarterly* 62 (1968): 303–14, offers a view of Molon's teachings.

<sup>19</sup> *De or.* 2.2: *ab eis doctoribus, quibus ille [Crassus] uteretur, erudiremur.*

<sup>20</sup> *Arch.* 1 and Clarke (1968): 19–20.

<sup>21</sup> *De or.* 1.23: *ab incunabilis nostrae veteris puerilisque doctrinae* (addressing Quintus); *Brut.* 310.

<sup>22</sup> Cic. apud Suet. *Rhet.* 26.1: *continebar autem doctissimorum hominum auctoritate, qui existimabant Graecis exercitationibus ali melius ingenia posse.*

of a true Roman oratorical career may sound puzzling but, as we shall see, it is a stance that will be adopted with differing degrees of directness in the Latin treatises *On Invention* and *To Gaius Herennius*.

Before turning to these treatises, however, it is important to qualify the motivations behind the ‘very learned men’ who prevented Cicero from attending the school of Latin rhetors. Although perhaps an obvious point, it has not received enough emphasis that Cicero had already received an extensive introduction to Latin oratory by the time of this incident in the late nineties. He knew Marcus Antonius’s short treatise on public speaking, composed in Latin and based on the orator’s own experience in the Forum.<sup>23</sup> He also attests to having both studied and memorized Latin orations from previous decades when only a boy (*puer*).<sup>24</sup> In addition, he was a student of Lucius Aelius from Lanuvium, known as ‘Stilo’ on account of his occasional occupation as a ghostwriter for Romans facing trial. From Cicero’s own testimony we know that perhaps as early as 92, and certainly by 90, he was present as a young man (*adulescens*) at the writing of a number of Stilo’s speeches.<sup>25</sup> Aelius, a recognized authority in antiquarian matters, also may have introduced him to Roman historical studies and etymologizing.<sup>26</sup> Cicero’s treatise *On Invention*, composed in the late 90s when he was still in his teens, also reveals extensive familiarity with declamation, a number of instances of which cover Roman historical situations and were doubtless delivered in Latin.<sup>27</sup> Beginning in 91, Cicero attended trials in the forum ‘constantly’ and listened to magistrates address public assemblies ‘almost daily.’<sup>28</sup> Finally, we are led to imagine that Cicero and his fellow pupils spent long hours encouraging experienced Roman orators to discuss their craft, much as he depicts in his *On the Orator* (e.g., 1.96–102). Consideration of these Latin studies demonstrates that the objections that Cicero’s teachers had to the new Latin schools in the 90s were not based on the notion that Latin oratory was in itself somehow inherently inferior. In fact, as will be clear from my discussion below, the authors of the treatises *On Invention* and *To Gaius*

<sup>23</sup> *De or.* 1.94, 208; *Brut.* 163.

<sup>24</sup> *Brut.* 122, 127, 129, 164.

<sup>25</sup> *Brut.* 207; Kaster (1995): 75–77 discusses the dates.

<sup>26</sup> *De or.* 1.193.

<sup>27</sup> E.g., *Inv.* 1.11, 17, 72; for Roman declamation in Cicero’s youth, see S. Bonner, *Roman Declamation* (Liverpool: Liverpool University Press 1949): 16–31.

<sup>28</sup> *Brut.* 304–305: *frequens aderam; cotidie . . . fere.*

*Herennius* attempt to convey the superiority of Roman rhetorical studies to Greek.

I would like to close this brief survey by mentioning an aspect of Cicero's education from a period later than that which I cover in this essay. Between the years of approximately 88 and 86 B.C.E., after the conclusion of the Social War, Cicero continued to practice declamation, principally in Greek. This pursuit reflects his own choice, and the reasons he gives for these studies demonstrate a more mature understanding than that of the young man of the late 90s, excited to follow the latest fashion in Latin teaching. He provides two reasons for his decision: first, the Greek language supplies greater opportunity for stylistic ornamentation and second, and more significantly, the best available instructors were Greeks, who did not know Latin well enough to be able to offer correction and advice in that language.<sup>29</sup> The inference to be made from this latter reason is clear: once Greek rhetorical traditions are absorbed into Roman culture, they can be dispensed with. And this is what eventually happened. The beginnings of the process are already present in the first extant offerings to the Roman rhetorical tradition.<sup>30</sup>

#### De Inventione and Rhetorica ad Herennium: *Description of Contents*

Cicero's *On Invention* and the anonymous treatise *To Gaius Herennius* are primarily textbooks for training the reader in public speaking, with a special emphasis on developing oratorical expertise in legal matters. The two texts are products of the Greek rhetorical tradition, and of particular significance is their debt to the methodology of Hermagoras of Temnos, a Greek writing in the middle of the second century B.C.E. Hermagoras' rhetorical works, now lost, were characterized by the same elaborate systemization of the principles of rhetoric into various categories and sub-categories that we find in these two early Latin treatises. In particular, Hermagoras developed in detail the rules governing 'invention,' the discovery of ideas or

<sup>29</sup> *Brut.* 310: *vel quod Graeca oratio plura ornamenta suppeditans consuetudinem similiter Latine dicendi afferebat vel quod a Graecis summis doctoribus, nisi Graece dicerem, neque corrigi possem neque doceri.*

<sup>30</sup> Antonius's treatise was clearly not as complex as *Inv.* or *Rhet. Her.*; see Rawson (1985): 146–147.

subject matter best suited for the issue at hand; this discussion was especially influential for its careful classification of the four types of 'issues' (*stasis* in Greek; in Latin, *status* or *constitutio*) that govern legal disputes.

In transmitting the methodology inherited from the Hellenic tradition, Cicero and the anonymous author (henceforward referred to as Auctor) adopt as their principal framework the traditional fivefold division of the study of rhetoric: invention, or the discovery of ideas and subject matter appropriate to a given case (*inventio*); the arrangement of those ideas (*dispositio*); style (*elocutio*); memory (*memoria*); and delivery (*actio* or *pronuntiatio*). Each author complements this framework with brief expository prologues that place the practice of rhetoric in a wider cultural and philosophical context, but this context is, as we shall see in the next section, largely ignored in the main body of the text. The discussion instead focuses on the practical tools necessary for becoming a persuasive public speaker.

The young Cicero ultimately abandoned his plan to treat each form of the five branches of rhetorical study (a plan implied at *Inv.* 1.9, 2.178). The two books of his surviving work, covering only the first part of the five divisions and now appropriately entitled *On Invention*, follow a simple scheme. After a prologue on the history of rhetoric, Cicero briefly treats the *stasis* theory of Hermagoras (1.10–19) before devoting the bulk of Book One to how one should adopt arguments for each of the six traditional parts of a judicial oration (exordium, narration, partition, confirmation, refutation, peroration). The second book is organized around the three types of speech identified by the rhetorical tradition: the forensic or judicial (*genus iudiciale*; 2.14–154), the political or deliberative (*genus deliberativum*; 2.155–176), and the epideictic or show speech (*genus demonstrativum*; 2.177–178). Throughout Book Two the bulk of Cicero's discussion treats judicial situations and includes consideration of Hermagoras' classification of 'issues' (*constitutiones*), the different approaches necessary in speeches for both defense and prosecution, and the use of commonplace arguments.

The four books of the anonymous treatise *To Gaius Herennius* offer a fuller treatment of the five parts of rhetorical study and give a reasonable idea of the book the young Cicero originally set out to write. The Auctor devotes the first two books and the beginning of the third (3.1–15) to a detailed discussion of invention that emphasizes, as Cicero had, its application to judicial rhetoric. Short dis-

cussions of disposition and delivery follow (3.16–18, 19–27), the latter discussing the proper use of voice and gesture that the orator should employ. There then follows the rhetorical tradition's earliest extant account of the training of memory (3.28–40). The fourth and final book is entirely devoted to the oldest treatment of Latin style, a discussion that includes consideration of the three types of oratorical style—*gravis, mediocris, adtenuata* (grand, middle, and simple)—, correct Latinity, and a detailed analysis of the use of figures of speech.

From this brief outline of content it is clear that the two treatises closely resemble one another in their debt to the Greek rhetorical tradition. A closer analysis of diction and of the occasional deviations each writer makes from his model reveal, however, contrasting attitudes about the comfort each writer felt in identifying himself with that tradition.

#### De Inventione and Rhetorica ad Herennium: *Relationship and Chronology*

In 1910 Eduard Norden ranked the relationship between *On Invention* and the treatise *To Gaius Herennius* 'among the most interesting problems of Roman literary history as yet not perfectly resolved.'<sup>31</sup> Although changing scholarly fashion would likely not agree with Norden's assessment regarding the problem's inherent interest, it remains true that scholars have not reached agreement nearly a century later concerning the two treatises' historical and pedagogical context, Greek predecessors, or chronological relationship. I will provide a brief summary of what can be said with approximate certainty concerning the origins of these two works by way of introduction to my primary concern: how their respective uses of Greek models, and their acknowledgments of such debts (or lack thereof), reflect the ways in which Roman educational principles developed in relationship to Greek models from the 90s to the 80s B.C.E. Although the two treatises present myriad problems of interpretation, their deviations from one another—the source of most of these problems—can be used to

---

<sup>31</sup> In A. Gercke and E. Norden, *Einleitung in die Altertumswissenschaft* (Leipzig 1910) 1: 471 ('zu den interessantesten, noch immer nicht einwandfrei gelösten Problemen der römischen Literaturgeschichte'), cited in G. Herbolzheimer, "Ciceros rhetorici libri und die Lehrschafft des auctor ad Herennium," *Philologus* 81 (1926): 393.

provide insight into the nature of moral and political authority at Rome in the beginning of the first century B.C.E.

Neither the young Cicero nor the Auctor acknowledges the existence of each other's treatise. Indeed it is quite possible that both works were never intended for the general public and that therefore this mutual ignorance is innocent: Cicero states in *On the Orator* that his early work 'slipped out of my notebooks,' and the preface of the Auctor has been taken to imply that his treatise was meant only for the personal use of the addressee.<sup>32</sup> The likelihood that the authors did not know each other's work makes especially compelling the fact that there are numerous verbal correspondences between the two texts, including more than forty places where entire sentences appear verbatim.<sup>33</sup> Equally interesting, and compounding the difficulty of determining the precise relationship between the two texts, are those places where, despite their sameness, the two accounts deviate from one another: the Latin technical vocabulary employed, while usually common, does differ on occasion; their accounts of *stasis* theory disagree; in many places verbatim accounts are truncated or supplemented in one or the other text, with no consistency regarding which offers the fuller version.<sup>34</sup> Finally, and most clearly, the prefaces and epilogues appended to each work express very different views of the authors' intentions in writing and of their relation to their sources.

Equally contested are the dates of composition, although here scholars seem to be moving towards a greater consensus than in the past. The latest datable event mentioned in *On Invention* falls in the consulship of Crassus in 95 B.C.E. (2.111); it is also likely that Cicero alludes to a famous political trial from approximately 93 B.C.E. (2.62, 122; see too *Brut.* 194–198). The only external indication of the time that the treatise must have been completed is Cicero's own later ref-

<sup>32</sup> Cic. *De or.* 1.5 (quoted below in notes); *Rhet. Her.* 1.1 (e.g., *te non sine causa velle cognoscere rhetoricam intellegebamus*; see too 4.69). F. Marx, ed., *Incerti auctoris De ratione dicendi ad C. Herennium lib. IV* (Leipzig: Teubner 1894), offers as additional evidence for the work's non-publication the fact that subsequent authors do not seem to cite it until the fifth-century C.E. (H. Caplan, ed., [*Cicero*] *ad C. Herennium de Ratione Dicendi (Rhetorica ad Herennium)* [Cambridge, MA: Harvard University Press 1954] xv).

<sup>33</sup> J. Adamietz, "Ciceros de inventione und die Rhetorik ad Herennium," Ph.D. diss., Marburg (1960): 11–93, offers the most thorough survey of the parallels; see too Herbolzheimer (1926). Caplan (1954) provides the relevant Ciceronian parallels in his notes to the text of *To Gaius Herennius*.

<sup>34</sup> Technical vocabulary: Marx (1894): 130–131; *stasis* theory: cf. *Inv.* 1.10–16 and *Rhet. Her.* 1.18–25; inconsistency in supplementing accounts: Adamietz (1960) *passim*.

erence to it being composed when he was a 'boy or very young man.'<sup>35</sup> This inexact terminus, however, has been narrowed by internal considerations. Since the work contains no reference to the Social War and Cicero does not include a reference to Crassus in his list of great orators (meaning, therefore, that Crassus is presumably alive at the time of composition), it is generally accepted that the work was completed around 91 B.C.E., the year the war began and Crassus died.<sup>36</sup> The composition of the treatise *To Gaius Herennius* is usually placed in the following decade, a date that probably should be retained despite recent efforts to put it later. Since the identity of the author is unknown, it is not possible to use external evidence to determine the date.<sup>37</sup> Internal references, however, indicate that the Auctor was certainly writing the fourth book after 86 B.C.E., since reference is made to the consulship of Marius in that year (4.68). In addition, the fact that the author does not mention conditions under Sulla would indicate, but unfortunately cannot guarantee, that the entire work was finished before 82.<sup>38</sup>

If we assume that the relative chronology of the two works is as outlined—*On Invention* was written first, followed by *To Gaius Herennius* in the next decade—, it then becomes necessary to explain the similarities and divergences between them. Internal evidence makes it

---

<sup>35</sup> *De or.* 1.5: *quae pueris aut adolescentulis nobis ex commentariolis nostris incohata ac rudia exciderunt, vix hac aetate digna et hoc usu sunt quem ex causis quas diximus tot tantisque consecuti sumus.*

<sup>36</sup> Marx (1894): 76–77; Caplan (1954): xxv; cf. G. A. Kennedy, *The Art of Rhetoric in the Roman World* (Princeton, NJ: Princeton University Press 1972): 106–110, who argues for 91–89. The recent attempt by T. Adamik, "Basic Problems of the *Ad Herennium*: Author, Date, its Relation to the *De Inventione*," *Acta antiqua Academiae Scientiarum Hungaricae* 38 (1998): 275–276, to date composition to the period 84–80 rests on an overestimation of the treatise's philosophical sophistication.

<sup>37</sup> The attribution to Cornificius has recently enjoyed a renewed popularity; see Kennedy (1972): 111–112, 134, and Adamik (1998): 280–281, but the objections of Caplan (1954): ix–xiv, based largely on Quintilian's references to Cornificius, remain persuasive. In any event, so little is known of Cornificius that the attribution, even if sure, would not affect my subsequent remarks. For less acceptable attributions of authorship, see G. Achard, "L'auteur de la Rhétorique à Herennius?" *Revue des Études Latines* 63 (1985): 62–68; L. Herrmann, "L. Annaeus Cornutus et sa rhétorique à Herennius Senecio," *Latomus* 39 (1980): 144–60 (mid-first century C.E.).

<sup>38</sup> Caplan (1954): xxvi; A. E. Douglas, "*Clausulae* in the *Rhetorica ad Herennium* as Evidence of its Date," *Classical Quarterly* 54 (1960): 65–78, gives valid reasons to date the treatise as late as the 50s B.C.E., but his views have not been widely accepted—see Kennedy (1972): 113 n. 14, 134 n. 45; G. Calboli, ed., *Cornifici Rhetorica ad C. Herennium*. 1st ed. (Bologna: Patròn 1969): 12–17.

highly unlikely that either author relied upon the other's work for his composition.<sup>39</sup> Since, then, any mutual influence should be ruled out, their similarities must be attributed to the sharing of a common source. This option offers three basic possibilities: 1) both works rely on a common Latin treatise; 2) both works use prior treatises written in both Greek and Latin; 3) each author relies principally on oral Latin sources, a hypothesis that includes the possibility that both authors shared a teacher.<sup>40</sup> Although cogent arguments can and have been made for all three possibilities, the third seems most likely when one considers that no Latin treatise of any complexity is known to have existed prior to the 90s and that the hypothesis that both authors are working primarily from lecture notes—as indeed Cicero implies he did with his remark that *On Invention* came from his 'note-books' (*commentariola*; *De or.* 1.5) and as could be inferred from the one mention by the Auctor of his teacher (*noster doctor*: 1.18)—explains better the verbal similarities than the use of solely written source material. The divergences can then be explained by the fact that each author listened to the same teacher at different times in his career, when his ideas had undergone revision through time.<sup>41</sup>

### *The Greek Background: Acknowledgment and Mis-recognition*

The two earliest extant rhetorical treatises in Latin were written without awareness of each other and the majority of their contents likely derives from the teachings of a single individual. This core teaching would have been supplemented by consulting Greek treatises (either in the originals or in Latin adaptations), in the case of Cicero certainly and most likely of the Auctor as well. It is upon the issue of each work's use of the tradition that I shall now focus the remain-

---

<sup>39</sup> Scholars have argued that Cicero used the Auctor and vice versa; Herbolzheimer, (1926) esp. 396–397, convincingly refutes both possibilities on the basis of the coexistence of verbatim passages and marked deviations.

<sup>40</sup> For concise summaries of the many variations upon these categories that have been argued, see Adamietz (1960): 1–8, Kennedy (1972): 126 n. 32. Typical arguments for each view are presented by: 1) Herbolzheimer (1926); 2) Adamietz (1960); 3) Kennedy (1972), esp. 126–128. Complex combinations of these possibilities have also been offered: Marx (1894): 161–162, D. Matthes, "Hermagoras von Temnos," *Lustrum* 3 (1958): 58–214 (see esp. his diagram on 99).

<sup>41</sup> Kennedy (1972): 128.



der of my remarks. For despite their many similarities, the Auctor and the young Cicero profess different attitudes toward their Greek background. And if we accept that Cicero's composition precedes *To Gaius Herennius* by about a decade, it is possible to detect in the transition between the two works a small stage in the larger progression from the anti-Hellenism of Cicero's grandfather to the Romanized Greekness that came to characterize his grandson's later work. I shall not, however, focus on the debt these treatises owe to a mostly lost Greek inheritance, a debt that varies in accordance with unprovable assumptions regarding each author's originality. Rather, I will consider what evidence the works offer concerning the criteria of selection (and rejection) from this inheritance, and place these criteria in the pedagogical and cultural context of the early first century.<sup>42</sup>

Marx characterized *On Invention* as a treatise *palliata*, in contrast with the *togata* treatise of the Auctor.<sup>43</sup> The comparison with the two forms of early Roman drama is apt, for just as each type of comedy relies heavily on the Greek dramatic tradition but in turn either admits to that influence by having characters appear on stage dressed as Greeks (in the case of the *palliata*) or camouflages it in 'Roman dress' (*togata*), so too does Cicero not attempt to disguise his use of Greek theorists while the Auctor, on the contrary, asserts his independence. Even the most superficial reading makes this contrast clear: the text of *To Gaius Herennius* mentions not a single Greek writer by name, whereas the young Cicero openly acknowledges his eclecticism in choosing Greek sources (2.4) and names several Greek authors. Scholars have succeeded in demonstrating that the Auctor is over-exuberant, if not outright dishonest, in his claims of independence. This is especially evident in Book Four, where he exaggeratedly claims to have used his own examples to illustrate aspects of rhetorical style.<sup>44</sup> I shall offer one particularly clear case in which the Auctor uses Greek sources without complete consideration of the implications. On a few occasions his text implies that the speaker using his advice will be speaking in his own defense; this appears to

<sup>42</sup> For this approach, see A. E. Douglas, "The Intellectual Background of Cicero's Rhetorica: A Study in Method," *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 95-138, esp. 100-101.

<sup>43</sup> Marx (1894): 129.

<sup>44</sup> *Rhet. Her.* 4.1, 7. The harsh critique of Marx (1894): 111-115 is met by the more sober remarks in Caplan (1954): xxx-xxxii and Kennedy (1972): 132-134.

be a reference to the Greek system of self-representation, which was largely replaced in Roman times by the practice of advocacy.<sup>45</sup> The Auctor has copied from a Greek source without adequately adapting it to a Roman judicial context.

An especially interesting area in which the two similar texts diverge is in their attitude toward the place of philosophy in rhetorical theory. Yet it is not possible to discuss with certainty the philosophical influence that any specific Greek thinkers may have had on the authors. The Auctor does not mention by name philosophers or schools in his treatise and, although Cicero's text owes an indisputable debt to the Hellenic tradition, especially the works of Hermagoras of Temnos and Aristotle's *Rhetoric*, it is unlikely that he was aware of either author first-hand.<sup>46</sup> Specifics, however, are unnecessary. An analysis of each author's application of philosophy, even at a general level, to the study of oratory and rhetorical theory reveals significantly different attitudes toward how Roman culture should accommodate Greek learning.

The first book of *On Invention* opens with a prologue debating the nature of rhetoric: does eloquence help more than harm? The debate occurs throughout the rhetorical tradition, but the young Cicero makes a clear effort to apply the controversy to the case of Rome. Although historically, he writes, the invention of speech is the great civilizer (1.1–3), at the same time the misapplication of this new discovery, which results in 'eloquence without wisdom' (*eloquentia sine sapientia*), has produced wars and political discontent. Cicero's ensuing discussion makes clear that the wisdom he has in mind consists primarily of moral study. The origins of this eloquence without wisdom, that is without a moral component, are then traced back to a time when states were led by only the most honest men. Such a seemingly desirable situation created a gap whereby the settlement of private legal disputes fell into the hands of other, less honorable members of society. These individuals, our earliest legal advocates, came to learn how to shape eloquence through deceit in order to win their suits. Cicero continues: the members of this group, wish-

---

<sup>45</sup> E.g. *Rhet. Her.* 2.8 (this oversight is shared by *Inv.*); G. A. Kennedy, "The Rhetoric of Advocacy in Greece and Rome," *American Journal of Philology* 89 (1968): 433; J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Hakkert 1989): 101–103.

<sup>46</sup> Hermagoras: Matthes (1958), esp. 84–90; Aristotle: Wisse (1989): 152–163.

ing to exploit more fully their new-found power, emerged as political demagogues, who destroyed states through their corrupted eloquence (1.4). Cicero's account reveals an idealized notion of the nature of political rhetoric. For society to succeed, moral considerations must coexist with political considerations. The seemingly inevitable decline forecast by this fanciful reconstruction has not occurred in Cicero's contemporary Rome—yet. The Republic has avoided any corrupting tendencies through the intervention of great figures such as Cato, Laelius, Africanus, and the Gracchi. These men have continually combined eloquence with wisdom, political authority with moral virtue (*summa virtute amplificata auctoritas*; 1.5).

Cicero then considers how this crisis of division between moral and political authority can be resolved on a permanent basis through proper instruction in rhetoric. Although the question reflects a debate already long ongoing, the young Cicero chooses his side clearly.<sup>47</sup> After deciding that it is inappropriate for the orator to consider in his training 'general questions' (*quaestiones*) such as 'Are the senses to be trusted?' or 'Is honor the only good?,' Cicero concludes:

It seems utter madness to entrust to the orator as if they were trivial matters the kinds of subjects that we know have occupied the supreme talents of philosophers and involved the greatest labor.<sup>48</sup>

Despite this passionate outburst, Cicero offers no concrete suggestions for resolving the division between philosophy and rhetoric. Later in the first book, however, by citing specific instances of how philosophy can enhance rhetoric, Cicero makes clear that he believes the rhetorician should adopt an eclectic approach to philosophical sources. In discussing the partition of arguments (*partitio*), for example, he reveals his awareness that philosophers employ forms of partition not traditionally used by the rhetorician. Cicero has, accordingly, taken the initiative in borrowing some of these if he deemed them suitable for oratorical practice.<sup>49</sup> He continues to acknowledge these

---

<sup>47</sup> It is irrelevant to my argument whether Cicero misrepresents his sources; see H. Hubbell, ed., *Cicero II, De Inventione, De Optimo Genere Oratorum, Topica* (Cambridge, MA: Harvard University Press 1949): 18–19 and, for the possible sources, Adamietz (1960): 17.

<sup>48</sup> *Inu.* 1.8: *quibus in rebus summa ingenia philosophorum plurimo cum labore consumpta intellegimus, eas sicut aliquas parvas res oratori attribuire magna amentia videtur.*

<sup>49</sup> *Inu.* 1.33: [*praecepta in philosophia*] *transtulimus quae convenire viderentur quorum nihil in ceteris artibus inveniebamus.*

efforts on his part to exploit philosophical knowledge in concluding his discussion of the divisions in deductive reasoning. At the same time, however, he reiterates his earlier advice on avoiding philosophical obscurities: philosophers have, he notes, discovered other forms of deduction, but he will not consider them since they are removed from the orator's task.<sup>50</sup> Cicero presents his views as applying directly to the practical needs of the Roman orator. Again, I am not concerned with the difficult question of the extent to which Cicero's claims derive from Greek sources. What is important is that he sees his system, whether entirely original or not, as a conscious adaptation to a specific cultural and political situation.

Aside from these two passages from later in Book One, the remainder of Cicero's treatise shows much less concern with situating Rome in the debate concerning the relevance of philosophy to rhetoric. In this respect, the treatise frequently betrays its origin as an unworked version of a Greek treatise (a characteristic it shares, as we shall see, with *To Gaius Herennius*). A particularly remarkable oversight in revising occurs when Cicero includes among the attributes of a person whether his nationality is 'Greek or barbarian' (1.35: *Graius an barbarus*). The intended Roman audience has temporarily disappeared. Despite slips of this sort, however, other passages show Cicero continuing to adapt his material for a Roman readership. Particularly interesting is his account of how a speaker should treat a proper name in order to create in a jury suspicion about an opponent's moral rectitude (2.28–29). Although manipulation of proper names constitutes a traditional subcategory of the treatment of personal attributes (*ae res quae personis attributae sunt*), Cicero observes how Roman practice in this area fools 'inexperienced Greeks' (*Graecis imperitis*). The issue under consideration involves the unique and peculiar phenomenon at Rome of the pejorative name; Cicero cites in particular 'Caldus,' 'Clodius,' 'Caecilius,' and 'Mutius,' names that suggest, respectively, a harsh temper, lameness, blindness, and muteness. Virtually unknown to the Greeks, the existence of pejorative naming practices offers a way for the orator to ground an opponent in the world by means of his 'fixed and proper appellation' (*certo et proprio vocabulo*). Roman names offer access to personal morality, as labels to a bearer's content, in a way that is impossible in Greek

---

<sup>50</sup> *Inv.* 1.77: *illa nobis abhorre ab usu oratoris visa sunt.*

culture, consisting as it does largely of praiseworthy names such as 'Demosthenes' ('the people's strength') or 'Aristophanes' ('the best speaker').<sup>51</sup> Exploiting this onomastic peculiarity opens for the Roman orator a new claim to moral authority. He acts as teacher, asserting his authority not through words, but through proper observation of how labels operate.

The second passage in which the young Cicero's text veers from Hellenic tradition involves the definition of how to derive an authoritative judgment. In his discussion of proofs that may be offered by an orator on the basis of probability, he includes as a subcategory those proofs that are based on the judgment (*iudicatum*) rendered by a specific person or persons (1.48). He further subdivides the *iudicatum* into three types: those based on religious considerations, on common social practice, and on special approval (*religiosum, commune, approbatum*). It is in this final class of 'special approval' (*approbatum*) that Cicero's text offers a significant variation from Greek precedent. In the Greek rhetorical tradition, the *iudicatum approbatum* rested on the authority of the philosopher.<sup>52</sup> This role of the philosopher has been banished from the Roman *On Invention*:

Special approval (*approbatum*) occurs when people have made a decision on their own authority (*sua . . . auctoritate*) whenever there arises doubt over how something should be treated. The Roman people did this in respect to the acts of the elder Gracchus when it made him consul after his censorship on the grounds that he did nothing while censor without his colleague's knowledge.<sup>53</sup>

The text alludes to a legal action at the close of 169 B.C.E., in which Tiberius Sempronius Gracchus refused to be tried separately from his colleague in the censorship. As a result of his perceived integrity in the affair, Cicero claims, Gracchus was later elected to the consulship. Cicero has placed an historical incident into a rhetorical category. The authority at Rome for decision rests not on the philosopher,

<sup>51</sup> A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton, NJ: Princeton University Press 1996): 57–98.

<sup>52</sup> A. Michel, "Rhétorique et philosophie dans les traités de Cicéron," *Aufstieg und Niedergang der römischen Welt* 1.3 (1973): 183–185.

<sup>53</sup> *Inv.* 1.48: *approbatum est quod homines, cum dubium esset quale haberi oporteret, sua constituerunt auctoritate, velut Gracchi patris factum populus Romanus qui eum eo quod insciente collega in censura nihil gessit post censuram consulem fecit* (there are textual problems, but they have no bearing on my point here). Liv. 43.16 offers the fullest account of the historical incident to which Cicero alludes here.

but on the entire citizen body, the *populus Romanus*, which renders a decisive judgment on the ethics of Gracchus's actions. To reiterate in the terms we have adopted: for oratory to succeed in maintaining order, moral authority must remain the possession of political authority. As with Cato, Laelius, Africanus, and the Gracchi in the preface to Book One, the feature that gives force to the judgment of the Roman people is *auctoritas*.

Despite their directness, these two moments in which Roman reality peers through a Greek framework are rare in *On Invention*, where the overall impression is of a treatise still struggling with how to find a place for philosophy in rhetorical theory. It is the tract *To Gaius Herennius* that will take the next step. Although the texts have remarkable correspondences, the Auctor strives to hide the debt to the Greek past that Cicero openly acknowledges. The best way to begin to discover the reasons underlying this change is by comparing the authors' direct methodological statements as found in the prologues to the second book of *On Invention* and to the first of *To Gaius Herennius*.

*On Invention* Book Two begins with a defense of Cicero's eclectic method through a famous comparison with the painter Zeuxis.<sup>54</sup> Zeuxis had been invited by the citizens of Croton to paint a picture of Helen of Troy. As his model for Helen the painter combined the choicest features of the five most beautiful women in the city 'because nature has forged in a single form nothing that is perfect in every part.'<sup>55</sup> Similarly, Cicero claims that throughout his treatise he will choose from his sources those points that best serve the purpose at hand. The doctrine provides a striking contrast with that professed in *To Gaius Herennius*. Although a similar eclecticism clearly underlies his treatise, the Auctor firmly and explicitly denies the influence of Greek philosophical precedents. Simultaneous with this denial, however, emerges an odd ambivalence. Adopting a stance similar to the interlocutors in Cicero's late philosophical treatises—and to the mature Cicero himself—the Auctor does identify a place for philosophy: he associates its study with retreat (*otium*), when he

---

<sup>54</sup> K. Barwick, *Das rednerische Bildungsideal Ciceros*. Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig, philologisch-historische Klasse, 54.3 (Berlin: Akademie-Verlag 1963): 20–25, argues that this prologue (*Inv.* 2.1–10) derives from Isocrates through an intermediate source.

<sup>55</sup> *Inv.* 2.3: *quod nihil simpliciter in genere omnibus ex partibus perfectum natura expolivit*.

is not impeded by either public or personal business.<sup>56</sup> Immediately after identifying this realm of scholarly *otium* he contrasts the pursuit of philosophy with the task that lies before him, the composition for Gaius Herennius of a work on the art of rhetoric. In adopting this task, he claims he will follow a course separate from Greek authors, whose prolixity on the subject he attributes to 'empty arrogance' (1.1: *inanis adrogantiae causa*). That is, unlike Cicero in *On Invention*, who recognized that philosophy could contribute in varying degrees to the success of an orator, the Auctor locates the value of philosophy completely outside the realm of public, political discourse. Philosophical thinking accompanies the leisure time that is available when the statesman has finished with public affairs. Perhaps the Auctor, like Cato, sees Greek philosophy as a cultural possession along the lines of fancy clothing or silver, possessions to be used in private; parading them publicly risks overpowering the politically dominant culture that has acquired these luxury items.<sup>57</sup> And yet his attack is necessary for the time during which he writes. He cannot ignore Greek writers since Hellenic contributions have already begun to become a significant part of every aspect and stage of Roman education—as we have seen clearly in the case of Cicero's own education.<sup>58</sup> The dismissive attitude he adopts has tempted some scholars to see the influence of the Latin rhetors of the 90s B.C.E. on the Auctor, but it is neither necessary nor productive to approach this controversial issue.<sup>59</sup> Instead, I will contrast the ways in which the Auctor integrates Greek background into his treatise with Cicero's technique in *On Invention*.

<sup>56</sup> *Rhet. Her.* 1.1: *id ipsum quod datur otii libentius in philosophia consumere consuevimus*; for the trope, TLL 9:2, 1177.69–1178.5 (Baer).

<sup>57</sup> E. S. Gruen, *Culture and National Identity in Republican Rome* (Ithaca: Cornell University Press 1992): 52–83, esp. 81–83.

<sup>58</sup> For Roman attitudes toward Greek elements in education, see Corbeill (2001).

<sup>59</sup> The possible political affiliation of the Auctor is hotly contested and is normally linked with the equally thorny issue of the consular edict on the *rhetores Latini* of 92 B.C.E. For contrasting opinions, see Caplan (1954): xxiii–xxiv and J. von Ungern-Sternberg, "Die popularen Beispiele in der Schrift des Auctors ad Herennium," *Chiron* 3 (1973): 143–162, esp. 144–149 (Auctor betrays no political bias) versus G. Calboli, "La retorica preciceroniana a Roma," in *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, *Entretiens sur l'Antiquité Classique*, 28 (Vandœuvres-Genève: Fondation Hardt 1982): 41–99, esp. 72–99 (Auctor a *popularis*). I think the many points of resemblance between *Rhet. Her.* and the treatise of Cicero (who we know did not study under these *rhetores*) preclude any substantial political influence.

If the hypothesis outlined in the previous section is correct, and the treatise *To Gaius Herennius* comes at a later stage of development in a teacher or curriculum, the text can then be shown to reflect a greater anxiety not to recognize the Greek background to which it is indebted. Scholars have considered this lack of acknowledgment, this studied mis-recognition, as, at best, disingenuous. I would like to argue instead that, compared with Cicero, the Auctor considers the acknowledgment of Greek culture as a greater threat to the convergence of moral and political authority at Rome.

The treatise takes up where *On Invention* left off in its attempts to assert that moral authority belongs at Rome not with the philosopher, but with the *populus* (*Inv.* 1.48). The Auctor supports the identification of moral authority with political authority most clearly in Book Four, where he famously opts for the use of his own *exempla* in teaching his pupils the elements of style (*elocutio*). After rehearsing some of the many reasons the Greeks have offered for drawing examples of style only from established authorities, the Auctor concludes:

When [the Greeks] make these claims, they stir us more by their authority (*auctoritate sua*) than by the truth of their argument.<sup>60</sup>

The issue of authority (*auctoritas*) and its misapplication to rhetorical studies emerges just as it had in *On Invention*, when the author must choose between the seductive intricacies of Greek thought and the practicality of Roman training. And as the remainder of the Auctor's reasoning clarifies, his aims are thoroughly pragmatic: these Greek theorists have no practical experience (they would not dare enter the 'race course of rhetoric;' 4.4); to provide many examples from many sources misleads the pupil into believing that one person cannot master all the elements of style (4.9); his own method allows the Auctor to model each example according to the didactic goal intended in each particular case (4.10).

The majority of the *exempla* employed by the Auctor treats subjects from Roman society and history. The subject matter fits its medium. The pedagogical function of historical *exempla* has a long history in Rome, and likely reflects the Roman tradition that located the origins of moral training in banquet songs about great men.<sup>61</sup>

<sup>60</sup> *Rhet. Her.* 4.4: *haec illi cum dicunt, magis nos auctoritate sua commovent quam veritate disputationis.*

<sup>61</sup> Corbeill (2001): 263–266.



This tradition teaches moral authority not through dialectic or metaphysical hairsplitting, but through the witnessing and retelling of direct action on the part of the political elite. Accordingly, the elite youth of the community is taught through replication by example.

The Auctor's claim in the preface to Book Four regarding the originality of his own examples, a claim that has been critiqued because of his silent appropriation of Greek models, finds its Romanness in its distinctive use of the Latin language as a means of reinforcing the values of the community. Politically charged terms such as *gravitas* and *dignitas* surface in the text as ways of characterizing style, thereby reinforcing the interconnectedness of political and rhetorical goals.<sup>62</sup> In a similar way, the claim that his *sententiae* embody original formulations allows the Auctor to stress social propriety and the importance of action.<sup>63</sup> As he himself says, he approves of the framework upon which rhetoric is built, but it is the content fleshing out the framework that he feels he must supply through his treatise—'although I have praised the Greeks for discovering the art, I have not followed their treatment of examples.'<sup>64</sup> This clear statement, in its simultaneous acknowledgment of debt and claim for innovation, resonates with the practice of many Roman artists—playwrights, painters, lyric and epic poets.

Teaching by *exempla* represents the imposition of Roman tradition on Greek background. In addition to recalling the educational function of the banquet song, the centrality of teaching by example is also felt in another part of the Roman historical imagination, that which saw the ideal education residing in the father exercising complete authority over his son's civic, moral, and intellectual training.<sup>65</sup> It has been suggested that this form of training, which in the realities of Roman society could have provided in most cases only an ideal, evolved into the elite practice of the *tirocinium*—that period of time when a young man was sent to observe experienced orators and politicians at work in the court and senate.<sup>66</sup> In the *tirocinium*

<sup>62</sup> P. Sinclair, "The *Sententia* in *Rhetorica ad Herennium*: A Study in the Sociology of Rhetoric," *American Journal of Philology* 114 (1993): 566.

<sup>63</sup> Sinclair (1993): passim, esp. 566–569.

<sup>64</sup> *Rhet. Her.* 4.10: *cum artis inventionem Graecorum probassemus, exemplorum rationem secuti non sumus.*

<sup>65</sup> Bonner (1977): 10–19.

<sup>66</sup> Bonner (1977): 84–85; J.-M. David, *Le patronat judiciaire au dernier siècle de la République romaine* (Rome: École française de Rome 1992): 330–341. My remarks in

the new figures of authority act as proxy fathers, and normally had close political or familial ties with the biological father. Although we know precious little about the details of the *tirocinium*, it is clear that it constituted a stage in training consisting of observation and imitation as opposed to critical reflection, of learning by precept rather than by logic. The younger Pliny, although describing an institution with little meaning in his own time, lists the functions of the *tirocinium* as follows:

The entire business of being a senator used to be taught through examples—the surest form of teaching; [youths] learned what rights they possessed in proposing laws and in expressing their opinions; what power exists for magistrates and what freedom for everyone else; when to yield and when to stand firm; when it is proper to speak or be silent; how to differentiate among competing motions and how to add an amendment to a prior suggestion.<sup>67</sup>

The *tirocinium* permitted the young Roman elite to observe first-hand the exercise of political authority, in contexts in which moral considerations were represented as part of the decision-making process.<sup>68</sup> This training provided the necessary supplement to the hybrid of Greek and Roman pedagogical practice preceding the *tirocinium*, as we saw typified in Cicero's earliest education.

The Roman reliance on practical experience in education, praised in the quotation from Pliny, also receives stress in a passage shared by both rhetorical treatises. This passage undoubtedly constituted part of the tradition that taught the two authors. The dichotomy drawn is a simple one: it is insufficient simply to 'talk about the art' of speaking (*de arte loqui*), as Greek theorists do; it is far more important 'to speak in accordance with the art' (*ex arte dicere*).<sup>69</sup> It has been argued that this differentiation of theory from practice originates not in a Roman but in an unknown, late Hellenistic, Greek source.<sup>70</sup>

---

this section are inspired by David's Chapter 7 ("Les enjeux de l'éducation oratoire: l'éloquence et l'autorité").

<sup>67</sup> Plin. *Ep.* 8.14.5: *quae potestas referentibus, quod censentibus ius, quae vis magistratibus, quae ceteris libertas, ubi cedendum, ubi resistendum, quod silendi tempus, quis dicendi modus, quae distinctio pugnantium sententiarum, quae executio prioribus aliquid addentium, omnem denique senatorium morem, quod fidissimum praecipendi genus, exemplis docebantur.*

<sup>68</sup> David (1992): 324–326.

<sup>69</sup> *Inv.* 1.8; compare *Rhet. Her.* 4.6: *quis est qui possit id quod de arte scripserit comprobare, nisi aliquid scribat ex arte?*

<sup>70</sup> K. Barwick, "Die Vorrede zum zweiten Buch der rhetorischen Jugendschrift

There appears to be no way of deciding the issue for certain. Nevertheless, what is important is that both Cicero and the Auctor present—or re-present—the contrast as between orators and philosophers (and furthermore, in the Auctor, specifically as between Romans and Greeks). The Roman orator valorizes forensic practice over Greek speculation. The source for the two treatises has absorbed the tradition and chosen those elements of rhetorical theory best suited for Roman society. Having been incorporated into the later rhetorical tradition, the elements, whatever their ultimate source, become Roman.

When Cicero in *On Invention* denied the relevance of the more abstract forms of deductive reasoning to the task of the orator (1.77), he was making the initial, tentative steps toward rejecting Greek philosophical principles. The Auctor addresses the issue more generally in the preface to his work, in which he opposes himself to Greek theorists by insisting that he will not include extraneous remarks in the manner of the Greeks. They digress, he tells us, out of fear 'that they may give the impression of being insufficiently knowledgeable.'<sup>71</sup> A further step in the process of differentiation is the Auctor's choice to adopt primarily historical models in opposition to the literary examples of the Greeks. This continuing Romanization of Greek models finds parallels in oratorical practice. One of Cicero's earliest recorded speeches, *On Behalf of Sextus Roscius*, was delivered in 80 B.C.E., a few years after the composition of *To Gaius Herennius*. A study of Cicero's techniques of persuasion in this speech concludes that 'technical items have been made subservient to the orator's art of swaying the feelings of his audience. Not only is there nothing in *On Invention* that would suggest such a course, but it is altogether unlikely that Hellenistic rhetoricians would have advocated it.'<sup>72</sup> This tendency observed in *On Behalf of Sextus Roscius* characterizes Roman oratory in general, which tends to rely more than its Greek counterpart on the moral and emotional as factors in persuasion.<sup>73</sup> If these

---

Ciceros und zum vierten Buch des Auctor ad Herennium," *Philologus* 105 (1961): 307–314, esp. 312–314.

<sup>71</sup> *Rhet. Her.* 1.1: *nam illi, ne parum multa scisse viderentur, ea conquisierunt quae nihil adtinebant, ut ars difficilior cognitu putaretur.*

<sup>72</sup> F. Solmsen, "Cicero's First Speeches: A Rhetorical Analysis," *Transactions of the American Philological Association* 69 (1938): 551.

<sup>73</sup> Kennedy (1968): 426: 'a Roman audience would have found naked logic, i.e. sophistry, as offensive as the Greeks found it attractive.'

techniques were not learned from treatises, then the next likely alternative is that they were picked up in the *tirocinium* and other forms of informal education to which a young statesman would have been exposed. The *tirocinium* supplements the rhetorical tradition, instilling moral considerations to create the new hybrid of Roman oratory.

### *Conclusion*

Twenty-five years after his speech for Sextus Roscius, Cicero composed *On the Orator*, a dialogue that takes place, as we have seen, in 91 B.C.E., a date not long before young Cicero and the Auctor venture on their own treatises. In this dialogue, the recognition that philosophical training and political authority must learn to coincide finds its fullest expression in the mature Cicero's representation of Crassus. Crassus claims to have neither the desire nor sufficient experience to teach rhetorical treatises (1.99). His excuse for ignorance contains an ironic aside that recalls our treatises' distinction between writing 'about the art' (*de arte*) and practicing 'in accordance with the art' (*ex arte*); he pleads 'an unfamiliarity with these matters that are passed down as if they constituted some kind of art.'<sup>74</sup> Besides having a misguided preoccupation with *ars*, he continues, these writers are insufficient in doctrine; a fuller wisdom is needed, a union of philosophy and practice (3.70–73). Once that state has been realized, the result is the paradox toward which the Auctor and young Cicero have been fumbling: the Roman Greekling who is superior to the Greeks. Crassus continues:

Both our language and the nature of affairs permit the venerable knowledge of the Greeks to be transferred to our own habitual use. There is, however, a need for educated men, who until now have not existed among us, at least not in this particular area. But if they ever should emerge, they will have to be considered superior even to the Greeks.<sup>75</sup>

In the context of this remark, Cicero's implication that *On the Orator* replaced *On Invention* makes sense.<sup>76</sup> The writing of *On the Orator* rep-

<sup>74</sup> *De or.* 1.99: *earum rerum, quae quasi in arte traduntur, inscitia.*

<sup>75</sup> *De or.* 3.95: *patitur enim et lingua nostra et natura rerum veterem illam excellentemque prudentiam Graecorum ad nostrum usum moremque transferri, sed hominibus opus est eruditus, qui adhuc in hoc quidem genere nostri nulli fuerunt; sin quando exstiterint, etiam Graecis erunt antepoenendi.*

<sup>76</sup> Kennedy (1972): 107–108, 137–138.

resents the final stop in the continuous effort to integrate Greek tradition with Roman civic authority. His grandfather, I expect, would have been sympathetic.<sup>77</sup>

## BIBLIOGRAPHY

- Achard, G. "L'auteur de la *Rhétorique a Herennius*?" *Revue des études latines* 63 (1985): 56–68.
- Adamietz, J. "Ciceros de inventione und die Rhetorik ad Herennium." Ph.D. diss., Marburg, 1960.
- Adamik, T. "Basic Problems of the *Ad Herennium*: Author, Date, its Relation to the *De Inventione*." *Acta Antiqua Academiae Scientiarum Hungaricae* 38 (1998): 267–285.
- Barwick, K. "Die Vorrede zum zweiten Buch der rhetorischen Jugendschrift Ciceros und zum vierten Buch des Auctor ad Herennium." *Philologus* 105 (1961): 307–314.
- . *Das rednerische Bildungsideal Ciceros*. Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig, philologisch-historische Klasse, 54.3. Berlin: Akademie-Verlag, 1963.
- Bonner, S. *Roman Declamation*. Liverpool: Liverpool University Press, 1949.
- . *Education in Ancient Rome from the Elder Cato to the Younger Pliny*. Berkeley and London: University of California Press, 1977.
- Calboli, G., ed. *Cornifici Rhetorica ad C. Herennium*. 1st ed. Bologna: Patròn, 1969.
- . "La retorica preciceroniana a Roma." In *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, 41–99. Entretiens sur l'Antiquité Classique, 28. Vandoeuvres-Genève: Fondation Hardt, 1982. Discussion, 101–108.
- Caplan, H., ed. [*Cicero*] *ad C. Herennium de Ratione Dicendi (Rhetorica ad Herennium)*. Cambridge, MA: Harvard University Press, 1954. Loeb Classical Library.
- Clarke, M. L. "Cicero at School." *Greece & Rome* 15 (1968): 18–22.
- Corbeill, A. *Controlling Laughter: Political Humor in the Late Roman Republic*. Princeton, NJ: Princeton University Press, 1996.
- . "Education in the Roman Republic: Creating Traditions." In *Education in Greek and Roman Antiquity*, edited by Y. L. Too (Leiden: Brill 2001): 261–287.
- David, J.-M. *Le patronat judiciaire au dernier siècle de la République romaine*. Rome: École française de Rome, 1992.
- Davies, J. C. "Molon's Influence on Cicero." *Classical Quarterly* 62 (1968): 303–314.

<sup>77</sup> I thank my colleague Tara Silvestri Welch for her comments on an earlier version of this essay.

- Douglas, A. E. "Clausulae in the Rhetorica ad Herennium as Evidence of its Date." *Classical Quarterly* 54 (1960): 65–78.
- . ed. *M. Tulli Ciceronis Brutus*. Oxford: Clarendon Press, 1966.
- . "The Intellectual Background of Cicero's Rhetorica: A Study in Method." *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 95–138.
- Gelzer, M. *Cicero: ein biographischer Versuch*. Wiesbaden: Steiner, 1969.
- Gruen, E. *Studies in Greek Culture and Roman Policy*. Leiden: Brill, 1990.
- . *Culture and National Identity in Republican Rome*. Ithaca: Cornell University Press, 1992.
- Herbolzheimer, G. "Ciceros rhetorici libri und die Lehrschrift des auctor ad Herennium." *Philologus* 81 (1926): 391–426.
- Herrmann, L. "L. Annaeus Cornutus et sa rhétorique à Herennius Senecio." *Latomus* 39 (1980): 144–160.
- Hubbell, H. M., ed. *Cicero II, De Inventione, De Optimo Genere Oratorum, Topica*. Cambridge, MA: Harvard University Press, 1949. Loeb Classical Library. Reprinted 1976.
- Kaster, R., ed. *Suetonius Tranquillus: "De Grammaticis et Rhetoribus"*. Oxford: Clarendon, 1995.
- Kennedy, G. "The Rhetoric of Advocacy in Greece and Rome." *American Journal of Philology* 89 (1968): 419–436.
- . *The Art of Rhetoric in the Roman World*. Princeton, NJ: Princeton University Press, 1972.
- Marx, F., ed. *Incerti auctoris De ratione dicendi ad C. Herennium lib. IV*. Leipzig: Teubner, 1894.
- Matthes, D. "Hermagoras von Temnos." *Lustrum* 3 (1958): 58–214, esp. 81–100.
- Michel, A. "Rhétorique et philosophie dans les traités de Cicéron." *Aufstieg und Niedergang der römischen Welt* 1.3 (1973): 139–208.
- Mitchell, T. N. *Cicero: The Ascending Years*. New Haven: Yale University Press, 1979.
- Nicolet, C. "Arpinum, Aemilius Scaurus et les Tullii Cicerones." *Revue des études latines* 45 (1967): 276–304.
- Ogilvie, R. M. *A Commentary on Livy Books 1–5*. Oxford: Clarendon, 1970.
- Rawson, E. *Cicero: A Portrait*. London: Allen Lane, 1975.
- . *Intellectual Life in the Late Roman Republic*. Baltimore: Johns Hopkins University Press, 1985.
- Sinclair, P. "The *Sententia* in *Rhetorica ad Herennium*: A Study in the Sociology of Rhetoric." *American Journal of Philology* 114 (1993): 561–80.
- Solmsen, F. "Cicero's First Speeches: A Rhetorical Analysis." *Transactions of the American Philological Association* 69 (1938): 542–56; reprinted in *Kleine Schriften II* (Hildesheim: G. Olms, 1968): 231–245.
- von Ungern-Sternberg, J. "Die popularen Beispiele in der Schrift des Auctors ad Herennium." *Chiron* 3 (1973): 143–62.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Hakkert, 1989.

## CHAPTER THREE

### CICERONIAN ORATORY IN CONTEXT

James M. May

And I indeed believe that the orator should master everything that is relevant to the practices of citizens and the ways humans behave: all that is connected with normal life, the functioning of the State, our social order, as well as the way people usually think, human nature and character. (*De oratore* 2.68)

Oratory, because it deals by its very nature with relationships between individuals or individuals and their community, is perhaps the most culturally specific of all literary genres. Indeed, the usual goal of any speaker who addresses a jury or an assembly of peers is persuasion; and persuasion is generally achieved only when an orator can relate closely to the customs, tastes, fears, and desires of his audience. It is not surprising, therefore, to find Cicero demanding often (as he does in the guise of M. Antonius in the above quotation) that orators become intimately familiar with their own social and political milieu, and that they adapt their speeches accordingly in order to be closely in touch with the tastes of their community and its common modes of thought and expression.<sup>1</sup>

If Cicero considered it important to urge his fellow orators repeatedly to keep in mind ambient cultural circumstances when composing their speeches, how much more should the modern reader, removed more than two millennia from the situation of any given oration, attempt to pay heed to the cultural context of ancient oratory? After all, when we open a text of Cicero's speeches,<sup>2</sup> we are, in a certain way, entering a new culture, one that is far removed

---

<sup>1</sup> Cf., e.g., *De oratore* 1.224–230; 2.131, 159, 306, 337; 3.39, 49, 66.

<sup>2</sup> Mention should perhaps be made at the outset of the long-standing debate over the relationship between the speeches that Cicero actually delivered in court and those that he eventually published (Cf. e.g., J. Humbert, *Les plaidoyers écrits et les plaidoyers réelles de Cicéron* [Paris: Presses universitaires de France 1925]; R. Heinze, "Ciceros Rede pro Caelio," *Hermes* 60 [1925]: 239–245; L. Laurand, *Études sur le Style des Discours de Cicéron*. 4th ed. [Paris: Les Belles Lettres 1936–1938. Three

both in time and place from the twenty-first century; we are, in a sense, treading on foreign soil. And just as those who travel in a foreign country sometimes find it difficult, despite every good intention, to suspend their judgment and refrain from invidious comparisons, so often do those who approach ancient oratory initially find it difficult to refrain from judging the speeches of Cicero according to contemporary notions and standards of persuasion. When they encounter a speech wherein the orator spends much of his time talking about his own accomplishments, or praising the sterling character of his client, or savagely attacking the character of his opponent, or indulging in theatrical displays of emotion, while all the time seeming to neglect the so-called 'real' issues of the case, they find it hard to believe that he could have really spoken in such a fashion, or that a jury or the Senate could have actually been persuaded by such an approach.

---

volumes, reprinted in one volume. Amsterdam: Hakkert, 1965]; J. N. Settle, "The Publication of Cicero's Orations," Ph.D. diss. [University of North Carolina 1962]; W. Stroh, *Taxis und Taktik* [Stuttgart: Teubner 1975]: 31–54; J. Classen, *Recht—Rhetorik—Politik* [Darmstadt: Wissenschaftliche Buchgesellschaft 1985]: 2–13; B. A. Marshall, "Excepta Oratio, The Other *Pro Milone* and the Question of Shorthand," *Latomus* 46 [1987]: 730–736; J. T. Kirby, *The Rhetoric of Cicero's Pro Cluentio*. London Studies in Classical Philology, edited by G. Giangrande, 23 [Amsterdam: Gieben 1990]: 163–170; and most recently A. M. Riggsby, *Crime and Community in Ciceronian Rome* [Austin: University of Texas Press 1999]: 178–184; see also Quintilian 12.10.49–57). We know, for example, of some Ciceronian speeches that were published as virtual verbatim transcripts of the delivered version (e.g., *Pro Cornelio*), while others (e.g., *Pro Milone*) had undergone considerable revision. It is, of course, tempting to speculate whether and to what degree Cicero may have altered the published versions of his speeches. In most cases, the evidence is entirely inconclusive. What we have, obviously, are the speeches as transmitted to us, and it is safe to assume that Cicero himself published these as effective examples of persuasion, suitable for presentation to a Roman jury, the Senate, or the people. It is on these grounds that they must be judged. Riggsby's summary (1999: 184) expresses, perhaps, the most salutary approach to the problem: 'The direct evidence for relationship between the delivered and published versions of Cicero's speeches is weak. What there is suggests that most of the changes consist of small-scale stylistic polishing and occasional brief additions. There is little or no evidence for changes in the substance of any of Cicero's arguments. Stylistic details of the published speeches are characteristic of oral discourse; the simplest explanation for this is that they derive directly from the original. A study of Cicero's implicit and explicit motivations for promulgating his speeches (advertising, information, and education) shows that it would have been to his advantage to reproduce fairly closely the texts of the speeches as he delivered them in court.' For further discussion of Cicero's reasons for publishing (or not publishing) his speeches, see Jane W. Crawford, "The Lost and Fragmentary Orations," below, 305–330; also E. Narducci, *Cicerone e l'eloquenza Romana: Retorica e progetto culturale* (Roma: Laterza 1997), esp. 157–173.



The remarkable thing, of course, is that we know that Cicero was extremely successful in persuading his audiences,<sup>3</sup> a fact which should give us pause to second-guess the orator's tactics or to call into question elements in his speeches that appear unsuitable or foreign to our own notions of effective methods of persuasion. Perhaps a more fruitful approach would be to embrace those elements of Ciceronian oratory and recognize them as very possibly being the elements that allowed him, within the cultural and political setting of first-century B.C. Rome, to be such a successful public speaker. Cicero certainly practiced what he preached: he was an orator who was acutely aware of his audience and its traditions. Indeed, the history of Ciceronian oratory is essentially the account of the artistic ways and means by which Cicero met the actual rhetorical challenges placed on him by each of his cases and by the idiosyncrasies of the Roman social, political, and judicial systems. In the pages that follow, I will attempt, in a necessarily brief and superficial manner, to set the context within which an orator like Cicero operated,<sup>4</sup> in hopes of providing a kind of orientation for those who are new to, or not entirely familiar with, the kinds of rhetorical situations that Cicero faced as a public speaker, and the strategies that he commonly employed in them.

Ciceronian oratory is a product of the meeting of some features of Greek and earlier Roman oratory, of Roman traditions, and of Cicero's own native gifts, education, and originality. By the time of Cicero's youth, highly developed rhetorical systems, codified centuries earlier by the Greeks into handbooks for instruction, had become a staple in the education of budding Roman orators.<sup>5</sup> Cicero's own youthful treatise, *De inventione*, provides a graphic example of what could be expected of this handbook tradition.<sup>6</sup> Though obviously

---

<sup>3</sup> Cf. J. E. Granrud, "Was Cicero Successful in the Art Oratorical?" *Classical Journal* 8 (1912-1913): 234-243; H. C. Gotoff, *Cicero's Elegant Style: An Analysis of the Pro Archia* (Urbana: University of Illinois Press 1979): 8-9.

<sup>4</sup> For detailed analysis and further bibliography on the specific occasions of Cicero's speeches and their immediate context, the reader is directed to the individual essays (with bibliographies) in this volume. Many studies touch upon, or have been devoted to the political, social, and judicial aspects of Cicero's Rome; a representative sample of these is contained in the bibliography below. The present essay is largely an expansion and reworking of an earlier article by the author, "Persuasion, Ciceronian Style," *The Classical Outlook* 71 (1994): 37-41.

<sup>5</sup> For a brief outline of the Greek systems, see Jakob Wisse, "The Intellectual Background of Cicero's Rhetorical Works," below, 354-361.

<sup>6</sup> See A. Corbeill, "Rhetorical Education in Cicero's Youth," above, 23-48.

thoroughly conversant with rhetorical precepts, the rules of the rhetoricians were never enough for Cicero; indeed, even in his earliest speeches, they serve merely as a starting point for the development of each case.<sup>7</sup> In the hands of a master orator, knowledge of the rules merely allows one to vary, break, or transcend them, while endeavoring to persuade an audience. Much, much more is required of a good orator in Cicero's eyes, a point that he reiterates time and time again in his mature rhetorical works, and illustrates vividly in practice in his speeches before the courts.<sup>8</sup> In this connection, it is absolutely necessary to keep in mind (and imperative for students of ancient oratory to understand from the outset) that pleaders in a Roman court of law were not 'lawyers' in the modern sense of the word. Most speakers who appeared in court had little if any expertise in the law itself, a condition which Cicero laments with considerable regret.<sup>9</sup> Handbooks of rhetoric contained no instruction in the law. Cicero had studied the civil law in great detail under the mentorship of the great jurists of his day, the Scaevolae; he was the exception—most pleaders in Cicero's Rome, not conversant with legal complexities, had recourse to the services of jurists when their cases demanded it.

Rhetorical handbooks in the Greek tradition also could not help but fail to account for particular judicial circumstances that were peculiarly relevant to Rome. The most important and significant of these circumstances was closely connected to the traditional client-patron relationship that characterized most social relationships in Cicero's time: an influential patron could offer a client protection or help of various kinds; in turn, the client might call on his patron at home, escort him in the forum, support his canvass for public office, and vote for him in an election. This practice of patronage spilled over into the Roman courts. In the Athens of Pericles, Demosthenes, or Lysias, litigants normally spoke on their own behalf, or else resorted to hiring a professional speechwriter, a logographer, who would com-

---

<sup>7</sup> See Ann Vasaly, "Cicero's Early Speeches," below, 71–111; cf. F. Solmsen, "Cicero's First Speeches: A Rhetorical Analysis," *Transactions of the American Philological Association* 69 (1938): 542–56, reprinted in *Kleine Schriften II* (Hildesheim: G. Olms, 1968): 231–245.

<sup>8</sup> Cf. e.g., *De oratore* 1.19, 145–146, 2.78–84, 3.24, 75–76, 92–93, 103, 121, 125, 188.

<sup>9</sup> Cf. *De oratore* 1.166–197.

pose a persuasive speech that was also appropriate and consistent with the litigant's character. In Rome, on the contrary, it was customary for the plaintiff or defendant to enlist one or several advocates (*patroni*) to plead his case. Obviously, the ramifications of such a 'rhetoric of advocacy' are manifold,<sup>10</sup> particularly in regard to the scope of presentation of character, for in this situation not only the litigants' character comes into play, but that of their *patroni* as well. This means, of course, that it is important, sometimes even crucial, for the speaker to possess a goodly measure of *auctoritas*, a reputation and standing in the community that will carry weight with the jurors. His character now takes center stage along with that of his client; under such circumstances, it is not surprising to find a speaker, especially a consular orator like Cicero who had attained high rank and accomplished much on behalf of his fellow citizens, making reference to his own character, his own accomplishments, his own standing in the State. Indeed, on some occasions, it appears that the person of Cicero is more in prominence in the speech than is his client or his case. By identifying his client with himself and his deeds, the orator invests his client with a measure of that authority and prestige, elements that could very well swing the jury's verdict in his direction.<sup>11</sup>

When dealing with the oratory of an ancient culture, we must continually keep in mind a point that, while obvious, is increasingly difficult—as we enter upon the 21st century—to remember and appreciate: Cicero's Rome was still largely an oral society. To be sure, large numbers of Romans in Cicero's day were literate, and Cicero's senatorial peers were obviously highly literate. But without printing press, daily newspapers, radio, television, not to mention email and internet, Roman society remained extremely dependent on the spoken word. Under such circumstances, we can readily understand the importance of public speaking and of public listening, and we can better appreciate the power that a persuasive speaker might hold at his command. It should come as no surprise that anyone who aimed at any sort of public life or career will have worked hard to secure at least a modicum of skill at speaking. Of course, the

---

<sup>10</sup> For the rhetoric of advocacy, see G. A. Kennedy, "The Rhetoric of Advocacy in Greece and Rome," *American Journal of Philology* 89 (1968): 419–436.

<sup>11</sup> Cf. J. M. May, "The Rhetoric of Advocacy and Patron-Client Identification: Variation on a Theme," *American Journal of Philology* 102 (1981): 308–315.

ever-popular dramatic performances were also accessible to the public without reading, and other forms of literature were regularly recited.<sup>12</sup> Thus, it should not be surprising that the audience in an oral culture is comprised of people who are used to listening—they have to be—and hence very discriminating judges of the word delivered orally.

The compositional techniques that one employs, even today, when preparing an oral presentation for aural consumption are markedly different from those one uses when preparing a manuscript for a reading audience. When working in the context of an ancient, largely oral civilization, these differences are perhaps even more striking. The ancients, by necessity, viewed the world and the things in it much differently from the ways we do. Their conception of time, their dependence on oral and aural communication, their notions of modes of persuasion, the expectations imposed by their traditions, not even to mention the manifold problems posed by working with a scroll rather than a book, must have had profound effects on compositional techniques. It should not, therefore, shock or disturb us to find elements in Ciceronian speeches that might merit criticism in other contexts: the speeches are replete with digressions, lengthy disquisitions, and multiple or circular treatments of the same or similar points that can grate on the sensibilities of a modern, reading audience. Viewed within the context of the oral society of Cicero's Rome, however, these apparent 'faults' in composition can actually prove to be what accounts for a speech's effectiveness. Digressions tend to relieve the tension of the argument but at the same time render it support from another, unexpected direction.<sup>13</sup> Repetitions, far from being mere redundancies, bring the reader back to key issues at key points in the course of the argument; they often look both forwards and backwards; they combine with verbal repetitions to form motifs that tend to resonate in the reader's or listener's mind. Like the motifs in a work of music—another artistic medium that is intended for *aural* consumption—, these recur and recall the listener's thoughts to the major themes in the speech, thereby providing a kind of girdered structure upon which the composition rests.

---

<sup>12</sup> Cf. M. Griffin, "The Intellectual Developments of the Ciceronian Age," in volume IX of *The Cambridge Ancient History*, 2nd edition, edited by A. Crook, A. Lintott, and E. Rawson (Cambridge: Cambridge University Press 1994): 689.

<sup>13</sup> Cf. e.g., *De oratore* 2.311–312.

A quarter century ago, Anton Leeman recognized this kind of compositional technique in Cicero's *De oratore*. In an article on Book I of *De oratore*, Leeman likens the treatise to the symphonies of Bruckner:

For a long time, the symphonies of Anton Bruckner, too, were admired for their manifold beauties, but at the same time criticized for their length, their repetitions and their circular movements. Accordingly, these 'Riesenschlangen' (Brahms), or series of 'miscarriages' (Sir Thomas Beecham), were curtailed for performance. Only during the last decades a true appreciation of their 'Urfassung' has spread as a consequence of a better insight in and feeling for their inner structure. A similar approach does not seem out of place in the case of the *De oratore*. We might say that here, too, we have to analyse its themes and their variations, their correlations and oppositions, and even its 'orchestration' in the conversation between the *dramatis personae*.<sup>14</sup>

Similar claims can be made for Cicero's compositional techniques as illustrated in his orations.

If it is important for us to remember the oral nature of Cicero's Rome, it is equally important for us to recognize the environment in which most communication, at least communication that in any way affected the larger community, took place. In *De oratore* (3.23; cf. *Brutus* 290), Cicero identifies three major audiences for the orator: the Senate, the *iudices* or jury members, i.e., the court, and the *populus*, i.e., the people in assembly, usually addressed in a *contio*, or public meeting. The venue for nearly all of this activity was the Roman Forum. The Senate generally met in the Curia (the Senate house)—located on the north side of the forum—in private session but with doors open. At the will of the presiding magistrate or on special occasions, it might assemble at another public, consecrated site in the city, often a temple.<sup>15</sup> A good majority of the public speaking that took place in other contexts would have been done in the open air, where a crowd of people (sometimes well in excess of those

<sup>14</sup> "The Structure of Cicero's *De Oratore* I," in *Ciceroniana: Hommages à K. Kumaniecki*, edited by A. Michel and R. Verdière (Leiden: E. J. Brill 1975): 140–149. Cf. also, A. D. Leeman, H. Pinkster, and J. Wisse, *M. Tullius Cicero: De oratore libri III. Kommentar*, vol. IV (Heidelberg: Universitätsverlag C. Winter 1996): 93–95 and J. May & J. Wisse, *Cicero: On the Ideal Orator* (Oxford and New York: Oxford University Press 2001): 18–19.

<sup>15</sup> Recall, e.g., that Cicero summoned the Senate to the Temple of Jupiter Stator, at the foot of the Palatine, on the day he delivered his first oration against Catiline.

directly involved in any given activity), referred to as *corona*, gathered to hear the proceedings. The Roman ‘courtroom’ was, in fact, usually not a ‘room’ at all, but a designated space in the forum under the sun and open sky. In Cicero’s day, there were several standing courts, presided over generally by the praetors, who, with their attendants and scribes, sat on a raised dais, the tribunal, facing the litigants with their *patroni* and legal advisers.<sup>16</sup> Juries were large, usually numbering 75, and after 70 B.C., comprised equally of senators, *equites*, and *tribuni aerarii* (‘tribunes of the treasury,’ probably a slightly lower census group of the *equites*). The prosecution spoke first, followed by the speeches for the defense. Only then was evidence usually taken. Thus, fairly lengthy set speeches were the norm, rather than the give-and-take with cross-examination that is characteristic of a modern courtroom. A magistrate or priest could convene a public meeting, a *contio*, as a preliminary discussion of legislation, or as a kind of political assembly wherein politicians might discuss important public questions. *Contiones* could be held in any number of places, but the forum was the most usual location, often in the meeting place called the Comitium, adjacent to the Senate house. Fergus Millar defines this open air face-to-face political system between speaker and *populus* as the central element in late Republican Rome; and he estimates that as many as 20,000 people might have assembled in the forum for any particularly important event.<sup>17</sup>

Thus, the forum was the prime location for political action in Cicero’s day. But it was also the physical area used for many other purposes: in addition to furnishing space for public meetings (*contiones*), the standing courts of Rome (*quaestiones*), and some voting procedures of the people, the forum was also the place where public contracts were allocated, oaths were taken, funeral orations were delivered, triumphal processions were held, theatrical plays (*ludi*) were staged, and gladiatorial combats (*munera*) were performed.<sup>18</sup> It should come as no surprise then, that oratorical activity, conducted in the

---

<sup>16</sup> For details on the Roman legal system, see A. H. J. Greenidge, *The Legal Procedure of Cicero’s Time* (Oxford: Clarendon Press 1901); A. H. M. Jones, *The Criminal Courts of the Roman Republic and Principate* (Oxford: Blackwell 1972).

<sup>17</sup> *The Crowd in Rome in the Late Republic* (Ann Arbor: The University of Michigan Press 1998): 224. For physical details and topographical plans of the Roman Forum, see F. Coarelli, *Il foro romano*. Vol. 1, *Periodo arcaico*, and Vol. 2, *Periodo repubblicano e augusteo* (Rome: Edizioni Quasar 1983–85).

<sup>18</sup> Millar (1998): 147, 217.

open air and before large crowds who were accustomed to viewing all kinds of other public activities and performances in the same physical location, might also be considered in some sense, at least by many of the *populus Romanus*, as another form of public entertainment.<sup>19</sup> In fact, Cicero himself often explicitly compares the orator with other public performers. Consider this striking passage from the *Brutus* (290), wherein Cicero likens his image of his ideal speaker to Rome's finest and most famous actor, the great Roscius (cf. also e.g., *De oratore* 1.124–130, 259, 2.338, 3.214, 217 ff.):<sup>20</sup>

I want my orator to have this experience: When people hear that he is to speak, all the places among the benches are taken, the tribunal is full, the clerks are gracious in assigning and giving up places, the crowd is varied, the juror intent. When he rises to speak, silence is signalled by the crowd, followed by repeated applause and much admiration. They laugh when he wishes; when he wishes they cry; so that if someone should catch sight of these proceedings from afar—even if he were unfamiliar with the case at issue—he would still recognize that an orator was pleasing his audience and that a Roscius was on the stage.<sup>21</sup>

References to other public performers, such as gladiators, clearly indicate that, just as the audience of a play or gladiatorial show in ancient Rome expected a good performance from the actors involved, so did the audience of a speech demand a good show from the orator. In Book 2.316–317 of *De oratore*, Antonius explicitly states that entertainment and showmanship are demanded in a speech. In speaking about the prologue, he says:

<sup>19</sup> See Griffin (1994): 689; J. Axer, “Le Forum Romanum dans le plaidoyer de Cicéron ‘Pro Milone’,” *Travaux du Centre d’Archéologie Méditerranéenne de l’Académie Polonaise des Sciences* 30 (1989): 31–36, Études et Travaux XV, and “Tribunal-Stage-Arena: Modelling of the Communications Situation in M. Tullius Cicero’s Judicial Speeches,” *Rhetorica* 7 (1989): 299–311.

<sup>20</sup> The affinity of the orator and the actor has been discussed by many scholars; cf. e.g., F. W. Wright, *Cicero and the Theater*. Smith College Classical Studies 11 (Northampton, MA: Smith College 1931); K. A. Geffcken, *Comedy in the Pro Caelio* (Leiden: E. J. Brill 1973); V. Pöschl, “Zur Einbeziehung anwesender Personen und sichtbarer Objekte in Ciceros Reden” in *Ciceroniana: Hommages à Kazimierz Kumanięcki*, edited by A. Michel and R. Verdière (Leiden: E. J. Brill 1975): 206–226; A. Vasaly, “The Masks of Rhetoric: Cicero’s *Pro Roscio Amerino*,” *Rhetorica* 3 (1985): 1–20.

<sup>21</sup> *Volo hoc oratori contingat, ut cum auditum sit eum esse dicturum, locus in subselliis occupetur, compleatur tribunal, gratiosi scribae sint in dando et cedendo loco, corona multiplex, iudex erectus; cum surgat is qui dicturus sit, significetur a corona silentium, deinde crebrae assensiones, multae admirationes; risus cum velit, cum velit fletus, ut qui haec procul videat, etiam si quid agatur nesciat, at placere tamen et in scaena esse Roscium intellegat.*

In this regard I am always surprised, not to be sure by those who have devoted no attention to this subject of ours, but by Philippus, who is an especially accomplished speaker and a well-educated man. He usually stands up to speak without actually knowing what word he will utter first. He claims that it is his habit to fight only after warming up his arms. But he does not notice that the very gladiators from whom he draws this analogy hurl their first spears so gently, that they not only attend to preserving their strength for what follows, but that the effect is also graceful in the extreme. And there is indeed no doubt that the introduction of a speech seldom needs to be forceful and combative. But if, in the actual life-or-death struggle between gladiators, which is decided by the sword, many things still happen before the actual engagement which seem to have the potential not for inflicting wounds, but for putting on a display, how much more should this be expected to happen in a speech, where the audience demands pleasure rather than violence!<sup>22</sup>

The analogy between orator and gladiator is also drawn in section 325, and again in Book 3.200, where the speaker is compared not only to a gladiator, but to a boxer in the palaestra as well:

Then finally we must shape our orator with respect to both words and thoughts, so that he will act like those who fight with weapons or in the palaestra: they believe that they should not only take account of how to strike and dodge, but also of how to move with grace . . .<sup>23</sup>

Later in the same book Antonius makes an interesting statement about the symbiotic relationship between orator and audience (2.338):

It actually happens quite naturally that we are stirred to employ a more distinguished mode of oratory, because a public meeting provides what might be called the orator's greatest stage. For, just as a flute player cannot play without a flute, the crowd has a certain power that makes it impossible for an orator to be eloquent unless a crowd is listening.<sup>24</sup>

---

<sup>22</sup> *in quo admirari soleo non equidem istos, qui nullam huic rei operam dederunt, sed hominem in primis disertum atque eruditum, Philippum, qui ita solet surgere ad dicendum, ut quod primum verbum habiturus sit nesciat; et ait idem, cum brachium concalfecerit, tum se solere pugnare; neque attendit eos ipsos, unde hoc simile ducat, primas illas hastas ita iactare leniter, ut et venustati vel maxime serviant et reliquis viribus suis consulant. Nec est dubium, quin exordium dicendi vehemens et pugnax non saepe esse debeat; sed si in ipso illo gladiatorio vitae certamine, quo ferro decernitur, tamen ante congressum multa fiunt, quae non ad volnus, sed ad speciem valere videantur, quanto hoc magis in oratione est spectandum, in qua non vis potius quam delectatio postulatur!*

<sup>23</sup> *tum denique hic nobis orator ita conformandus est et verbis et sententiis, ut quem ad modum qui utuntur armis aut palaestra, non solum sibi vitandi aut feriendi rationem esse habendam putant, sed etiam, ut cum venustate moveantur . . .*

<sup>24</sup> *fit autem ut, quia maxima quasi oratoris scena videatur contionis, natura ipsa ad ornatus*



The notion of the public meeting (*contio*) as the orator's greatest stage, and in fact the very source of his eloquence, is corroborated in other contexts as well, for example in *De amicitia* 97, where Cicero equates being *in contione* with being *in scaena*, and in *Brutus* 6, where he refers to the forum as Hortensius' *theatrum*.

The orator in Cicero's day, therefore, entered the forum, the site of spectacles as well as court cases and public meetings, intending to persuade his audience not only on the strength of his case, but also by means of an effective presentation or performance; the Roman public entered the forum and listened to a speaker, expecting not only to hear the facts of a case, but also to be entertained while doing so. In actual oratorical practice, this situation is perhaps most vividly displayed in Cicero's *Pro Caelio*, where, as Katherine Geffcken has persuasively argued, Cicero decided to provide the jury (who have come into the forum during the *Ludi Megalenses* not to attend a theatrical performance, but to make a decision about a charge of violence) with its own *ludus scaenicus*.<sup>25</sup> Caelius' acquittal, the result of Cicero's masterful presentation of the case, is an indication of the audience's positive judgment of, among other things, his performance, a judgment here and elsewhere that Cicero regards in highest esteem—in fact as the ultimate benchmark of an orator's success (see e.g., *De or.* 3.195 ff., esp. 197; cf. *Brutus* 198–200).<sup>26</sup> His desire to hear the Roman audience's cries of 'bravo' or 'outstanding' expressed in *De oratore*, book 3 (101), as well as his description of their reactions to a mistake in terms of rhythm and meter (3.196: '... if the slightest mistake is made in these matters, ... the entire theater cries out in protest') or in a song (3.196: 'choruses and even soloists, if they sing

---

*dicendi genus excitentur. habet enim multitudo vim quandam talem, ut, quem ad modum tibicen sine tibiis canere, sic orator sine multitudine audiente eloquens esse non possit.*

<sup>25</sup> Geffcken (1973).

<sup>26</sup> While the performance aspect of a public speech is obviously very significant in the Roman context, it goes too far to assume that the Romans didn't really care about the validity of a case and routinely sacrificed their own beliefs about a party's guilt or innocence, basing their verdicts merely on the quality of the 'performance'; cf. e.g., J. E. G. Zetzel, Review of C. P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma*, *Bryn Mawr Classical Review* 94.1.5: 'What won the juries over was not the validity of Cicero's case, but the amazing boldness of his argument; not truth, but sheer, unmitigated effrontery. What Cicero makes almost explicit in the *Pro Caelio* is true of his other speeches as well: they were entertainment, and they were rewarded as performance.' This position has been addressed effectively by A. Riggsby, "Did the Romans Believe in their Verdicts?" *Rhetorica* 7 (1997): 235–251; cf. Riggsby (1999): 5–11.

out of tune, are hooted off the stage by the ordinary crowd'), indicate to us the kind of expectations that were demanded of performers in the forum.

This entertainment aspect of a public speech combines itself with an embedded cultural belief to account for another extremely important element of the oratory of the late Republic, namely the importance for a Roman audience of persuasive appeals that are based on character and emotion.<sup>27</sup> Character was an extraordinarily important element in the social and political milieu of Cicero's Rome, and it exerted a considerable amount of influence on native Roman oratory.<sup>28</sup> A people who built their history on the deeds of great forebears, a people for whom traditional virtues and the *mos maiorum* had become almost a kind of religion, a people who were bound by the close ties of the client-patron relationship, and to whom personal authority (*auctoritas*) was of utmost concern, were certain to be influenced in their decisions by the force of individual character. Cicero well-appreciated the great potential that proof based on character (ethos) offered the orator for persuading a Roman audience. In *De oratore* 2.182, he discusses this potential in some detail:

Well then, the character, the customs, the deeds, and the life, both of those who do the pleading and of those on whose behalf they plead, make a very important contribution to winning a case. These should be approved of, and the corresponding elements in the opponents should meet with disapproval, and the minds of the audience should, as much as possible, be won over to feel goodwill toward the orator as well as toward his client. Now people's minds are won over by a man's prestige, his accomplishments, and the reputation he has acquired by his way of life. Such things are easier to embellish if present than to fabricate if totally lacking, but at any rate, their effect is enhanced by a gentle tone of voice on the part of the orator, an expression on his face intimating restraint, and kindness in the use of his words; and if you press some point rather vigorously, by seeming to act against your inclination, because you are forced to do so. Indications of flexibility, on the part of the orator and the client, are also quite useful, as well as signs of generosity, mildness, dutifulness, gratitude, and of not being desirous or greedy. Actually all qualities typical of people

---

<sup>27</sup> The best and most comprehensive account of the rhetorical means of persuasion based on character and emotion (ethos and pathos) is by J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Adolf M. Hakkert 1989).

<sup>28</sup> Cf. J. M. May, *Trials of Character: The Eloquence of Ciceronian Oratory* (Chapel Hill and London: The University of North Carolina Press 1988): 1–12.

who are decent and unassuming, not severe, not obstinate, not litigious, not harsh, really win goodwill, and alienate the audience from those who do not possess them. And these same considerations must likewise be employed to ascribe the opposite qualities to the opponents.<sup>29</sup>

In this passage, the importance of character, not only the character of the litigants, but that of their advocates as well is stressed. Thus, the rhetoric of advocacy, the normal situation in a Roman judicial case, is accounted for (see above, 52–53); opportunities for employing character as a source for persuasion are plentiful. We are told explicitly that the audience's hearts are won over by a speaker's prestige, his past accomplishments, the reputation of his life. Cicero's actual speeches are replete with proof based on character, not only the character of his own client and his opponent(s), but constant reference to his own *dignitas*, blatant appeals to his own *auctoritas*, and repeated mention of his greatest accomplishments. Indeed, on occasion these concerns, perhaps much to the surprise of a modern audience, seem to overshadow, or even dominate the real issue of the case.<sup>30</sup>

This kind of persuasion based on character (*ethos*) is, in Cicero's eyes, closely related to persuasion that finds its source in *pathos*, or the stirring up of an audience's vehement emotions (cf. e.g., *De or.* 2.182–214, esp. 185 and 212; *Orator* 128–133; Quintilian 6.2.8–17). Cicero continually claims that such emotional appeal is the most important element for winning cases (cf. e.g., *De or.* 1.17, 30, 53, 60, 2.215, 337, 3.55, 105; *Orator* 128–133), and he was justly proud of his own skill in this regard. Indeed, every Ciceronian oration is rich in passages of high emotion, several even ending with the orator in tears, barely able to continue.<sup>31</sup> In an interesting passage in

---

<sup>29</sup> *Valet igitur multum ad vincendum probari mores et instituta et facta et vitam et eorum, qui agent causas, et eorum pro quibus, et item improbari adversariorum, animosque eorum apud quos agetur, conciliari quam maxime ad benevolentiam cum erga oratorem tum erga illum, pro quo dicit orator. conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae; quae facilius ornari possunt, si modo sunt, quam fingi, si nulla sunt. Sed haec adiuvat in oratore lenitas vocis, vultus pudoris significatio, verborum comitas; si quid persequere acrius, ut invitus et coactus facere videare. facilitatis, liberalitatis, mansuetudinis, pietatis, grati animi, non appetentis, non avidi signa proferre perutile est; eaque omnia, quae proborum, demissorum, non acrium, non pertinacium, non litigiosorum, non acerborum sunt, valde benevolentiam conciliant abalienantque ab iis, in quibus haec non sunt. itaque eadem sunt in adversarios ex contrario conferenda.*

<sup>30</sup> For a detailed account of how Cicero effectively employs *ethos* in his speeches, see May (1988).

<sup>31</sup> See, e.g., the perorations of Cicero's *Pro Sulla* 92, *Pro Plancio* 104, *Pro Rabirio Postumo* 48, *Pro Milone* 105; cf. *Pro Caelio* 60, *Dom.* 97.

*Orator* (131–132), Cicero himself candidly discusses his abilities in stirring the emotions of his audience and some of the pyrotechnical methods that he employed in doing so:

Why should I speak about appeals to pity? I employed more of these in my orations because, even if there were several speakers on our side, they always left the closing to me . . . Nor is the appeal for pity the only way in which the feelings of the jurors should be aroused—though I have generally employed it so passionately that I have even held a baby in my arms during the peroration, and in another case involving a noble defendant, I filled the forum with wailing and lamentation by calling him forward and raising up his small son,—but the juror must be made to be angry or appeased, to be ill- or well-intentioned, to despise or admire, hate or love, desire or loathe, hope or fear, to feel joy or sorrow . . . Indeed, there is no conceivable method of arousing or soothing the mind of a listener that I have not tried—I would say brought to perfection, if I judged it were so, and if it were true, I would not fear the charge of conceit.<sup>32</sup>

The celebrated defense of Norbanus, described by Cicero in *De oratore* 2.197 ff., stands for him as a paradigm of a speech that combined both ethos and pathos effectively.<sup>33</sup> The prosecutor Sulpicius not only had everything going for his case, but had also apparently employed pathos so much to his own advantage that he ‘turned over to Antonius not a court case (*iudicium*), but a conflagration (*incendium*)’ (*De or.* 2.202)! Then he describes how his opponent Antonius put out the fire (2.202–203):

---

<sup>32</sup> *Quid ego de miserationibus loquar? quibus eo sum usus pluribus quod, etiam si plures dicebamus, perorationem mihi tamen omnes relinquebant . . . Nec vero miseratione solum mens iudicium permovenda est—qua nos ita dolenter uti solemus ut puerum infantem in manibus perorantes tenuerimus, ut alia in causa excitato reo nobili, sublato etiam filio parvo plangere et lamentatione compleremus forum—sed est faciendum etiam, ut irascatur iudex mitigetur, inuideat faveat, contemnat admiretur, oderit diligat, cupiat taedeat, speret metuat, laetetur doleat . . . Nullo enim modo animus audientis aut incitari aut leniri potest, qui modus a me non temptatus sit—dicerem perfectum, si ita iudicarem, nec in veritate crimen arrogantiae pertimescerem.* Cf. *De oratore* 2.194b–196, where Cicero describes the famous defense of the old general Manius Aquillius by M. Antonius: having sensed that the jurors were moved at the sight of a former consul and decorated military commander now in court, weakened, grief-stricken, and dressed in mourning clothes, Antonius raised up his client and tore open Aquillius’ tunic, laying bare the scars that he had sustained on behalf of them and the state. Cicero himself appears to have imitated this emotional ploy in his own defense of C. Rabirius; see A. R. Dyck, “Dressing to Kill: Attire as a Proof and Means of Characterization in Cicero’s Speeches,” *Arethusa* 34 (2001): 121.

<sup>33</sup> See Wisse (1989): 269–282 for a detailed analysis of this speech.

... immortal gods, what a remarkable prologue you used! What fear, what indecision! With what slowness and hesitation your words came! How you clung in your beginning to that one point of excuse that people granted you—that you were speaking on behalf of a man to whom you were closely bound, your quaestor! How well you paved a way for yourself in this first stage, and secured yourself a hearing! But look, just when I was thinking that you had accomplished nothing more than making people think that you deserved to be excused for defending a wicked citizen because of your bond with him, you began, imperceptibly, to worm your way out—others were not yet suspecting it, but I was already beginning to be much afraid. You defended what had happened by saying that it had not been sedition caused by Norbanus, but an outburst of anger on the part of the Roman people, and not an unjust one at that, but one that was very well-deserved. After that, what commonplace did you fail to employ against Caepio? How you filled all of the proceedings with hatred, indignation, and pity! And this not just in your actual speech, but even in dealing with Scaurus and my other witnesses. You countered their testimony not by refuting them, but by resorting to the same point about the outburst of popular violence.<sup>34</sup>

In section 201, Antonius himself explains his strategy in this case, a strategy that relied almost entirely upon ethos and pathos. He asserts that in the whole of his defense, he ‘only touched quite briefly and quite superficially’ the implications of the law and the charge of high treason. On the other hand, the two elements of a speech, ‘one that recommends (i.e., ethos), the other that excites (i.e., pathos),’ played constant and primary roles. ‘This implied,’ Antonius continues, ‘giving the impression both of being very passionate when rekindling the indignation against Caepio, and of being very mild when demonstrating my character in my dealings with those to whom I am bound. So, Sulpicius, I bested your accusation in that case not so much because the jurors were informed, but because their minds were affected.’ Indeed, within the corpus of extant Ciceronian speeches,

---

<sup>34</sup> ... quod tuum principium, di immortales, fuit! qui timor, quae dubitatio, quanta haesitatio tractusque verborum! ut tuo illud initio, quod tibi unum ad ignoscendum homines dabant, tenuisti, te pro homine pernecessario, quaestore tuo dicere! quam tibi primum munisti ad te audiendum viam! ecce autem, cum te nihil aliud profecisse arbitrarer, nisi ut homines tibi civem improbum defendenti ignoscendum propter necessitudinem arbitrarentur, serpere occulte coepisti, nihil dum aliis suspicantibus, me vero iam pertimescente, ut illam non Norbani seditionem, sed populi Romani iracundiam neque eam iniustam, sed meritam ac debitam fuisse defenderes. deinde qui locus a te praetermissus est in Caepionem? ut tu illa omnia odio, invidia, misericordia miscuisti! neque haec solum in defensione, sed etiam in Scauro ceterisque meis testibus, quorum testimonia non refellendo, sed ad eundem impetum populi confugiendo refutasti.

the orator's talent in 'affecting the minds of the jury' appears on several occasions to have been more crucial in securing a victory than were his efforts at 'informing' them.

If the case of Norbanus represents for Cicero a paradigm of successful persuasion, that of Publius Rutilius Rufus, presented in the first book of *De oratore*, presents us with a valuable example of a failure—a failure that is directly attributable to the speaker's failure to appeal to the emotions of the audience. In 92 B.C., Rutilius, a paragon of virtue and honored member of the community (*De or.* 1.229) was tried and unjustly convicted of corruption that had allegedly occurred while he was serving in Asia a few years earlier.<sup>35</sup> As a staunch Stoic, he refused during his trial, as did Socrates, to employ emotional appeals, and 'did not even want his case to be argued with any more embellishment or freedom than the plain truth of the matter allowed' (1.229; cf. *Brutus* 113–115). But according to the interlocutor, Antonius, the disastrous result could have been avoided. If Crassus had spoken for the defense on that occasion, the power of his oratory would have carried the day. Unfortunately for Rutilius and the state, this was not the case:

As it is, a man of such caliber has been lost to us because his case was pleaded as if the matter were conducted in that imaginary state of Plato's. None of his advocates uttered a groan or a shout, there was nothing that pained any of them, none complained or appealed to the Roman State or begged for mercy—why say more? During the entire trial, none of them even stamped his foot, for fear, I suppose, of being reported to the Stoics! A Roman, actually a former consul, thus followed the famous example of Socrates of old, who was the wisest of men and had lived entirely blamelessly. When on trial for his life, he pleaded his own case in such a way that he seemed not a defendant or a suppliant at the mercy of the jury, but rather their teacher or master (1.230–231).<sup>36</sup>

If we are safe in assuming that the goal of oratory is persuasion, and that this goal is met by orators in various societies by employ-

---

<sup>35</sup> See R. Kallet-Marx, "The Trial of Rutilius Rufus," *Phoenix* 44 (1990): 122–139, for a reconsideration of the traditional date and political circumstances of this trial.

<sup>36</sup> *Nunc talis vir amissus est, dum causa ita dicitur, ut si in illa commenticia Platonis civitate res ageretur: nemo ingemuit, nemo in clamavit patronorum, nihil cuiquam doluit, nemo est questus, nemo rem publicam imploravit, nemo supplicavit. quid multa? pedem nemo in illo iudicio supposit, credo, ne Stoicis renuntiaretur. imitatus est homo Romanus et consularis veterem illum Socraten, qui, cum omnium sapientissimus esset sanctissimeque vixisset, ita in iudicio capitis pro se ipse dixit, ut non supplex aut reus, sed magister aut dominus videretur esse iudicum.*

ing methods that are most effective with their particular audiences, these paradigmatic cases of success and failure offer us valuable insight about the expectations of an ancient Roman jury, which obviously valued proof based on character and emotion in ways and to degrees that we today would most probably find objectionable. When called for jury duty today in America, we come to the courthouse, enter a courtroom, the largest of which might seat 100–200 people, where the proceedings take place behind closed doors, under the supervision of a judge and a bailiff, with all onlookers seated in an orderly fashion. The cases are presented by lawyers, modern jurisconsults, not orators, and although there may be flashes of eloquence, some appeal to character or emotional grandstanding, the jury expects, for the most part, to be persuaded by ‘the plain truth.’ The juror in Republican Rome, on the other hand, seems to have expected something more—an argument not only stated straightforwardly and in a way that appeared convincingly true, but also heavily corroborated by character and appeal to emotion, presented by a professional speaker, usually not a jurisconsult, whose methods were more akin in delivery to those of an actor rather than to a modern-day lawyer.

In such an emotionally charged atmosphere, within the surroundings of the Roman forum, it is easy to see how rowdy behavior, and even violence, which had been part and parcel of the Roman political scene for some time,<sup>37</sup> might break out in the court or at a public meeting. Perhaps the most extreme example of violence surrounding a Ciceronian oration is his defense of Milo, who was being tried for the murder of his arch-enemy Clodius. Before the trial, the unruly mob had burned the Senate house, and during the trial, the sole consul, Pompey, who had already revised the legal procedures to be followed during the trial to reduce the chance of violence and bribery, enlisted an armed guard to surround the proceedings to ensure some sort of order in the forum.<sup>38</sup> We need not, however, resort to such extraordinary cases to find instances of rowdy, violent behavior in the context of a Roman court of law. In a letter to his brother (*Ad Quintum fratrem* 2.3), written four years earlier, Cicero describes an

<sup>37</sup> For a general overview of this issue, see A. W. Lintott, ‘The Crisis of the Republic: Sources and Source Problems,’ in *CAH IX*: 1–15, and more specifically his volume, *Violence in Republican Rome* (Oxford: Oxford University Press 1968).

<sup>38</sup> Asconius, *In Milonianam* 33–36.

incredible scene, ironically involving the same antagonists in an earlier trial of Milo:

Milo appeared on 7 February. Pompey spoke—or rather tried to speak, for no sooner was he on his feet than Clodius' gang raised a clamour, and all through the speech he was interrupted not merely by shouting but by insults and abuse. When he wound up (and I will say he showed courage; he was not put off, delivered all he had to say, sometimes even managing to get silence by his personal authority)—well, when he wound up, Clodius rose. Wishing to repay the compliment, our side gave him such an uproarious reception that he lost command of thoughts, tongue, and countenance. That lasted till half past one, Pompey having finished just after midday—all manner of insults, ending up with some highly scabrous verse to the address of Clodius and Clodia. Pale with fury, he started a game of question and answer in the middle of the shouting: 'Who's starving the people to death?' 'Pompey,' answered the gang, 'Who wants to go to Alexandria?' Answer: 'Pompey.' 'Whom do you want to go?' Answer: 'Crassus' (who was present as a supporter of Milo, wishing him no good). About 2:15 the Clodians started spitting at us, as though on a signal. Sharp rise in temperature! They made a push to dislodge us, our side counter-charged. Flight of gang. Clodius was hurled from the rostra, at which point I too made off for fear of what might happen in the free-for-all.<sup>39</sup>

To us, far removed in time, place, and culture, the scene described above seems almost beyond belief. Yet if we were granted the privilege of being transported back in time and place, to witness an oration delivered in the Roman Forum of first-century B.C., we would, I submit, witness public speaking in a manner that we have never really experienced, or perhaps even imagined. We would find ourselves members of a rather large, highly discriminating, and very vocal audience whose attention was being competed for from a num-

<sup>39</sup> Translation by Shackleton Bailey. *A.d. vii Id. Febr. Milo adfuit. Dixit Pompeius sive voluit; nam, ut surrexit, operae Clodianae clamorem sustulerunt, idque ei perpetua oratione contigit, non modo ut acclamatione sed ut convicio et maledictis impediatur. Qui ut peroravit (nam in eo sane fortis fuit; non est deterritus; dixit omnia atque interdum etiam silentio, cum auctoritate pervicerat)—sed ut peroravit, surrexit Clodius. Ei tantus clamor a nostris (placuerat enim referre gratiam) ut neque mente nec lingua neque ore consisteret. Ea res acta est, cum hora sexta vix Pompeius perorasset, usque ad horam octavam, cum omnia maledicta, versus denique obscenissimi in Clodium et Clodiam dicerentur. Ille furens et exsanguis interrogabat suos in clamore ipso quis esset qui plebem fame necaret; respondebant 'Pompeius'. Quis Alexandriam ire cuperet; respondebant 'Pompeius'. Quem ire vellent; respondebant 'Crassum' (is aderat tum, Miloni animo non amico). Hora fere nona quasi signo dato Clodiani nostros consputare coeperunt; exarsit dolor. Urgere illi ut loco nos moverent; factus est a nostris impetus; fuga operarum; eiectus de rostris Clodius, ac nos quoque tum fugimus, ne quid in turba.*



ber of different quarters. The speaker's ability to project his voice would be impressive, something on the order of a professional opera singer. He would tend to repeat important points and recur to central themes over and over. Those arguments that seemed to us to be the heart of his case, strictly relevant to the point at issue, would certainly be presented clearly and persuasively, but they might tend to be overshadowed, or if weak, entirely obscured by other considerations that are intrinsically irrelevant. He would speak from memory, and his delivery would perhaps appear to us rather stilted or stylized, certainly exaggerated, with an occasional slap of the forehead, the thigh, and a stomp of the foot, a controlled gesture of the hand, the finger, a darting glance of the eye; his voice would be trained to modulate often, running the gamut of its range of pitch, almost as though it were controlled by cues from a flutist (cf. *De or.* 3.224–227). He would talk much about his client's good character, his fine reputation, his glorious deeds, his opponent's bad character, lack of prestige, and ability. If he himself happened to be an important person in the State, a consul or ex-consul perhaps, much would be made of his own authority, his own experience, his own benefactions for the community. He would not endeavor to appear humble, but might even spend long stretches talking about himself in what seems to us an egotistical way, hoping to lend some of his own authority to his client's case. He might digress from the major point at issue, perhaps for a major part of the speech, either to delight his audience, ingratiate them, confound them, or stir their emotions (*De or.* 2.311–312). In this connection, he would resort to every kind of histrionic trick—dressing in squalid clothes,<sup>40</sup> holding children in his arms, bringing relatives and grieving parents forward, tearing his client's shirt open to show the wounds he had sustained for the state. We would be given the impression that he felt intimately every emotion he tried to rouse in us, and he would even go to the point of assuming different moods and characters in his manner of speech (*De or.* 2.189–196). Tears would be plentiful, shed on all sides, perhaps there would even be supplication from the knees. Audience reaction might be varied and vocal; in the heat of the moment, rowdiness, or even a scuffle might occur.

---

<sup>40</sup> For Cicero's use of clothing as a proof and means of characterization, see Dyck (2001).

To a modern audience of the twenty-first century, much of these proceedings would perhaps at first sight appear strange, foreign, certainly fascinating, maybe even distasteful. We must keep in mind, however, that the effective speaker in any age knows the customs and tastes of his listeners intimately—which approach will convince them and which will not. In many cases, those elements that we consider peculiar or out of place are precisely those that might actually be the strong points most responsible for a speech's success—those things that, in fact, secure a victory for the orator. When we open a text of Cicero's orations, we are, in a very real sense, entering his world, a world that was conditioned by judicial, political, and social mores far different from ours. Cicero tells us how important it is for a speaker to master all that is relevant to the practices of his fellow-citizens and connected to their normal life, the functioning of their State and their social order; it is every bit as important for us, his twenty-first century audience, to remain keenly aware of the context in which his oratory succeeded so stunningly.

#### BIBLIOGRAPHY

- Alexander, M. *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.* Toronto, Buffalo, London: University of Toronto Press, 1990.
- Axer, J. "Le Forum Romanum dans le plaidoyer de Cicéron 'Pro Milone'." *Travaux du Centre d'Archéologie Méditerranéenne de l'Académie Polonaise des Sciences* 30 (1989b): 31–36, *Études et Travaux XV*.
- . "Tribunal-Stage-Arena: Modelling of the Communications Situation in M. Tullius Cicero's Judicial Speeches." *Rhetorica* 7 (1989): 299–311.
- Brunt, P. *Social Conflicts in the Roman Republic*. London: Chatto & Windus, 1971.
- . *The Fall of the Roman Republic and Other Essays*. Oxford: Oxford University Press, 1988.
- Classen, J. *Recht—Rhetorik—Politik*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1985.
- Coarelli, F. *Il foro romano*. Vol. 1, *Periodo arcaico*, and Vol. 2, *Periodo repubblicano e augusteo*. Rome: Edizioni Quasar, 1983–85.
- Crook, J. A., Lintott, A., and Rawson, E. *The Cambridge Ancient History* (2nd edition). Vol. IX: *The Last Age of the Roman Republic, 146–43 B.C.* Cambridge: Cambridge University Press, 1994.
- Dyck, A. R. "Dressing to Kill: Attire as a Proof and Means of Characterization in Cicero's Speeches," *Arethusa* 34 (2001): 119–130.
- Geffcken, K. A. *Comedy in the Pro Caelio*. Leiden: E. J. Brill, 1973.

- Gotoff, H. C. *Cicero's Elegant Style: An Analysis of the Pro Archia. Urbana*: University of Illinois Press, 1979.
- Granrud, J. E. "Was Cicero Successful in the Art Oratorical?" *Classical Journal* 8 (1912–1913): 234–243.
- Greenidge, A. H. J. *The Legal Procedure of Cicero's Time*. Oxford: Clarendon Press 1901.
- Griffin, M. "The Intellectual Developments of the Ciceronian Age." In volume IX of *The Cambridge Ancient History*, 2nd edition, edited by A. Crook, A. Lintott, and E. Rawson. Cambridge: Cambridge University Press, 1994.
- Gruen, E. S. *Culture and National Identity in Republican Rome*. Ithaca, N.Y.: Cornell University Press, 1992.
- Heinze, R. "Ciceros Rede pro Caelio." *Hermes* 60 (1925): 239–245.
- Humbert, J. *Les plaidoyers écrits et les plaidoires réelles de Cicéron*. Paris: Presses universitaires de France, 1925.
- Jones, A. H. M. *The Criminal Courts of the Roman Republic and Principate*. Oxford: Blackwell, 1972.
- Kallet-Marx, R. "The Trial of Rutilius Rufus." *Phoenix* 44 (1990): 122–139.
- Kennedy, G. A. "The Rhetoric of Advocacy in Greece and Rome." *American Journal of Philology* 89 (1968): 419–436.
- . *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300*. Princeton, NJ: Princeton University Press, 1973.
- Kirby, J. T. *The Rhetoric of Cicero's Pro Cluentio*. London Studies in Classical Philology, edited by G. Giangrande, 23. Amsterdam: Gieben, 1990.
- Laurand, L. *Études sur le Style des Discours de Cicéron*. 4th ed. Paris: Les Belles Lettres 1936–1938. Three volumes, reprinted in one volume. Amsterdam: Hakkert, 1965.
- Leeman, A. D. "The Structure of Cicero's *De Oratore* I." In *Ciceroniana: Hommages à K. Kumaniecki*, edited by A. Michel and R. Verdiere (Leiden: E. J. Brill, 1975): 140–149.
- Leeman, A. D., Pinkster, H., and Wisse, J. M. *Tullius Cicero: De oratore libri III. Kommentar*. Vol. IV. Heidelberg: Universitätsverlag C. Winter, 1996.
- Lintott, A. W. *Violence in Republican Rome*. Oxford: Oxford University Press, 1968.
- Marshall, B. A. "Excepta Oratio, The Other *Pro Milone* and the Question of Shorthand." *Latomus* 46 (1987): 730–736.
- May, J. M. "The Rhetoric of Advocacy and Patron-Client Identification: Variation on a Theme." *American Journal of Philology* 102 (1981): 308–315.
- . "Persuasion, Ciceronian Style." *The Classical Outlook* 71 (1994): 37–41.
- . *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: The University of North Carolina Press, 1988.
- May, J. M. and Wisse, J. *Cicero: On the Ideal Orator*. Oxford and New York: Oxford University Press, 2001.
- Millar, F. *The Crowd in Rome in the Late Republic*. Ann Arbor: The University of Michigan Press, 1998.
- Narducci, E. *Cicerone e l'eloquenza Romana: Retorica e progetto culturale*. Roma: Laterza, 1997.

- Nicolet, C. *The World of the Citizen in Republican Rome*, translated by P. S. Falla. Berkeley: University of California Press, 1980.
- Pöschl, V. "Zur Einbeziehung anwesender Personen und sichtbarer Objekte in Ciceros Reden." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière (Leiden: E. J. Brill, 1975): 206–226.
- Rawson, E. *Intellectual Life in the Late Roman Republic*. London and Baltimore: Johns Hopkins University Press, 1985.
- . *Culture and Society: Collected Papers*. Oxford: Oxford University Press, 1991.
- Riggsby, A. M. "Did the Romans Believe in their Verdicts?" *Rhetorica* 7 (1997): 235–251.
- . *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press, 1999.
- Settle, J. N. "The Publication of Cicero's Orations," Ph.D. diss. University of North Carolina, 1962, c. 1963.
- Solmsen, F. "Cicero's First Speeches: A Rhetorical Analysis." *Transactions of the American Philological Association* 69 (1938): 542–56, reprinted in *Kleine Schriften II* (Hildesheim: G. Olms, 1968): 231–245.
- Stroh, W. *Taxis und Taktik*. Stuttgart: Teubner, 1975.
- Taylor, L. R. *Party Politics in the Age of Caesar*. Berkeley: University of California Press, 1949.
- Vasaly, A. "The Masks of Rhetoric: Cicero's *Pro Roscio Amerino*." *Rhetorica* 3 (1985): 1–20.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Adolf M. Hakkert, 1989.
- Wright, F. W. *Cicero and the Theater*. Smith College Classical Studies 11. Northampton, MA: Smith College, 1931.
- Zetzel, J. E. G. Review of C. P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma*, *Bryn Mawr Classical Review* 94.1.5.

## CHAPTER FOUR

### CICERO'S EARLY SPEECHES

Ann Vasaly

The political and oratorical career—the two cannot and should not be separated—of Marcus Tullius Cicero began in a world of civic chaos and bloodshed. Born in 106 B.C.,<sup>1</sup> educated after the age of 10 in Rome, he would have received the *toga virilis*, the ‘toga of manhood,’ in about 90, the beginning of a decade in Rome marked by appalling political violence. The election to the consulship of L. Cornelius Sulla in 88 was soon followed by the unprecedented spectacle of a Roman general unleashing a Roman army against his fellow citizens, the aftermath of the attempt by the tribune P. Sulpicius Rufus to transfer Sulla’s military command against Mithradates of Pontus to the aging Gaius Marius. After Sulla’s first march on Rome, his elimination of many of his enemies, and his subsequent departure for the East, he was simultaneously outlawed and allowed to wage war against Rome’s enemies in Greece and Asia Minor. During his absence, Rome endured the domination of L. Cornelius Cinna and his allies, whose return to the city with Marius after Sulla’s departure was accompanied by the slaughter of their political enemies, including one of the greatest orators of the day, Marcus Antonius.

A new spasm of violence began with the death of Cinna in 84, at which Sulla declared himself in rebellion against the government and prepared to return to Italy to wage war against his domestic opponents. Among those murdered in Rome in the months before the outbreak of that conflict was Q. Mucius Scaevola, the aged law

---

<sup>1</sup> All dates are B.C. For Ciceronian biography, ancient sources include the orator’s own works—especially the epistles and the *Brutus*—and Plutarch’s life of the orator, which draws on many sources no longer extant. Among more recent modern treatments are: M. Gelzer, *Cicero, ein biographischer Versuch* (Wiesbaden: Franz Steiner 1969); D. L. Stockton, *Cicero: A Political Biography* (New York: Oxford University Press 1971); E. Rawson, *Cicero, a Portrait* (London: Allen Lane 1975); T. N. Mitchell, *Cicero, the Ascending Years* (New Haven: Yale University Press 1979); C. Habicht, *Cicero the Politician* (Baltimore: Johns Hopkins Press 1990).

expert and *pontifex maximus*, who had for several years served as the young Cicero's teacher and mentor. Despite Scaevola's previous willingness to work with the Cinnan government and despite his position as head of the state religion, his death was ordered by the praetor of 82. The victory of Sulla at the Colline Gate began another bloodletting, a reign of terror given a semblance of legality by the publication of lists of the proscribed, i.e., those citizens who could be killed with impunity. If large-scale purges and civic violence came to a temporary end during the years of Sullan dominance (82–79), it was in large part because many citizens with strong political sentiments and the courage to fight for them had been killed or driven off by one side or the other. Thus, in 81, still mourning the violent deaths of many of the men he had admired and learned from, and exquisitely aware not only of the dangers of opposing a leader such as Sulla but even of remaining neutral under the domination of a military dynast, Cicero embarked on his public career.

### 1. *The Pro Quinctio*

Cicero's first published speech, the *Pro Quinctio*, was delivered in 81 under Sulla *dictator*. At the beginning of this oration Cicero speaks of other cases he had undertaken; we may assume, therefore, that he had appeared in earlier civil actions during the same year. The speech for Quinctius was probably the most noteworthy of these—in part because opposing him in the case had been Q. Hortensius Hortalus, the foremost orator in Rome at that time. In this speech and in the *Pro Roscio Amerino* of the following year, Cicero alludes often to his youth and inexperience.<sup>2</sup> It would be a mistake, however, to make too much of the orator's claimed lack of sophistication and maturity at this time. His preparation for his debut had been a thorough one under the guidance of some of the most eminent orators and legal minds of the day, and—according to Plutarch (*Cic.* 2.2)—Cicero's brilliance as a student had been such that the fathers of those he studied with had come to listen to him declaim. Furthermore, his period of preparation had been unusually long, no doubt a result of the political troubles of the 80s. Other ambitious

<sup>2</sup> See *Quinct.* 2–4, 34, 77; *Rosc. Am.* 1–5, 9, 31, 34, 60.

and well-born young Romans often made their first public speeches well before Cicero's age at this time of twenty-five.<sup>3</sup>

We should not be surprised, then, at the young orator's already well-developed formal technique—that is, his thorough command of the *orationis ratio*, or rhetorical method, imported from the Greek world into Rome in the latter part of the 2nd century B.C.<sup>4</sup> This method involved, first of all, the division of a forensic (i.e., legal) speech into *partes*. In the *Pro Quinctio* and the *Pro Roscio Amerino* Cicero's clear division of each speech into exordium or introduction, narration, partition (detailing the main points at issue and/or the intended structure of the subsequent argument), proof or argument, and peroration or closing is highlighted by explicit signals to his audience of his progress from one part to another.<sup>5</sup> The handling of the content of these *partes* is also recognizable from school rhetoric. Rhetorical treatises advised the orator to win the goodwill of his audience in the exordium, for instance, by expatiating on the difficulties faced by oneself and one's client and by describing the power, influence, and cruelty of one's opponents. Accordingly, in the exordia of these early speeches we see Cicero painting himself as inexperienced, untalented, and hampered by various procedural difficulties, while his client is a pathetic victim of singular unfairness and ill will, possessed of limited resources and few friends. His clients' merciless opponents, on the other hand, are said to wield 'extraordinary influence' (*Quinct.* 1: *summa gratia*), in the case of Quinctius' enemy S. Naevius, and 'extraordinary power' (*Rosc. Am.* 6: *potentissimus*), in the case of the

<sup>3</sup> Q. Hortensius began his public career at nineteen (*Cic. Brut.* 229); L. Sempronius Atratinus was seventeen when he prosecuted Caelius Rufus; L. Licinius Crassus, a famous predecessor of Cicero's, prosecuted 'the most eloquent orator of his day' (*Cic. De Or.* 3.74), C. Papirius Carbo, as an '*adulescentulus*' (*Cic. De Or.* 1.40) of 21. (*Cf. Caec.* 97, where Cicero says the same thing of himself at about the age of 27.) See comments below, 98.

<sup>4</sup> Summarized by A. D. Leeman, *Orationis Ratio: The Stylistic Theories and Practice of the Roman Orators, Historians and Philosophers*, 2 vols. (Amsterdam: Adolph M. Hakkert, 1963) 1: 26–42. For specific terms and topics, see H. Lausberg, *Handbuch der literarischen Rhetorik*, 2 vols. (Munich: Max Hueber 1960) and S. E. Porter, *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400* (Leiden: Brill 1997). For an overview of the development of rhetorical education in Rome, see M. L. Clarke, *Rhetoric at Rome: A Historical Survey* (London: Cohen and West 1953, repr. w. corrections 1966); Leeman, *Orationis* 1: 43–66; G. Kennedy, *The Art of Rhetoric in the Roman World* (Princeton, NJ: Princeton University Press 1972), esp. 3–148.

<sup>5</sup> See, e.g., *Quinct.* 10 (*quo facilius facere possitis . . .*); *Rosc. Am.* 14 (*ut facilius intellegere possitis . . .*); *Quinct.* 36 (*haec tria cum docuero, peroraro*).

man alleged to be behind the prosecution of Roscius, L. Cornelius Chrysogonus.

Examples could be (and have been) multiplied of the many aspects of these speeches that clearly reflect elements of the rhetorical system Cicero had learned in his youth, including the various types of arguments found in the proof, the specific topics dealt with in the peroration, the use of anecdote, commonplace, and digression, the employment of different oratorical styles for different *partes*, to name but a few.<sup>6</sup> But such analyses should not lead to the conclusion that the creation of a speech like the *Pro Quinctio* or the *Pro Roscio Amerino* was merely a matter of following the instructions provided by contemporary rhetorical training. If school rhetoric taught the special 'language' of oratory, only the gifts of the individual orator determined how effectively this language would be used. In fact, in this period the increasingly common employment of—and thus the listeners' familiarity with—received rhetorical structures, strategies, arguments, and commonplaces would have made the challenge of creating a compelling and persuasive speech even greater. And here it must be remembered that a merely aesthetic success was no success at all. Cicero's audience, while expecting a high level of artistic finish, had to believe that he was telling them the truth if he were to achieve his primary aim.

Success for the Roman orator, then, depended to a great extent on the creative application of school rhetoric, and the creativity of Cicero's manipulation of stock rhetorical elements is evident even in these early speeches, perhaps nowhere more than in the image he paints of himself, his clients, and his opponents. We have noted that Hellenistic rhetorical theory gave advice concerning the assigning of ethical traits in the exordium of a speech.<sup>7</sup> In these speeches, however, Cicero has already integrated such prescriptions into a more complex whole, imprinting throughout the speech a lasting impression in the minds of his audience of various characters and, in turn, fitting these characters into a larger picture of Roman society.

---

<sup>6</sup> See, esp., F. Solmsen, "Cicero's First Speeches, a Rhetorical Analysis," in *Kleine Schriften*, 3 vols. (Hildesheim: Olms, 1968–82) 2: 231–45; and Kennedy (1972): 138–48.

<sup>7</sup> On the exordium, see Cic. *Inv.* 1.19–26; *Her.* 1.6–11; on rhetorical development of *ethos*, see J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Hakkert 1989); on its application, see esp. J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill: University of North Carolina Press 1988): 14–21.



In the *Pro Quinctio*, a defense of Quinctius' actions *vis-à-vis* his partnership with one Sextus Naevius, Quinctius emerges (especially in sections 59 of the argument and 92 of the peroration) as an old-fashioned Roman farmer—dour, hardworking, and ethically scrupulous. It is in his portrait of Naevius, however, where we see in embryo the skills that would make Cicero the most successful of Roman orators. The *Pro Quinctio* illustrates that, for better or worse, Cicero seems always to have been adept in the art of attacking his opponents not just by arraigning their conduct in particular circumstances but by transforming such conduct into a general pattern of behavior with wide implications. Over and over in this speech Cicero uses the concept of the traditional *vir bonus* as a standard against which to judge Naevius' actions: Naevius' father never possessed any property or else had squandered it, for his son received no inheritance (11); Naevius himself was a '*scurra*' or urban sharpster who not only hung about the auction halls but had himself been a '*praeco*' or auctioneer (11–12); Naevius' friends were men who were to be found in disreputable locations (25); Naevius' employment of the speech of a gentleman was belied by his actions (16); and when Naevius attempted to recoup the money he allegedly was owed by Quinctius, he demonstrated clearly how far he was from understanding how a gentleman acts towards a kinsman, a business partner, and a friend (38).<sup>8</sup>

The strategy is especially evident in an extended passage (48–56) in which Cicero defines for his audience the behavior of an authentic *vir bonus* in the circumstances faced by Naevius, claiming that such a man would do practically anything rather than attack the property and civil status of a relative and business associate. Cicero then assumes the *persona* of Naevius, who laughs at the 'madness' of Cicero and the judges (55: *nostram amentiam*) because they were attempting to find in his life 'consideration of an overriding duty' (55: *rationem summi officii*) and 'the practices of gentlemen' (55: *instituta virorum bonorum*). According to the orator, Naevius would respond to such concerns in the following words (55):

---

<sup>8</sup> See C. Damon, *The Mask of the Parasite* (Ann Arbor: University of Michigan Press 1997): 195–206, a perceptive discussion of the traits assigned to Naevius and the tacit connection of these traits to those of the literary parasite, especially as found in Lucilius.

What do I care about your high flown virtue and moral scrupulousness? Let gentlemen worry about those sorts of duties; as for me, people should consider not what I possess, but how I acquired it, and what status I was born to, and how I was brought up.<sup>9</sup>

Here Cicero's ironic *prosopopoeia* (i.e., dramatic personification) leads his listeners to consider the nature of social and ethical *bonitas*. The passage implicitly elevates ethical conduct (*quibus rebus invenerim*), upbringing (*quo pacto educatus*) and birth (*quem ad modum natus*) over wealth (*quid habeam*) as criteria by which to judge the *vir bonus*. Cicero thus attempts to isolate Naevius from decent society and to undermine any claim to respectability on his part based solely on his possession of property and influence. The final step in the ethical dismantling of Naevius comes in Cicero's summary of the characters of the two former business partners in the peroration. Quinctius and Naevius are now transformed from individuals into symbols of opposing ways of life: the simple, humble, and honest husbandman—the very archetype for the elder Cato of the *vir bonus* (*Agr.* 1)—stands opposed to the ruthless and grasping parvenu. What is at issue, Cicero asserts in one of the final passages of the speech, is 'whether rustic and unpolished frugality can defend itself against extravagance and licentiousness or whether, dishonored and robbed of all marks of distinction, it is to be given up naked to greed and insolence' (92).<sup>10</sup>

## 2. *The Pro Roscio Amerino*

We do not know whether the judge and his assessors ultimately were convinced either by Cicero's argument that Naevius had acted illegally or by his construction of Naevius as a scoundrel and Quinctius as a rustic victim. We do know that Cicero went on to employ many of the same ethical strategies he had used in the *Pro Quinctio* in the *Pro Roscio Amerino*, his first criminal case, argued in the following year. The trial involved an accusation of parricide against Sextus Roscius

<sup>9</sup> 'Quid mihi,' inquit, 'cum ista summa sanctimonia ac diligentia? viderint,' inquit, 'ista officia viri boni, de me autem ita considerent: non quid habeam, sed quibus rebus invenerim quaerant, et quem ad modum natus et quo pacto educatus sim . . .' Cf., contra, Damon's interpretation (1997) of the passage based on the inclusion of the word *memini* in this clause rather than in the one following.

<sup>10</sup> *utrum possitne se contra luxuriam ac licentiam rusticana illa atque inculta parsimonia defendere an deformata atque ornamentis omnibus spoliata nuda cupiditati petulantiaeque addicatur.*

of Ameria, whose father had appeared on the list of those proscribed under Sulla. Sulla had probably at this time resigned his dictatorship, restored—at least nominally—normal functions to the government, and was himself acting as consul, although there would have been no illusions about his potential for violent intervention at any time.<sup>11</sup>

Cicero divides the *Pro Roscio* into the standard *partes* of a forensic speech, subdividing the proof into three parts, as he had done in the *Pro Quinctio*. But, according to Friedrich Solmsen, the nature of these subdivisions in the *Pro Roscio* would have ‘shocked’ the teachers of school rhetoric, who would have expected the orator to construct his proof by means of the so-called *staseis* of Hellenistic theory.<sup>12</sup> This complex system of analysis of the possible grounds of defense (or prosecution) in any cause would have the orator begin by determining whether arguments might be created on the basis of fact (‘My client didn’t do it.’); definition (‘My client did it, but it was not a crime.’); quality (‘What my client did was, perhaps, illegal, but absolutely necessary to achieve a higher good.’); or procedure (‘My client cannot be tried on this charge by this court at this time.’). Thus in the *Pro Quinctio* Cicero’s defense had turned on a factual issue—his denial that Naevius had legally taken possession of the property of his client—and his proof supported this denial by arguing three contentions: that Naevius had had no legal grounds to apply to the praetor to take possession; that he *could* not have taken possession legally; and that he *did* not take possession legally.

In the *Pro Roscio*, however, only the first of the three sections into which Cicero divides his proof is ostensibly structured according to *stasis* theory: the address to the prosecutor Erucius concerning the *crimen* or charge (37–82), which Cicero rebuts by asserting that Roscius did not have the character, motive, or opportunity to kill his father, nor was there any evidence to prove that he had, in fact, done so. The other two parts of the proof are organized thematically and ethically, dealing first (83–123) with Sextus’ enemies T. Roscius Capito

<sup>11</sup> On the (disputed) date for Sulla’s resignation of the dictatorship, see T.R.S. Broughton, *Magistrates of the Roman Republic*, 3 vols. (Vols. 1 & 2: New York: American Philological Association, 1951–52, Vol. 3 (Suppl.): Atlanta 1986) 3: 74–75.

<sup>12</sup> See Solmsen (1968): 237–8. On *stasis* (or status) theory, see Quint. 3.6.1–104; Kennedy (1972): 306–14; Lausberg (1960) 1: 64–129 (§§79–283); Porter (1997); and the discussion of various complex models developed to deal with the *stasis* of quality in M. Heath, ‘The Substructure of *Stasis*-Theory from Hermagoras to Hermogenes,’ *Classical Quarterly* 44 (1994): 114–29.

and T. Roscius Magnus as embodiments of 'boldness' (*audacia*) and then with Chrysogonus (124–142) as the embodiment of the unjust and intolerable exercise of power (*potentia*). The passages dealing with Capito and Magnus exploit the kind of character drawing adumbrated in the *Pro Quinctio*: these two are portrayed, like Naevius, as unscrupulous urban scoundrels, profiting from the civil wars not (like Naevius) as auctioneers, but as brokers of the property of the proscribed. In addition, Cicero makes use of the strategy of *anticategoria*,<sup>13</sup> the turning of an accusation back on one's accuser, by charging Capito and Magnus with the creation of a criminal conspiracy resulting in the murder of Roscius' father, the seizure of his property, and the indictment of his son for the murder.

The most compelling section of the argument, however, is the last part, in which Cicero launches an attack on Sulla's freedman, Chrysogonus, under whose protection the conspiracy of Capito and Magnus to dispossess and accuse Sextus Roscius had allegedly taken place. In fact, it is Chrysogonus' *persona* and actions that tie the entire speech together. The force of the proem had depended on Cicero's revelation that it was Chrysogonus who had victimized Roscius, intimidated his noble defenders, and required the defendant to put his life in the hands of the heroic but inexperienced young orator. The speech then builds to sections 124–142, the capstone of the tripartite proof. Unfortunately, an extended lacuna appears here, but enough of this section of the speech is present for us to understand the main lines of Cicero's attack, which begins with the memorable line, 'I come now to that golden name of Chrysogonus' (124: *Venio nunc ad illud nomen aureum Chrysogoni*).

A key aspect of Cicero's strategy here, already exploited to some extent in the *Pro Quinctio*, is the attempt to separate his opponent from the latter's powerful supporters. Cicero isolates Chrysogonus, as he had Naevius, by casting aspersions on his character, social status, and birth, which stand in marked contrast to his wealth and influence. The attack on Chrysogonus, although more dangerous than that on Naevius because of Chrysogonus' connections to Sulla, was made considerably easier by the fact that Chrysogonus, as a (probably Greek, certainly foreign) freedman, was manifestly *not* a *vir bonus*. Therefore the young orator could capitalize on the resent-

<sup>13</sup> See Quintilian 3.10.4, 7.2.9.

ment a powerful former slave would arouse in those who considered themselves his social superiors.

And it was not only Chrysogonus' power that would have been resented, but the wealth that accompanied it. Cicero, therefore, exhibiting a striking talent for *enargeia*, or vivid description, summons up the sights and sounds associated with Chrysogonus' luxurious lifestyle: his numerous estates and villas, his possession of a new-fangled oven that cost as much as a house, his Corinthian and Delian vases, the sound of the stringed instruments and flutes that could be heard wafting from his house at all hours. Cicero surely realized that even those listeners not inclined to envy such a lifestyle would have associated this luxury with the bloodshed that had produced it—an association reinforced throughout the speech by the use of terms having to do with banditry and plunder whenever such riches are alluded to.<sup>14</sup> Cicero rubs salt in the psychological wounds produced by these images by describing the former slave arrogantly 'flitting about' (135: *volitet*) the Forum, attended by a retinue of Roman citizens.

In addition to attacking Chrysogonus on moral and social grounds, Cicero attempts to sever the bonds that connected him to Sulla, since there were many who, out of fear or ambition—and no matter how morally despicable they believed Chrysogonus to be—might have held their noses and voted to convict Roscius if they believed that Sulla wished them to do so. The strategy Cicero adopts to counter the perception of a close tie between the freedman and his patron is to offer Sulla a kind of plausible deniability. He declares that some covert wrongdoings are bound to escape a man so distracted by the demands of sole governance. 'No one,' says Cicero, 'can be so blessed that, in such a large household, he has no rascally slave or freedman.'<sup>15</sup> Later in the speech (131), in a much more surprising analogy (and which some have even thought to be ironic), the orator implicitly compares Sulla to Jupiter, who is surely not responsible for the fact that disasters sometimes occur while his attention is turned elsewhere. In such passages Cicero, in effect, dares Sulla to contradict him and thereby assume responsibility for Chrysogonus and his actions. While this was a gamble, it was a well

<sup>14</sup> The use of the term *praeda* (booty) is especially frequent. See also *latro* (27), *latrocinium* (61), *sicarius* (*passim*).

<sup>15</sup> 22: *in tanta felicitate nemo potest esse in magna familia qui neminem neque servum neque libertum improbum habeat.*

calculated one, for the behavior of Chrysogonus and those like him was clearly alienating the powerful aristocrats upon whose support Sulla depended to govern the state.<sup>16</sup>

In the exordium Cicero had spoken of the necessity of dealing with the sort of political issues discussed above, referring to this necessity as the reason that older and better known orators had refused to represent Roscius. 'If any of those whom you see present . . . had uttered a word about the political situation (2: *de re publica*), a thing which must be done in this case, he would have been thought to have said a great deal more than he, in fact, did say,' says Cicero. The tone adopted here and throughout the exordium suggests that Cicero, because of his youth, his inexperience, and the evident dangers the political aspect of the case posed, would gladly have avoided taking on the defense of Roscius at all. Only his sense of honor and duty demanded his participation in the case. Here he presents himself as a brave young advocate, facing not his nominal opponent, the professional prosecutor Erucius—a man clearly beneath him in terms of social standing and connections—but rather a group of conspirators supported by 'perhaps the most powerful young man in the state at this time,' Chrysogonus. The battle, as he describes it, is clearly unequal; nevertheless, Cicero 'will not lose spirit and will bear that which he has undertaken as far as he is able.' 'If I am unable to support [this burden],' he declares, 'I prefer to be crushed beneath the weight of duty rather than either to cast off through faithlessness or to lay down through weakness of spirit that obligation which has been placed in my trust.'<sup>17</sup>

Without discounting the element of peril the case represented, the impression given by passages such as these may be questioned, for in many ways the defense of Roscius represented an extraordinary opportunity for Cicero. Because he was of the 'municipal aristocracy,' a *novus homo*, his ascent up the *cursus honorum* in Rome would be a difficult one.<sup>18</sup> There would be no early cooptation into a major

<sup>16</sup> On the support for Roscius among the aristocracy, see A. Afzelius, "Zwei Episoden aus dem Leben Ciceros," *Classica et Mediaevalia* 5 (1942): 209–17.

<sup>17</sup> 10: *Quod si perferre non potero, opprimi me onere officii malo quam id, quod mihi cum fide semel impositum est aut propter perfidiam abicere aut propter infirmitatem animi deponere.*

<sup>18</sup> From among the many discussions of *novitas*, see, e.g., T. P. Wiseman, *New Men in the Roman Senate, 139 B.C.–A.D. 14* (London: Oxford University Press 1971); M. Dondin-Payne, "Homo Novus: Un slogan de Caton à Cesar?" *Historia* 31 (1981): 22–81; P. A. Brunt, "Nobilitas and Novitas," *Journal of Roman Studies* 72 (1982): 1–18;

priesthood, no public funeral oration to be delivered or funeral games to be mounted for some celebrated relative, no public restoration of a temple or monument connected with his family, to put him before the public eye in these crucial years at the beginning of his career. His experience serving under Pompeius Strabo in the Social War must also have convinced him that his great victories would not come as a soldier. In any case, unless a young man could, like Strabo's son Pompey, raise a private army of clients, even those of military genius had to wait for election to the higher offices to win that sort of renown. It was on the battlefield of the law courts that Cicero would begin the process of winning public *honor*.

Despite his claim in the *Pro Roscio*, therefore, that only his sense of duty had led him to take on the defense of Roscius, Cicero no doubt embraced the opportunity presented by the case to introduce and define himself before a large popular audience. Clearly, one segment of the nobility was using Cicero in this case to send a signal to Sulla that the time when men like Chrysogonus would be given a free hand was over, at least if Sulla wished them to participate in the 'new dispensation.' But if Cicero were to serve the nobility in this way, they must realize that he would use the opportunity to send a message of his own. In his defense of Roscius, therefore, he makes no effort to play down the political aspects of the case but, on the contrary, to cast them in bold relief, thereby presenting himself as a potential leader, a spokesman for his class and for what he asserts to be the interests of the state as a whole. At several points he even emphasizes the fact that in his remarks *de republica* he was speaking on his own behalf rather than as Roscius' defender. Thus, in section 129, he asserts that '... what seems to me myself unjust and unbearable, and what I believe will affect us all unless we take measures to prevent it, this I declare for myself, out of my own sense of mental distress.'<sup>19</sup>

In this speech, then, we witness the young Cicero addressing both his original as well as his reading audience on crucial political issues, crafting a public image that would transcend the circumstances of

---

D. R. Shackleton Bailey, "Nobiles and novi Reconsidered," *American Journal of Philology* 107 (1986): 255–60. On the political aspects of the *Pro Quinctio*, see F. Hinard, "Le *Pro Quinctio*, un discours politique?" *Revue des Études Anciennes* 77 (1975): 88–107.

<sup>19</sup> *Quae enim mihi ipsi indigna et intolerabilia videntur quaeque ad omnes, nisi providemus, arbitror pertinere, ea pro me ipso ex animi mei sensu ac dolore pronuntio.*

Roscius' trial. He declares that he, like the defendant's father and the defendant, had been a supporter of the cause of the nobility in the recent civil war, once his hopes of a peaceful settlement between the two sides had evaporated (136). But *unlike* the defendant, he claims for himself the right to criticize the actions and contemplated actions of the leaders of that cause, as part of his patriotic concern for the state as a whole. Cicero even presumes to warn those nobles who would commit or approve acts such as those of Chrysogonus that unless they 'are vigilant and good and brave and merciful they must cede their honors to those who possess these qualities' (139).<sup>20</sup>

Cicero's most memorable political comments come in the peroration—that part of the speech traditionally devoted to an emotional appeal for pity—in which he pleads for a new *humanitas* that will wash away the miseries of the recent civil war and its aftermath. Here, he transforms Roscius into a symbol of all whose parents had been destroyed by the proscriptions, demanding on their behalf and on behalf of the republic as a whole that bloodshed and cruelty not be allowed to extend to their generation. The language here is elevated, and the power of the sentiments, voiced to an audience that had endured all the miseries of those violent years, should not be undervalued:

Abolish this [cruelty] from the state, judges; do not allow it to reside any longer in this republic. Not only is it evil in itself, in that it has so savagely destroyed so many citizens, but by making troubles commonplace, it has removed from even the most gentle of men the very instinct for pity. For when, at every hour, we see or hear of something horrible that has taken place, by the very frequency of these misfortunes even those of us who are most merciful by nature begin to lose from our hearts any sense of humanity.<sup>21</sup>

### 3. *Asianism and Atticism*

The *Pro Roscio* not only won Roscius' acquittal, it made Cicero an advocate whose services were much in demand in the law courts.

<sup>20</sup> *Nostrī isti nobiles nisi vigilantes et boni et fortes et misericordes erunt, eis hominibus, in quibus haec erunt ornamenta sua concedant necesse est.*

<sup>21</sup> 154: *Hanc tollite ex civitate, iudices, hanc pati nolite diutius in hac republica versari; quae non modo id habet in se mali quod tot civis atrocissime sustulit verum etiam hominibus lenissimis ademit misericordiam consuetudine incommodorum. Nam cum omnibus horis aliquid atrociter fieri videmus aut audimus, etiam qui natura mitissimi sumus, adsiduitate molestiarum sensum omnem humanitatis ex animis amittimus.*



But poor health (according to Cicero) and perhaps Sulla's displeasure (according to Plutarch)<sup>22</sup> led him soon after to absent himself from Rome for two years while he studied philosophy and rhetoric in Athens, Asia Minor, and Rhodes. Looking back on the *Pro Roscio Amerino* some forty years later, Cicero took a good deal of pride in the speech, quoting from his passionate and highly ornate discussion of the just punishment devised for parricides (*Rosc. Am.* 72) and recalling the applause that followed his delivery of the passage—a commonplace cleverly stolen from the armory of the prosecution.<sup>23</sup> And yet he found his style in the speech, and during this early period of his career, wanting in certain respects. His subsequent study with the Rhodian rhetorician Molon, he writes, was aimed at tempering his delivery, which had strained his voice and health, and moderating his oratorical style, which—although winning popular applause—he felt not to have been sufficiently 'clarified' or 'cooled down' (*Orat.* 107: *nequaquam satis defervisse*). At that time, Cicero wrote, he was 'too abundant and overflowing with a youthful, as it were, license and lack of restraint' (*Brut.* 316: *nimis redundantis nos et supra fluentis iuvenili quadam dicendi impunitate et licentia reprimeret et quasi extra ripas diffluentis coerceret*).

This assessment of his early speeches was written by Cicero as part of three works—*De Optimo Genere Oratorum*, *Brutus*, and *Orator*—produced in the middle 40's and constituting a tendentious apology for his rhetorical style. The immediate impetus for this defense was the criticism of Cicero by a group of young Romans known as 'Atticists'—a disparate group of individuals, reacting to a variety of influences.<sup>24</sup> There were those, for instance, whose embrace of a

<sup>22</sup> For Cicero's claim of poor health, see *Brut.* 314; for Sulla's displeasure, see Plut. *Cic.* 3.6. Cicero had also challenged the dictator by defending the freedom of a woman of Arretium (Arrezzo), a town Sulla had disenfranchised because of its opposition to him in the civil war.

<sup>23</sup> The passage on the *Rosc. Am.* appears in *Orat.* 107. On the prosecutorial topos of expatiating on the atrocity of a crime, see Cic. *Inv.* 2.16.51.

<sup>24</sup> The bibliography on Asianism and Atticism is very large. Recently, see, e.g., Leeman, *Orationis* (above, note 4), esp. 136–67; Kennedy (1972), esp. 96–100. J. Wisse, "Greeks, Romans, and the Rise of Atticism," in *Greek Literary Theory after Aristotle*, edd. J. G. J. Abbenes *et al.* (Amsterdam: VU University Press 1995), gives a full bibliography and an excellent discussion of the problems. Wisse concludes that Roman Atticism began under the leadership of Calvus between 60 and 55, but only became a significant movement after Calvus' death (54/53?), thus prompting Cicero's treatment of the issue in the treatises of the 40's.

straightforward and unemotional style of oratory had philosophical, and particularly, Stoic roots and whose patron saint would have been a man like P. Rutilius Rufus, who, when arraigned in 92 B.C. for extortion during his governorship of Asia, had refused to use emotional appeals to supplicate his judges and was duly condemned, although his tenure in Asia had apparently been exemplary.<sup>25</sup> There were others whose correctness, lucidity, and elegance of style was, at least in part, a reflection of contemporary interest in philological purification and grammatical regularization of the Latin language. Their admiration for Greek writers such as Lysias arose from a desire to arrive at a clear and correct *latinitas* comparable to the *hellenismos* of the canonical Athenian orators. There were also those whose search for new models for Latin public discourse was, no doubt, a reaction to the political cant of the day. Like Sallust, they would have lamented the corruption of political rhetoric and have striven for an idiom that used language to confront, to disturb, to force its claim to truth by rejecting a smooth, finished, and polished style. As models in their efforts to 'problematize' Latin style, such critics looked to the roughness of the archaic Latin orators, as well as to the abruptness and complexity of Thucydides. What united these individuals was not so much the similarity of their oratorical styles as their rejection of the dominant rhetorical mode of the day, represented by no one so much as by Cicero, whose carefully elaborated periods, liberal use of ornamentation and prose rhythm, and highly charged appeals to the emotions of his listeners became the object of criticism by C. Licinius Calvus, M. Iunius Brutus, and others.

To return, then, to Cicero's remark in the *Brutus* that he had as a young speaker been *nimis redundantis*. The term *redundantia* was for Cicero's critics of the 40's one of opprobrium and a defining vice of 'Asianism,' signifying a florid and overblown style imported into Rome from the Greek East and embodying the aesthetic opposite of their Latin ideal. When Cicero writes that as a result of his studies with Molon he had restrained this quality in his rhetoric, it is little wonder that scholars have interpreted the passage as a confes-

---

<sup>25</sup> The tradition of Rutilius' innocence was probably derived from his own memoirs. For this topic, a reassessment of the political context of the trial, and further bibliography, see R. Kallet-Marx, "The Trial of Rutilius Rufus," *Phoenix* 44 (1990): 122-39. On Rutilius' supposed refusal to use emotional appeals, see Cic. *Brut.* 113-116; *De Or.* 1.228-231.

sion by Cicero that he had at this time turned from a full-blown 'Asianism' to a more 'Attic' style of oratory. In Cicero's rhetorical vocabulary, however, youthful *redundantia* was not a vice stemming from a mistaken ideological allegiance to a particular style of oratory; it was, rather, a kind of virtue—a necessary step in the development of the orator. A passage from a much earlier treatise (i.e. 55), the *De Oratore*, in which Cicero depicts Antonius recalling the first time he heard Sulpicius pleading a case, is of special interest. The word he uses here to describe Sulpicius' age, *adulescentulus*, is the same he would later use in the *Orator* (107) to describe his own age at the time of the *Pro Roscio Amerino*. At this time, observes Antonius, Sulpicius possessed the requisites of voice and form and movement that one would desire in an orator. His style, however, was 'hurried and impetuous' (*oratione . . . celeri et concitata*), which he believes to be an indication of his natural talent, while his diction was 'boiling and somewhat too abundant' (*verbis effervescentibus et paulo nimium redundantibus*), which Antonius expects in one of his age. He continues (*De Or.* 2.88):

I did not think ill of him, for I want abundance to swell in youth. Just as with vines, it is easier to prune away that which has spread too far than to coax new branches to grow when the plant itself is weak; in the same way, in the young I want something to cut away. For sap cannot last in that which has matured too rapidly.<sup>26</sup>

Here the terms used of the talented young Sulpicius—*effervescentibus*, *redundantibus*, *profuderunt*—foreshadow Cicero's description of himself in his later works; but in the *De Oratore* these terms are shorn of their loaded meaning as explicit descriptions of the vices of an 'Asianic' style. They are indeed vices—and any reader of the earliest orations can discern the stylistic faults to which they refer—but they are the vices of an orator of ability who has not yet learned to control the tools of his art. Such an orator possesses an abundance of energy and a superfluity of material, out of which all excellence of content and style ultimately flow.<sup>27</sup>

<sup>26</sup> *Non sum aspernatus; volo enim se efferat in adulescente fecunditas: nam sicut facilius, in vitibus, revocantur ea, quae se nimium profuderunt, quam, si nihil valet materies, nova sarmenta cultura excitantur: item volo esse in adulescente, unde aliquid amputem; non enim potest in eo succus esse diuturnus, quod nimis celeriter est maturitatem exsecutum.*

<sup>27</sup> Cf. Cic. *De Or.* 1.20: *ex rerum cognitione efflorescat et redundet.*

In Cicero's own narrative, the effect of his study in the East, especially with Molon, was a radical change in his oratorical style, and it is commonly assumed that, henceforth, Cicero's style was markedly more restrained. In fact, especially if we date the *Pro Roscio Comoedo* to the years immediately after his return from the East, no such striking change is discernable.<sup>28</sup> The hallmarks of Ciceronian style, most of which have been identified with 'Asianism,' appear in the speeches of all periods, early and late. Among these we might mention: complex periodicity, often making use of elaborate parallelism; the presence of rhythm, both in the sense of the employment of clauses within periods that are carefully balanced in length and sound, as well as the employment of favored combination of long and short syllables at the ends of periods (*clausulae*); constant use of a wide variety of *ornamenta*, involving both word and phrase, aimed at artistic expression and often privileging sound and general impression over precision of meaning; recourse to wit, irony, wordplay, and humor; employment of *variatio* at all levels, including within the period, between periods, between parts of a speech, as well as in the styles employed in different types of speech; and the constant appeal to the emotions, especially in the opening and the closing sections of the speeches.<sup>29</sup>

It thus appears probable that the greatest change that took place in Ciceronian oratory during the early period as a result of Cicero's study abroad was in *actio* rather than *elocutio*. The demands of frequent address before large crowds—and it was not simply the judges by whom Cicero wished to be heard—put strains on an orator's voice not unlike those on an opera singer, and Cicero declares that after the training he received from Molon and others, his voice and health never gave him further trouble. The fundamental character-

---

<sup>28</sup> On the date of the speech, attributed either to the mid-seventies or to 66, see W. Stroh, *Taxis und Taktik: die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart: Teubner 1975): 149–56 [& lit.]. On style, see J. Axer, *The Style and the Composition of Cicero's Speech Pro Roscio Comoedo, Origin and Function* (Warsaw: Wydawnictwa Uniwersytetu Warszawskiego 1980).

<sup>29</sup> Fundamental to consideration of Ciceronian prose style is L. Laurand, *Études sur le Style des Discours de Cicéron*, 3 vols. (4th ed. Paris: Les Belles Lettres, 1936–38, repr. Amsterdam: Hakkert 1965). Among more recent works, see, e.g., W. R. Johnson, *Luxuriance and Economy: Cicero and the Plain Style* (Berkeley: University of California Press 1971); C. W. Wooten, *Cicero's Philippics and their Demosthenic Model* (Chapel Hill: University of North Carolina Press 1983). For a summary of ancient elements of style and further bibliography, see G. O. Rowe, "Style," in Porter (1997): 122–57.

istics of Ciceronian oratorical style are already present in these early speeches; the control and mastery that ultimately produced Cicero's finest efforts, however, were still being learned in these years, a matter of growing experience and maturity rather than a sudden conversion to a new style.

#### 4. *The Prosecution of Verres*

In the ten years following the *Pro Roscio Amerino* we have few examples of Cicero's oratorical activity, since—aside from the insecurely dated *Pro Roscio Comoedo*—no extant speech dates from this period. Among the lost or unpublished orations are a number relating to his quaestorship in Sicily in 75–74, as well as several civil and criminal cases he argued for the defense.<sup>30</sup> There is no doubt, however, that Cicero was active in the courts both before his trip to the East, as well as after; it is also clear that none of the speeches of this period approached the importance of his prosecution of Gaius Verres, a three term governor of Sicily (73–71) who, at the behest of the Sicilians, was arraigned by Cicero in 70 B.C. for extortion before the standing court dealing with such matters (*quaestio de repetundis*).

The three parts comprising the extant corpus of the Verrine orations are very different from one another, but similar in that each is a unique contribution to the genres represented by the extant speeches. The *Divinatio in Caecilium*, the only example of an oration delivered at a preliminary hearing before a court empowered to decide who would be allowed to prosecute a given defendant, shows Cicero arguing that he should be chosen to prosecute Verres over

<sup>30</sup> According to J. W. Crawford, *M. Tullius Cicero, the Fragmentary Speeches* (Atlanta: Scholars Press 1994), and *M. Tullius Cicero, the Lost and Unpublished Orations* (Göttingen: Vandenhoeck and Ruprecht 1984), we have evidence for the following speeches before 63: *Pro muliere Arretina* (80 or 79) [unpub.]; *Pro Titinia Cottae* (79) [unpub.]; *Pro L. Varenio* (77 or 76?) [frag.]; *Pro adulescentibus Romanis in Sicilia* (75) [unpub.]; *Cum quaestor Lilybaeo decederet* (74) [frag.]; *Pro Scamandro liberto* (74) [unpub.]; *Pro C. Mustio* (73) [unpub.]; *Pro Sthenio Thermitano* (72) [unpub.]; *Pro M. Tullio I* (72–71) [lost]; *Pro M. Tullio II* (71) [frag.]; *Oratio in Syracusanorum senatu habita, in C. Verrem* (70) [unpub.]; *Ad cives Henna* (70) [unpub.]; *Pro P. Oppio* (69) [frag.]; *Pro M. Fonteio I* (69?) [lost?]; *Pro D. Matrinio* (67) [unpub.]; *De Fausto Sulla* (66) [unpub.]; *De C. Manilio?* (66?) [unpub.?]; *In Oligarchos* (66) [unpub.]; *Pro C. Manilio?* (65?) [lost?]; *Pro C. Orchivio* (65) [unpub.]; *Pro Q. Mucio Orestino?* (65–64?) [unpub.]; *De rege Alexandrino* (65) [frag.]; *Pro C. Fundanio* (66?) [frag.]; *Pro C. Cornelio I & II* (65) [frag.]; *Pro Q. Gallio* (64) [frag.]; *In toga candida* (64) [frag.].

Verres' former quaestor in Sicily, Q. Caecilius. Perhaps the most interesting aspect of this speech is that within it Cicero has incorporated a kind of rhetorical handbook. Under the guise of instructing Caecilius in the daunting requirements of taking on such a case, especially when the opposing counsel would be the formidable Hortensius, Cicero provides an *orationis ratio* (27–47), listing the powers of invention, arrangement, and memory needed to organize the case, present it clearly, and engage the emotions of the listeners. He speaks as well of the experience, training, ingenuity, and powerful connections required to outwit the traps that would be set by Hortensius and of the need for a prosecutor who was himself blameless of any suspicion of participation in Verres' crimes. Within the speech, the very style Cicero employs further supports his claims for preference, for the work is studded with virtuoso passages, probably not as a means of overawing the judges but as a preview of the kind of rhetorical power he could marshal when it came to the public trial.

The second extant speech in the Verrine corpus is termed an *Actio Prima*, but is quite unlike the long set speech that would usually have been given at the opening of a *quaestio de repetundis*. In fact, the bulk of the *Actio Prima* is an explanation of why Cicero had decided to forego such a speech. According to Cicero, Verres and his supporters had based their expectation of securing his acquittal on the vast sums he had extorted in the third year of his Sicilian governorship, which would be used to bribe his judges. Their hope that the court would be open to corruption was raised by the election in the consular *comitia* of 70 of Hortensius (Verres' principal defender) as one consul and Q. Metellus (also a supporter of Verres) as the other. Furthermore, Quintus Metellus' brother Marcus had been elected praetor and would therefore preside over the trial if it were to take place after the first of January, 69. It was Verres' aim, therefore, to delay the beginning or, at least, the completion of the trial until after that date. One means of accomplishing this delay involved securing a prosecutor to indict the returning governor of Achaëa, thereby causing this trial to be scheduled before that of Verres could begin. Cicero, however, gathered the evidence for his prosecution so rapidly that he had returned from Sicily and was ready to commence his case before the prosecutor of the other case had even arrived at Brundisium in order to make his way to Greece. Verres' hopes for a delay were not entirely dashed, since the Roman calendar of festival days would most likely force the trial to extend into the new

year, necessitating the empanelment of a new group of judges after the first of the year. Cicero's countermove to this threatened delay was to replace the long opening speech usually given in such cases with a much shorter speech (the extant *Actio Prima*), followed immediately by the introduction of witnesses and documents supporting each of the charges. In effect, Cicero was announcing to his audience in the *Actio Prima* that he would try the first part of the case not through extended rhetorical argument—in rhetorical terms, known as 'artistic proof'—but through the use of specific charges, witnesses, and documents—that is, through 'inartistic proof.'<sup>31</sup>

The tone of the extant *Actio Prima* is markedly different from that of the *Divinatio*. The virtuoso passages of the earlier speech are gone, replaced by a kind of *Realpolitik* analysis of the circumstances of the trial, whereby Cicero claims to give the judges a glimpse of the machinations which lay beneath the surface of events. Gone as well is the focus of the earlier speech on the wishes and sufferings of the Sicilians; here, Cicero is almost exclusively concerned with the impact of the case on Roman politics.

The structure of the speech, although different in various respects from that of an ordinary forensic speech, nevertheless mimics the *partes* outlined by rhetorical theory. The beginning of the exordium (1–10) immediately turns to the thematic crux of the oration: that in this case it is not just Verres who is on trial, but the senatorial *ordo* itself. According to Cicero, if Verres is acquitted, the manifest guilt of the defendant as well as his vast wealth will lead everyone to conclude that Verres had successfully bribed his judges. The result of such an event would be a further increase in the current *invidia ordinis* and the *infamia iudiciorum*. In these passages Cicero does not explicitly refer to a bill that had been recently promulgated at the time of the trial to remove the juries from the exclusive control of the senate, but allusions to the *discrimen ordinis iudiciorumque vestrorum* would not have been misunderstood by the audience. This tone of warning is complemented by Cicero's presentation of the case as a heaven-sent opportunity for the senatorial jurors: while an acquittal will involve them in popular *invidia* and *infamia*, a conviction will allow them to recover the good opinion and favor of the Roman people.

<sup>31</sup> On 'artistic' and 'inartistic' proof, see G. Kennedy, *Aristotle. On Rhetoric: A Theory of Civic Discourse* (New York: Oxford University Press 1991): 37–39, 108–18.

Following a summary of the charges against the defendant (10–15), Cicero proceeds to a kind of ‘*narratio*’ (15–32), in which he details in chronological sequence Verres’ attempts to manipulate the circumstances of the trial in his own favor. At the point in the oration where we would expect the proof or *argumentum* to occur, Cicero inserts a statement of his political stance (32–42). Here he declares that the case against Verres which he had originally undertaken on behalf of the Sicilians would be pursued by him for the sake of the republic. Furthermore, he announces that he will in the following year dedicate his newly won aedileship to rooting out judicial corruption. The oration ends with a return in the peroration (43–56) to the themes introduced in the proem. While never rising to the grand style, it includes a vehement plea, not for justice for the state as a whole or vengeance for the Sicilians but for deliverance of the senatorial order from the *odium*, *invidia*, *infamia*, and *turpitudine* which it had reaped from the corruption of the courts. ‘This is a trial,’ Cicero states, ‘in which you will pass judgment on the defendant, and the people of Rome will pass judgment on you’ (47).<sup>32</sup>

### 5. *The Actio Secunda in Verrem*

A salient fact about the five books of the Second Action against Verres, comprising some 350 pages in the Oxford Classical Text edition, is that it was never delivered and therefore would not have been written until after the suspension of the trial.<sup>33</sup> Sometime after the *Actio Prima* and the testimony of witnesses, Verres fled Rome for exile in Massilia (Marseille). Despite this fact, Cicero published the *Actio Secunda*, along with the *Divinatio in Caecilium* and the *Actio Prima*, apparently shortly after Verres’ departure, maintaining the fiction that the trial had actually gone forward and that Verres had been present throughout.

While it was not unprecedented for a Roman orator to publish his speeches, there is no evidence that any Roman before Cicero had published a work quite like the *Actio Secunda*.<sup>34</sup> In some sense,

<sup>32</sup> *Hoc est iudicium in quo vos de reo, populus Romanus de vobis iudicabit.*

<sup>33</sup> For evidence that, in fact, most orations were written *after* delivery (except for such key sections as the exordium), see Cic. *Brut.* 91; *Tusc.* 4.55; Quint. 10.7.30–31.

<sup>34</sup> The *Brutus* provides extensive evidence of the speeches extant in Cicero’s day,



therefore, the work constitutes a new genre, hovering somewhere between epideictic (i.e., literary or ceremonial oratory) and forensic oratory.<sup>35</sup> It is similar to certain literary orations, such as those of Isocrates, in its creation of the illusion of an original speech act that never occurred, but dissimilar to such works of pure epideictic by its intimate relationship to an earlier, albeit incomplete, forensic performance—a relationship that, as we shall see, Cicero allows to determine much of the speech's form and content.

Why would Cicero have chosen to take the unusual course of writing and publishing this speech? We have already noted that the opportunities for a *novus homo* to win the public attention and popularity that would allow him to ascend the *cursus honorum* were not as great as those available to the nobility. At the end of the fifth part of the Second Action, Cicero states that the glory a noble attains 'easily and carelessly' (II.5.181: *per ludum et per negligentiam*) the new man achieves only through extraordinary *virtus*, *industria*, and *labor* and with the added cost of the hostility and envy of his noble competitors. By publishing the Verrines, Cicero was able to create a *monumentum* of the enormous effort that had gone into the prosecution of Verres: his rapid and thorough gathering of evidence in Rome and Sicily; his clever outwitting of the strategic moves of the defendant, his counsel Hortensius, and their powerful supporters; his marshalling of a mountain of evidence and a crowd of witnesses in the *Actio Prima* in such a way as to make Verres' guilt obvious and force his departure; his ultimate victory over Verres and his supplanting of Hortensius as Rome's foremost orator. Just as important, the published corpus, especially of the *Actio Secunda*, would become a *monumentum* of Cicero's rhetorical ability in constructing a speech out of this extensive and complex material that was at once brilliant in *inventio*, in *dispositio*, and in *elocutio*, tying together thematically and factually all aspects of the prosecution. Here, then, would be a 'public work'

---

while Tacitus' *Dialogus* (e.g. 12.5) is evidence for speeches extant at a later date. On publication by other orators, see also Quint 10.1.115; Cic. *De Or.* 1.154.

<sup>35</sup> The term epideictic has different meanings for different rhetorical theorists. See remarks of G. Kennedy, *A New History of Classical Rhetoric* (Princeton, NJ: Princeton University Press 1994): 61–62: 'Modern rhetoricians usually prefer to think of epideictic rhetoric as a discourse in any literary genre that is not specifically deliberative or judicial and does not, therefore, urge specific action but serves to encourage belief, group solidarity, and acceptance of a system of values.'

which for Cicero, now aedile-elect, might stand as a source of public renown and self promotion as memorable as the games, building projects, and festivals he would oversee in his aedilician year.<sup>36</sup>

In constructing this *monumentum*, Cicero might well have chosen to write and publish a speech purporting to represent the Second Action, but focused to a much greater degree on pleasing his readers and to a much lesser degree on verisimilitude. He might, for instance, have simply indicated by title the contents of certain parts of the work, especially some of those sections dealing with Verres' wrongdoings in collecting and purchasing Sicilian grain, as he had done in the published version of other speeches;<sup>37</sup> or he might have drastically shortened this material (II.3), which he acknowledges to be the least interesting part of the Second Action (II.3.10). The fact that he did neither is an indication that he wished his readers to see the speech as an accurate reflection of what he would have said had the trial gone forward. This is, so to speak, the rhetorical bar he has set for himself, even if by doing so he constrained himself to deal with material that both in content and in length would severely tax his readers' attention.<sup>38</sup>

Given this evident unwillingness to depart radically from the kind of oration that he would have given at the second part of Verres' trial, Cicero faced a major challenge in trying to capture and retain the interest of his audience over the course of such a long and detailed factual exposition. Furthermore, he was also faced with the real difficulty—as he says in the *Divinatio in Caecilium* (38)—of making 'the libidinous, criminal, and cruel things that [Verres] did seem as painful and unjust to [those] men who merely hear of them as they seemed to those who experienced them'—that is, of engaging his audience not only intellectually but emotionally. He responds to

<sup>36</sup> See, e.g., E. Narducci, *Cicerone e l'eloquenza romana* (Rome: Editori Laterza 1997), on Cicero's publication of his speeches, as well as of his philosophical and rhetorical treatises, as part of an educative 'cultural project.'

<sup>37</sup> See *Mur.* 57, *Cael.* 19, *Font.* 20, for use of titles; Cicero's statement (*Brutus* 164) that a speech of Crassus' included such titles; and statement of Pliny Minor (1.20.7) concerning abridgement in Cicero's speeches.

<sup>38</sup> In Tacitus *Dial.* 20, Aper wonders who would be willing actually to read the five volumes of the Verrines. The consensus of scholarly opinion is that the Second Action is quite unlike a speech that could have been delivered (see discussion in B. Innocenti, "Vivid Description in Cicero," *Rhetorica* 12 [1994]: 364 n. 18). *Contra*, see A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (Berkeley: University of California Press 1993): 209 n. 24.

the former challenge, first, by means of his careful and patent structuring of content, separating the work as a whole into parts dealing with: Verres' public career through the year of his praetorship in Rome (II.1); his actions as chief civil officer in Sicily during the three years of his governorship (II.2); his oversight of grain tithes and purchases in Sicily (II.3); his extortion of works of art and precious objects throughout his magisterial career, but especially in Sicily (II.4); and his actions as military commander of his province (II.5). Many of these subsections are, in turn, organized by chronology, geography, or by the impressiveness of the crime described (often beginning with a striking example, proceeding through less memorable material, and ending with a particularly shocking instance of Verres' criminality). Further, since the Second Action, or even the five parts thereof, was too extensive to adhere to the typical forensic sequence of *exordium*, *narratio*, *argumentum*, and *peroratio*, longer sections within each of the parts just mentioned are often introduced by a small scale introduction, followed by a narration, and concluded with a mini-peroration, the argument or proof being limited, for the most part, to references to the corroborating witnesses and documents introduced in the *Actio Prima*.

This structural clarity is supported by an elegant prose style, marked by constant variation among the rhythms, sentence lengths, and tropes associated with the simple style (usually employed within the sections giving factual material), those used in grand style passages (usually reserved for the sections of 'complaint' or *queremonia* which often form part of the mini-perorations) and those characterizing other, 'intermediate' styles. Here, rhetorical flaws that were more frequent in the earlier speeches—such as the tendency to overwhelm subject matter with stylistic ornament, to repeat the same stylistic note beyond the point of satiety, and to create commonplaces not completely integrated into the texture of an oration—have begun to fade from view. Cicero also attempts to relieve the tedium of his catalogue of Verres' wrongdoing by using carefully chosen *exempla* to stand for entire categories of crime. These *exempla*, in turn, are cast in dramatic narrative form, making liberal use of all those stylistic features that enliven narrative, especially vivid description.<sup>39</sup>

---

<sup>39</sup> See Innocenti (1994).

The rhetorical challenge Cicero faced in keeping his audience attentive was intimately connected to that of engaging their emotions. And on the latter the success of the Second Action ultimately depended, whether we view the work as a hypothetical speech-act aimed at persuading a jury or as a written document aimed at affecting a reading public. Thus Cicero attempts throughout the work to rouse strong emotions in his audience: pity for Verres' victims, anger at his cruelty and arrogance, and fear that his actions might endanger their own security or that of the state.

One potential problem in Cicero's ability to stir an emotional response, however, resided in the fact that Verres was charged with extorting a large number of works of art, and this from Sicilian Greeks. Since the Roman stereotype of Greeks involved various negative traits—such as duplicity, superficiality, and luxuriousness—if Cicero had expatiated at length on the defendant's devotion to various artistic luxury goods it might well have reinforced his audience's negative stereotypes of the plaintiffs and undermined his ability to induce them to sympathize with Verres' victims. Cicero solves this problem in the part of the speech dedicated to the subject (II.4) by mining the symbolic associations of the objects extorted by Verres. In particular, statues of deities that had been stolen from individuals and towns by Verres become implicit proof of the Sicilians' *religio* and the defendant's disdain of the gods.<sup>40</sup>

Another strategy Cicero used to engage the emotions of the audience on the side of the plaintiffs was by highlighting Verres' crimes against the most vulnerable of victims, a legal ploy with a long Roman history.<sup>41</sup> To cite but a few examples: The catalogue of Verres' crimes during his term as legate in Asia culminates in the tale of the attempted rape of a virginal young girl in Lampsacus (*Verr.* II.1.63–85). The story is similar to the Roman legend of the attempted rape of Verginia by Appius Claudius during his tyrannical exercise of the Decemvirate of 450 B.C.; but in Cicero's story, the villain Verres remains unpunished for his crime, and the noble father and brother of the Lampsacan girl are executed for trying to

<sup>40</sup> Cf. discussion of several such narratives in Vasaly (1993): 104–28.

<sup>41</sup> Cf. Cicero on Sulpicius Galba's pleas for sympathy (*De Or.* 1.228). See also V. Pöschl, "Zur Einbeziehung anwesender Personen und sichtbarer Objekte in Cicero's Reden," in *Ciceroniana: Hommages à K. Kumaniecki*, ed. A. Michel and R. Verdière (Leiden: Brill 1975): 206–26.

protect her. Similarly, Verres' misconduct as *praetor urbanus* in 74 is illustrated by his defrauding of a child, young P. Iunius (II.1.129–154). This complicated tale turned on the duty inherited by Iunius' guardians after the death of the boy's father to keep the Forum Temple of Castor and Pollux in good repair, and Cicero's account is enlivened by his verbal recollection of the testimony in the First Action of the now impoverished child (II.1.152). This appearance had evoked tears, according to Cicero, from the speaker himself, from the audience, and even from Hortensius! Again, Verres' depredations against Sicilian farmers are exemplified by the account of an old man of nearly ninety, a Roman *equus* named Q. Lollius, who was humiliated and beaten by Verres' henchman Apronius for refusing to give in to the latter's extortionate demands (II.3.61–63). And the account of Verres' dereliction of duty as military commander-in-chief in allowing the Sicilian fleet to be burned by pirates builds to the pathetic tale of the imprisonment and execution of a number of gallant young Sicilian captains whom Verres had made his scapegoats for the disaster, in which Cicero expatiates on the misery and grief of the men's aged parents, who must bribe Verres' henchmen even to bury their sons (II.5.106–110, 117–120, 128–130).

While these stories would have had their effect, and despite the fact that the *quaestio de repetundis* was instituted for non-Romans to seek redress against their Roman governors, Cicero knew that a Roman audience would have more sympathy for wrongdoings done to Roman citizens than to provincials. The orator is careful, therefore, to note any mistreatment by Verres of citizens—and even fortunate enough to be able to point to a case in which Verres had abused a Roman senator (II.3.93–98). The most egregious instance of such mistreatment is dealt with extensively, in an emotionally-charged style, and saved for the very end of the Second Action.

In II.5.158–170 Cicero begins the story of P. Gavius, a Roman citizen who had been executed in Sicily under Verres. The introductory passages separate the narrative from what precedes it by the orator's statement that he was unsure that he possessed the oratorical resources to equal his subject matter and the sorrow the crime provoked in his heart. He then speaks of the incredulity he felt when he first was told of Gavius' story and voices his concern that, after speaking of so many outrages, no power of language could be equal to describing so horrible an event. His solution, he says, will be to eschew *eloquentia* and let the unadorned facts speak for themselves.

There follows a *narratio* of Gavius' encounter with Verrine justice: his imprisonment and subsequent release from the Stone Quarries at Syracuse; his complaints against Verres, naively voiced while preparing to cross from Messana to Italy; his arrest by Verres' Messanan allies in crime, just as the Roman *equus* was about to board ship for Italy; Verres' enraged appearance in the Messanan Forum and his accusation of Gavius as a spy working for the fugitive rebels of Sertorius; and, finally, the beating, torture, and crucifixion of Gavius, despite his pathetic and oft-repeated cry, '*Civis Romanus sum.*'

A short *partitio* then follows in which Cicero recalls the volatility of these events when they had been revealed by witnesses in the *Actio Prima*. Here, Cicero discloses how he had refused to exploit the emotional capital of the story at that time, in spite of which the chief officer of the court, Glabrio, had found it prudent to suspend testimony concerning the crime, fearing a popular riot. The *argumentum* begins in section 164 and makes reference to witnesses and documents, as well as to Verres' own earlier admission that Gavius had claimed to be a Roman citizen. This discussion forms the bridge to a peroration not only of the specific account of the crime against Gavius but of the entire Second Action.

The passages dealing with Gavius constitute a distillation of Cicero's strategic handling of much of the most carefully elaborated and emotionally potent material of the Second Action. A dramatic narrative dealing with particular circumstances builds to an attempt to rouse the emotions of the audience through a highly charged assertion of the wide implications of the events retold. Here, Verres' refusal to acknowledge Gavius' claim of citizenship is presented as an attack on Roman security, since it is the guarantee that citizenship means something, not only at home, but also in the provinces and even in extra-Roman territory, that allows citizens to travel in safety throughout the Mediterranean world. Ultimately, Verres' actions are said to strike at the very heart of the legal status attendant on citizenship: the execution of Gavius is thus presented as an attack on the freedom and civil rights of every Roman citizen.

In like fashion, the stylistic treatment of these passages is typical of Ciceronian prose throughout the speech. The narrative sections are simply but strongly worded, fulfilling Cicero's promise, at least in this section, to let the straightforward revelation of events 'inflare his audience's minds' (II.5.159). The beginning of the *partitio* (163) is signaled by a marked change to a grander style, using exclama-

tion (*O nomen dulce libertatis!*), rhetorical question (*Hucine tandem haec omnia reciderunt, ut civis Romanus in provincia populi Romani, in oppido foederatorum, ab eo qui beneficio populi Romani fascis et securis haberet deligatus in foro virgis caederetur?*), and highly charged direct address to the defendant (*In crucem tu agere ausus es quemquam qui se civem Romanum esse diceret?*). The peroration builds through carefully wrought periodic sentences to an emotional crescendo making use of a kind of aporia, in which Cicero confesses that he is at a loss to describe the cruelty which induced Verres to execute an innocent Roman citizen. Here the orator speaks in Verres' own voice to express the final command that Gavius be crucified within view of the straits that separated Sicily from the mainland, and he goes on to push metaphorical speech to its limits by asserting that it was not Gavius who had been crucified but the shared Roman principle of freedom and citizenship. The lines marking the transition from the Gavius story to the more general peroration is perhaps the best illustration of Cicero's use of the 'grand style' in the Verrines: periodic, complex, and—in passages such as this—so highly ornamented and patently emotional as to border on the poetic (II.5.171):

*si haec non ad civis Romanos  
 non ad aliquos amicos nostrae civitatis  
 non ad eos qui populi Romani nomen audissent  
 denique si non ad homines verum ad bestias  
 aut etiam, ut longius progrediar,  
 si in aliqua desertissima solitudine  
 ad saxa et ad scopulos  
 haec conqueri ac deplorare vellem  
 tamen omnia muta atque inanima  
 tanta et tam indigna rerum acerbitate  
 commoverentur.*

If it were not to Roman citizens, not to those who are friends of our state, not to those who have heard the name of the Roman people; if, in fact, it were not even to human beings at all but to beasts, or even, to go further, if I were to choose to deplore and bewail these events in some deserted wasteland to the rocks and cliffs; even so, all the mute and lifeless objects, hearing of such great and such unjust cruelty, would yet be moved.

While the younger Cicero might have been capable of crafting such a period, only the more mature orator of the Verrines was capable of laying the formal and notional groundwork that prepared an

audience to admire the high artistic beauty of the passage while being swept along by its equally elevated emotional content.

### 6. *Crafting a Public Image*

We have already observed that Cicero made use even of his earliest speeches to appear as more than simply an advocate speaking in defense of a particular client. Publishing the Verrines, however, offered him a chance to define a public persona in a much more sustained work and before a much wider audience than in those earlier speeches. His first consideration in crafting this image had to do with the fact that, for once, he was speaking for the prosecution rather than the defense. Ambitious younger men were often eager to prosecute, for here was the opportunity for a grand gesture: the young legal warrior, possessing little influence (*gratia*) or authority (*auctoritas*), standing in combat against a powerful ex-magistrate, the latter hedged round by his crowd of influential supporters and eloquent advocates.<sup>42</sup> A victory, or even a noble defeat, in such a contest would have been close in its popular *éclat* to distinguishing oneself on a military battlefield.

But Cicero was no *adulescentulus* at this point, but rather a grown man of 36, formerly quaestor and now aedile-elect. He could therefore expect from Verres' supporters the sort of personal attack that he himself would employ in the future when defending returning provincial governors: accusations that a powerful prosecutor was misusing his considerable influence in bringing such charges; that the prosecutor was not only cruel but unpatriotic, since the former governor's supposed abuses occurred as part of his efforts to preserve Roman prosperity and security in the face of provincial resentment, discontent, and even conspiracy. And Cicero had to fear this sort of attack even in the aftermath of a trial that had been suspended, since his enemies might claim that he was guilty of marshalling popular discontent with the senatorial class to drive from the state a worthy and innocent public servant before his defense could be fully heard. Ultimately, if Cicero were to use the speech to craft a posi-

---

<sup>42</sup> On prosecution, see Quint. 12.7.1–4; Cic. *Verr.* II.3.3. On the more tangible rewards of prosecuting a senator, see M. C. Alexander, "Praemia in the *Quaestiones* of the Late Republic," *Classical Philology* 80 (1985): 20–32.



tive public image, he must at the same time employ it to counteract any suggestion that he himself had been cruel or tyrannical in his own use of power.

To prevent the accusation that an innocent man had been driven from the state, Cicero—as we have noted—made the Second Action a close approximation of the kind of oratory he would have employed if Verres had remained in Rome, referring continually to the probative witnesses and documents introduced in the First Action in order to underscore the guilt of the defendant. Moreover, he addresses the counter-arguments that might have been used by Hortensius to defend his client, thereby appearing to allow the defense its day in court.<sup>43</sup> Thus to anyone who might invoke the public support given Verres by the towns of Messana and Syracuse as proof of his innocence, Cicero argues that the former city had been corrupted by criminal complicity in Verres' extortion and that the latter had, in fact, rescinded its support. To the contention that, although the collection of grain might have been burdensome to the Sicilians, it was profitable to the Roman state, Cicero shows that Verres' dealings with Sicilian farmers destroyed the long-term profitability of that region as a Roman agricultural resource, comparing Verres to a corrupt bailiff who sells off all the equipment necessary for the running of an estate and then takes pride in the one-time profit (II.3.119).

Verres' most telling potential defense, however, would have been the claim that his actions had been necessary to guarantee the military security of the province, or merely that, whatever his crimes, the republic could ill afford to dispense with the services of a gifted military man in perilous times.<sup>44</sup> The worst that the prosecutor had to fear in such cases was for the defense counsel suddenly to disrobe his client, revealing the scars that testified to his battlefield heroics on Rome's behalf. Cicero therefore devotes a great deal of time,

---

<sup>43</sup> For the contention that Hortensius had, in fact, made some sort of speech defending Verres in the *Actio Prima*, see M. C. Alexander, "Hortensius' Speech in Defense of Verres," *Phoenix* 30 (1976): 46–53. In addition to the topics I mention, Cicero argues against the contention that Verres was not responsible for the misdeeds of his friends, associates, and underlings. See discussion in Damon (1997): 206–22.

<sup>44</sup> Note Cicero's explicit references to the possible use of this defense throughout II.5., esp. II.5.2–4, 25, 32–33. The claim seems to have been believed by at least one Roman historian (see Sallust, *Hist.*, frag. 32 Maur.: *C. Verres littora Italiae propinqua firmavit*).

especially in the fifth part of the Second Action, to disputing Verres' claim to military glory in Sicily. He does so by showing: that Verres could claim no credit for keeping rebellious slaves out of Sicily, since there had been no real danger that Spartacus and his followers were likely to have crossed into the island; that Verres had undermined security by protecting, rather than executing, a captive pirate captain; and that Verres had destroyed the ability of the Sicilian fleet to protect the island by excusing Messana from its obligation to provide a ship for the fleet, by undermanning the fleet in order to collect money for exemptions from service, and by placing it under the command of an incompetent and cowardly Sicilian admiral while he himself engaged in debauched revels on the beach at Syracuse. This last, Cicero claims, had directly led to the burning of the fleet by pirates, who then conducted their operations in Sicilian waters unopposed.

Also supporting this effort to forestall the possible dangers attendant on prosecution is the image Cicero paints of Verres as bloodthirsty, arrogant, and tyrannical. This image is, of course, mainly drawn by means of the catalogue of brutal crimes described in the Second Action. But, in addition, the orator makes use of similes and metaphors particularly resonant within a Sicilian context: Verres is drawn as a robber, a pirate, a leader of fugitive slaves, and a tyrant like those Sicilian despots of old, despisers of men and gods, whose names were watchwords for cruelty.<sup>45</sup> Not only was such a portrait calculated to rouse the anger of his audience against Verres and highlight his guilt, it also served Cicero as a means of self-characterization—a way of drawing an ethical contrast between himself and Verres by demonstrating that it was Verres, not he, who was cruel and merciless.

Complementary to these efforts to counteract any negative image of himself that Verres and his supporters might have promoted during the trial or even after the defendant's departure, Cicero creates in the *Verrines* a carefully considered positive persona for himself.

---

<sup>45</sup> For Verres as tyrant, see Vasaly, *Representations* (1993): 117, 212–15; P. Grimal, "Cicéron et les tyrans de Sicile," *Ciceroniana* n.s. 4 (1980): 63–74; J. R. Dunkle, "The Greek Tyrant and Roman Political Invective of the Late Republic," *Transactions of the American Philological Association*, 98 (1967): 151–71; and, e.g., *Verr.* II.4.73, 123; 5.145. For Verres as a beast more dangerous than Scylla or Charybdis (sometimes identified with the Straits of Messina), see J. M. May, "Cicero and the Beasts," *Syllecta Classica* 7 (1995): 143.

It is perhaps useful, here, to abandon temporarily the concept of the Second Action as primarily a document of (hypothetical) progressive persuasion in a forensic setting and see it—not instead of but also—as a public statement of self-definition on certain key political issues. In fact, it might be argued that this approach is a more revealing one for understanding the structure of the entire corpus, for it is not the persona of the object of the prosecution, Verres, but rather that of the acting and thinking subject Cicero, that knits the Verrines together from beginning to end: it is Cicero's motivations and rhetorical ability that are the subject of the *Divinatio in Caecilium*; his strategic cleverness and competence that inform the *Actio Prima*; and it is his assessment of his own role in domestic politics and his vision of how Roman power ought to be exercised abroad that is the moral basis for the attack on Verres' tenure as governor in Sicily in the Second Action.

Consider, first, the concept advanced within the speech of Cicero's role in domestic politics. In extended sections placed at the beginning and end of the Second Action Cicero locates his motivation for taking on the case not in his duty to the Sicilians but to the Roman state. As he had in the proem of the First Action, he argues in these passages that his prosecution of Verres was, first of all, a service to the senatorial order, which would be allowed to prove that they were capable of convicting a rich but guilty defendant and so vitiate support for the bill, promulgated at the time of the trial, proposing an end to senatorial monopoly of juries. At the same time, Cicero claims in these sections a higher duty to serve the interests of the Roman people, and as an expression of this duty he declares that if the jury were to acquit Verres, he would take the case before the tribal assembly.

While Cicero may well have intended to make these statements if the Second Action had actually gone forward, his purpose in including this material as a major component of the beginning and end of the published speech surely went beyond verisimilitude. Addressed to the reading public, these passages map out a political position for the newly elected aedile among the individuals and factions then dominating Roman political life. Cicero voices his support of and loyalty to the 'Sullan dispensation'—that system of senatorial privilege left in place by Sulla as a means of shoring up the power of the ancestral nobility. But, as in the *Pro Roscio*, this loyalty is conditional: if the continued dishonesty, venality, and corruption of the

judicial system had led to Verres' acquittal, Cicero wished his audience to know that he would have pursued the case in a trial before the people as a function of his perceived duty to the state. Moreover, he makes clear in the Second Action that he identifies this conception of his duty closely with his position as a *novus homo*—a status that allowed him to play the role both of insider and outsider, a senator among senators, but at the same time a critic of the hereditary senatorial class.<sup>46</sup>

Within the body of the Verrines Cicero less explicitly but just as clearly lays out his own vision of foreign affairs and the ideal operation of Roman imperium in the case of the long-pacified and loyal province of Sicily.<sup>47</sup> By making Verres a symbol of all that had gone wrong in Roman provincial governance, Cicero articulates his conception of the correct use of power. And, as befits a topic that is essentially deliberative, this vision is conveyed through notions of expediency and honor, the two topics most germane to deliberative rhetoric. Cicero argues, on the one hand, the practical counterproductivity of a provincial regime such as that of Verres in which cruelty and greed had destroyed Sicilian prosperity, for it was by virtue of this prosperity that both individual Roman land owners and merchants, as well as the state as a whole, had formerly been able to reap a profit in Sicily. Furthermore, although he indicates that the Sicilians were more likely to abandon their lands than to rebel, Cicero also suggests that provincial exploitation such as that practiced by Verres endangered the security of the state, as it was likely to lead to military instability and unrest.

In dealing with notions related to *honor*, Cicero paints a picture of the Roman past as one in which tolerance and generosity had ruled in foreign affairs. It is Cicero's contention that the *maiores* had allowed the allies to become 'as prosperous as possible,' such indulgence to the conquered being seen as a kind of 'solace for their condition of slavery' (II.4.134). In this regard Cicero frequently adverts to the Roman conquerors of Sicily—to Marcellus and to Scipio

<sup>46</sup> See *Verr.* II.5.180–183.

<sup>47</sup> An extensive bibliography exists on Cicero's attitude towards and writings on the *imperium Romanum*. See, e.g., H. Dieter Meyer, *Cicero und das Reich* (Inaug. Diss., Köln 1957); P. Boyancé, "Cicéron et l'Empire Romain en Sicile," *Kokalos* 10–11 (1964–65): 333–53; P. A. Brunt, 'Laus Imperii,' in *Imperialism in The Ancient World*, ed. P. D. A. Garnsey and C. R. Whittaker (Cambridge: Cambridge University Press 1978): 159–91.

Aemilianus—characterizing their actions by words such as *mansuetudo* and *humanitas*, and declaring a kinship of virtue between them and men like himself who were willing to defend both the physical monuments as well as the (putative) moral principals of these noblemen of an earlier generation (II.4.81). While deploring the current precipitous decline from such elevated moral standards, Cicero is also at pains to isolate Verres even from the debased standards of the present by adducing illustrations of Roman imperial restraint from his own time.<sup>48</sup> Thus the orator undertakes through his accusation of Verres to be seen as endorsing a *fides* towards the conquered that was at once practically beneficial to the state and firmly based on a Roman concept of honor and justice that he presents as traditional.<sup>49</sup>

### 7. Cicero's First 'Political Speech'

The Verrines are properly seen as a turning point in Cicero's career. Behind him were the years of obscurity, of slowly building a name for himself and creating debts of gratitude by taking on numerous defense cases, especially of his fellow *equites*. The Verrines were followed, probably in 69, by a civil speech, the *Pro Caecina*, involving a disputed inheritance and argued on behalf of an Etruscan of Volaterrae. The town had been a stronghold for the Marians during the civil war and, after its fall to Sulla in 80, its inhabitants had been stripped of citizenship rights by the dictator. In the course of this speech—in which, Cicero later recalled, he was required to 'explain complex issues through definition, praise the civil law, and draw distinctions between ambiguous words' (*Or.* 102)—the orator argues energetically against the proposition that a citizen could be disenfranchised and recalls similar arguments he had made, during

<sup>48</sup> For Marcellus' generosity, see esp. II.2.4; II.4.115–123, 130–131. For Scipio, see esp. II.2.86; II.4.73–83, 97–98. On other Roman conquerors of the past, see esp. II.1.55. For examples of uprightness among contemporaries, see II.1.56–57; 4.133. On the supposed gentleness of past Roman rule in general, see II.5.115: [*Siculi*] *indigne ferunt illam clementiam mansuetudinemque nostri imperii in tantam crudelitatem inhumanitatemque esse conversam*. ('The Sicilians take it badly that the kindness and gentleness of our rule has been transformed into such great cruelty and inhumanity.')

<sup>49</sup> Boyancé (1964–65) shows the intimate connection of the ideas of provincial justice in the Verrines with their expression in the philosophical treatises. *Contra*, see P. A. Brunt (1978): 160–1.

the period of Sulla's domination, on behalf of a woman of another Etruscan town, Arretium, which the dictator had punished in similar fashion (*Caec.* 97).<sup>50</sup>

The Verrines were also followed, predictably but somewhat ironically, by the defense of two governors accused of provincial misconduct: P. Oppius, quaestor (74) and proquaestor (73) in Bithynia, and M. Fonteius, who had served as governor of Gaul for two years in the 70's. In this and similar cases Cicero must have profited from the moral authority he had earned by his success in driving Verres from Rome and from the popular appreciation of the political content we have seen in the published version of the speeches, in which he had argued forcefully for the just and profitable exercise of Roman imperium. If Cicero, who had arraigned Verres, declared Oppius and Fonteius innocent of provincial wrongdoing, many would have been disposed to believe him, just as the much greater *auctoritas* he would later gain by his destruction of Catiline would aid in his defense of some, like Caelius Rufus, who were thought to have been complicit in the conspiracy.

Yet if the Verrines represented an attempt by Cicero to address a much larger audience than those who attended the original trial and to articulate for that audience a unique vision of foreign policy, the arguments used by the orator in his defense Fonteius—the speech for Oppius is not extant—must raise the very old question of Cicero's 'sincerity.' What was the orator's actual commitment to the principals expressed in the Verrines if, in works like the *Pro Fonteio*, we find him exploiting the supposedly bankrupt *topoi* he had attributed to Hortensius? In the Verrines he had scornfully dismissed the argument that Verres' military service to the state could excuse his crimes (e.g., *Verr.* I.5.1–4), but in the *Pro Fonteio* the 'save this man for the state' commonplace is vigorously pursued (*Font.* 41–43). Similarly, the orator's careful attempt in the Verrines to counteract prejudicial stereotypes of his Sicilian Greek clients gives way in the *Pro Fonteio* to an ethnic attack on the perfidious and untrustworthy Gallic accusers of Fonteius (*Font.* 27–36).

---

<sup>50</sup> On some of the political and legal issues involved in the *Pro muliere Arretina*, the *Pro Caecina*, and the *Pro Roscio Amerino*, see W. V. Harris, *Rome in Etruria and Umbria* (London: Oxford University Press 1971): 271–84. A second partially extant civil case, argued in 69 or in the early 70's, is the *Pro Tullio*. On the date, see Crawford (1984): 47 n. 1.

Such questions as these clearly arose during Cicero's career, most strikingly in connection with a speech Cicero would deliver in 66, the *Pro Cluentio*. This famous case, in which Cicero claimed to have 'thrown dust in the eyes of the jury' (Quintil. 2.17.21), was the culmination of a series of celebrated trials that had gone on in the preceding eight years, arising out of the charges and countercharges made by two prominent families of Larinum, the Cluentii and the Oppianici. In 74 Cicero's client of 66, Aulus Cluentius Habitus, had accused an Oppianicus of having attempted to poison him, and this Oppianicus was duly convicted. A number of corruption trials ensued, however, since it was widely believed that the senatorial jury who had heard Oppianicus' case had been bribed to convict an innocent defendant. Cicero's difficulties in the trial of 66, in which Cluentius was now himself accused by Oppianicus' son of having poisoned his father, were heightened by the fact that, before Cluentius embarked on his accusation of the elder Oppianicus in 74, he had accused a freedman named Scamander of being the agent Oppianicus had used to carry out the poisoning, and it had been Cicero himself who had (unsuccessfully) defended Scamander.

While most of the speech for Cluentius is devoted to countering the allegation that the elder Oppianicus had been an innocent man convicted by a senatorial jury whose votes had been bought and paid for, a key section contains an explanation of Cicero's earlier defense of Scamander. Here (*Clu.* 51–53) Cicero refers to the duty of an orator to do as much as he can for his client, calling failure in this duty a sign of treachery or criminal indifference (51: *aut perfidiae aut negligentiae*). Cicero draws a picture of himself as a nervous young advocate who, at the behest of close friends and neighbors (49), had dutifully exerted himself to the utmost in a case he knew to be weak. Returning to the issue later in the speech, and although claiming that he had earlier been mistaken in his opinion about the trial of Oppianicus (142), Cicero argues that an advocate must be allowed to respond to the exigencies of a particular case, and he cautions against interpreting forensic speeches as reflecting an orator's 'authentic beliefs' (139: *auctoritates nostras consignatas*). He cites as precedents for this attitude no less authorities than Marcus Antonius, who had never written a speech down so as to be able to deny having made remarks he later wished to disavow, and Lucius Crassus, who had been forced to listen to an opponent read contradictory passages from two deliberative orations (140). While excusing

the conduct of both Antonius and Crassus, Cicero does remark that in speeches *de republica* consistency might be expected (141).

It would be a mistake to press Cicero's *ad hoc* argument in the *Pro Cluentio* too far. From the time of the *Pro Roscio Amerino*, Cicero had begun to be a public man, and for the Roman public man every public event was to some extent 'definitional'—a moment in which his *persona* was further elucidated and his *auctoritas* enlarged or diminished. Therefore, even if we resist the temptation to use the speeches to determine Cicero's 'real' sentiments, a rhetorical analysis of the orations demands consideration of their attempted manipulation of the multiple audiences to which they were addressed: in the case of the forensic orations, the jury and the *corona*, or listening crowd, who were present at the original performance (if such a performance had, in fact, taken place); in the case of the deliberative orations, the assembled senate or *populus Romanus*; and, in the case of both, the reading public for whom the published speeches, as Laurand has written, 'were the pamphlets of their time . . . functioning not simply as models for young people [studying rhetoric] but also acting upon public opinion.'<sup>51</sup>

In 66 Cicero achieved what for many men of his background might have been the crowning office of a successful magisterial career, election to the praetorship. The position, entailing as it did the grant of imperium, allowed Cicero the opportunity to address the assembled populace at a *contio*. The occasion was the public debate of the law proposed by the tribune of the people, C. Manilius, by which Pompey would be given command of a renewed military campaign against Mithradates of Pontus. The latter, despite a number of reverses suffered during the campaigns of the previous years, especially those by L. Licinius Lucullus, still threatened Roman stability in Asia. The law followed close upon a tribunician law of the previous year, the *lex Gabinia*, in which a command with extraordinary latitude had been granted to Pompey to fight the pirates, long a threat to Mediterranean travel and commerce. Despite the opposition of many in the senate to this earlier command, Pompey had in the astonishingly short period of six months swept the pirates from the sea

---

<sup>51</sup> Laurand (1936–38): 2: ' . . . même au temps de leur première publication, ils exerçaient quelquefois une action plus profonde que les discours prononcés: c'étaient les pamphlets du temps, et ils ne devaient pas seulement servir de modèles à la jeunesse, mais aussi agir sur l'opinion.'



and now, having wintered in Asia, stood ready for further service in the East.

Cicero wrote later that the speech was written 'in the tempered style' (*Orat.* 102: *temperata oratione*); George Kennedy remarks on its 'great smoothness.'<sup>52</sup> Both descriptions are accurate. The speech is extremely carefully constructed, marked by extraordinary elegance of diction and phrasing, but lacking emotional fire and never rising to passages of strong pathos. This was, of course, intentional, as Cicero endeavored to support a foreign policy measure proposed by a tribune of the people, enthusiastically embraced by the masses, and opposed by Q. Lutatius Catulus and Hortensius, without appearing to play the demagogue and without giving undue offense to senatorial conservatives or to Lucullus himself.

Predictably, Cicero draws on arguments that deal both with *honor* (the glory of Rome's military reputation; its commitments to its allies) and *utilitas* (the public and private Roman revenues endangered by Mithradates and his ally, Tigranes). The heart of the speech, however, is concerned with praise of Pompey. Here Cicero's treatment of the qualities essential to the ideal *imperator* (*scientia, virtus, auctoritas, felicitas*) reads more like a philosophical treatise illustrating the technique of Aristotelian definition than an oration delivered at a late Republican political assembly. Each quality is named and discussed, most notably *virtus* (29–42), which is subdivided into a variety of practical and moral virtues. The importance of the latter is reprised in sections 64–68, a part of the speech in which we may detect some real warmth of sentiment. Here Cicero decries the mistreatment of allies and praises Pompey's immunity to the greed and lust commonly exhibited by Roman commanders and their armies among subject peoples. His *laudatio Pompei* thus carries with it a vision of the honorable exercise of military imperium in a theater of war and forms a counterpart to the conception found in the Verrines of the just exercise of imperial power in a long pacified province. In the earlier speech, however, this political disquisition is carried out through blame rather than through praise. One of the more noteworthy aspects of such passages in the *Pro Lege Manilia* is their illustration of how the rhetoric of praise could be used—as it would be later

---

<sup>52</sup> Kennedy (1972): 173. For an outline of the rhetorical structure, see Paul MacKendrick, *The Speeches of Cicero* (London: Duckworth 1995): 3–6.

by writers like Seneca and Pliny—as a disguised form of exhortation to the powerful to use power justly.

In the *Pro Lege Manilia* (1), Cicero speaks of the fact that this was his first address to the people from the Rostra—his first speech, that is, *de republica*. It is not surprising, therefore, to find the new praetor employing the beginning and the end of the work to speak principally of himself: in the exordium alluding to his feelings of pleasure and humility at having arrived at such a lofty position; and, in the peroration, affirming—even swearing—that his support of Manilius' bill was motivated by high-minded concern for the interests of the state rather than for any personal gain he hoped to achieve thereby. Moreover, the discussion of provincial mistreatment within the body of the speech is calculated to advance an important aspect of Ciceronian political self-presentation, an epideictic section used to shape the popular impression not only of Pompey but of Cicero himself as defender of provincials.

It is also clear, however, that the *Pro Lege Manilia* was not the first attempt by Cicero to speak to his listening and reading audience *de re publica*. As we have seen, each of the preconsular speeches was concerned with crafting an image of the orator that would transcend the moment of the speech. His electoral success was not, therefore, as he claims in the speech (2), owed merely to the legal support he had given to his friends or to the mastery of his art attained during his long oratorical *tirocinium* (apprenticeship). It was owed as well to the political and 'ethical' content of his earlier judicial and even civil speeches, which had prepared his way to the praetorship and would, by 64, help to convince the Roman people to raise to the consulship a *novus* of non-senatorial family—the first such consul elected in twenty years.

#### BIBLIOGRAPHY

##### *General Studies*

- Classen, C. J. "Ciceros Kunst der Überredung." In *Éloquence et Rhétorique chez Cicéron*, ed. W. Ludwig, 149–84. Entretiens sur l'Antiquité Classique. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982.
- . *Recht, Rhetorik, Politik: Untersuchungen zu Ciceros rhetorischer Strategie*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1985.

- Craig, Christopher. *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31. Atlanta: Scholars Press, 1993.
- Crawford, Jane M. *M. Tullius Cicero: The Lost and Unpublished Orations*. Göttingen: Vandenhoeck and Ruprecht, 1984.
- . *M. Tullius Cicero, the Fragmentary Speeches*. American Classical Studies, 33. 2nd ed. Atlanta: Scholars Press, 1994.
- Gruen, E. S. *Roman Politics and the Criminal Courts, 149–78 B.C.* Cambridge, Harvard University Press, 1968.
- . “Pompey, Metellus Pius, and the Trials of 70–69 B.C.: The Perils of Schematism.” *American Journal of Philology* 92 (1971): 1–16.
- Kennedy, George A. *The Art of Rhetoric in the Roman World*. Princeton, NJ: Princeton University Press, 1972.
- . *A New History of Classical Rhetoric*. Princeton, NJ: Princeton University Press, 1994.
- Laurand, Louis. *Études sur le Style des Discours de Cicéron*. 4th ed. Paris: Les Belles Lettres, 1936–1938; three volumes, reprinted in one volume Amsterdam: Hakkert, 1965.
- Leeman, Anton. *Orationis Ratio: The Stylistic Theories and Practice of the Roman Orators, Historians, and Philosophers*. Amsterdam: A. M. Hakkert, 1963.
- May, James M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- Mitchell, Thomas N. *Cicero: The Ascending Years*. New Haven: Yale University Press, 1979.
- Narducci, Emanuele, *Introduzione a Cicerone*. Gli Scrittori, 36. 3rd ed. Roma & Bari: Laterza, 1997.
- . *Cicerone e l'eloquenza Romana: Retorica e progetto culturale*. Roma: Laterza, 1997.
- Neumeister, Christoff. *Grundsätze der forensischen Rhetorik gezeigt an Gerichtsreden Ciceros*. Langue et parole, Sprach- und Literaturstrukturelle Studien, 3. Munich: M. Hüber, 1964.
- Stroh, Wilfried. *Taxis und Taktik: Die advokatische Dispositionskunst in Ciceros Gerichtsreden*. Stuttgart: B. G. Teubner, 1975.
- Vasaly, Ann. *Representations: Images of the World in Ciceronian Oratory*. Berkeley, Los Angeles, Oxford: University of California Press, 1993.
- Wisse, Jakob. “Greeks, Romans, and the Rise of Atticism.” In *Greek Literary Theory after Aristotle, a Collection of Papers in Honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter, 65–82. Amsterdam: VU University Press, 1995.

### *Individual Speeches*

#### *Pro Quintio*

- Hinard, Francois. “Le *Pro Quintio*, un discours politique?” *Revue des Études Anciennes* 77 (1975): 88–107.
- Kinsey, T. E., ed. *M. Tulli Ciceronis Pro P. Quintio Oratio*. Sydney: Sydney University Press, 1971.

Solmsen, Friedrich. "Cicero's First Speeches, a Rhetorical Analysis." *Transactions of the American Philological Association* 69 (1938): 542–56; reprinted in *Kleine Schriften II* (Hildesheim: G. Olms, 1968): 231–245.

*Pro Roscio Amerino*

Afzelius, A. "Zwei Episoden aus dem Leben Ciceros." *Classica et Mediaevalia* 5 (1942): 209–17.

Buchheit, V. "Chrysogonus als Tyrann in Ciceros Reden für Roscius aus Ameria." *Chiron* 5 (1975): 193–211.

—. "Ciceros Kritik an Sulla in der Rede für Roscius aus Ameria." *Historia* 24 (1975): 570–91.

Kinsey, T. E. "Cicero's Speech for Roscius of Ameria." *Symbolae Osloenses* 50 (1975): 91–104.

—. "The Case against Sextus Roscius of Ameria." *L'Antiquité Classique* 54 (1985): 188–96.

Landgraf, Gustav, ed. *Kommentar zu Ciceros Rede Pro Sex. Roscio Amerino*. 2nd ed. Berlin: Teubner, 1914; reprint Hildesheim: G. Olms, 1966.

Vasaly, Ann. "The Masks of Rhetoric: Cicero's *Pro Roscio Amerino*." *Rhetorica* 3 (1985): 1–20.

*Pro Roscio Comoedo*

Axer, Jerzy. *The Style and Composition of Cicero's Speech Pro Roscio Comoedo, Origin and Function*. *Studia Antiqua* 3. Warsaw: Wydawnictwa Uniwersytetu Warszawskiego, 1980.

*Divinatio in Caeciliam*

Badian, Ernst. "Three Non-Trials in Cicero: Notes on the Text, Prosopography and Chronology of *Divinatio in Caeciliam* 63." *Klio* 66 (1984): 291–309.

Craig, C. P. "Dilemma in Cicero's *Divinatio in Caeciliam*." *American Journal of Philology* 106 (1985): 442–46.

*Verrines*

Alexander, Michael C. "Hortensius' Speech in Defense of Verres." *Phoenix* 30 (1976): 46–53.

Boyancé, P. "Cicéron et l'empire Romain en Sicile." *Kokalos* 10–11 (1964–65): 333–53.

Brunt, P. A. "Patronage and Politics in the Verrines." *Chiron* 10 (1980): 273–89.

Fuhrmann, "Techniche narrative nella seconda orazione contro Verre." *Ciceroniana, Nuova Serie* 4 (1980): 27–42.

Innocenti, Beth. "Towards a Theory of Vivid Description as Practiced in Cicero's *Verrine* Orations." *Rhetorica* 12 (1994): 355–81.

Mitchell, Thomas N., ed. *In Verrem 2.1*. Warminster: Aris and Phillips, 1986.

Grimal, P. "Cicéron et les tyrans de Sicile." *Ciceroniana, Nuova Serie* 4 (1980): 63–74.

Rizzo, F. P. "'Principes civitatis' nelle Verrine: Realtà civica e idealità Ciceroniana." *Ciceroniana, Nuova Serie* 4 (1980): 211–21.

Scuderi, R. "Lo sfondo politico del processo a Verre." In *Processi e politica nel mondo antico*, edited by Marta Sordi, 169–87. Milan: Vita e Pensiero, 1996.

*Pro Fonteio*

- Rambaud, M. "Le *pro Fonteio* et l'assimilation des Gaulois de la Transalpine." In *Mélanges de littérature et d'épigraphie latines, d'histoire ancienne et d'archéologie. Homage à la mémoire de P. Wuilleumier*, edited by H. Le Bonniec and G. Vallet, 301–16. Paris: Les Belles Lettres, 1980.

*Pro Cluentio*

- Classen, C. J. "Cicero *pro Cluentio* 1–11 im Licht der rhetorischen Theorie und Praxis." *Rheinische Museum* 108 (1965): 104–42.
- Kirby, John T. *The Rhetoric of Cicero's pro Cluentio*. London Studies in Classical Philology, edited by G. Giangrande, 23. Amsterdam: Gieben, 1990.

*Pro Lege Manilia*

- Jonkers, E. J. *A Socio-economic Commentary on Cicero, De Imperio Cn. Pompeii*. Leiden: Brill, 1959.
- Rose, Peter. "Cicero and the Rhetoric of Imperialism: Putting the Politics Back into Political Rhetoric." *Rhetorica* 13 (1995): 359–99.
- Torelli, Marina R. "La *de imperio Cn. Pompei*: una politica per l'economia dell'impero." *Athenaeum* 60 (1982): 1–49.

This page intentionally left blank

## CHAPTER FIVE

### CICERO'S CONSULAR SPEECHES

Robert W. Cape, Jr.

Great is the name of consul, great is the appearance of one,  
great the dignity, and great the majesty.

*In Pisonem* 24

Cicero's consulship in 63 B.C. crowned a doggedly ambitious political career that has become one of the most memorable in Roman history. In his year as Rome's leading magistrate Cicero reconciled factional strife among the social classes, defeated a threat to the Senate's power, and rescued the city from a potential political and military coup known as the Catilinarian Conspiracy.<sup>1</sup> He accomplished these feats through political rather than military means, by presenting his arguments openly before the Senate, various juries, and the Roman people. For his success, Cicero was named *pater patriae*, granted the *corona civica*, and a special thanksgiving was voted in his honor, the first ever granted a civilian for non-military action.<sup>2</sup> Yet Cicero's fame was not due to the fact that he happened to be consul in interesting times, but that he thrust himself into the middle of fractious domestic political issues and dared to develop—and to articulate—a social policy. His program of *concordia ordinum* required that he ostensibly balance the competing political and economic interests of the Senate, equites, and the populus.<sup>3</sup> Oratory was the natural

---

<sup>1</sup> Nearly all major works about Cicero contain a discussion of his consulship. Most important are E. Ciaceri, *Cicerone e i suoi tempi*. 2nd ed. (Genova, Roma, Napoli: Società Anonima Editrice Dante Alighieri 1939–1941) vol. 1: 181–311, M. Gelzer, *Cicero. Ein biographischer Versuch* (Wiesbaden: Franz Steiner 1969): 71–104, T. N. Mitchell, *Cicero: The Ascending Years* (New Haven: Yale University Press 1979): 177–242. For an account based on the speeches but with a completely different approach, see C. Meyer, "Ciceros Consulat," in *Cicero. Ein Mensch seiner Zeit*, edited by G. Radke (Berlin: Walter de Gruyter 1968): 61–116.

<sup>2</sup> *Cat.* 4.5, 4.20; *Sest.* 121; *Pis.* 6.

<sup>3</sup> H. Strasburger, *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros* (Borna-Leipzig: R. Noske 1931; reprint Amsterdam: Hakkert 1956).

means to reconcile these interests, for public speech in the forum and Senate compelled the parties to argue their positions according to commonly accepted values and negotiate their differences in the presence of an audience. Oratory had been the traditional vehicle for publicly reconciling competing factions at Rome;<sup>4</sup> speeches themselves, however, were ephemeral, their arguments subject to the vicissitudes of memory. As he had done for nearly twenty years, Cicero published his speeches to ensure that they—and he—would not be forgotten. But the consular orations present a unique challenge for interpretation because Cicero was later concerned that they be read not individually but as a coherent group. In the case of these speeches, Cicero was clearly thinking beyond the level of the individual speech to the potential of a collection that represented him as a serious politician. The selection of a group of speeches to present a coherent image of the author as a politician was a unique event.<sup>5</sup>

Historians and literary critics of the past century have generally dismissed the *corpus* of consular speeches as revised documents designed to help Cicero save his political career in light of the forming coalition between Caesar, Pompey, and Crassus, and the threats of P. Clodius.<sup>6</sup> There are two reasons for suspecting revisions: the fact that Cicero does not mention the speeches until he sends them to Atticus in 60, and a deep-seated, eighteenth and nineteenth century positivism that led scholars to believe they could detect and correct perceived infelicities in Ciceronian texts and attribute them to circumstances based on historical hindsight.<sup>7</sup> Moreover, ancient historians since Mommsen, emphasizing *Realpolitik*, have discounted the speeches because they are rhetorical and cannot be trusted as source

---

<sup>4</sup> See F. Millar, "The Political Character of the Classical Roman Republic, 200–151 B.C.," *Journal of Roman Studies* 74 (1984): 1–19; *idem*, "Politics, Persuasion and the People Before the Social War (150–90 B.C.)," *Journal of Roman Studies* 76 (1986): 1–11; K.-J. Hölkeskamp, "Oratoris maxima scaena: Reden vor dem Volk in der politischen Kultur der Republik," in *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, edited by M. Jehne (Stuttgart: Franz Steiner 1995): 11–49, and note 9.

<sup>5</sup> W. C. McDermott, "Cicero's Publication of his Consular Orations," *Philologus* 116 (1972): 277–284. For a general outline of Cicero's consular speeches, see G. A. Kennedy, *Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300* (Princeton, NJ: Princeton University Press 1972): 173–187.

<sup>6</sup> See McDermott (1972): 277–8, n. 3.

<sup>7</sup> For a discussion of eighteenth and nineteenth century criticisms of Cicero's speeches, see J. Nicholson, *Cicero's Return from Exile: The Orations Post Reditum*. Lang Classical Studies, 4 (Bern: Peter Lang 1992): 1–18.



material. Historians of a prosopographical bent disregard speeches as ineffectual bluster, for real political negotiations were arranged among family members and friends behind the scenes, not in public.<sup>8</sup> The effect of this disdain has been that the consular speeches have received scant attention as a coherent group and there has been little effort to understand what Cicero intended his *corpus* to illustrate.

Recent work in Roman history has come to value the importance of oratory in Roman politics and emphasizes the role of the people in Roman government.<sup>9</sup> Yet the judgments of the past weigh heavily on these new interpretations.<sup>10</sup> The result is that the consular speeches—especially, if not only, the *Catilinarians*—are still suspect. The time is ripe, then, for a fresh examination of the consular speeches in light of this renewed interest in the practical power of rhetoric and the understood importance of addressing the people in Roman politics.<sup>11</sup> This chapter will examine Cicero's consular *corpus* as a conscious selection of material designed to illustrate his consular ethos through examples of practical political negotiation.<sup>12</sup>

### *Cicero's Consular Σῶμα*

In January of 62, three days after he laid down the consulship, Cicero defended his execution of the Catilinarian conspirators and

<sup>8</sup> Cf. R. Syme, *Roman Revolution* (Oxford: Clarendon Press 1939): 16.

<sup>9</sup> In addition to Millar (1984), (1986), and Hölkeskamp (1995), see P. A. Brunt, *The Fall of the Roman Republic and Related Essays* (Oxford: Clarendon Press 1988), F. Millar, *The Crowd in Rome in the Late Republic* (Ann Arbor: University of Michigan Press 1998), and the critique of this new approach (with extensive bibliography) in the review articles by K.-J. Hölkeskamp, "The Roman Republic: Government of the People, by the People, and for the People?" *Scripta Classica Israelica* 19 (2000): 203–223, and R. Morstein-Marx, "Res Publica Res Populi," *Scripta Classica Israelica* 19 (2000): 224–233.

<sup>10</sup> Cf. Millar (1998): 110.

<sup>11</sup> The persuasive function of the actual delivery is an extremely important topic, but I will concentrate here on what Cicero's written speeches represent. For the power of the orator's presence and *actio*, see A. J. Bell, "Cicero and the Spectacle of Power," *Journal of Roman Studies* 87 (1997): 1–22; for Cicero's judicial speeches, see J. Axer, "Tribunal-Stage-Arena. Modelling of the Communications Situation in M. Tullius Cicero's Judicial Speeches," *Rhetorica* 7 (1989): 299–311.

<sup>12</sup> As such, this chapter takes its direction from a similar project on the *First Catilinarian* by W. W. Batstone, "Cicero's Construction of Consular *Ethos* in the *First Catilinarian*," *Transactions of the American Philological Association* 124 (1994): 211–266,

was already at pains to show that his actions in the Senate were the product of careful planning, not merely an accident.<sup>13</sup> His nearly book-length letter to Pompey shortly thereafter demonstrated not only the importance of his consular activities, but their coherence as a rational program.<sup>14</sup> The Greek poet Archias was already working on a poem about Cicero's consulship in 62, and sometime then or early in 61 the poet Thyillus was to write an epigram that would convey the scope of Cicero's deeds.<sup>15</sup> By July of 61 both poets had apparently failed to produce anything, so Cicero decided to write something himself.<sup>16</sup> In March of 60 he had completed a commentary on his consulship in Greek, which he sent to Atticus, and which satisfied, he says, those who were begging him for raw material.<sup>17</sup> In April or June Atticus sent Cicero a draft of his own book on Cicero's consulship and requested some of his speeches.

Cicero's remarks to Atticus on his consular corpus indicate clearly his principles of selection and the intended effect he hopes the collection will have on readers:

I'll send my little speeches, both those you ask for and some more besides, since it appears that you too find pleasure in these performances which the enthusiasm of my young admirers prompts me to put on paper. Remembering what a brilliant show your countryman Demosthenes made in his so-called *Philippics* and how he turned away from this argumentative, forensic type of oratory to appear in the more elevated role of statesman, I thought it would be a good thing for me too to have some speeches to my name which might be called 'Consular.' They are: (1) delivered in the Senate on the Kalends of January; (2) to the Assembly, on the agrarian law; (3) on Otho; (4) in defence of Rabirius; (5) on the children of persons proscribed; (6) delivered when I publicly resigned my province; (7) when I sent Catiline out of Rome; (8) to the Assembly the day following Catiline's flight; (9) at a public meeting the day the Allobroges turned informers; (10) in the Senate

---

though the method differs. Essential is the view expressed by Batstone, 223: 'What is really at stake is the nature of Cicero's performance.'

<sup>13</sup> *Fam.* 5.2.8.

<sup>14</sup> *Fam.* 5.7.3; cf. *Schol. Bob. ad Planc.* 85.

<sup>15</sup> *Arch.* 28; *Att.* 1.16.15. Atticus had written some private epigrams for Cicero, *Att.* 1.16.15.

<sup>16</sup> *Att.* 1.16.18, but it was not yet finished, *nihil erat absoluti*. Cicero was well aware of the dangers of writing encomia of himself, *Att.* 1.19.10; cf. *Fam.* 5.12.8. Earlier that year Crassus and Pompey vied for popularity by praising Cicero's consulship, *Att.* 1.14.3-4.

<sup>17</sup> *Att.* 1.19.10, 2.1.2.

on the Nones of December. There are two further short pieces, chips, one might say, from the agrarian law. I shall see that you get the whole corpus, and since you like my writings as well as my doings, the same compositions will show you both what I did and what I said. Otherwise you shouldn't have asked—I was not forcing myself upon you. (*Att.* 2.1.3)<sup>18</sup>

Cicero is quite simply replying to Atticus' request for a few speeches. Although such a request and a few other features of this passage, including the diminutive (*oratiunculas*) and the notion of supplying raw material, are commonplaces in the dedications of prose works,<sup>19</sup> Cicero seems to be responding to an actual request in this personal letter, not employing a literary conceit. The comment that Atticus enjoys Cicero's rhetorical efforts is polite enough, but the real purpose of Atticus' request was for material (*isdem ex libris perspicies et quae gesserim et quae dixerim; aut ne poposcisses*). Atticus undoubtedly asked Cicero to critique his *commentarius*, which he did,<sup>20</sup> and, in anticipation of Cicero's critique and his own planned revisions, to send some speeches that were unavailable to him in Epirus.

Atticus sought specific speeches but Cicero claims they belong together with others as a group and implies that they should be read and considered as a unit. The principles of selection are straightforward: 1) imitation of Demosthenes; 2) not narrowly argued judicial speeches; 3) they should make him seem *σεμνότερός τις et πολιτικώτερος*. The common denominators are style and appearance: the speeches are concerned with larger issues that a political leader should handle; they present an image of Cicero as high-minded statesman. Representation seems to be foremost in his mind.<sup>21</sup>

The reference to Demosthenes' *Philippics* follows directly from the 'enthusiasm of my young admirers' (*nos . . . adolescentulorum studiis excitati*) which also leads to his comment that he 'thought it would be

<sup>18</sup> Translation by D. R. Shackleton Bailey, *Cicero: Letters to Atticus I* (Cambridge, Mass.: Harvard University Press 1999): 127–9. Other translations of Cicero are my own.

<sup>19</sup> T. Janson, *Latin Prose Prefaces: Studies in Literary Conventions* (Stockholm: Almqvist & Wiksell 1964): 116–120, 146, 151.

<sup>20</sup> *Att.* 2.1.1: *tua illa—legi enim libenter—horridula mihi atque incompta visa sunt*.

<sup>21</sup> Note Cicero's concern for appearing 'consular' and high minded in the same letter, *Att.* 2.1.5–7, and his praise of Metellus at 2.1.4. Cicero talks a lot about himself or others being (or not being) true statesmen, meaning disregarding their own interests in favor of the state's: *sed interea πολιτικός άνήρ ούδ' όναρ quisquam inveniri potest*, *Att.* 1.16.9; 1.18.6; 1.19.6–8; 1.20.2–3; 2.3.3–4.

a good thing' (*fuit enim mihi commodum*) to have a group of high-minded political speeches. There is nothing here to suggest a revision of previous speeches. Cicero is engaged in literary imitation. Demosthenes' *Philippics* were noted for their frankness and their attempt to persuade the Athenians to do what was honorable rather than consider what was easiest or most pleasurable, or profitable.<sup>22</sup> Demosthenes rises above petty arguments to focus the people's thoughts on larger issues.<sup>23</sup> The *Philippics* portray a great statesman rallying his fellow citizens to action against as yet unperceived threats to their liberty. This is the situation and characterization that Cicero wants his readers to have in mind.<sup>24</sup>

In selecting speeches that portray him as suitable consul, Cicero rejects the style of his judicial orations as too 'argumentative,'<sup>25</sup> though he includes *Pro Rabirio Perduellionis Reo*, which is technically a defense speech. Of the two defenses we know Cicero delivered in 63 but did not include in his consular corpus, *Pro Murena* was published and survives; *Pro C. Calpurnio Pisone* may or may not have been published, but does not survive.<sup>26</sup> Why Cicero chose to include *Pro Rabirio* rather

<sup>22</sup> Plutarch, *Dem.* 12.7, 13.5–6.

<sup>23</sup> Dionysius Halicarnassus, *Dem.* 21–22.

<sup>24</sup> There is also a possible similarity based on the number of speeches, given the four *Philippics*, four *De Lege Agraria*, and four *Catilinarians*. Yet, there does not seem to have been a set corpus of Demosthenes' speeches in antiquity, save for groups of speeches in general categories, such as the *Philippics*; M. W. Haslam, "A Problem in the History of the Transmission of Texts Exemplified in Demosthenes," *Liverpool Classical Monthly* 1 (1976): 9–10; cf. the comments of W. Stroh and M. Winterbottom in *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, *Entretiens sur l'Antiquité Classique*, Vol. 28 (Vandœuvres-Genève: Fondation Hardt 1982): 38–9, 229. If there is a principle of four speeches as a unit, it may account for why one of Cicero's *Catilinarians* and the *Pro Murena* were not included, since they would disturb the coherence of the group, but the splitting of *De Lege Agraria* into two speeches and two fragments seems to argue against this.

For an extended comparison based on imitation of passages, see A. Weische, *Ciceros Nachahmung der attischen Redner* (Heidelberg: Carl Winter 1972): 65–8 and 166–94. For arguments that Cicero's style was not yet markedly Demosthenic, see C. W. Wooten, *Cicero's Philippics and their Demosthenic Model* (Chapel Hill: University of North Carolina Press 1983), esp. 46–57. The comparison would be recognizable only for the reader of the collected speeches, as in the *Philippics*; see the discussion of Classen and Stroh in *Éloquence et Rhétorique* (1982): 35–6, and Winterbottom and Stroh, 38–9.

<sup>25</sup> The precise meaning of *refractariolo* is uncertain; see D. R. Shackleton Bailey, *Cicero's Letters to Atticus I* (Cambridge: Cambridge University Press 1965): 345.

<sup>26</sup> Thought to have been published by McDermott (1972): 277. See the remarks by J. W. Crawford, *M. Tullius Cicero: The Lost and Unpublished Speeches*. *Hypomnemata*, 80 (Göttingen: Vandenhoeck & Ruprecht 1984): 77–8.

than *Pro Murena* has puzzled some scholars.<sup>27</sup> Indeed, although the speech technically belongs to the *genus iudiciale*, Cicero contrives to argue as he would in a deliberative speech—about the future: the necessity of two consuls in January. It has recently been argued that the speech embodies a political prudence that is accommodating, decorous, and moderate, and suits Cicero's political practice.<sup>28</sup> We can only conjecture the reasons *Pro Murena* was not included in the consular corpus, but it seems clear that they were somehow aesthetic.<sup>29</sup> There were also four political speeches on narrow topics we know Cicero delivered in 63 that he probably did not publish, much less include among his consular speeches.<sup>30</sup>

Cicero's selection of a few of his own speeches as a coherent and aesthetic unit is the first evidence we have for such a phenomenon in antiquity.<sup>31</sup> Keeping with his interest in literary imitation, he uses the Greek word *σῶμα* to describe the collection: *hoc totum σῶμα curabo ut habeas*. *Σῶμα* seems to have been used rarely of a collection of writings,<sup>32</sup> *σύνταξις* being more appropriate for items arranged in chronological order.<sup>33</sup> When *σῶμα* was used in reference to literature before Cicero's day it signified an organic unity.<sup>34</sup> Cicero may

<sup>27</sup> M. Winterbottom (1982): 229 suggests that *Pro Murena* would have been more appropriate for inclusion than *Pro Rabirio*.

<sup>28</sup> M. Leff, "Cicero's *Pro Murena* and the Strong Case for Rhetoric," *Rhetoric & Public Affairs* 1 (1998): 61–88.

<sup>29</sup> The two reasons that appear paramount are 1) the sections of *Pro Murena* poking fun at Cato (60–66) lack sufficient *gravitas* when compared to other speeches, and 2) the attack on Servius Sulpicius (35–53, esp. 38) diminishes the emphasis Cicero places on the importance of the orator and of his consular *vox* in the *Catilinarians*. I owe this last point to a discussion with Professor W. Stroh and thank him for permission to mention it here.

<sup>30</sup> Crawford (1984): 85–91.

<sup>31</sup> McDermott (1972). The *Verrines* differ in that the speeches belong to the same court case, though Cicero's publication of the entire set of speeches (he would have given) seems to have been a first. Cicero was clearly approaching the collection and dissemination of orations in a new way.

<sup>32</sup> *LSJ*, s.v. "σῶμα" iv, lists only *ad Att.* 2.1.3. To this should be added the scoliom on the *Iliad* (Eust. 5.33–6) mentioned by M. Heath, *Unity in Greek Poetics* (Oxford: Clarendon Press, 1989): 123, n. 54: 'the *Iliad* is a single body, continuous throughout and well-constructed.' Heath adds, 'this is not further explained, but is contrasted with the book division imposed by the Peisistratean and later editors.' This may be in line with the comment by Diom. *Gramm.* 1.473.19.

<sup>33</sup> T. Birt, *Das antike Buchwesen* (Berlin 1882): 36–7.

<sup>34</sup> Plato, *Phaedrus* 264c2–5; cf. Arist., *Poet.* 1450b34–37, with the notes by D. W. Lucas, *Aristotle Poetics* (Oxford: Clarendon Press 1968): 112–13. For its use by a younger contemporary, see Dionysius of Halicarnassus' comment on the subject

have used the Greek term because *corpus* had not yet developed the metaphorical sense required.<sup>35</sup> The closest contemporary parallel to Cicero's *σῶμα* of consular speeches may be the collections of poems by Lucilius and Catullus in the tradition of Hellenistic poetry books.<sup>36</sup>

Thus, the *σῶμα/corpus* of speeches Cicero promises to send his friend in *Att.* 2.1.3 are a group of orations selected to present a suitably 'Demosthenic' picture of Cicero the high-minded consul. He has collected them into an aesthetically pleasing *σῶμα* with a view to literary imitation, calculated to appeal to young men whose ambition required Greek learning. There is no evidence that Cicero revised the speeches and sent newer versions to Atticus merely to curry favor with those in power.<sup>37</sup> When Atticus requested material to revise his work on Cicero's consulship, he erred by asking Cicero for only a couple of the speeches. Cicero replied that the group of orations belonged together and indicated why.

Seven of the ten consular speeches and one of the 'fragments' survive whole or in part; enough to gain a fair impression of the consular image Cicero wished to convey. Each speech addresses its particular issue in detail and can be shown to take full advantage of the physical context of its delivery ('what I did and what I said'). Yet the speeches also work together to construct an ethos for Cicero the serious politician who serves selflessly the interests of Rome and rallies the Senate and Roman people to work for the good of the *res publica*. Although the general outline of Cicero's consular persona is well known, the consular speeches have not been examined as a collection that both constructs this persona and appeals to the rhetorically (and politically) minded youth who pressure Cicero to write out his speeches. The remainder of this chapter will sketch some ways the speeches accomplish the task.<sup>38</sup>

---

matter of Herodotus and Thucydides, *ad Pomp.* 3. For more discussion on the principle of organic unity before and after Cicero, see Heath (1989).

<sup>35</sup> Cf. *TLL* 4.1020.62–1021.39.

<sup>36</sup> A closer connection is probably not warranted, but there may be a correspondence in the principles of selection, if not arrangement. For an overview and argument that artfully arranged poetry books are a Hellenistic—not Augustan—development, see M. S. Santirocco, *Unity and Design in Horace's Odes* (Chapel Hill: University of North Carolina Press 1986): 3–13.

<sup>37</sup> When Cicero makes changes in his speeches he is explicit about it, as at *Att.* 1.13.5, where all the changes are stylistic or for accuracy, not political.

<sup>38</sup> Bibliography on the speeches, especially the Catilinarians, is extensive and comments about them may be found in most major scholarly contributions to Ciceronian

*A Consular Inauguration*

Cicero's first act as consul on 1 January was to offer sacrifice to Jupiter and call the Senate to meet in his temple on the Capitoline. There he delivered the first of several forceful speeches attacking a piece of agrarian legislation recently proposed by the tribune P. Servilius Rullus. Agrarian legislation had a long and contentious history at Rome, enabled by the special importance of public land (*ager publicus*) in Roman foreign and domestic policy.<sup>39</sup> Territory might become public land when conquered in the name of Rome; such territory might then be offered to Roman citizens to settle. Public land could be assigned or sold to individuals to farm or graze, and certain rights could become hereditary, but revenue from such land was owed to the state treasury. Complete ownership remained with Rome. When rich men acquired large tracts of public land they began to consider it private property and diminished or discontinued their revenue payments. Redistributions of public land usually meant taking land from the large landholders and reassigning it to poorer citizens, who would have an opportunity to earn a living and also contribute to the state treasury. Redistribution efforts were often led by men who looked to the masses for political support; they were opposed by wealthy landowners, senators being in that rank.

Rullus' bill may have been offered in the spirit of true reform and with general good intent, but it is impossible to know for certain on the basis of Cicero's attacks.<sup>40</sup> Rullus seems to have opened the door

---

studies. The following sketch will outline only those features of the speeches that are useful for the construction of Cicero's consular ethos, leaving aside most polemic about historical details. A great deal of scholarly literature on Ciceronian oratory is concerned with the perceived 'sincerity' of Cicero's arguments; such conjectures are of little use for rhetorical criticism and may be left aside when considering *how* the speeches represent Cicero. This is not to adopt a naïve approach to Cicero and believe everything he says; it is to look at the rhetorical effect of what he says whether truthful or not. For a full list of modern works touching on the consular speeches, see C. Craig's bibliography in this volume.

<sup>39</sup> For a convenient and balanced discussion, see A. Lintott, *Judicial Reform and Land Reform in the Roman Republic* (Cambridge: Cambridge University Press 1992): 34–58.

<sup>40</sup> Historians and critics disagree about Rullus' intent, the importance or seriousness of the proposal, and whether Rullus was the front man for others; cf. Mitchell (1979): 184–96. For a thorough assessment of the law in the context of other agrarian legislation in the 60s and 50s, see E. S. Gruen, *Last Generation of the Roman Republic* (Berkeley and Los Angeles: University of California Press 1974): 387–404.

for suspicion by using vague wording and refusing to discuss the proposal with Cicero in advance (2.12–13). He proposed to establish a board of ten commissioners (*decemviri*) with extensive and unprecedented powers to buy, sell, confiscate, or give away public land. The decemvirs were to be elected in an unusual way, from a majority out of only 17 of the 35 voting tribes, and the people's favorite, Pompey, was excluded from membership. Thus it appeared that the decemvirs might not represent the people's interests. Indeed, with the extensive and arbitrary powers granted them, Cicero points out their similarity to the dictator Sulla, the enemy of the people. The law would allow the decemvirs to establish colonies and fill them with citizens of their choice, which Cicero paints as a possible military threat to Rome.

Cicero claimed that the bill that was ostensibly 'popular' was in reality a brutal abrogation of power by ten men who were not elected by the people and would not serve their or the Senate's interests. In *De Lege Agraria* I Cicero makes his argument to the Senate in his first major act as consul. Others have dealt with the particulars of the bill and Cicero's arguments.<sup>41</sup> Here, we are concerned with the image of Cicero in the speech and how it is 'consular' in representing what he said and did.

The *exordium* of *De Lege Agraria* I is lost, regrettably, for it likely contained important information about how Cicero wished to be perceived by the senators, comments on his *homo novus* status vis-à-vis the senatorial nobility, and additional remarks on the nature of his consulship. As it stands, the speech opens somewhere in the middle of his argument with a characterization of Rullus and the *decemviri* as drunkards and gluttons, ravenously consuming all public lands they can, squandering the state's assets as they have their own, and dishonoring the *dignitas* of the Roman people (1–2). Cicero claims they will sell some of the best land in Italy (3–4), the choicest land in the provinces won for Rome decades earlier by the noble generals, and even lands won by Pompey (5–6). They will have unlimited powers beyond those of even the censors and other magistrates

---

<sup>41</sup> Scholarship focuses on the second speech, though comparisons with the first are frequently made: C. J. Classen, *Recht—Rhetorik—Politik: Untersuchungen zu Ciceros rhetorischer Strategie* (Darmstadt: Wissenschaftliche Buchgesellschaft 1985): 304–367; A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (Berkeley and Los Angeles: University of California Press 1993): 217–243; Bell (1997): 1–22.



who are governed by the laws (8–10); they will rob Rome of her revenues, forcing generals—including Pompey—to pay them (11–13). They will take the best land for themselves and pay their friends handsomely for poor-quality land (14–15); they will plant colonies that will threaten Rome, especially at Capua, a place previously so dangerous that the ancestors had limited its power (16–22).

In the peroration Cicero addresses both senators and the tribunes, proclaiming his policy as consul, demonstrating his ability to be severe with those who oppose Rome's interests, collegial to those who change and wish to help him, and supportive of the Senate's *dignitas* and *auctoritas* (22–27). He claims to be a *consul popularis*—a true *popularis*, supporting what the people want: *pax*, *concordia*, and *otium*—and challenges Rullus to debate the matter openly in a meeting before the people (23).<sup>42</sup> He characterizes the current state of Rome and thereby demonstrates the need for his policies:

You [Rullus and the tribunes] have handed me a state anxious with suspicion, hesitant from fear, alarmed by your laws, meetings, and settlements of colonists; you hold out hope to the wicked, cause the good to fear, and have cast trust from the forum, respect from the republic. In this turbulence and confusion of citizens' minds and affairs, when the voice and authority of the consul (*vox et auctoritas consulis*) will suddenly shine upon the Roman people amid such darkness, when it shows that there is nothing to fear, no army, no armed gang, no colonies, no auction of revenues, no new empire, no decemviral kingdom, no second Rome or other seat of empire will exist with us as consuls, and that there will be general tranquility based on peace and leisure; then, I imagine, we will need to fear that that admirable law of yours seems too popular. (23–24)

Cicero rejects the honors derived from personal ambition to sway him from his course, though it be unpopular, and vows not to take a province so he will not owe anyone a political debt or seem to incur political obligations (25). Finally, addressing the tribunes he encourages them to turn from their designs and help him rid the city of the internal enemies that wound it, so they may heal it together and Cicero will be seen to restore the old-time *auctoritas* of the Senate (26–27).

<sup>42</sup> For the political vocabulary used throughout the speeches, see J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la république*, 2nd ed. (Paris: Les Belles Lettres 1972), and G. Achard, *Pratique rhétorique et idéologie politique dans les discours de Cicéron*. Mnemosyne Supplement, 68 (Leiden: Brill 1981).

At every point in the speech Cicero's argument is directed at Rullus' bill, yet the topics covered are strikingly programmatic for his actions throughout his consular year. The main issue to emerge is that Cicero works for *concordia*, *pax* and *otium* (21, 23–4), the goals of a politician who is truly *popularis* (23). Cicero would later claim that *concordia ordinum* or *consensio bonorum omnium* was his policy.<sup>43</sup> His opponents are those who stir up dissension among the people and the allies (2–3, 6, 8–11, 15–27), though they claim to be friends of the people (23). Cicero supports principles dear to the people and the Senate, linking key political watchwords such as *libertas*, *dignitas* and *auctoritas* (17, 22–3, 27). He claims he will open up politics, bringing negotiations into the light of day (5, 24), using the assemblies and his oratory (23–4, 27), whereas his enemies prefer to work in secret and in the dark (1, 3, 7, 11, 26). Cicero's use of oratory, the assemblies, and negotiations before the people suits the current situation, for Rome is not threatened by some external king or nation, but by an internal foe (26). As will become obvious throughout the course of the consular speeches, this foe cannot be adequately defeated by military means alone: it must be combated by exposing it, making clear its designs against Rome, and rousing up all Romans against it. To do this, and to unify the Roman people against this threat, requires not a general, but an orator.

Accommodation of competing factions is one of the quintessential functions of oratory.<sup>44</sup> At the end of the speech, Cicero offers to bridge the gap between traditionally popular and conservative concerns by encouraging the tribunes to work with him and the Senate, emphasizing collegiality (*colligite vos, . . . conspirate nobiscum, consentite cum bonis, communem rem publicam communi studio atque amore defendite*, 26). For those who wish to gain power by causing trouble in the state (thus, revealing Cicero's distinctly senatorial view of traditional *popularis* practices), Cicero offers his own career as an example of the working together of competing factions and the success that can be obtained: 'let him take me myself as his example, whom he sees risen from an equestrian rank to become consul, and my way of life that leads good men so easily to high office and respect' (27).

<sup>43</sup> H. Strasburger, *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros* (Amsterdam: Adolf M. Hakkert 1956; reprint of 1931 edition).

<sup>44</sup> Cf. *De Orat.* 1.30–32.

*De Lege Agraria* I transcends its immediate concern with Rullus' legislation to become an inaugural speech of sorts and a statement of Cicero's policy for his consular year. It also establishes his consular ethos: moderate but principled, firm yet willing to work with others, reasoned, committed to conducting politics in the open, self-sacrificing, and tireless in the pursuit of *concordia*. And yet, the speech is only a partial statement, half the inaugural, for it was delivered to the Senate. Although Cicero takes a bold step by declaring himself a *popularis* in the Senate, not an easy thing to do as he says to the people in his second speech (2.6), he is still speaking before only one of the *ordines* he wants to bring together. The reader naturally anticipates reading Cicero's argument before the people in *De Lege Agraria* II.

*De Lege Agraria* II survives virtually intact and most likely parallels the first speech in its general tripartite structure. As before, the *exordium* (1–16) and *peroratio* (98–103) contribute most to crafting Cicero's consular image. The bulk of the speech is a detailed, seemingly chapter-by-chapter analysis of Rullus' legislation where Cicero explains the implications of the bill's provisions (16–97). The main articles concern the election of the *decemviri* by only 17 of the 35 tribes (16–30), description of their excessive powers (31–35), their uncontrolled use of enormous sums of money (35–72), and their unregulated power to allot land wherever they wish, especially in Campania, planting colonies that may grow to threaten Rome (73–97). The details are overwhelming and give the appearance that Cicero knows the bill thoroughly and understands fully the implications of passing it.<sup>45</sup> We need not believe all Cicero's arguments or the implications he finds in the bill's provisions, but it must be said that his extensive treatment of the proposed law contributes to his image as a diligent and informed consul.

In the *exordium* Cicero establishes a bond between himself and the people and outlines the reciprocal obligations they have with one another. One wonders whether he did the same with the Senate in the first speech. He opens by acknowledging the conventions of a magistrate's first speech to the people, expressions of gratitude and praise of one's ancestors, but says he must break with tradition

<sup>45</sup> Cf. Classen (1985) and Vasaly (1993).

because he has no noble ancestors to whom he owes his office (1–2). His gratitude to the people is therefore greater than others' because he owes his election completely to them and their recognition of his own virtue. He stresses his status as a *homo novus*, the first in decades, and the outstanding honor of his election at the earliest possible time, *suo anno*, creating a stronger obligation to work for the people who supported him (3–5). He apologizes for speaking about himself, but is in a dilemma: 'I fear that to speak about myself among you would be considered arrogant, but to remain silent would seem ungrateful' (2). He thus justifies his speech and vows not to remain silent, preparing the way for him to use oratory as his vehicle for political negotiations with the people (6). He will use 'reason and a moderate style of speaking' (*certa ratio et moderatio dicendi*) which characterizes not only his speech, but his policies and his consular persona (2). Emphasizing his debt to the people elicits their good will and sympathy toward him when he speaks of needing to protect the consulship (*tuendi consulatus*) and of knowing that he has no allies among the *nobiles* if he should fail (5). Cicero strengthens these feelings by expressing his willingness to endure the danger alone and his concerns that 'certain men' might blame the people for having elected him (6).

Cicero has tried to put his audience into a psychological state in which they support him because he has acknowledged their importance, his debt to them, the similarity of their status insofar as he is not *nobilis*, his desire to work for them, and his willingness to sacrifice himself for their cause and the good of the state. The conjunction of interests seems natural. At this point he announces he will conduct his consulship in a new way, by frequently bringing political debate to the people and speaking in the assemblies. He also declares that he will be a *popularis consul* (6). One can only imagine the audience reaction. Demagogic rhetoric or not, it makes an arguably good case for shared interests between Cicero and the Roman *populus*. His image as a friend of the people is strengthened by his request for their help in defining the word *popularis*, saying he has need of their *sapientia* (7). Dilating on topics dear to the people, especially *pax*, *libertas*, and *otium* (7–9), he asks 'how could I not be *popularis*?' (9).

The development of Cicero's ethos in the *exordium* has put him in a position to challenge Rullus and the other tribunes, who would

be expected to be *populares* by virtue of their office (10–16). Having emphasized his connections with the people, Cicero points out that since Rullus entered office he has become distanced, affecting a different style of dress, speech, and comportment, looking like a menace to the state (13). Cicero is at pains to demonstrate that there need be no enmity between consuls and tribunes though there has often been in the past (14). It is not that their *potestas* is incompatible, but only an *animorum disiunctio* (14). And so, having established his *popularis* credentials, and in an effort to work together with the tribunes, he takes up Rullus' proposed legislation (15).

The peroration of *De Lege Agraria* II works like that of the first speech: it does not so much argue for or craft Cicero's image as it confirms it based on what he has said. Cicero recalls his exceptional honors and the burden they place on him when he expresses surprise that Rullus would try to harm the state while he is consul: 'For although the hard work and attention to protecting the republic is a weighty task for all consuls, it is especially so for those who were not made consuls in their cradles, but in the campus' (100). His lack of noble ancestors requires him to rely on himself. As a result, he must define himself before the people: 'I promise this to you, Romans, in good faith: you have entrusted the republic to a man who is vigilant, not afraid, hardworking, not lazy. Am I the sort of consul who fears an assembly, who trembles before a tribune of the plebs, who often creates disturbances for no reason, who is frightened that I must live in prison if the tribune of the plebs orders that I be brought there?' (100–101). He also articulates his principles and policy: 'I understand, Romans, that nothing can be so *popularis* as that which I bring into this year for you as a *consul popularis*: peace, tranquility, leisure (*pax, tranquillitas, otium*). Through my judgment and reason I foresaw the things you feared while I was consul elect so they will not be able to take place' (102).

At the end of the speech Cicero rallies the people: 'The greatest and most powerful protection for our common interests, Romans, is that you show yourselves in all future times of strife in the republic as the kind of men you have showed me you are today this great assembly, working for your own welfare' (103). Not only does this parallel Demosthenes' appeals to the Athenian citizens; it documents the fact that Cicero and the people are working together in harmony, that they share the same concerns.

In *De Lege Agraria* II Cicero develops the ethos of a *popularis consul* by ingratiating himself with the people, emphasizing their common bonds, showing his gratitude and willingness to work for their interests. Although the *exordium* for *De Lege Agraria* I does not survive, it most likely emphasized Cicero's common bonds with the senators and his willingness to promote their interests. The general structure of the speech was probably similar to *De Lege Agraria* II, though the political stance may have been different. Simply opposing agrarian legislation may have been enough to indicate his support of the Senate. Yet it would be wrong to characterize the speeches as simply toadying to their respective audiences, for Cicero also makes arguments that run counter to his audiences' traditional interests. In the speech to the Senate he declares himself a *popularis consul* who will work for the things the people love most (1.23); in the speech to the people he opposes legislation that was traditionally favorable to them (2.10). It is a distinctive feature pervasive in Cicero's oratory that he crosses such boundaries and builds his argument upon some paradox of fundamental beliefs. Years after his consulship he could claim, 'And so I carried out my consulship in such a way that I did nothing without the advice of the Senate and nothing without the approval of the Roman people, that I defended senatorial interests on the rostra and popular interests in the Senate, and that I conjoined (*coniunxerim*) the masses with the leaders and the equestrian order with the Senate' (*Pis.* 7).

Cicero delivered two more speeches on the agrarian law, but included them only as 'fragments' when he sent his consular *corpus* to Atticus (*Att.* 2.1.3). The main argument of one (we do not know which) survives, perhaps all that Cicero preserved. It is almost completely argument, however, lacking the extended comments about Cicero or his policies that he included in the *exordium* and *peroratio* of the previous speeches. This may explain why it was listed last, after the full speeches: it provides important information but does not contribute anything new to Cicero's consular image.

The third speech of the consular *corpus* is Cicero's defense of L. Roscius Otho. One fragment and some *testimonia* survive.<sup>46</sup> The occasion for the speech was that the people hissed Otho as he entered

---

<sup>46</sup> J. W. Crawford, ed., *M. Tullius Cicero: The Fragmentary Speeches*. American Philological Association, American Classical Studies, 137. 2nd edition (Atlanta: Scholars Press 1994): 209–214.

a theater because he had passed a law assigning the fourteen rows behind the senators to the equites. The people were outraged at this privilege and reviled Otho, while the equites rallied to support him. Cicero called the people to the temple of Bellona and upbraided them, whereupon they returned to the theater and applauded Otho. The main function of the speech seems to have been to preserve equestrian *dignitas*. As the third speech it also defended the interests of the third *ordo* of Cicero's program of *concordia ordinum*, making common cause with other members of his own class and encouraging the people to accept class distinctions in the theater. Thus, in the first three speeches, Cicero aligns himself with the Senate, the people, and the equites, promoting their common interests in venues assumed to be hostile to the other groups.

### *The Consular Counsel*

Cicero's speech on behalf of Gaius Rabirius, delivered later in the year, furnished a grand opportunity to demonstrate his ability to transcend the niggling arguments of the legal advocate and use his oratory in the service of the state. Details of the trial are complicated and obscure, but scholars generally agree on the outline.<sup>47</sup> Sometime before the elections for 62, the aged senator Rabirius was indicted for a murder committed thirty seven years earlier. The prosecutor was a *popularis* tribune, Titus Labienus, who worked closely with Julius Caesar in 63 to curb senatorial power. Together they dredged up an archaic procedure for trying, sentencing, and punishing the culprit before the *populus*, and the charge was the almost forgotten accusation of *perduellio*, high treason. The victim had been the revolutionary popular tribune Lucius Saturninus, which made the trial rather sensational. But the ultimate cause of Saturninus' death made the trial politically important, for he had been killed on the basis of a decree by the Senate, the so-called 'Final Decree,' the *senatus consultum ultimum* (SCU).<sup>48</sup> The SCU indicated that a state of

<sup>47</sup> For discussion, see W. B. Tyrrell, *A Legal and Historical Commentary to Cicero's Oratio Pro C. Rabirio Perduellionis Reo* (Amsterdam: Hakkert 1978): 10–50.

<sup>48</sup> A general overview is offered by W. Nippel, *Public Order in Ancient Rome* (Cambridge: Cambridge University Press 1995): 57–69. For detailed analysis of the

emergency existed and directed the consul(s) to protect the Republic. It had been used only twice, both times against radical tribunes of the plebs: in 121 against Gaius Gracchus, and in 100 against Saturninus. In both cases, the men were killed without a trial, which ran counter to Roman law. In both cases, the men charged with killing them were exonerated by the Senate. To the Senate, the SCU gave it the power—never uncontested, but power nevertheless—to suppress an armed uprising in the city, where recourse to a standing army was impossible. To the popular leaders, the SCU represented an unconstitutional abrogation of power that limited the civil rights of Roman citizens. Since a direct assault on the SCU itself was impossible, the tribune Labienus found another path: his uncle had been killed with Saturninus, which provided an ostensible personal motive, and the aged Rabirius made a perfect target, for he was known to have attended dinner parties, carrying Saturninus' head on a spear as a kind of joke.<sup>49</sup>

In the case against Rabirius there seem to have been two trials: the first under the archaic procedure which led to a summary verdict given by Caesar, who presided over the court with his relative, the consul of 64, Lucius Caesar; and the second, where Rabirius appealed his conviction to the Roman people who, in the form of the centuriate assembly, sat as the jury for the trial. The ancient penalty for *perduellio* was crucifixion in the campus Martius, a cruel punishment which carried an enormous emotional charge for the Romans, for it was not only a painful and shameful death, but it would have symbolically deprived Rabirius of his Roman citizenship and status as a free man, disgracing him and his family for generations. Cicero and the Senate opposed the first trial, but were apparently unable to halt it completely. The speech Cicero delivered for Rabirius was given at the second trial, where the penalty was only a fine, though perhaps one large enough to force Rabirius into exile because he would be unable to pay.

The archaic proceedings invoked by Labienus and Caesar suggest a serious effort to counter the forty or more years of general acceptance of the SCU by appealing to the greater authority of an even

---

development of the SCU, see J. von Ungern-Sternberg, *Untersuchungen zum spätere-publikanischen Notstandrecht. Senatus consultum ultimum und hostis-Erklärung*. Vestigia, 11 (München: C. H. Beck 1970).

<sup>49</sup> *Vir Illust.* 73.12.



more remote antiquity.<sup>50</sup> The outdated charge and antiquarian research make the trial seem a trivial affair today, but Cicero takes great pains to show that there was much more involved: it was not a regular accusation against an old man, but an attack on senatorial authority, consular power, and the working together of good men to protect the state from harm (1). Thus, it provides Cicero an opportunity to appear before the people as something more than a defense lawyer for an individual: his status as consul demands that he defend the state (2). Yet his brief is not so straightforward, for he cannot simply defend the SCU and the authority of the Senate (*auctoritas senatus*); he must combine it with support for the *libertas* of the Roman people. In so doing, he develops themes he put forward in *De Lege Agraria* and fashions a distinctive approach to the relationship between *libertas* and *auctoritas*.<sup>51</sup>

Since Cicero takes great pains to transform a defense speech into a political oration and construct a consular ethos that rises above that of a defense advocate in a private case, it will be useful to examine this development in detail. This has not been a major concern of scholarship on the speech.<sup>52</sup>

Cicero's opening words call attention to the unusual circumstances of the trial and signal a departure from his usual practice when defending someone before a jury: 'Although it is not my usual custom, Citizens, to state my reason for defending a person at the beginning of my speech . . .' (1). He does so because the case is not merely a private matter; it affects the whole state and involves much more than a personal connection to Rabirius: the *salus rei publicae*, *consulare officium*, and his own consulship (*consulatus ipse*) demand that he take up this defense.<sup>53</sup> Rabirius, he claims, is prosecuted not for a crime or because of jealousy or as a personal vendetta, but as a pretext

<sup>50</sup> Dio 37.26.3.

<sup>51</sup> Brunt (1988): 321–7.

<sup>52</sup> There are two modern commentaries on the speech, A. Primmer, *Die Überlegungsstrategie in Ciceros Rede pro C. Rabirio [perduellionis reo]*, Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse, Sitzungsberichte, Bd. 459 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften 1985), and Tyrrell (1978). Despite the title of Primmer's monograph, his analysis focuses on the historical context, Cicero's manipulation of events, and probable additions made to the speech when it was sent to Atticus in 60. Tyrrell's commentary has several good observations on the rhetoric of the speech.

<sup>53</sup> Consistent with *De Legibus* 3.8, where for the consuls *salus populi Romani suprema lex esto*.

for overturning the greatest defense of the state in a crisis: the authority of the Senate (*auctoritas senatus*), consular power (*consulare imperium*), and the cooperation of good men against threats to the state (*consensio bonorum contra pestem ac perniciem civitatis*, 2).

Once he identifies the threat to the government, Cicero defines the duties of the good consul as well as those of good citizens:

Wherefore, if it is the duty of a good consul, when he sees all the safeguards of the commonwealth undermined and uprooted, to come to the aid of his homeland, to hasten to preserve the welfare of the state and our common fortunes, to beseech the citizens for their loyalty, and to place our common welfare before his personal safety, then it is the duty of good and brave citizens—such as you've proven yourselves to be in all the trying times to the commonwealth—to close off all roads to rebellion, to fortify the defenses of the commonwealth, to regard the authority of the consul as paramount and the decision of the Senate as supreme, and to judge the person who acts in accordance with these things worthy of praise and honor, not of penalty and punishment. (3)

Cicero's definitions of the consul's duties suggest military and medical aid to the state, the protection of property, active solicitation of the citizens' loyalty, and his own self-sacrifice for the good of the state. The consul's physical exertions are balanced by actions required of the citizens, although these constitute defensive actions, possessing a certain frame of mind, and judging those who fulfill the duties of good citizens. Thus, while the consul should be active and self-sacrificing, the citizens should be no less vigilant in defense and stand ready to obey the consul and the Senate. In this short space, Cicero has established the need for shared responsibility between consul, Senate and people, and indicated the proper role for each.

Having elevated the importance of the case and emphasized his consular duty to defend the *salus rei publicae*, Cicero ostensibly turns to address the details of the case against Rabirius (6–9). Yet Labienus had limited his speaking time to half an hour and deliberately allowed him only enough time to speak as a defense counsel, not as consul (6). It would not be the last time in the year that a tribune tried to hinder his influence over the populace through his public speech, but it did create a rhetorical challenge. Moreover, Labienus tried to sidetrack Cicero with technicalities and irrelevant charges: violating religious places and groves, embezzlement and burning public records, another murder charge, violations of various laws, and the topic of

chastity (6–9). It may have been a conscious attempt to tone down the charges after the archaic first *perduellio* process failed to secure Rabirius' death. If Cicero were to respond to these charges, he would be forced to argue as a petty defense advocate. His greater *auctoritas* as consul would be muted; the relentless barrage of his attacks deflected. Cicero replies by mentioning the charges only to reject them at once as irrelevant, insubstantial, or contradicted by Rabirius' character (6–9). Since he had emphasized his need to speak as consul in the *exordium*, Cicero had already established a persona capable of dismissing these ancillary charges. He was ready to focus on the charge of treason and the sensational murder of Saturninus that Labienus did not want him to address: 'that other part of my speech, on the death of Saturninus, which requires not the cleverness of an orator but demands the assistance (*auxilium*) of a consul, you wanted to be quite short and meager' (9). Speaking as consul emphasized Cicero's greater *auctoritas* over the tribune; it required *gravitas* and *copia dicendi*, and supporting a matter of such national importance required a great deal of amplification. Years later, in the *Orator*, he would cite the speech for precisely these qualities.<sup>54</sup>

The linchpin for Cicero's argument that the trial concerns the safety of the state and requires his consular voice comes in sections 10–17. Here he strategically incorporates arguments about the archaic procedure and cruel punishment of the first *perduellio* trial that could not be made in it because the procedure forbade a defense speech (12). Labienus may have tried to focus attention on trivial arguments in the second trial, but Cicero appropriates the main issues involved in the first in order to elevate the nature of the threat to Rome.

The section begins with Cicero's emotional response to Labienus' charge that he crushed the *perduellio* process (10). Cicero is proud to have opposed the process: 'for what could one possibly wish that I would prefer to having banished the executioner from the forum and the cross from the campus in my consulship?' (10). He develops his opposition into an extended synkrisis between himself and Labienus, a virtual *contentio dignitatis* of who should be considered a true *popularis* and friend of the people. He aligns himself first with

<sup>54</sup> *Orator* 102: *ius omne retinendae maiestatis Rabirii causa continebatur: ergo in ea omni genere amplificationis exarsimus.*

the venerable *maiores*, claiming they get the real credit for abolishing the executioner and the cross, for when they drove out the kings they retained no *vestigium crudelitatis regiae*; he then appears in the same camp with the ancient *virī fortes* who wanted the *libertas* of the Roman people protected by the *lenitas legum*, not made intolerable by the *acerbitas suppliciorum* (10). This leads to a bold, direct comparison:

Which of us, then, Labienus, is *popularis*? You, who think it right to employ the executioner and chains on the Roman people in the assembly itself? who order a cross to be planted and fixed in the campus Martius, in the centuriate assemble, in that holy place? or I, who forbid the assembly to be polluted by contact with the executioner? who say the forum of the Roman people ought to be purified from those vestiges of wicked crime? who urge in defense that the assembly be preserved unstained, the campus holy, the body of all Roman citizens inviolable, and the right of freedom (*ius libertatis*) intact? (11)

Cicero appropriates nearly all the key terms of *popularis* rhetoric, especially support of *libertas populi Romani* and the Porcian and Sempronian laws (12). Mention of Gaius Sempronius Gracchus immediately moves Cicero to compare Labienus to this quintessential *popularis* politician (13–15).<sup>55</sup> Labienus emerges as the complete antithesis of Gracchus: he wishes to execute a Roman citizen without recourse to the people, he uses cruel language, wants to violate the *libertas* of the Roman people, tries the people's clemency (*mansuetudo*, 13). Labienus appears to be crueler than the kings, using phrases such as, 'Lictor, go bind his hands,' and 'Cover his head; hang him from the wretched tree' (13). Moreover, Cicero deprives Labienus of his claims to be *popularis* by asking why, if his actions were so truly *popularis*, did Gaius Gracchus not use them (14). Finally, when Labienus' actions have been so divorced from those of the supreme 'friend of the people,' Gracchus emerges as even a better person: he has greater *pietas*, *animus*, *consilium*, *opes*, *auctoritas*, and *eloquentia* (14). These turn out to be qualities that Cicero shares with Gracchus (15), bringing his identification with Gracchus full circle. Thus, it is Cicero the consul, not Labienus the tribune, who has greater claims to be *popularis* in the tradition of Gracchus.

At this point, having dilated upon the threat to *libertas* by Labienus' prosecution and having established himself as the *popularis* champion of *libertas* in the spirit of Gaius Gracchus, Cicero turns to his main

<sup>55</sup> Cf. Gracchus at *De Domo Sua* 24, *qui unus maxime popularis fuit*.

topic: the death of Saturninus (18). The fourteen sections devoted to the charge cover just less than half the speech and were slightly longer but some of the text has been lost toward the beginning and at the end.<sup>56</sup> This is the part of the speech Labienus wanted to be 'brief and meager' (9). Consequently, for Cicero it is the high point of the speech: his opportunity to enact his consular persona, to distinguish himself from Cicero the defense lawyer. He eschews argument about technicalities by claiming that Hortensius had already proved the charge false in great detail (*copiosissime*, 18). He keeps his own argument focused on large issues: the protection of citizens' *libertas* and the *senatus auctoritas*, the establishment of *concordia ordinum*, and the self sacrifice of the statesman for the safety of the state (18–31).

Cicero says he would, if he could, openly proclaim that Rabirius had killed Saturninus with his own hand because he would have killed an enemy of the Roman people (18–19, 31). This was the honorable, high-minded argument Marcus Brutus would later urge him to use in his defense of Milo. It was a bold argument; someone in the crowd shouted (18). He seizes this response—if he didn't create it—and uses it in his favor. Only a few people—the uninformed—cry out. The silence of the multitude—those who elected Cicero consul—confirms him now and even pressures the few to restrain their meager voice, the indicator of their stupidity and proof of their small numbers (18). Cicero employs the audience's reaction to argue their support for his position: silence indicates consent.<sup>57</sup> Regardless of whether or not this happened when he delivered his speech, Cicero uses it to demonstrate massive popular support of the 'silent majority.' The whole episode portrays a deft politician interacting with his audience.

Now for Cicero's *coup d'grace*: if he cannot admit that Rabirius killed Saturninus he can confess that Rabirius took up arms with the intent to kill him (19). This move pins Labienus on the horns of a dilemma: 'if it was a crime to kill Saturninus, arms could not

<sup>56</sup> According to Poggio, who supplied the text for all the codices we have, there was one page missing after section 19 and two pages after section 31. The material in sections 32–38 are fragments recovered from a palimpsest by Niebuhr and included in his 1820 edition. See V. Marek's Teubner edition (1983): 54–6 and *ad loc.* for notes and bibliography.

<sup>57</sup> A. Otto, *Die Sprichwörter und sprichwörtlichen Redensarten der Römer* (Leipzig 1890; reprint Darmstadt: Olms 1964): s.v. *tacere*, 2 and 3, p. 339.

be taken up for that purpose without incurring guilt; so if you concede that it was legal to take up arms, you must concede that he was legally killed' (19). The dilemma for the wishful *popularis* Labienus is that he could have not argued against the acts of the popular consul Marius. His case relied on a distinction between the actions taken by Marius under the SCU and the murder of Saturninus after Marius had pledged his security (*fides*, 28).<sup>58</sup> By linking Rabirius with Marius and the illustrious men who, under the terms of the SCU, took up arms, but did not kill Saturninus, Cicero undermines Labienus' distinction and makes it appear that he is attacking all the men who followed the consuls that day.

His argument begins methodically and with a simple, unadorned narrative style:

There was a decree of the Senate that the consuls Gaius Marius and Lucius Valerius should call upon the tribunes of the plebs and the praetors—those whom they thought appropriate—and see to it that the power and sovereignty of the Roman people were preserved. They called upon all the tribunes except Saturninus and all the praetors except Glaucia; those who wanted the republic to be safe they ordered to take up arms and follow them. Everyone obeyed. Weapons from the temple of Sancus and the public armories were given to the Roman people, with Gaius Marius the consul doing the distributing. (20)

The style suggests a straightforward description of an historical event. Cicero then turns to Labienus and asks what he would have done in a time of such crisis. Ratcheting higher the stylistic level through a series of rhetorical questions, he emphasizes that the consuls were supported by the Senate and the equites, marking the occasion as one of *consensio bonorum omnium* (20). Then he adds the weight of the *auctoritas*, *dignitas*, and *gravitas* of the men who supported Marius, providing the names of over twenty-five individuals and families who took up arms that day (21–2). The men represent a coalition of men from every order and rank, *nobiles*, *populares*, *homines novi*. Their common cause against Saturninus exhibits *concordia ordinum* in action.

A decade later in the *De Re Publica* Cicero says that in a civil dissention he thinks citizens ought to be weighed rather than counted, that the *boni* should be more important than the *multi*.<sup>59</sup> So he begins

<sup>58</sup> Tyrrell (1978): 129–30.

<sup>59</sup> *Rep.* 6.1: *et vero in dissentione civili, cum boni plus quam multi valent, expedendos civis, non numerandos puto.*

the argument here, oppressing Labienus with the *auctoritas* and *gravitas* of Marius' men, but he also adds the argument about the *multi*, contriving to have it both ways, emphasizing the *multitudo bonorum* (23). Continuing a series of relentless direct questions, Cicero asks Labienus if he would not join forces with the multitude, demolishing potential counter arguments with remarks about the numbers of men or their morals on the opposing sides (23–4). Finally, Cicero suggests that Labienus' identification with Saturninus has reached a dangerous level. The people have condemned others and rescinded their citizen rights for lamenting the death of Saturninus as Labienus has done and for possessing a funeral bust of Saturninus such as Labienus brought to the trial (25). Isolated from the *multitudo bonorum* and identified with Saturninus, Labienus risks similar losses. The people of that previous day, the *multitudo bonorum*, have also become a model for the jurors in the current trial.

At this point, Cicero eases his argument against Labienus and appears as a stern but compassionate father figure interested in correcting Labienus' wayward behavior. He blames Labienus' youthful *imprudencia* for prosecuting this case, an issue that was 'dead before you were born,' and claims that Labienus would have been on Rabirius' side if he had been old enough at the time (25). Cicero educates Labienus about the illustrious men who were on Marius' side by listing their virtues as if he were delivering their funeral oration: *summa sapientia, eximia virtus, singularis humanitas, gravitas, consilium, prudentia, ingenium, dignitas* (26). These men were the *gubernatores rei publicae* who, along with the equites, the *tribuni aerarii*, and other *ordines* offer models for emulation (27). In effect, Cicero has usurped the *laudatio funebris* elements that Labienus probably employed to praise his deceased uncle and parade Saturninus' funeral bust.<sup>60</sup>

Cicero assumes the mantle of the *pater familias* of the Roman state to preserve the *fama* of the ancestors for his Roman family (27). As a successor to Marius, *pater patriae* (27), Cicero defends his predecessor's *fama* against Labienus' charges (28). He rises above the quotidian details of the case and even the temporal limits of the issues to focus on the future and the issues that transcend the day. He taps into the widespread belief that great men sacrifice themselves

<sup>60</sup> For the elements of the *laudatio funebris*, see W. Kierdorf, *Laudatio Funebris. Interpretationen und Untersuchungen zur Entwicklung der römischen Leichenrede*. Beiträge zur klassischen Philologie, 106 (Meisenheim am Glan: Anton Hain 1980).

for their country in hope of some future reward: ‘and so among the many other reasons why the minds of good men seem divine and eternal, the most important reason is this: that the spirit of every good and wise man has prior knowledge of the future, so that he seems to look upon nothing but the future’ (29).<sup>61</sup> Cicero will fight on behalf of the *fama* and *gloria* of the consuls and other wise and brave citizens (30). He ends with a gnomic statement on the importance of preserving the memory of the dead that was as appropriate for every father to teach his son as it is for Cicero the consul defending the state: ‘If we honor those who have already left life, we leave behind us a condition more deserving of honor in the case of our own death’ (31).

In the *peroratio* Cicero indicates that he has worked with both the Senate and the people, specifically recalling Rullus’ agrarian land legislation and how the people rejected the bill that was supposedly in their interest (32). He reiterates his claim from *De Lege Agraria* that Rome faces an internal enemy, this time saying he agrees with the author of the trial, thought to be Julius Caesar:

I shout, proclaim, and announce the same thing the author of this trial proclaims: there is no king left, no people, no nation which you should fear; there is no foreign, no external evil that can work its way into this republic. If you wish this state to be immortal, this empire to be eternal, our glory to last forever, we must be wary of our own desires, or troublemakers who want revolution, of internal evils and of domestic schemes. (33)

The internal threats again call for a statesman who can manage and protect civil matters with his voice: ‘Your ancestors left you a great protection against these evils in that expression of the consul (*vocem illam consulis*): “Those who wish the republic to be safe . . .”’ (34). The consul’s words to the citizens to save the state are the *praesidium* against internal evils. Although the text is extremely lacunose, Cicero may indicate that this *vox* illuminates plots against the state (cf. *Leg. Agr.* 1.24) and is the hope of *libertas*, *salus*, and *maiestas*.<sup>62</sup>

Having emphasized the utility of the *vox consulis*, Cicero turns briefly to consider what he would do if Labienus chose to follow in Saturninus’

<sup>61</sup> For Cicero’s development of this idea, see V. Buchheit, “Ciceros Triumph des Geistes,” *Gymnasium* 76 (1969): 232–253; reprinted in *Ciceros literarische Leistung*, edited by B. Kytzler (Darmstadt: Wissenschaftliche Buchgesellschaft 1973): 489–514.

<sup>62</sup> Following the Teubner text of V. Marek (1983).



footsteps: he would do as Marius did, *refer* the matter to the Senate and *exhort* the people to protect the state before resorting to arms (35). At the moment, he sees no arms, yet he uses a military expression to suit his use of oratory to protect the state: 'I thought I should not call you to arms, but rouse you to vote' (35). The orator, not the general, is needed. This emphasis on *vox* rather than *arma* and the sequence of events Cicero would follow in Labienus' hypothetical attack on the state not only mirrors Marius' actions, but will become almost a blueprint for Cicero's handling of the Catilinarian conspiracy.

The final sections return to the distinction between a regular defense trial and Cicero's defense of the state. He includes a rather stock appeal to pity for Rabirius due to his wounds, age, reputation, and fear of dying away from the *patria* he earlier defended (36–7). The poor state of the text makes it unclear whether Cicero commented on his need for such an appeal, though it seems likely that it was expected, especially since Cicero was a master at it.<sup>63</sup> The very last sentence, however, returns to the distinction between the requirements of a defense of a friend and defense of the state: 'I have spoken for the amount of time allotted me by the tribune. I ask and beseech you to consider this speech of mine a loyal act for a friend in danger, and a consular act for the welfare of the state' (*pro rei publicae salute consularem*, 38).

The return to this dual role of private and public defender requires the jurors and the reader to assess Cicero's dual performance: did he carry it off? Answers will vary about his success. The analysis has tried to indicate how he met the challenge, showing in particular the linear development of a consular ethos to enable Cicero to make the argument Labienus sought to preclude. In terms of enhancing Cicero's consular image, the speech unifies senatorial and popular interests to protect Rabirius and the SCU, and demonstrates the history of this *concordia ordinum* with examples from the consulship of Marius. He calls attention to the cooperation of Senate and people earlier in the year under his direction and the speeches *De Lege Agraria* (33). Yet, *Pro Rabirio Perduellionis Reo* adds a new dimension to Cicero's consular ethos by distinguishing between his well-known status as the leading defense pleader in Rome and his *auctoritas*

<sup>63</sup> *Orator* 130–2.

as consul speaking on state matters. Since the first was ingrained in the minds of the people, and probably used against Cicero by Labienus, Cicero proceeded slowly and carefully to construct a consular ethos that allowed him to transcend his former status. This process of ethos construction cannot be separated from the argument in defense of Rabirius for it enables the argument. It is a short step to Cicero's post-consular judicial speeches where his ethos is his argument.<sup>64</sup>

The next two speeches in the consular corpus are lost. In the speech *On the Sons of the Proscribed*, Cicero seems to have upheld the Sullan prohibition on the sons of the proscribed from holding office.<sup>65</sup> A tribune may have proposed abolishing the law in a bid for popular support; Caesar is thought to have been behind the measure. According to testimonia the speech showed Cicero making a tough argument before the people, opposing a measure most likely billed as in their interest. The one surviving fragment, quoted by Quintilian, seems to indicate Cicero's dilemma. Nevertheless, he was successful: the consul had once again navigated safely between the clashing rocks of senatorial and popular interests.

The speech Cicero delivered when he gave up his province has been completely lost.<sup>66</sup> There is little to say but that he renounced his consular province in the assembly and the people protested. It is difficult to see how the move would have appealed to either the Senate or the people. It is possible that Cicero argued that his presence was needed in Rome, despite the good will and desire of the Senate and people for him to reap the rewards of a province. If so, the speech may have emphasized the need for an orator politician rather than a military general. But this is speculation.

### *Leading the State as Consul in a Time of Crisis*

The final speeches in the consular corpus are the four *Orationes in Catilinam*, or *Catilinarians*. The *First Catilinarian* is Cicero's best known

---

<sup>64</sup> J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: University of North Carolina Press 1988): 69–79; cf. D. H. Berry, *Cicero, Pro P. Sulla Oratio*. Cambridge Classical Texts and Commentaries, 30 (Cambridge: Cambridge University Press 1996): 59–62.

<sup>65</sup> Discussion and sources in Crawford (1994): 201–207.

<sup>66</sup> Discussion and sources in Crawford (1984): 82–84.

speech. Unfortunately, it is often read in isolation, divorced from the context of the consular corpus and even of the other *Catilinarians*. The four speeches address the revolutionary schemes of the patrician Lucius Sergius Catilina and his band of conspirators who are plotting a military and political coup. The speeches form an identifiable subset of the consular corpus and fitting conclusion for they show Cicero engaging in the rhetorical containment of a true national crisis.<sup>67</sup> In the *Catilinarians* Cicero rises above the usual concerns of a consul and propels himself into the ranks of Rome's most important statesmen.<sup>68</sup> The ethos constructed in the earlier consular speeches is now fully developed and ready to be deployed in protecting Rome from this crisis.<sup>69</sup>

The historical background to the conspiracy is well known, so only a brief summary is needed.<sup>70</sup> Catiline, an ambitious patrician with a checkered private life, had a successful political career until he returned from governing Africa as propraetor and was prosecuted for embezzlement in 66 B.C. This and another prosecution frustrated his attempts to stand for the consulship in 65 and 64. For 63, he formed an alliance with Antonius against Cicero and the other competitors, but Cicero helped quash his chances for election by delivering a scathing speech against him in the Senate (*In Toga Candida*). He stood again for the consulship of 62, but Cicero, presiding at the election, helped ensure his defeat once more. This blow to his patrician pride by a *homo novus* was more than Catiline could bear. Given to violence and having already uttered not so vague threats

---

<sup>67</sup> Cicero delivered other speeches against Catiline, the most notable being when he revealed the conspiracy on October 21, but he chose not to publish them or to include them in his consular corpus. See Crawford (1984): 88–89. The four speeches he did publish were expected to represent his views and arguments. That the *First Catilinarian* was not the first delivered but is the first we read has distorted our picture of the beginning of the conspiracy. Some recent scholarship on the individual speeches will be noted below; there has been little on how the four speeches work together; for one attempt, see R. W. Cape, Jr., *On Reading Cicero's Catilinarian Orations*, Ph.D. Diss., University of California, Los Angeles, 1991.

<sup>68</sup> Modern scholars have different opinions about whether the Catilinarian conspiracy deserves to be called a major incident in the history of the late Republic, but there is no doubt that Cicero's handling of the crisis made him politically important for the rest of his life.

<sup>69</sup> The standard treatment of Cicero's ethos in the *First Catilinarian* is Batstone (1994): 211–266.

<sup>70</sup> The ancient sources are collected together with comments by modern historians in H. Drexler, *Die Catilinarische Verschwörung: Ein Quellenheft* (Darmstadt: Wissenschaftliche Buchgesellschaft 1976).

against the ruling class and key politicians, Catiline began to gather men and an army to march on Rome. Detailed information was brought to Cicero and relayed by him to the Senate on 20 October. On 21 October the Senate issued the SCU with Catiline as the intended target. But Cicero hesitated and refused to act rashly; no doubt the case of Rabirius weighed on his mind. He waited and continued to gather information until Catiline sent two henchmen to murder Cicero in his bed on the morning of 7 November. Cicero thwarted their attempt and called the Senate into session for the next day at the temple of Jupiter Stator, Jupiter who keeps soldiers from retreating and gives them strength to overcome an enemy already bearing down upon them. In this symbolic location Cicero delivered his *First Catilinarian*.<sup>71</sup>

Cicero's primary rhetorical challenge in the *First Catilinarian* is to inform the Senate about the extent of Catiline's conspiracy and justify his own apparent inaction.<sup>72</sup> Rome was already in a state of crisis; the Senate had issued the SCU; yet certain problematic issues lingered. Most important among these were the lack of direct evidence against Catiline and Cicero's credibility against Catiline the patrician. Cicero had convinced the aristocrats that one of their own was plotting violence against them and Rome, but his status as a *homo novus* hardly gave him sufficient *auctoritas* to carry his point without incontrovertible proof. In this sense, the speech may exhibit a 'crisis of legitimacy,' as Cicero endeavors to shore up his *auctoritas* before the senators.<sup>73</sup> But the *First Catilinarian* is not unique in this regard: every speech in the consular corpus exhibits a crisis of legitimacy wherein Cicero must appropriate the language and symbols of an antagonist who has better claims to the audience's sympathy. Moreover, Cicero's arguments across the four speeches continue to address the intersection of conservative and popular interests: he does

---

<sup>71</sup> See the excellent treatment of this by A. Vasaly, "Transforming the Visible: *In Catilinam* 1 and 3," in *Representations: Images of the World in Ciceronian Oratory* (Berkeley and Los Angeles: University of California Press 1993): 40–87.

<sup>72</sup> Cf. Batstone (1994).

<sup>73</sup> D. Konstan, "Rhetoric and the Crisis of Legitimacy in Cicero's Catilinarian Orations," in *Rethinking the History of Rhetoric: Multidisciplinary Essays on the Rhetorical Tradition*, edited by T. Poulakos (Boulder: Westview 1993): 11–30. See also T. Habinek, "Cicero and the Bandits," in *The Politics of Latin Literature: Writing, identity, and Empire in Ancient Rome* (Princeton, NJ: Princeton University Press 1980: 69–87. Cf. Sall. *B.C.* 31.7.

not merely usurp the aristocratic high ground against Catiline, he blends it with *popularis* arguments. Finally, one must consider that the speeches come at the end of his consular year, throughout which Cicero has carefully crafted his consular ethos. The brief consideration of the *Catilinarian Orations* here will proceed on assumptions that differ markedly from standard scholarship on the speeches in that the texts will be examined as the culmination of Cicero's consular ethos as developed in his other consular orations.<sup>74</sup>

The *First Catilinarian* is the opening salvo in an extended debate on a national crisis. Crisis speeches display certain generic similarities and many ancient orations employ features found in modern crisis rhetoric: 'The perceptions of immediacy and urgency, and the public's expectation of strong leadership qualities during crises, require discourse that can seemingly resolve critical situations. Such discourse is expected to offer quick solutions, preserve strength and integrity of the nation and its leadership, justify necessary action, garner support for action, correct misperceptions and recover from setbacks.'<sup>75</sup> Features of crisis rhetoric in Cicero's and Demosthenes' speeches include, 'the polarization of the conflict into a dichotomy between good and evil, right and wrong, which is often simplistic in its approach,' where the crisis is presented by the orator as a 'fundamental crisis of the civilization that he represents,' which 'accounts for his intractability, his refusal to compromise or to deal with the enemy, his demand for absolute victory or honorable defeat.'<sup>76</sup> Moreover, the orator becomes a '*laudator temporis acti*,' compares the good old days to the degenerate present time, and tries to imitate 'role-models and to see the crisis that he faces in terms of patterns that have appeared in the past.'<sup>77</sup> The *First Catilinarian* shares all these characteristics except one—a quick solution—and therein lies its particular contribution.

Cicero's famous opening words accuse Catiline of being a long-standing threat to the state, 'How long, then, Catiline, will you abuse our patience?' (1). The immediate cause of the speech is Catiline's

---

<sup>74</sup> Space does not allow for a full treatment of the *Catilinarians* here; I intend to offer an extended analysis elsewhere.

<sup>75</sup> A. Kiewe, *The Modern Presidency and Crisis Rhetoric* (Westport, Conn.: Praeger 1994): xvii–xviii.

<sup>76</sup> Wooten (1983): 168.

<sup>77</sup> Wooten (1983): 169–170.

attempt on the previous night to have Cicero murdered in his bed (9–10). The opening is delivered in such a high, emotional style that one can almost see the nervous consul still noticeably shaken from having escaped an assassination attack (1–3). There is new information: Catiline's grand scheme for taking over Rome was laid out the night before at the private house of Marcus Porcius Laeca (8–10). This is added to the list of his previous crimes: he has raised an army (5, 24), already planned to murder senators and capture Praeneste (7–8), corrupted the youth (13), murdered his wife and son to take on a new bride, ruined the family fortune (14), and has tried before to kill senators and consuls (15). The *Patria* herself claims Catiline has been plotting against her, has already murdered citizens with impunity, and is planning to overturn the courts and Rome's laws (17–18). The threat is made obvious and a sense of urgency is established.

Yet the object of the *First Catilinarian* is not Catiline, at least not in the sense that Cicero is exposing his conspiracy for the first time. It is Catiline's accomplices, as yet unnamed, save for Laeca, by implication, and Gaius Manlius (5, 7, 10). Catiline deserves to be killed, Cicero says, and will be when there is no one like him who will think it wrong (5–6). Cicero outlines the actions of Catiline's co-conspirators (7–8) and claims that some even sit in the Senate, unnoticed by others (9). He stirs up a sense of fear and distrust by emphasizing the secrecy of Catiline's plans: they take place at night, at an individual's house, on the scythe-makers' street (1, 6, 8–10). He unsettles the senators by pointing out that some do not see what is happening, and some even support the conspiracy by not believing it could happen (30).

The magnitude of the threat to Rome by Catiline and his associates requires a suitable counter response from a strong consul (12), but here Cicero deliberately defeats the audience's expectation. The swift and decisive actions of Ahala, Scipio, Opimius, Marius and Valerius are praised: in their day traitors were killed at once (3–4). Following the *mos maiorum* would be best (27–28). Yet Cicero refuses to follow suit. He blames himself for inaction (3–4, 9), but in the speech he deliberately refuses to take the actions recommended to him (20, 27–29).

In the fervid political competition of the late Republic, the tension between following tradition and striving to be first, best, and

greatest in some sphere was enormous.<sup>78</sup> The response Cicero chooses is not the traditional one of resorting to arms. That was the solution against Gaius Gracchus and Saturninus, which resulted in trials for those who followed the SCU. The danger to the individual was great, as was that to the state if the SCU were undermined, as Cicero knew only too well from the Rabirius case. Cicero's solution is not to resort to arms until everything was made clear and Catiline's secret supporters were flushed out (5–6, 12, 30). And what is more suited to illuminating dark plans, as Cicero claimed he would do in *De Lege Agraria* I, than the *vox et auctoritas consulis* (1.24). In the *First Catilinarian* Cicero emphasizes the function of his voice to 'wound' Catiline, to force him out of the city, and to reveal his accomplices (9, 16, 20–23, 32).<sup>79</sup>

Cicero appears as a new type of consul, one who does not rush in to use violence against a traitor, but who tries to use reason and rhetoric to educate his audience about unseen dangers (30). He exhibits the opposite qualities of Catiline's *furor* and *amentia* (1–2, 8, 15, 22, 25, 31). He tries to show the *popularis* qualities of *clementia*, *lenitas* and *miseritordia* familiar from the other consular speeches (4, 12, 16). He reiterates his hope that Catiline himself can be brought back to reason (6, 12–13, 21–22). Earlier in the year he had held out his hand to Rullus and Labienus to turn them around; little good it did then, or would do now, but it helps Cicero appear reasonable and willing to help those who have lost their way (16, 22).

Cicero emerges as a consul absolutely confident in his convictions, doggedly determined to follow his own course despite the burden of tradition, the emotional imprecations of the *Patria*, despite the future *invidia* he knows awaits him. As he has shown in the other consular speeches, he is willing to sacrifice himself for the good of the state as a whole. It is the *salus rei publicae* to which he has devoted himself (8, 12, 14, 29, 33), presaging his remark in *De Legibus* that for consuls *salus populi suprema lex esto* (3.8).

The *salus populi Romani* is Cicero's great concern in the next two speeches, delivered before the people. In the *Second Catilinarian* Cicero

<sup>78</sup> T. P. Wiseman, "Competition and Co-operation," in *Roman Political Life: 90 B.C.–A.D. 69*, Exeter Studies in History, no. 7, edited by T. P. Wiseman (Exeter: University of Exeter 1985): 3–19.

<sup>79</sup> For Cicero's appropriation of others' voices as well, see Batstone (1994).

reports to the people on 9 November the previous day's deliberation in the Senate. Such reports were a regular feature of Roman political oratory, although as a genre their similarities of form and purpose have not been studied.<sup>80</sup> The magistrate who reported to the people could be seen as the people's friend; sharing information with them was to involve them in important political debate. Such speeches identify and constitute their audience as 'the Roman people,' construct an appropriate ethos for the speaker, clarify the people's relationship to the Senate and the speaker's relationship to the people, and interpret the Senate's actions. These speeches do not call for legislative action, nor are they meant to confirm the Senate's recommendations, yet they show a speaker's willingness to address the people and to affirm their importance. They influence political opinion.

Catiline and his followers had already tried to influence public opinion as he was leaving Rome. Some claimed he was ordered into exile by a despotic consul (12–14). He said he would go into exile at Marseilles (15–16). He wrote letters to former consuls and important men claiming he was forced out by his enemies, that he was not conscious of having committed any crime and was leaving to spare the city from any disruption on his account. He wrote to Quintus Catulus, the leading conservative at Rome, saying his *dignitas* had been attacked and asking him to look after his wife.<sup>81</sup> Cicero's first task was to counter Catiline's own rhetoric about his departure.

Cicero opens the *Second Catilinarian* with a scathing depiction of Catiline as a monster, breathing destruction, who has left (or been ejected from) the city so all can cease to fear for their lives (1–6).<sup>82</sup> To the reader of the consular speeches the portrait of Catiline is consistent with that painted in the *First Catilinarian*, but the original audience of the speech needed to have the evil picture of Catiline painted for them. Cicero does this not by making the same argu-

---

<sup>80</sup> There are four speeches in Cicero's works that fit this genre, *Cat.* 2 and 3, and *Phil.* 4 and 6. *Cat.* 1, and *Phil.* 3 and 5 are the senatorial speeches that form part of the report. D. Mack (1937) is not interested in this generic quality, but offers useful observations on the differences between speeches delivered in the Senate and those before *contiones*.

<sup>81</sup> Sallust, *B.C.* 34.2–35.6.

<sup>82</sup> See May (1988): 51–58.



ments he used in the *First Catilinarian*, but by using Catiline's departure as proof of the accusations he made in the Senate (2–5, 12–14). This is not a straightforward method of constructing Catiline's ethos, but it is forceful and strives for immediate impact. It also contributes to Cicero's persona by allowing him to step forward as a de-facto successful consul, even if the audience is not altogether certain what that success entails.

The portrait of Catiline as a monster is so completely antithetical to Roman values that anyone who associates with him must be un-Roman themselves (1–6). In general, he attracts the worst people to himself:

What poisoner in all Italy, what gladiator, what bandit, what assassin, what parricide, what falsifier of wills, what swindler, what debauchee, what spendthrift, what adulterer, what woman of ill-repute, what corrupter of youth, what corrupted person, what wretched soul can be found who does not confess that he has lived with Catiline on the most familiar terms? (7)

Catiline's associates are social and moral degenerates (7–9). Later Cicero will identify in detail the six types of worthless people who follow Catiline, including bankrupt aristocrats and Sulla's veterans who would like to raise him from the dead along with the more generally morally debased (18–23). He emphasizes the abominations of Catiline and his associates in terms that respectable Romans could not have identified with.<sup>83</sup> Objections might be made about the applicability of the categories to Catiline's men, but not that the categories themselves were unacceptable to Romans.

The immediate and thorough character-bashing of the patrician Catiline and his Sulla-sympathizing followers is calculated to make them repulsive to the Roman people. The people are defined by their complete moral opposition to the conspirators:

On our side fights decency, on theirs wantonness; on ours fights modesty, on theirs defilement; here truth, there deceit; here piety, there evil; here steadfastness, there irrationality; here honor, there shame; here restraint, there lust; so, on our side equity, temperance, bravery, reason—all the virtues—fight against injustice, luxury, laziness, rash-

---

<sup>83</sup> For general discussion, see C. Edwards, *The Politics of Immortality in Ancient Rome* (Cambridge: Cambridge University Press 1993), and A. Corbeil, *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton, NJ: Princeton University Press 1996).

ness—against all the vices! Finally, our wealth contrasts with their poverty, our good reason with their deranged plan, a sound mind with a witless one, and good hope with complete despair. (25)

This synkrisis of virtues and vices defines the people only as the antithesis of evil. This is an unconventional war, not against a foreign king but against an internal enemy, ‘against luxury, madness, and evil’ (11). It is the culmination of the warning Cicero had given in *De Lege Agraria* (1.26) and *Pro Rabirio* (33).

Cicero uses fear to unite the people, but he also offers hope. He proclaims himself the people’s general in this war of virtue against vice (11). There is no need for a regular commander since the degenerates will be too weak to mount a serious military opposition (5, 23–24). Instead, Cicero proclaims himself *dux togatus et imperator* who will try to resolve the crisis from within the city (28):<sup>84</sup> ‘what can be cured (*sanari*) I shall cure (*sanabo*) by whatever means; what must be cut out I will not allow to remain to harm the state’ (11). The conspirators are a disease and Cicero offers his consulship and *oratio* as a *medicina* (11, 17). Cicero’s speech has already triumphed by exposing Catiline and forcing him from town (3); it is still needed to illuminate the dark plans and reveal the identities of the remaining conspirators. In the meantime, Cicero’s foresight and actions protect the city and thwart Catiline’s plans (26).

Finally, Cicero unites the people in a defensive action against the threat of the conspirators by exhorting them to protect their homes and pray to the gods (26, 29). He calls the people to do their duty in this time of crisis as he said he would in the speech for Rabirius (*Rab.* 3). He promises that when the time comes for direct action the consuls and the Senate will be brave (27). By acting according to the roles assigned by speeches earlier in the year, each order will contribute to peace; *concordia ordinum* will be achieved and the city will be safe.

The *Second Catilinarian* displays a confident consul using his oratory to inform the people, heal a civic threat, and enact policies he outlined earlier in the year. It parallels the *First Catilinarian* delivered before the Senate. Cicero is no longer developing his image as a serious-minded statesman; he has become one. Nevertheless, the conspiracy has not been broken. The *Third* and *Fourth Catilinarians* rep-

<sup>84</sup> See C. Nicolet, “Consul togatus,” *Revue des études latines* 38 (1960): 236–263.

resent the pinnacle of his performance, not because they are still fashioning his *auctoritas*, but because the events have confirmed it. The final speeches demonstrate how the statesman speaks before the people and how he consults the Senate.

The *Third Catilinarian*, delivered on 3 December, belongs to the same genre as the previous speech and thus reports the Senate's deliberations to the people, validating their importance as it subordinates their active role in the management of the state. Reportage fills the first half of the speech as Cicero relates his plans to trap the conspirators and how they confessed in the Senate (1–15). The detailed treatment of the events recalls his discussion of Rullus' bill before the people in *De Lege Agraria* II. Descriptions of Cicero's foresight and actions and the conspirators' confessions demonstrate Cicero's scrupulous care and respect for justice and the *dignitas* of the offenders. The proofs of their guilt come in several forms: written documents, oral testimony, physical signs, actual confession. There can be no doubt: the conspirators are manifestly guilty. Cicero has made good on his previous promises: the plots were 'brought out into the light, made clear, and discovered' by him (3). Finally, the Senate thanked him for saving the commonwealth from danger through his *virtus*, *consilium*, and *providentia* (14), the virtues of the great statesman,<sup>85</sup> and some of the *virtutes* Cicero had assigned to the *gubernatores rei publicae* in *Pro Rabirio* (26).

Cicero's status as one of Rome's great leaders is confirmed in several ways. The words of the Senate's decree not only list his virtues, they record a *supplicatio* awarded in Cicero's name, the first ever granted to a civilian (15, 23). Cicero's act of saving the city from destruction is compared to Romulus' act of founding it, implicitly comparing the status of the two men (2; cf. 19). Cicero is compared to Pompey in that between the two of them they have ensured there will be no trouble at home or abroad (26). Finally, the gods confirm Cicero's acts and his special favor with them (18, 22), indicating an association with divinity often claimed by Rome's great men.<sup>86</sup> The erection of the new statue to Jupiter Optimus Maximus on the Capitoline the very day the conspirators confessed gives striking

<sup>85</sup> Hellegouarc'h (1972): 254–274.

<sup>86</sup> See *Religions of Rome: Volume I, A History*, edited by M. Beard, J. North, and S. Price (Cambridge: Cambridge University Press 1998): 140–149.

religious and visual confirmation of Cicero's success to his immediate audience (21–22).<sup>87</sup>

The capture and confession of the conspirators represent the ultimate success of Cicero's policies. He succeeded in a civil battle against evil citizens as *dux togatus et imperator* (23). He did not resort to arms as the previous consuls had done against traitors (24–25). He achieved his ends with *concordia* (25). He did not create a public disturbance (7, 23). He promises peace (29). He fulfilled the duties of a good consul, as he defined them in the speech for Rabirius (*Rab.* 3), and he calls once more on the people to pray to the gods and defend their homes (29). If Cicero's overwhelming success with the people in this speech were known to his readers,<sup>88</sup> it would further legitimate his earlier claim to be *popularis consul* and his promise to address the people about important political matters (*Leg. Agr.* 1.23–24, 2.6–7).

On 4 December, the Senate reconvened and declared that the conspirators had acted *contra rem publicam*.<sup>89</sup> There was, however, no clear decision about the fate of the conspirators. That would come on the next day, 5 December, when Cicero delivered the last of his consular orations, the *Fourth Catilinarian*. The debate opened with the proposal of Decimus Silanus, consul-elect, that the conspirators should suffer the greatest punishment, understood to mean execution.<sup>90</sup> There was general agreement, including all the former consuls, until the praetor-elect Julius Caesar spoke. He argued that although citizens could not be punished by death, the conspirators should be held in custody without hope of release, and that all their property be confiscated. Many seemed to agree with Caesar; Silanus opted for a compromise position and argued that he had not meant the death penalty. Finally, at the end of a long debate—perhaps lengthened for this reason—the tribune-elect Marcus Cato argued forcefully for execution. Cicero called for a vote on Cato's proposal and it passed. Cicero then had the conspirators executed that day.

Cicero's *Fourth Catilinarian* comes in the middle of the debate as

<sup>87</sup> Vasaly (1993): 60–87.

<sup>88</sup> Sallust, *BC* 48.1–2.

<sup>89</sup> Sallust, *BC* 50.3.

<sup>90</sup> Sallust, *BC* 50.3–53.1. See A. Drummond, *Law, Politics and Power: Sallust and the Execution of the Catilinarian Conspirators*. *Historia Einzelschriften*, 93 (Stuttgart: Franz Steiner 1995).

the senators wavered between the proposals of Silanus and Caesar. It shows Cicero at the helm of the ship of state, carefully guiding debate, providing firm leadership, mindful of the needs of the people, exhorting the senators to act in the best interests of the state despite their fears of the dangers that threaten him. It does not yet call for a vote, but in its emphasis on the future and arguments based on the past, on the *utile* and the *bonum*, the *Fourth Catilinarian* best fits the generic requirements of political oratory.<sup>91</sup>

Cicero opens with an exhortation to the senators to decide what is best for the country and put aside their fears for his personal safety (1–4). He elicits their pity by recounting the dangers that await him while simultaneously bidding the senators to disregard them. He thus distinguishes himself from the senators, displaying the great statesman's almost philosophical detachment from current, physical danger, focused on future rewards, as he indicated in the speech for Rabirius (*Rab.* 29), and nevertheless encouraging the senators to protect themselves and their families (3). He admonishes the senators as a senior statesman, even employing the ship of state metaphor: they ought to devote themselves to the welfare of the state (*salutem rei publicae*), and take precautions against all storms which will threaten unless they show foresight (4).

In the interest of appearing fair, Cicero refers the matter to the Senate as if it were new (6). He uses judicial language to suggest that the Senate had already decided the case: the conspirators have confessed, the Senate has already passed judgement, the conspirators seem condemned (5). Nevertheless, the senatorial debate represented here is conducted as if the Senate has a free hand to decide what it will for the good of the state. The consul provides an ostensibly objective outline of the proposals by Silanus and Caesar (6–10). He points out the paradox that Silanus' proposal for death is actually kinder than Caesar's which forces the men to live on miserably with no hope of salvation (11), but maintains that he is willing to follow whatever the Senate decides (24). Cicero the consul must not be seen dictating to the Senate what course it should take.

Despite the need to let the Senate make its own decision, Cicero clearly favors Silanus' proposal. He cannot force the Senate to adopt

---

<sup>91</sup> R. W. Cape, Jr., "The Rhetoric of Politics in Cicero's *Fourth Catilinarian*," *American Journal of Philology* 116 (1995): 155–177.

it, but he can indicate how it will promote the best interests of the state. He begins by stressing his own feelings of compassion, his *misericordia* and *humanitas*, recalling the *lenitas* he has shown throughout the speeches, verging on his *popularis* qualities from earlier in the year. He can ask, 'who is kinder (*mitior*) than I?' (11) in an attempt to appropriate Caesar's *popularis* position in the same way he did Labienus' in the speech for Rabirius (*Rab.* 11). Nevertheless, he argues that it is natural for murder or attempted murder to be avenged by capital punishment; to do otherwise would be unjust to the actual or intended victims (12–13). As a result, he claims that being tough on the conspirators will be seen as being merciful; going easy on them would be considered a cruel act against the state and the citizens (13).

At this point, Cicero brings the citizens into his argument, pointing out that the forum and temples are full of people who are willing to protect the state and detailing support from all social classes (14–17). He uses this support as pressure on the Senate: 'Since this is so, senators, the protection of the Roman people does not fail you; see to it that you do not fail the Roman people' (18). He builds this pressure, discussing his qualities as consul, point out that everyone in Rome agrees: 'All orders (*omnes ordines*) agree on the preservation of the commonwealth with their intention, their will, their voice' (18). Even the *Patria* is reintroduced, this time as a suppliant to the Senate. Cicero's *concordia ordinum* has been achieved, not as an abstract ideal, but as an instance of civic government. It represents not simply unity, but unity of purpose.

Cicero ends with speech with an extended discussion of himself and his virtues as consul (20–24). He stresses his self-sacrifice, recalls the honors accrued (20), and compares himself to other great Romans (21). He distinguishes his achievements from the others in terms that recall the non-traditional role he undertook in the *First Catilinarian*: they achieved success in war against external enemies; his victory is over evil citizens who threatened the state from inside (22). His is the more difficult victory, he stresses, because he must continue to live among some of the citizens. Nevertheless, his achievement is such that no force could ever break such a coalition of Roman *equites*, senators, and all good men (22).

The reader of the consular corpus that Cicero envisioned would have known the outcome of the senatorial debate. The conspirators were condemned and killed immediately. Sallust says the news broke

the spirit of Catiline and his men in the field (*B.C.* 57.1). Readers may or may not have known of Cato's important role, but Cato's success was only to have framed the proposal, not to have brought the matter to light, referred to the Senate, and resolved on the proper course of action.<sup>92</sup> The *Fourth Catilinarian* is not the speech that decided the day, but it is not intended to represent that moment. Cicero, as presiding consul, could not have delivered the speech he put up for a vote. The *Fourth Catilinarian* shows Cicero the consul who is at the helm of the state, guiding senatorial debate.

### *Conclusion*

The events following the Senate meeting and the execution of the conspirators seemed to confirm Cicero's status as the leading man at Rome: the crowd, solemn at the execution, now escorted him home 'with shouts and applause'; women lit the way with torches from the rooftops of houses to get a better look as he went by; he was escorted by the best men; they hailed him as savior of the city and father of his country. It was like a triumph. News of the event made Catiline's men in the field lose heart.<sup>93</sup> The Roman people and the events indicated that what he claimed to have achieved was true.

Yet Cicero's troubles began soon thereafter, and at the end of the month he was prohibited from giving the customary oration when a consul completed his office: the popular power of Cicero's oratory was clear, and the tribune Metellus Nepos wanted to deprive him of it. In the end, allowed only to swear the vow that he had performed his duties, Cicero used the opportunity to claim that he alone saved the state. The people loved it.<sup>94</sup>

With his status and future in a precarious state, it is no wonder that Cicero published his speeches. What has not been appreciated is how Cicero—by 60 B.C., at least—wanted readers to see the larger picture of his achievements and his development as consul. Perhaps it was to put the *Catilinarians* in context, for they would have been the most eagerly read and the easiest for his enemies to misread.

<sup>92</sup> *Att.* 12.21.1.

<sup>93</sup> *Pis.* 6–7, *Plut. Cic.* 22.4–8, *Sall. B.C.* 57.1.

<sup>94</sup> *Fam.* 5.2; *Plut. Cic.* 23.1–6.

Scholars have assumed the speeches were revised to appease the new political powers in 60, but there is no firm historical or textual evidence for such a revision.<sup>95</sup> Instead, Cicero seeks to control the reader's experience by selecting appropriate speeches that addressed important matters of state and showed him at the helm. It suggests a unity of theme and development of character that are important to recover.

This essay has tried to indicate some of common themes in the speeches and chart the development of Cicero's consular ethos as the year progresses. Cicero's primary purpose in the speeches *De Lege Agraria* is to define himself and his policies. These speeches boldly announce a political and social plan of action for his consular year. The remaining speeches testify that he has carried it through. Cicero builds upon his stance as a *consul popularis* in *Pro Rabirio Perduellionis Reo* and negotiates the transition from simple defense counsel to a consul attending to the highest business of state. The careful transformation of Cicero's ethos, illustrated by the close attention given above to its linear development, makes it a pivotal speech in the consular corpus. Finally, in the *Catilinarians* Cicero relies on his established ethos to show himself in the image of the good statesman. Consistent with the competitive climate of Late Republican public life, he articulates a new plan of action against traitors to the state and becomes an example of the *optimus consul*.

When Cicero sent the speeches to Atticus he did so as examples of what he said and did. In later accounts of his consulship, he and others would summarize his consulship simply by listing these speeches. In the oration *In Pisonem* he sums up his consulship by recalling the situation of each of these speeches (4–7). He then concludes, *exposui breviter consulatum meum* (8). Plutarch's account of Cicero's consulship also focuses on these speeches.<sup>96</sup> But Plutarch also reflects on Cicero's practice and between the speeches on the agrarian legislation and the speech for Otho makes a general comment about the contributions of oratory when employed justly by the good statesman:

---

<sup>95</sup> The most extensive search for anachronisms has been conducted by C. Helm, *Zur Redaktion der Ciceronischen Konsulatsreden*, PhD Diss., Göttingen, 1979. The varieties of possible alterations collected by Helm rest on no firm foundation and do not convince.

<sup>96</sup> On the unity of Plutarch's account of Cicero's consulship and his sources, see C. B. R. Pelling, "Plutarch and Catiline," *Hermes* 113 (1985): 311–329.



For this man more than any other demonstrated to the Romans how much pleasure eloquence adds to the good, that justice is invincible if it is correctly put into words, and that the man who engages in politics conscientiously must always take the good course rather than the flattering in what he does and take the painful away from the expedient by what he says.<sup>97</sup>

Plutarch's observation merits small attention in modern scholarly analysis, but it is useful for indicating how ancient readers might read Cicero's consular speeches. In the first instance, the speeches were understood to represent what Cicero did and said in his consular year. Beyond that, they demonstrated a high-minded political style of oratory and a similarly high-minded politician. Content and self-presentation are inextricably entwined. When he sent the speeches to Atticus, Cicero was concerned that they seem weighty enough, suitably Demosthenic, and aesthetically pleasing. The reading of Plutarch indicates that some ancient readers found in the speeches the very qualities that Cicero hoped they would show.<sup>98</sup>

#### BIBLIOGRAPHY

- Achard, G. *Pratique rhétorique et idéologie politique dans les discours de Cicéron*. Mnemosyne Supplement, 68. Leiden: Brill, 1981.
- Axer, J. "Tribunal-Stage-Arena: Modelling of the Communications Situation in M. Tullius Cicero's Judicial Speeches." *Rhetorica* 7 (1989): 299–311.
- Bailey, D. R. Shackleton, ed. *Cicero's Letters to Atticus*. 7 vols. Cambridge: Cambridge University Press: 1965–1970.
- , ed. *Cicero: Letters to Atticus*. Loeb Classical Library. 4 vols. Cambridge, MA, and London: Harvard University Press, 1999.
- Batstone, W. W. "Cicero's Construction of Consular *Ethos* in the *First Catilinarian*." *Transactions of the American Philological Association* 124 (1994): 211–66.
- Beard, M., J. North, and S. Price. *Religions of Rome. Vol. 1. A History*. Cambridge: Cambridge University Press, 1998.
- Bell, A. J. E. "Cicero and the Spectacle of Power." *Journal of Roman Studies* 87 (1997): 1–22.

<sup>97</sup> Plut., *Cic.* 13.1, translation by J. Moles, *Plutarch, The Life of Cicero* (Warminster: Aris & Phillips 1988): 77. Moles adds, 163, that this is 'one of the key philosophical passages in the *Life*.'

<sup>98</sup> I am deeply grateful to Jim May for his helpful advice, patience, and friendship, and to the National Endowment for the Humanities for a Fellowship for College Teachers, which supported the completion of this essay and a large project of which it is a part.

- Berry, D. H. *Cicero: Pro P. Sulla Oratio*. Cambridge Classical Texts and Commentaries, 30. Cambridge: Cambridge University Press, 1996.
- Birt, T. *Das antike Buchwesen in seinem Verhältniss zur Literatur*. Berlin: W. Hertz, 1882.
- Brunt, P. A. *The Fall of The Roman Republic and Related Essays*. Oxford: Clarendon Press, 1988.
- Buchheit, V. "Ciceros Triumph des Geistes." *Gymnasium* 76 (1969): 232–53. Reprinted in B. Kytzler, ed., *Ciceros literarische Leistung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1973): 489–514.
- Cape, R. W., Jr. *On Reading Cicero's Catilinarian Orations*, PhD Diss., University of California, Los Angeles, 1991.
- . "The Rhetoric of Politics in Cicero's Fourth Catilinarian." *American Journal of Philology* 116 (1995): 255–77.
- Ciaceri, E. *Cicerone e i suoi tempi*. 2nd ed. 2 vols. Genova, Roma, Napoli: Società Anonima Editrice Dante Alighieri, 1939–1941.
- Classen, C. J. *Recht—Rhetorik—Politik*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1985.
- Crawford, J. W. M. *Tullius Cicero: The Lost and Unpublished Orations*. Hypomnemata, 80. Göttingen: Vandenhoeck & Ruprecht, 1984.
- . *M. Tullius Cicero: The Fragmentary Speeches*. American Philological Association, American Classical Studies, 137. 2nd edition. Atlanta: Scholars Press, 1994.
- Drexler, H. *Die Catilinarische Verschwörung: Ein Quellenheft*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1976.
- Drummond, A. *Law, Politics and Power: Sallust and the Execution of the Catilinarian Conspirators*. Stuttgart: Franz Steiner, 1995.
- Gelzer, M. *Cicero: Ein biographischer Versuch*. Wiesbaden: Steiner, 1969.
- Gruen, E. S. *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.
- Habinek, T. N. *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome*. Princeton, NJ: Princeton University Press, 1998.
- Haslam, M. W. "A Problem in the History of the Transmission of Texts Exemplified in Demosthenes." *Liverpool Classical Monthly* 1 (1976): 116–20.
- Heath, M. *Unity in Greek Poetics*. Oxford: Clarendon Press, 1989.
- Hellegouarc'h, J. *Le vocabulaire latin des relations et des partis politiques sous la république*. Paris: "Les Belles Lettres," 1972.
- Helm, C. *Zur Redaktion der Ciceronischen Konsulatsreden*. PhD Dissertation, Göttingen, 1979.
- Hölkeskamp, K.-J. "Oratoris maxima scaena: Reden vor dem Volk in der politischen Kultur der Republik." In *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, edited by M. Jehne (Stuttgart: Franz Steiner 1995): 11–49.
- . "The Roman Republic: government of the People, by the People, and for the People?" *Scripta Classica Israelica* 19 (2000): 203–23.
- Janson, T. *Latin Prose Prefaces: Studies in Literary Conventions*. Stockholm, Göteborg, Uppsala: Almqvist & Wiksell, 1964.

- Jehne, M., ed. *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*. Stuttgart: Franz Steiner, 1995.
- Kennedy, G. A. *The Art of Rhetoric in the Roman World*. Princeton, NJ: Princeton University Press, 1972.
- Kiewe, A. *The Modern Presidency and the Crisis of Rhetoric*. Westport, CT: Praeger, 1994.
- Kierdorf, W. *Laudatio Funeris. Interpretationen und Untersuchungen zur Entwicklung der römischen Leichenrede*. Beiträge zur klassischen Philologie, 106. Meisenheim am Glan: Anton Hain, 1980.
- Konstan, D. "Rhetoric and the Crisis of Legitimacy in Cicero's Catilinarian Orations." In *Rethinking the History of Rhetoric: Multidisciplinary Essays on the Rhetorical Tradition*, edited by T. Poulakos (Boulder, San Francisco, Oxford: Westview Press 1993): 11–30.
- Kytzler, B., ed. *Ciceros literarische Leistung*. Wege der Forschung, 240. Darmstadt: Wissenschaftliche Buchgesellschaft, 1973.
- Leff, M. C. "Cicero's *Pro Murena* and the Strong Case for Rhetoric." *Rhetoric and Public Affairs* 1 (1998): 61–88.
- Lepore, E. *Il princeps ciceroniano e gli ideali politici della tarda repubblica*. Napoli: Istituto Italiano per gli studi storici, 1954.
- Lintott, A. *Judicial Reform and Land Reform in the Roman Republic*. Cambridge: Cambridge University Press, 1992.
- Lucas, D. W., ed. *Aristotle. Poetics*. Oxford: Clarendon Press, 1968.
- Ludwig, W., ed. *Éloquence et rhétorique chez Cicéron*. Entretiens sur l'Antiquité Classique. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982.
- Mack, D. *Senatsreden und Volksreden bei Cicero*. Würzburg: K. Triltsch, 1937.
- Marek, V., ed. *M. Tulli Ciceronis Scripta quae manserunt omnia, Fasc. 16: Orationes de lege agraria. Oratio pro C. Rabirio perduellionis reo*. Leipzig: Teubner, 1983.
- May, J. M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- McDermott, W. C. "Cicero's Publication of His Consular Orations." *Philologus* 116 (1972): 277–84.
- Meyer, C. "Ciceros Consulat." In *Cicero: Ein Mensch seiner Zeit*, edited by G. Radke (Berlin: Walter de Gruyter 1968): 61–116.
- Millar, F. "The Political Character of the Classical Roman Republic, 200–151 B.C." *Journal of Roman Studies* 74 (1984): 1–19.
- . "Politics, Persuasion and the People before the Social War." *Journal of Roman Studies* 76 (1986): 1–11.
- . *The Crowd in Rome in the Late Republic*. Jerome Lectures, 22. Ann Arbor: University of Michigan Press, 1998.
- Mitchell, T. N. *Cicero: The Ascending Years*. New Haven: Yale University Press, 1979.
- Moles, J. *Plutarch: The Life of Cicero*. Warminster: Aris & Phillips, 1988.
- Morstein-Marx, R. "Res Publica Res Populi." *Scripta Classica Israelica* 19 (2000): 224–33.
- Nicholson, J. H. *Cicero's Return from Exile: the Orations Post Reditum*. Lang Classical Studies, 4. Bern: Peter Lang, 1992.

- Nippel, W. *Public Order in Ancient Rome*. Cambridge: Cambridge University Press, 1995.
- Otto, A. *Die Sprichwörter und sprichwörtlichen Redensart der Römer*. Leipzig: B. G. Teubner, 1890; reprint Darmstadt: Georg Olms, 1964.
- Pelling, C. B. R. "Plutarch and Catiline," *Hermes* 113 (1985): 311–329.
- Primmer, A. *Die Überredungsstrategie in Ciceros Rede pro C. Rabirio (Perduellionis reo)*. Sitzungsberichte/Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse, 459. Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1985.
- Santirocco, M. *Unity and Design in Horace's Odes*. Chapel Hill: University of North Carolina Press, 1986.
- Seager, R. "Cicero and the Word *popularis*." *Classical Quarterly* 22 (1972): 328–38.
- . *Pompey, a Political Biography*. Oxford and Berkeley: Blackwell [U.K.]; University of California Press [U.S.], 1979.
- Strachan-Davidson, J. L. *Problems in Roman Criminal Law* (Oxford: Clarendon Press 1912) vol. I: 180–204.
- Strasburger, H. *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros*. Borna-Leipzig: R. Noske, 1931; reprint Amsterdam: Hakkert, 1956.
- Stroh, W. "Die Nachahmung des Demosthenes in Ciceros Philippiken." In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, Entretiens sur l'Antiquité Classique. Vol. 28 (Vandœuvres-Genève: Fondation Hardt 1982): 1–31, with discussion, 32–40.
- Syme, R. *The Roman Revolution*. Oxford: Clarendon Press, 1939.
- Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Tyrell, W. B. "The Trial of C. Rabirius in 63 B.C." *Latomus* 32 (1973): 285–300.
- . *A Legal and Historical Commentary to Cicero's Oratio Pro C. Rabirio Perduellionis Reo*. Amsterdam: Hakkert, 1978.
- Ungern-Sternberg, J. von. *Untersuchungen zum spätrepublikanischen Notstandrecht. Senatus consultum ultimum und hostis-Erklärung*. Vestigia, 11. München: C. H. Beck, 1970.
- Vasaly, A. *Representations: Images of the World in Ciceronian Oratory*. Berkeley, Los Angeles, Oxford: University of California Press, 1993.
- Weische, A. *Ciceros Nachahmung den Attischen Redner*. Heidelberg: Carl Winter, 1972.
- Winterbottom, M. "Cicero and the Silver Age." In *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, Fondation Hardt Entretiens sur l'antiquité classique, 28 (Vandœuvres-Genève: Fondation Hardt 1982): 237–66.
- Wiseman, T. P. "Competition and Co-operation." In *Roman Political Life, 90 B.C.–A.D. 69*, edited by T. P. Wiseman, Exeter Studies in History, 7 (Exeter: Exeter University Press 1985): 3–19.
- Wooten, C. W. *Cicero's Philippics and Their Demosthenic Model*. Chapel Hill and London: University of North Carolina Press, 1983.

## CHAPTER SIX

### THE *POST REDITUM* SPEECHES<sup>1</sup>

Andrew M. Riggsby

#### *Introduction*

The phrase ‘*post reditum* speeches’ has at least two senses. In a narrower sense, it generally refers to four of Cicero’s speeches from the immediate aftermath of his return from exile and dealing with matters arising from that exile and return: *Post Reditum ad Senatam*, *Post Reditum ad Populum*, *De Domo Sua*, and *De Haruspicum Responsis*.<sup>2</sup> In a broader sense, the one in which it is used here, it includes all the speeches between Cicero’s return and the dictatorship of Caesar, of which fourteen survive. This is the largest and most diverse group of speeches considered in this volume. The speeches span only a few years, but they were politically turbulent ones. The addressees comprise the Senate, the Roman people, the Pontifical College, several criminal juries, and one panel deciding a citizenship case. We lack only a private law suit from this period. The three main genres of forensic, deliberative, and epideictic oratory are all represented. Some

---

<sup>1</sup> Scholarly commentaries of the last century or so include C. Klodt, ed. and comm. *Ciceros Rede Pro Rabirio Postumo* (Stuttgart: Teubner 1992), J. Lenaghan, *A Commentary of Cicero’s Oration De Haruspicum Responso* (The Hague: Mouton 1969), L. Pocock, ed., *A Commentary on Cicero In Vatinius* (Amsterdam: Hakkert (1967) [London 1926]), R. Nisbet, ed., *M. Tulli Ciceronis De Domo Sua ad Pontifices Oratio* (Oxford: Clarendon Press 1939), R. Austin, ed., *M. Tulli Ciceronis Pro M. Caelio Oratio* 3rd ed. (Oxford: Oxford University Press 1960), R. Nisbet, ed., *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio* (Oxford: Clarendon Press 1961), and A. Clark, ed., *M. Tulli Ciceronis pro T. Annio Milone ad iudices oratio* (Oxford: Clarendon Press 1895).

<sup>2</sup> In this chapter the first two speeches will be abbreviated *RS* and *RP* respectively, and *De Provinciis Consularibus* will be denoted by *PC*. For the speech in response to the haruspices *Quint.* 5.11.42 and the *MSS* of Cicero give the plural *responsis*; *Asc.* 70.3, 22C gives the singular. The body of the speech uses both the singular and plural, though the former might be taken to refer to particular items in the haruspices’ list. Nothing significant seems to depend on the issue.

speeches were delivered on behalf of Cicero himself or close friends; others were compelled by more immediate political circumstances. Not surprisingly, there is very little that all of these speeches have in common. Instead of trying to fabricate an essential type of the *post reditum* oration, then, I want to treat these speeches polythetically. The sections of this chapter will treat a number of themes, each of which is important to a significant number of speeches. I will begin with the themes most closely tied to the specific historical circumstances of the period, then move to issues of broader relevance.

### *History*

About four fifths of the way through his speech against Piso (80), Cicero interrupts himself saying *Sed praeterita omitto* 'Enough of the past!' A former, student owner of my copy of the speech has scrawled in the margin the comment 'a joke.' In the immediate context this is perhaps unfair to Cicero. He is making a transition from a paragraph's argument about his past dealings with Caesar to a longer one about the present state of their relationship. But in the broader context of the speech, Cicero's remark does ring strange, almost to the point of humor. For most of the speech is about the past in one way or another. Moreover, the same can be said of many of the other *post reditum* speeches as well. This section will consider the several senses in which these speeches are tied up with the past. In some respects Cicero is driven by generic necessity or broader Roman oratorical tradition, but in others the concerns seem to be specifically his own.

Any student of Roman oratory will be familiar with the use of exempla— anecdotes from the historical or even mythical past—to make moral, political, or logical points. These are plentiful in the *post reditum* speeches as when Cicero defends a client's sharp tongue by recalling earlier examples of equestrian free-speaking (*Planc.* 33–4), or when he gives a series of Greek and Roman examples of risking one's own life for one's country (*Sest.* 48), or explains what signs a goddess will give to warn that she has been violated:<sup>3</sup>

---

<sup>3</sup> Also *Dom.* 35, 41, 101, 123, 130–1; *Har.* 26–7; *Pis.* 43, 95; *Sest.* 48, 72, 127, 141–3; *PC* 18–19; *Balb.* 21, 28, 34, 40, 50–1, 53, 55; *Planc.* 20, 51–2, 60, 69–70, 88; *Scaur.* fr. (o) Clark.

And if we wish to call to mind the things which have been handed down to us about each god, we have learned that this Magna Mater (whose games have been violated, polluted, and virtually turned into the death and funeral of the state, wanders the fields and groves with a furious noise. She, she shows traces of their crimes and bares signs of danger to the Roman people. (*Har.* 24)<sup>4</sup>

Many of these are of a sort that could have been (and presumably were) used by other orators of the period, but in his speeches Cicero also makes frequent use of exempla to make two points of more personal concern. On the one hand, he compares the terms and circumstances of his recall from exile (including the rebuilding of his house at public expense) to those of earlier figures. Some great citizens such as Marius, L. Opimius, and P. Popilius were never recalled at all (*RP* 9–11, *RS* 38). Others, like Kaeso Quinctius and Servilius Ahala, were recalled, but only after the original disgrace of a proper conviction by an assembly of the people (*Dom.* 86). Cicero's recall came with unique ornaments such as senatorial decrees calling on the magistrates and promagistrates to safeguard him and summoning the people of Italy to approve his recall (*Sest.* 128, cf. *RS* 27–8, *Pis.* 51–2). The orator can be quite subtle in detecting gradations of honor, as when he discusses the rebuilding of his house:

I assert that in the case of no public building, no monument, no temple are there so many decrees of the senate as about my house, which alone since the founding of this city the senate decreed should be rebuilt from the public treasury, should be set free by the pontiffs, defended by the magistrates, and avenged by the courts. A house on the Velia was given to Publius Valerius at public expense for his incredible contributions to the republic, but mine was restored on the Palatine. He got a location, I got walls and a roof. He defended his own rights under private law; all the magistrates looked after me as a matter of public policy. (*Har.* 16)<sup>5</sup>

<sup>4</sup> *Ac si volumus ea quae de quoque deo nobis tradita sunt recordari, hanc Matrem Magnam, cuius ludi violati, polluti, paene ad caedem et ad finis civitatis conversi sunt, hanc, inquam, accepimus agros et nemora cum quodam strepitu fremituque peragrare. Haec igitur vobis, haec populo Romano et scelerum indicia ostendit et periculorum signa patefecit.*

<sup>5</sup> *Nego ullo de opere publico, de monumento, de templo tot senatus exstare consulta quot de mea domo, quam senatus unam post hanc urbem constitutam ex aerario aedificandam, a pontificibus liberandam, a magistratibus defendendam, a iudicibus puniendam putarit. P. Valerio pro maximis in rem publicam beneficiis data domus est in Velia publice, at mihi in Palatio restituta; illi locus, at mihi etiam parietes atque tectum; illi quam ipse privato iure tueretur, mihi quam publice magistratus omnes defenderent.*

At about the same time, Julius Caesar was boasting that the days of thanksgiving voted in honor of his triumphs were the most numerous ever awarded (*BG* 2.35.4, cf. *PC* 25), and in fact this striving for unique distinction was ubiquitous among the Roman aristocracy.<sup>6</sup> What is striking here is Cicero's deep but narrow use of exempla to turn what was perhaps merely an exoneration into a signal honor.

On the other hand, he contrasts his own return with ones conducted by force of arms. In 87–6 B.C., the general Marius made a brief return to power, along with the legal consul Cinna, in an armed coup.<sup>7</sup>

This is the difference between him and me: that man, as he was best able, took revenge on his enemies by arms, while I used my customary means of oratory, since that art has its place in war and sedition, mine in peace and quiet. (*RP* 20)<sup>8</sup>

Similarly the threat of Sulla hangs over the speeches.<sup>9</sup>

Sulla, so strong and noble a consul, fought with Marius, our most glorious citizen. Each suffered defeat but not without seizing kingly power in victory. Cinna fought with his colleague Octavius. Good fortune gave each power over the state, bad fortune gave them death. Sulla won again; then without doubt he had regal power, though he rescued the republic. (*Har.* 54)<sup>10</sup>

Here, of course, both the method and the point are different than in the recall examples. Cicero stresses not honor, but his underlying service to the state in avoiding the shedding of citizen blood. The good of the state was achieved not in the stereotypically heroic way (by arms and aggression), but by speech and restraint. We will

<sup>6</sup> T. P. Wiseman, "Competition and Co-operation," in *Roman Political Life, 90 B.C.–A.D. 69*, edited by T. P. Wiseman (Exeter: Exeter University Press 1985): 3–19.

<sup>7</sup> Other threatening references at *RP* 10, 19–20, *Har* 51; *Sest.* 37–8, 50. Elsewhere this is contrasted with more positive views of Marius, based on his refusal to support the attempted coup of Saturninus and Glaucia (*Har.* 51, *Planc.* 88) or on his brief exile (*Planc.* 26). See also Lenaghan (1969): 181–183.

<sup>8</sup> *Sed hoc inter me atque illum interest, quod ille, qua re plurimum potuit, ea ipsa re inimicos suos ultus est, armis, ego qua consuevi utar <oratione>, quoniam illi arti in bello ac seditione locus est, huic in pace atque otio.*

<sup>9</sup> Also *Dom.* 43, 79; *Har.* 18; *Cinna RS* 9; *Dom.* 83, *Har.* 18, *Sest.* 77. See Lenaghan, n. 7 above.

<sup>10</sup> *Dissensit cum Mario, clarissimo civi, consul nobilissimus et fortissimus, L. Sulla; horum uterque ita cecidit victus ut victor idem regnaverit. Cum Octavio conlega Cinna dissedit; utriusque horum secunda fortuna regnum est largita, adversa mortem. Idem iterum Sulla superavit; tum sine dubio habuit regalem potestatem, quamquam rem publicam reciperarat.*



return to these themes below. Moreover, his foils are meant to be negative, not merely lesser. Nonetheless, Cicero uses these exempla, too, to contextualize and spin an event peculiar to himself.

So far this could all reasonably be described as the specialized application of fairly standard Roman strategies of appealing to the past. But the past is not merely a context for the *post reditum* speeches; for many of them it is their subject matter. In a couple of cases this is arguably a generic necessity. The speeches of thanksgiving to the senate and to the people not surprisingly dwell on the circumstances of Cicero's exile and, especially, his recall. Yet he could have dwelt more on the extent of his present gratitude or the means by which he would show it in the future. The speech on the distribution of the consular provinces is a deliberative one and therefore would stereotypically be about the future. Large chunks of it, however, deal with Cicero's own past and criticism of his old enemies Piso and Gabinius (4–14, 18–25). Still more telling is the use of the past in the forensic speeches from this period and in quasi-forensic speeches such as those in which he argues about the alleged consecration of his house and subsequent omens. The various audiences in these speeches (juries, pontifices, senators) of course sit in judgment over various past actions, but Cicero's arguments tend to go back a step even further. That is, he interprets the event in question (say, a purported criminal offense) in terms of other past events, ones even further in the past. So, for instance, *pro Balbo* goes on at length about Pompey's military career and about grants of citizenship by other, earlier commanders. *Pro Sestio* and *pro Milone* talk about almost nothing but the political background to Sestius' use of gangs and the death of Clodius respectively. In fact, it is difficult to tell from *pro Sestio* exactly what incident or incidents gave rise to the prosecution. *Pro Caelio* hinges on the relationship between the defendant and Clodia before the alleged offenses.

This characteristic can perhaps best be illustrated by looking at *de Domo Sua* and *de Haruspicum Responsis*. Both take on religious, and therefore potentially quite technical, issues. (On this characteristic of religious discourse see below.) Yet in both speeches the individual technical questions are often ultimately resolved on the grounds of past behavior of the various actors. The haruspices had warned against someone sowing dissension and discord among the elite (*Har.* 40). Who could be at fault? After considering some past revolutionaries, such as the Gracchi, he ends on Clodius (41–4). His cause,

Cicero argues, is the worst. The others were in the wrong, but at least driven by understandable, manly considerations. Clodius,

fresh from his saffron dress, his turban, his womanly slippers and purple stockings, his bra, his lute, his depravity and debauchery, suddenly put on the people's clothes. If he had not been caught, dressed like this, by women, if he had not been allowed by the maids' assistance to slip out of the place he could not rightly enter, the Roman people would lack its champion and the republic such a fine citizen. (*Har.* 44)<sup>11</sup>

That is, Clodius' (alleged) cross-dressing to enter the rites of the Bona Dea in 61 meant he was now the source of the sedition warned of by the priests.<sup>12</sup> Similarly in *De Domo Sua* Cicero confronts the question of whether Clodius had the legal authority to offer a bill authorizing the consecration of Cicero's confiscated property (*Dom.* 106). Cicero of course argues that he is not. The grounds, however, have less to do with the law than with, again, Clodius' supposed impiety (106–9). The confiscation of Cicero's property was itself contrary to the sacred character of the home and thus to religion. Therefore, Clodius' attempted consecration was absurd:<sup>13</sup>

What is more holy, what fortified by greater religious scruple than the house of each individual citizen? Here are altars, hearths, household gods, rites, religious observance and ceremony. This is a refuge so sacred that no one may be snatched away from it. All the more, then, his madness must be repelled from your ears, when he not only brought down all the things which our ancestors wanted us to have sacred and safely protected by religious scruple, but even did so in the very name of religion. (*Dom.* 109)<sup>14</sup>

In most of these cases the transition from legal to historical question is accomplished by an implicit or explicit argument about character. Clodius had done bad things in the past (primarily the violation

---

<sup>11</sup> . . . a crocata, a mitra, a muliebribus soleis purpureisque fasceolis, a strophio, a psalterio, a flagitio, a stupro est factus repente popularis. Nisi eum mulieres exornatum ita deprendissent, nisi ex eo loco quo eum adire fas non fuerat ancillarum beneficio emissus esset, populari homine populus Romanus, res publica cive tali careret.

<sup>12</sup> See also *Har.* 37, 56ff.

<sup>13</sup> See also *Dom.* 105, 117–21, 127–32.

<sup>14</sup> *Quid est sanctius, quid omni religione munitius quam domus unius cuiusque civium? Hic arae sunt, hic foci, hic di penates, hic sacra, religiones, caerimoniae continentur; hoc perfugium est ita sanctum omnibus ut inde abripi neminem fas sit. Quo magis est istius furor ab auribus vestris repellendus qui, quae maiores nostri religionibus tuta nobis et sancta esse voluerunt, ea iste non solum contra religionem labefactavit, sed etiam ipsius religionis nomine evertit.*

of the *Bona Dea*), and therefore he was responsible for later wrongs. But as the latter passage cited above shows, the use of history in these arguments is not solely a matter of ethical argument.

Given the commitment of these speeches to history, it is worth noting two special features of the history Cicero alludes to. One is that it is highly compressed. The other has to do with the relationship between the more recent and the more distant past. History is compressed first in that it is composed almost entirely of three or four events. The first is the Catilinarian conspiracy of 63 B.C.<sup>15</sup> The next is the *Bona Dea* controversy of 61 B.C.<sup>16</sup> (Here he does not mention his own involvement as a witness hostile to Clodius.) Then come the slightly more complex issues of Clodius' tribunate in 58 (also described as the consulship of Piso and Gabinius),<sup>17</sup> featuring Cicero's exile, and finally Cicero's recall in the following year. Next, the cast of characters is highly limited. Cicero figures directly in all four and Clodius in two. Catiline is the only other major figure. Even Piso and Gabinius, the consuls of 58 who get a significant amount of 'air time' themselves, count in the story almost entirely as facilitators of Clodius activities. (Thematically, they cease to be consuls or even to be present at all; see below.) Third, there is redundancy even with Cicero's short series. In particular, Clodius' reign is repeatedly described as a return of the Catilinarian conspiracy. Clodius is made a friend of Catiline's and himself metaphorically a second Catiline, and is supported by literally the same dissipated and disreputable forces.<sup>18</sup> And allegedly those very supporters identified him as a (more successful) Catiline, *felix Catilina* in the famous phrase (*Dom.* 72). In fact, on Cicero's description, both 'plots' were defeated by the same means: his own authoritative but non-violent intervention:<sup>19</sup>

Twice I saved the republic; as consul and in the toga I conquered armed men, as a private citizen I yielded to armed consuls. I have profited greatly from both occasions: the first time because I saw the senate and all the good men in mourning dress for my sake by decree

<sup>15</sup> *RS* 10, 12, 33; *RP* 13; *Dom.* 61–2, 72, 75; *Har.* 5, 42–3; *Pis.* 5, 15–6, 20, 95; *Sest.* 28, 42.

<sup>16</sup> *Pis.* 95, *Har.* 4, 8, 37–9, 44, *Dom.* 104–5, *Mil.* 12–13, 86.

<sup>17</sup> *Har.* 2.

<sup>18</sup> Nisbet (1961): 70 notes that the charge of friendship (*Pis.* 11, 16, *Har.* 5), at least, was probably unfair on any interpretation. Other connections: *RS* 33, *RP* 13, *Dom.* 61, 75, *Pis.* 15, *Sest.* 42.

<sup>19</sup> Cf. *RS* 34.

of the senate, the second time because the senate and Roman people and everyone judged individually and collectively that the republic could not be saved without my return. (*Dom.* 99)<sup>20</sup>

The redundancy is one way of creating a common Ciceronian effect known as 'resonance.' This is the repetition of a proposition, image, or argument, which makes each individual occurrence more credible by virtue of familiarity.<sup>21</sup> The repetition of his interpretation of each event makes it more common-sensical; the close parallels between the two mean that they reinforce each other as well.

Cicero needed to control the interpretation of these events for at least two reasons. They were in fact controversial. When Cicero left his consulship he was prevented by a tribune from giving the customary end-of-term speech because of his execution without trial of Roman citizens in the suppression of the Catilinarian conspiracy.<sup>22</sup> He apparently faced charges of 'cruelty' and illegality in this connection for several years until Clodius was able to force his exile in 58. Thus Cicero was concerned with the legitimacy of his original action, which was after all his main claim to civic glory, and the delegitimization of his opponents' successes. And even if Cicero's general line were to be accepted, there was still a question of how important it was. He was constantly anxious about his standing relative to, for instance, Pompey, whose claims to fame rested on the absolutely solid foundation of military victories. Cicero needed to turn the relative lack of military action in his successes from a sign that they were minor (compare the principle that a military triumph required a minimum number of enemy casualties) into an extra benefit (compare the *corona civica* given to soldiers for saving the life of a fellow citizen).

The use of schematization to control interpretation of the past is not peculiar to Cicero, and it leads to the final point of this section.

---

<sup>20</sup> *Bis servavi <rem publicam>, qui consul togatus armatos vicerim, privatus consulibus armatis cesserim. Vtriusque temporis fructum tuli maximum: superioris, quod ex senatus auctoritate et senatum et omnis bonos meae salutis causa mutata veste vidi, posterioris, quod et senatus et populus Romanus et omnes mortales et privatim et publice iudicarunt sine meo reditu rem publicam salvam esse non posse.*

<sup>21</sup> For the notion of 'resonance' see C. Craig, "The Role of Rational Argumentation in Selected Judicial Speeches of Cicero," (Ph.D. diss., University of North Carolina): 3-4 and *passim* and A. Kurke "Theme and Adversarial Presentation in Cicero's pro Flacco," (Ph.D. diss., University of Michigan 1989): 5 and *passim*.

<sup>22</sup> *Pis.* 6; *Fam.* 5.2.7, *Att.* 6.1.22.

Martin Bloomer<sup>23</sup> has pointed out a similar pattern in the exemplum collection of Valerius Maximus. Valerius takes incidents from a variety of sources and decontextualizes them. He commonly takes them from a narrative stream and turns them into anecdotes. He systematically removes them from their local political contexts and puts them into transhistorical ethical categories. He selects only certain events from the whole of Roman history. And finally he reduces collective and structural events to the acts (or conflicts) of individuals. Thus digested, history becomes rhetorically more useful because it broadly applicable (based on its decontextualization) and easily controlled (since the moral of each story is already built in). That this is not Valerius' peculiar strategy is illustrated by Cicero's use of exempla from the relatively distant past. Regulus returning himself to his Carthaginian captors for torture stands for the value of sacrificing oneself for the community (*Pis.* 43, *Sest.* 127).<sup>24</sup> Tiberius Gracchus (father of the famous tribune) is a model for sacrificing personal enmity for the sake of the public good (*PC* 18).<sup>25</sup> The striking thing about these speeches, then, is Cicero's attempt to convert the recent, political past into the exemplary form of the more distant past. The moves he makes must already have existed as generic (that is, characteristic of a genre) strategies, but he uses them as political tactics. (Unfortunately, the lack of good comparanda from this or earlier periods makes it hard to tell how novel the conversion was.)

### *Counter-History*

As I noted above, Cicero's recall from exile is one of the key events in Cicero's Roman history. It is all the more striking, then, that the exile itself is not such an event. Of course, Cicero does not entirely deny it. He does need somewhere whence to return. And in *Pro*

<sup>23</sup> *Valerius Maximus and the Rhetoric of the New Nobility* (Chapel Hill: University of North Carolina Press 1992): 19, 147–229.

<sup>24</sup> See A. Dyck, *A Commentary on Cicero, De Officiis* (Ann Arbor: University of Michigan Press 1996): 622–626 for versions of the story. The exemplary version here ignores the conflict between loyalty to country and obligation to the truth, as well as the facts of the contemporary military situation.

<sup>25</sup> Cicero naturally does not consider the possibility that it might have been in Gracchus' interests to maintain some relationship with the Scipios, the most prominent family of the day.

*Plancio* and the two speeches of thanksgiving he goes into his sufferings in some detail so as to explain his gratitude to those (like *Plancius*) who had supported him while he was away. But Cicero also wages a campaign on several different levels to deny the characterization of this happening as an exile. The first level is the lexical. So, for instance, in the speech on his house he inquires of *Clodius*:

Did you, unholy plague, dare to call this man an exile when you were known for such great crimes and corruption that you turned every place you went into a place of exile? What, after all, is an exile? The name itself signifies a disaster not disgrace. When, then, is it foul? When it is a punishment for a crime or at least, in popular opinion, for a convict. So did I incur the name by a crime or by a conviction? (*Dom.* 72)<sup>26</sup>

He then goes on to deny that either of these conditions obtained. While the word is not used again of Cicero, the conclusion is clear: Cicero was never in fact in exile. Moreover, this passage is unusual for even raising the issue explicitly. *Robinson*<sup>27</sup> has noted Cicero's almost pathological avoidance of the word exile, even in his private correspondence, after his return. Thus Cicero speaks frequently of his 'return' (*reditus*), but what he returns from is euphemized with terms such as *calamitas*. Over the course of several speeches, the failure of parallelism becomes quite striking.

A second level of denial has to do with the technical, legal validity of the exile. Cicero has a number of arguments to make on this score. He repeatedly points out that he was never tried by an appropriate body, never given a chance to defend himself (*Dom.* 43, 62, 77; *RS* 8). The relevant law passed by the people apparently asserted that Cicero had already been exiled, not that he was to be exiled (*Dom.* 47); this both highlighted the lack of a trial, and, he argues, meant that the decree itself could not be the legal basis for his exile. And, aside from interpreting the text of the law, he suggests that the circumstances of its passage rendered it invalid: *Clodius' transiatio ad plebem* (and thus his tribunician legislation) were improper, the

<sup>26</sup> *Hunc tu etiam, portentosa pestis, exsulem appellare ausus es, cum tantis sceleribus esses et flagitiis notatus ut omnem locum quo adisses exsili simillimum redderes? Quid est enim exsul? ipsum per se nomen calamitatis, non turpitudinis. Quando igitur est turpe? re vera, cum est poena peccati, opinione autem hominum etiam, si est poena damnati. Vtrum igitur peccato meo nomen subeo an re iudicata?*

<sup>27</sup> "Cicero's References to his Banishment," *Classical World* 87 (1994): 475–480.

law was a *privilegium* (bill of attainder), it was passed against the laws allowing religious obstruction, it was carried by means of violence.<sup>28</sup> Cicero seems not to have been alone in this strategy. One ally, Lucius Cotta, seems to have gone one step further and suggested that Cicero should not be formally recalled by law on the grounds that it might legitimize the illegitimate exile (*Dom.* 68, *Sest.* 73). This strategy was probably not legally safe for Cicero, and, as we noted above, he had use for the recall procedure as a unique honor, and if he could eliminate the exile itself, it would be a pure honor. But his extensive discussion of the honor does then create precisely the problem identified by Cotta: return implies something to return from.

The third level of denial is more abstract; it deals not with technical validity but with political theory of a sort. Not only were the specific bills dealing with Cicero invalid, it is argued, but the entire state had collapsed in 58. The senate, the courts, and the consuls had all failed. Or rather, as Cicero frames it, they had ceased to exist: *nulla iudicia* (*RP* 14), *senatum . . . omnino de civitate esse sublatum; consules . . . funditus tolleretur* (*Sest.* 42). In sum, Cicero's salvation and that of the *res publica* were one and the same:<sup>29</sup>

I realized that there was no republic. I believed that there was no place for me in this city once the republic was destroyed, nor did I doubt that she would bring me back with herself if she were restored. (*RP* 14)<sup>30</sup>

In light of this line of argument, we may want to reconsider another recurring motif of these speeches. Cicero frequently describes Clodius and his followers as *latrones* 'bandits.'<sup>31</sup> Nisbet (1961:195) lumps this charge in with other terms like *fur* and *rapax* indicating greed. There is certainly something to this, and *avaritia* is of course a conventional topic of invective. But here also seems to be something more going on here. Habinek<sup>32</sup> has noted the ideological significance of bandit-language in Cicero's earlier speeches against Catiline. The charge of banditry is not just about theft, but about political delegitimation.

<sup>28</sup> *Dom.* 33–4, 68; *Sest.* 73; *RS* 11.

<sup>29</sup> *RS* 36, *Sest.* 128, *Dom.* 17.

<sup>30</sup> *Rem publicam esse nullam putavi. Itaque neque re publica exterminata mihi locum in hac urbe esse duxi, nec si illa restitueretur, dubitavi quin me secum ipsa reduceret.*

<sup>31</sup> *RS* 10, 13; *Pis.* 24, 30; *Sest.* 26, 34, 39, 76; *Cael.* 78; *Dom.* 107, 126.

<sup>32</sup> *The Politics of Latin Literature* (Princeton: Princeton University Press 1998): 69–87.

Bandits represent a counter-state. Their presence is the flip-side of the failure (or in Cicero's terms the absence) of the institutions of the proper state. In this case there is no particular internal contradiction in Cicero's claim; rather it is tendentious on its face. There was, as far as we can tell, no well articulated Roman discourse around 'the state' or 'legitimacy.' Cicero himself arguably began to develop one around this time (*De re publica*, *De legibus*), but that was both idiosyncratic and after the fact.

In addition to the specific problems of these three lines of argument, there was one defect they shared. If there was no exile, why did Cicero in fact leave? Here he was caught in a dilemma. If his departure did not suggest the exile were perhaps genuine, then it pointed to cowardice in the face of his enemies. The charge, or refutations that make it clear, comes up repeatedly in the speeches.<sup>33</sup> This was a charge to which Cicero was perhaps particularly vulnerable since, as we have noted, his reputation even in good times was as a speaker, not a warrior. His reply, as we have already alluded to as well, is to frame his departure from Rome as a second instance of saving the city without bloodshed. For instance,

I lifted this violence, this crime, this madness from the necks of all the good men by interposing my body, and received with my body the entire attack of chaos, the whole force of evil men. . . . However, had I wished to struggle with force and arms against force (as many brave men wished), I would either have triumphed with great casualties among evil men (but still citizens) or, after the death of all good men, I would have fallen along with the republic, as they so greatly desired. (*Dom.* 63)<sup>34</sup>

Had he resisted there would have been much violence; as it was only Cicero himself suffered. This was not cowardly flight but 'taking one for the team.'

Why go to all this trouble? Why spend so much time on an obviously problematic series of arguments? This is a complex question and must be addressed on several different levels. As was suggested

<sup>33</sup> *RS* 6, 34; *RP* 19; *Dom.* 63–4; *Har.* 45; *Sest.* 39, 43.

<sup>34</sup> *Hanc ego vim, pontifices, hoc scelus, hunc furorem meo corpore opposito ab omnium bonorum cervicibus depuli, omnemque impetum discordiarum, omnem diu conlectam vim improborum . . . excepi meo corpore. . . . Quod si, ut multis fortissimis viris placuit, vi et armis contra vim decertare voluissem, aut vicissem cum magna internecone improborum, sed tamen civium, aut interfectis bonis omnibus, quod illis optatissimum erat, una cum re publica concidissem.*



above, one of Cicero's goals was to extract maximum glory from the circumstances of his recall. But no matter how extraordinary those circumstances, it might still have been argued that his recall simply returned matters to the status quo ante, that it simply canceled the disgrace of the original exile. If, however, he was never 'really' in exile, then only the positive honor remained. Thus at times, Cicero simply tries to make the earlier part go away:

I recall these things freely, nor am I even unwilling to pass over what some have done to me. I do not have the time to remember the injuries which, even if I could avenge them, I would prefer to forget. (RS 23)<sup>35</sup>

Moreover, if the exile were admitted at all, there is a sense in which it would not even have been cancelled out by the recall. Disgrace was often for the Romans an objective rather than a subjective matter; compare the permanent stigma on a person who had ever been a slave or *qui corpore suo muliebria passus est*.<sup>36</sup> Once an exile always an exile.<sup>37</sup> (The evident distress in Cicero's letters from exile suggest that he had internalized the disgrace. The insistence of these speeches might equally suggest that he had internalized its objective character.) This creates another tension, though not strictly a contradiction, in his representation of the events of 58. In the passage just quoted from the thanksgiving speech to the senate he tries to erase his exile. Elsewhere, as when he responds to the charge of cowardice, he changes its valence instead:

If I defended the republic when it was indebted to me, what should I do now when I am greatly indebted to it? What can shake or weaken my spirit in whose misfortune you see a witness not only to no crime, but rather to divine services to the republic? (RS 36)<sup>38</sup>

<sup>35</sup> *Quae cum libenter commemoro, tum non invitus non nullorum in me nefarie comissa praetereo. Non est mei temporis iniurias meminisse, quas ego etiam si ulcisci possem, tamen oblivisci mallem.*

<sup>36</sup> The Latin phrase is from Ulpian's (D. 3.1.1.6) discussion of the edict forbidding such men to make applications to the praetor on behalf of another. On the lasting legal disabilities (and social prejudices) attaching to former slaves, see J. Crook, *Law and Life of Rome* (Ithaca: Cornell University Press 1967): 50–55.

<sup>37</sup> It is worth noting that the other exiles Cicero cites as exempla were in fact remembered as exiles in literature.

<sup>38</sup> *Etenim si eam tum defendebam cum mihi aliquid illa debebat, quid nunc me facere oportet cum ego illi plurimum debeo? Nam quid est quod animum meum frangere aut debilitare possit, cuius ipsam calamitatem non modo nullius delicti, sed etiam divinorum in rem publicam beneficiorum testem esse videatis?*

Both strategies are here used in the same speech. None of these speeches relies on a sustained chain of reasoning, so Cicero can afford a certain slippage in his representations of the past so long as they point in the same general direction and allow the development of resonance.

### *The Hidden Present*

The first two sections of the chapter have examined ways in which Cicero attempted to shape perceptions of the recent past (and in doing so make it effectively part of the more distant past). This section will consider how Cicero deals with a phenomenon that was as much present as past to him—the political alliance today known as the first triumvirate. We meet the triumvirs together in a passage from Cicero's defense of Sestius:

Those things moved me: in all his public gatherings that Fury shouted that he took his actions against my well-being under the guidance of Pompey, a most noteworthy man and very friendly to me now and as long as was possible. Marcus Crassus, a great man and one with whom I had the closest ties of friendship, was said by that public nuisance to have been most hostile to my fortunes. Julius Caesar, who should not be hostile me on account of anything I have done, was said in the same meetings to be extremely hostile to my well-being. (*Sest.* 39)<sup>39</sup>

(He then goes on to say that, while Clodius' claims were false, the behavior of the triumvirs might have allowed some to believe what he was saying.) Nothing in this passage alludes to an alliance between Pompey, Crassus, and Caesar. In fact, by spelling out the three propositions separately (*clamabat . . . praedicabatur . . . dicebatur*), Cicero suggests that they do not implicate each other. Perhaps even more striking from a modern point of view is that this is one of only two passages in the *post reditum* speeches in which the three are even listed together. (In the other, Pompey and Crassus are arguably linked,

---

<sup>39</sup> *Sed me illa moverunt: omnibus in contionibus illa furia clamabat se quae faceret contra salutem meam facere auctore Cn. Pompeio, clarissimo viro mihi quae et nunc et quoad licuit amicissimo; M. Crassus, quocum mihi omnes erant amicitiae necessitudines, vir fortissimus, ab eadem illa peste infestissimus esse meis fortunis praedicabatur; C. Caesar, qui a me nullo meo merito alienus esse debebat, inimicissimus esse meae saluti ab eodem cotidianis contionibus dicebatur.*

but Caesar is still separate [*Har.* 47].) There is, of course, no inaccuracy here. As many historians have pointed out, the trio had no legal status and even on an informal level their alliance suffered considerable ups and downs.<sup>40</sup> Still, Cicero was quite attentive to political friendships and enmities, and this set should have loomed particularly large. Before considering his treatment of the group further, it may be useful to analyze how the triumvirs are presented individually.

One of the clearest distinctions among the three is in the sheer frequency with which they are mentioned. Caesar comes up roughly three times as often as Crassus, and Pompey about three times as much again.<sup>41</sup> Even when Crassus is mentioned, he scarcely has any independent identity. Frequently, he comes into play as Cicero's co-counsel or Pompey's co-consul or political ally.<sup>42</sup> Elsewhere he is almost always part of a list. In the most extreme case (*Har.* 12) he is lumped in with the 18 other priests who had heard the case of the alleged consecration of Cicero's house.<sup>43</sup> Yet even when Cicero provides more individualized detail, Crassus' rhetorical context is still essentially that of a list. For instance,

Here you are trying to undermine Pompey's gift or, I should say, his official judgment when he did what he had heard Marius had done, did what he had seen Publius Crassus, Lucius Sulla, Quintus Metellus, Marcus Crassus, and even, in his own home, his own father do. In fact he did not do this in the case of Cornelius alone, for he granted Hasdrubal of Gades citizenship after the war in Africa, and the Mamertine Ovii and certain Fabii from Saguntum and Utica. (*Balb.* 51)<sup>44</sup>

<sup>40</sup> E. Gruen, *The Last Generation of the Roman Republic* (Berkeley: University of California Press 1974): 83–120.

<sup>41</sup> These figures discount numerous mentions of Caesar and Pompey in *PC* and *Balb.*, speeches of which they are properly the topics and so need not reflect their overall importance. I have also not counted (though the cases are few enough that it is not particularly important) instances in which Crassus and Pompey are referred to as co-counsel.

<sup>42</sup> This could possibly be the son of the triumvir instead; Lanaghan (1969): 87–88.

<sup>43</sup> *Cael.* 18, 23; *Balb.* 17; *Sest.* 41.

<sup>44</sup> *Hic tu Cn. Pompei beneficium vel potius iudicium et factum infirmare conaris, qui fecit quod C. Marium fecisse audierat, fecit quod P. Crassum, quod L. Sullam, quod Q. Metellum, <quod M. Crassum,> quod denique domesticum auctorem patrem suum facere viderat? Neque vero id in uno Cornelio fecit; nam et Gaditanum Hasdrubalem ex bello illo Africano et Mamertinos Ovios et quosdam Vicensis et Saguntinos Fabios civitate donavit.*

Here Crassus is only one of many Roman generals who gave grants of citizenship. If he were deleted from the text, no gap could be discerned.

The more numerous references to Caesar are naturally more various. Nonetheless, and outside of numerous allusions to Caesar's successes as a general, his name tends to come up in three main contexts. The first is Caesar's relationship with Clodius. In particular, Cicero repeatedly asserts that Caesar was not, as Clodius had claimed, a supporter of the tribune. Two instances of this are the passages referred to above in which Cicero mentions the entire triumvirate (*Sest.* 39, *Har.* 47), but he also makes the point about Caesar alone.<sup>45</sup> There is a small historical irony here. Scholars in the last few decades have stressed Clodius' independence from the triumvirs in general and Caesar in particular; this is seen as a way of taking him more seriously.<sup>46</sup> Clearly, however, when Cicero makes a similar point his intent is to wound Clodius:

If he had not immediately given himself to those whose minds he thought were cut loose from your authority, if our noble authority were not lifting them to the sky with praise, if he were not threatening that he would send Caesar's army into the senate house with weapons drawn (which he couldn't do, but no one refuted him), . . . could he have been so cruel an enemy to me and so criminal an enemy to the republic? (*Har.* 47)<sup>47</sup>

Conversely (though sometimes also simultaneously), Cicero insists that he and Caesar are *not* enemies. The tone of these passages can be a little strange, since Cicero nearly admits that they are not really friends either.<sup>48</sup>

I will say from the heart what I believe, senators, and what I have often said in your hearing. If Caesar had never been my friend, if he

<sup>45</sup> *Dom.* 22; *Mil.* 88.

<sup>46</sup> E. Gruen, "P. Clodius: Instrument or Independent Agent," *Phoenix* 20 (1966): 120–30, A. Lintott, "P. Clodius—Felix Catilina?," *Greece and Rome* 14 (1967): 157–69, H. Benner, *Die Politik des P. Clodius Pulcher*. Historia Einzelschriften, 50 (Stuttgart: Franz Steiner 1987), J. Spielvogel, "P. Clodius Pulcher—Eine politische Ausnahmeerscheinung der späten Republik?" *Hermes* 125 (1997): 56–74.

<sup>47</sup> *An iste nisi primo se dedisset iis quorum animos a vestra auctoritate seimctos esse arbitrabatur, nisi eos in caelum suis laudibus praeclarus auctor extolleret, nisi exercitum C. Caesaris—in quo fallebat, sed eum nemo redarguebat—nisi eum, inquam, exercitum signis infestis in curiam se immisurum minitaretur, . . . tam crudelis mei, tam sceleratus rei publicae vexator esse potuisset?*

<sup>48</sup> *Sest.* 41, 71; *PC* 40–41, 47; *Pis.* 79–82; *Planc.* 93.

were always angry to me, if he had always spurned my friendship and shown himself implacable to me, nonetheless I could not fail to be his friend, when he had done such great deeds and continues to do so daily. (*Pis.* 81)<sup>49</sup>

In fact, Cicero goes on to point out in the next section, that condition was contrary-to-fact, and Caesar had made overtures to him on various occasions. A fuller accounting appears in *PC* 41:

As consul he took actions in which he wished me to participate. If I was not entirely in agreement with this agenda, nonetheless I should be flattered by his judgment. He asked me to accept a *Vvirate*, he wanted me to be among the consulars closest to him, he offered me whatever legation I should wish with any honors.<sup>50</sup>

Cicero wants at least some of the prestige that accrued to association with the great man, while not lending any support or admitting specific obligation in return.

The third context in which Caesar appears is a much more specific one, but it involves a balancing act much like that surrounding Cicero's version of his relationship to the general. Cicero, recall, was desperate to argue that he had not been exiled, and one of his strategies to do so was to attack the status of the laws passed against him. One version of this argument touched on Caesar. Caesar's colleague Bibulus had used religious means to obstruct the former's legislative during their consulship in 59. It could be (and in fact was) argued that laws passed in the face of this obstruction, such as the one allowing Clodius' transition to plebeian status and subsequent election as tribune, were invalid. If this were so, then Clodius' legislation against Cicero might in turn be held invalid. The problem with such an argument is that it would equally invalidate much more of Caesar's legislation, some of which Cicero did not object to (*Pis.* 37, *Sest.* 135), and some of which would simply be too hard to undo whether one supported it initially or not. And in any case, to urge

---

<sup>49</sup> *Equidem dicam ex animo, patres conscripti, quod sentio, et quod vobis audientibus saepe iam dixi. Si mihi numquam amicus C. Caesar fuisset, si semper iratus, si semper aspernaretur amicitiam meam seque mihi implacabilem inexpiabilemque praerberet, tamen ei, cum tantas res gessisset gereretque cotidie, non amicus esse non possem.*

<sup>50</sup> *Consul ille egit eas res quarum me participem esse voluit; quibus ego si minus adsentiebar, tamen illius mihi iudicium gratum esse debebat. Me ille ut quinqueviratum acciperem rogavit; me in tribus sibi coniunctissimis consularibus esse voluit; mihi legationem quam vellem, quanto cum honore vellem, detulit.*

the repeal of Caesar's laws would give offense to someone Cicero otherwise seems to try to placate, if not actually win over. The issue comes up repeatedly, but Cicero always distances himself from it. He criticizes Clodius for trying to abrogate some laws on these grounds without seeing what will happen to himself (*Dom.* 40, *Har.* 48; cf. *Sest.* 135). He exploits the legal principle in another context, but denies he is interested in its application in Caesar's case (thereby, however, raising the possibility himself; *Dom.* 39). In his fullest discussion he attributes the thought to others (*PC* 44–6). At the least Cicero is, as I have suggested, balancing his strong desire to erase his past with the need not to offend Caesar unnecessarily, but it is possible that something more is at stake. He may be trying to apply pressure on Caesar to behave himself better in the future. In this context Cicero's deferral and coyness about his own position might be useful for other reasons. Both shift the question from technical legal issues to a broader one of community approval, and this after all is what worried Cicero about Caesar—whether he could play within the system.

Pompey is a constant presence in the speeches, and is usually treated in even more complementary terms than Caesar. He is not merely accomplished, but the leading man of the state:

The leader in urging and beseeching you was Pompey, the first of all men of all time in virtue, wisdom, and glory. (*RP* 16)<sup>51</sup>

Pompey, easily the leader in virtue, glory, and deeds, of every age and people in all memory. (*RS* 7)<sup>52</sup>

Given this, it is hardly surprising that Cicero stresses his closeness with Pompey.<sup>53</sup> What is, then, surprising is a minor theme, but one repeated in six of the speeches. In these Cicero alludes to an event of the year 58. A slave of Clodius ostentatiously dropped a dagger in Pompey's presence. For some time thereafter Pompey shut himself up in his house out of fear of assassination.<sup>54</sup> When Cicero brings

<sup>51</sup> *Quorum princeps ad cohortandos vos et ad rogandos fuit Cn. Pompeius, vir omnium qui sunt, fuerunt, erunt, virtute sapientia gloria princeps.*

<sup>52</sup> *... virtute gloria rebus gestis Cn. Pompeius omnium gentium, omnium saeculorum, omnium memoriae facile princeps...*

<sup>53</sup> *RP* 16, 18; *RS* 5, 29; *Dom.* 3, 27, 69; *Har.* 46; *Sest.* 74, 107, 133.

<sup>54</sup> It has been plausibly suggested that Pompey's reaction may have been more strategic than the ancient sources suggest; he may have wanted his absence to under-

this up it is ostensibly to attack Clodius. Anyone who would attempt to deprive the state of its leading man is clearly hostile to the state itself:

A slave of Clodius was taken in the temple of Castor, whom Clodius had placed there to kill Pompey. A dagger was taken from his hands and he confessed. Thereafter the forum, the senate, and the people had to do without Pompey. He defended himself with his walls and door, not by recourse to law and the courts. (*Mil.* 18)<sup>55</sup>

In isolation, this argument makes sense, especially if one accepts Cicero's standing premise of Pompey's centrality to the state. But obviously the cowardice imputed to Pompey runs against the grain of Cicero's usual practice and threatens to offend the figure in whom Cicero placed his political hopes the most. In part Cicero may simply be expressing hostility for Pompey's failure to protect him from Clodius in 58. In part there may be strategic moves even here. If even Pompey retreated in the face of a personal threat, then Cicero's departure in the face of an 'illegal' exile could hardly be held against him. Moreover, it makes Cicero's direct, personal response to the Catilinarian conspiracy look that much braver.<sup>56</sup>

We can now turn to the question of Cicero's representation of the triumvirate as a whole. I want to address two aspects of Cicero's approach—one directly connected to this representational issue and one indirectly. Cicero's letters convey considerable respect for Caesar's talents, but little faith in his adherence to (Cicero's version of) republican principles.<sup>57</sup> In the speeches Caesar is praised both for his skills and his politics. Praise for the latter, however, is framed largely in negative terms. He was not one of the promoters of Cicero's exile, but went along with it. He was not, as Clodius had argued, a principled supporter of the original expulsion. And when he did the right thing it was because his good will towards the republic forced him to act in a way he might not himself have preferred. I suggested

---

score his value to the state. See B. Marshall, "Pompeius' Fear of Assassination," *Chiron* 17 (1987): 119–133.

<sup>55</sup> *Comprehensus est in templo Castoris servus P. Clodi, quem ille ad Cn. Pompeium interficiendum conlocarat. Extorta est ei confitentis sica de manibus. Caruit foro postea Pompeius, caruit senatu, caruit publico; ianua se ac parietibus, non iure legum iudiciorumque texit.*

<sup>56</sup> *Pis.* 5.

<sup>57</sup> T. Mitchell, *Cicero: the Senior Statesman* (New Haven: Yale University Press 1991): 189, 244.

above that Cicero's treatment of Caesar's legislation was designed to shape Caesar into a form more acceptable to Cicero. Arguably this is true of Cicero's treatment of Caesar in general. He describes not so much the Caesar he knew, but the one he preferred. In this case, Caesar was an acknowledged leader abroad, but was largely neutralized in politics at Rome. Cicero uses a similar approach to Pompey. Pompey's preeminence is hardly Cicero's invention, but his commitment to the defense of Cicero and Ciceronian Republicanism (or indeed anything outside himself) was never very clear.<sup>58</sup> In fact, the treatment of the triumvirate as a whole arguably follows the same pattern. That is, Cicero does not so much represent it as he saw it, as perform a version that he desired. It is split into its component parts, restoring the characteristic fluidity of Roman factional politics. Cicero himself is important to this scheme. He is distanced from Caesar, but close to Pompey; alliance to Cicero wedges his purported non-enemy and close ally apart. And, of course, Cicero's individual importance is increased if he is central to definition of political alignment.

Cicero's negotiation of his relationship to the triumvirs is also affected by his response to a more personal challenge to his authority. As is well known, the effectiveness of a Roman public speaker depended not only on specific knowledge and oratorical skill, but also to a great degree, personal authority.<sup>59</sup> For this reason Cicero could attack an opposing advocate because he had (allegedly) been paid (*Rosc.* 55); they could not therefore bring independent authority to bear on the case. In the defense of Plancius, Cicero argues that the defendant was a close ally of his, while the prosecutor suggested that Plancius had not been particularly helpful to Cicero (*Planc.* 77). This is the reverse of modern claims to objectivity as the basis of the advocate's credibility. Dependency is also a standard criticism to level against a witness' credibility.<sup>60</sup> Cicero's technical skills had not declined in his exile, but political circumstances brought his authority into question. On his return he was compelled by the triumvirs to take certain cases (and probably to decline others). The

---

<sup>58</sup> R. Seager, *Pompey: A Political Biography* (Oxford: Blackwell 1979): 185–9 for a summary of views.

<sup>59</sup> G. Kennedy, "The Rhetoric of Advocacy in Greece and Rome," *American Journal of Philology* 89 (1968): 419–36. For a more local example, see *Clu.* 138–142.

<sup>60</sup> *Cael.* 19–22; *Planc.* 10–11; *Scaur.* 14; cf. *Part. Or.* 48ff.



most egregious examples were his being forced to defend his sworn enemy Gabinius in 56 and his 'palinode,' some document in which he publicly asserted his loyalty to the triumvirs.<sup>61</sup> Even in cases where Cicero was not necessarily under political pressure, his authority might then be questioned. Cicero could well have thought it best as a matter of policy to keep Caesar in command of Gaul in 55, but he could still be accused of submission to his 'enemy' Caesar (*PC* 44–6). Cicero, then, needs to treat his associates in one of two ways. Pompey, and the numerous minor allies that he defended throughout the *post reditum* period, were really friends and allies; Cicero's patronage of them was therefore an extension of his previous character and a sign of constancy.<sup>62</sup> This will not work for Caesar, from whom Cicero must insist on some distance. Thus Cicero tends to put himself and Caesar on the same level, either compromising their own interests for those of the state (*PC* 47, *Planc.* 93), or to emphasizing Caesar's own courting of himself (*PC* 43, *Pis.* 79).

### *Praise and Blame*

Heretofore we have been considering primarily narrative aspects of the *post reditum* speeches: how did Cicero attempt to shape the audience's understanding of the flow of events from approximately 63 to his present? There are, of course, other dimensions to Cicero's performances as well. One of these is more explicitly evaluative; Cicero devotes considerable time to the praise and blame of a variety of individuals. Corbeill discusses the topics and functions of invective oratory.<sup>63</sup> Standard issues include not only character but appearance, descent, and name. Criticism was sometimes tailored to specific individuals in ways that suggest that it was provoked by specifics of their behavior (though not necessarily therefore reliable by modern standards). Thus in Cicero's versions Piso is openly decadent, while his co-consul Gabinius hid his corruption. More often,

<sup>61</sup> *Att.* 4.5.1 and Shackleton Bailey ad loc. on potential identifications of the text in question.

<sup>62</sup> A. Riggsby, *Crime and Community in Ciceronian Rome* (Austin: University of Texas Press 1999): 45–6, cf. *Planc.* 75–76.

<sup>63</sup> A. Corbeill, "Ciceronian Invective," below, 197–217. See also Nisbet (1961): 192–7 on *Pis.* as invective.

however, there seem not even to be gestures at the truth. Handbook charges are traded and repeated almost at random. The mere making of the charge was an injury to the dignity of the target.<sup>64</sup> Furthermore, the competition for honor seems to have been essentially zero-sum; the standard response to invective was not refutation but counter-attack. The mechanics of praise are slightly different, but the topics are the same as for blame: character, achievements, descent, etc.<sup>65</sup> Most characteristically such praise was dispensed in funeral eulogies (*laudationes*), but might also appear in character endorsements at trial (*Mur.*, *Scaur.*) or something like Cicero's speech praising Pompey so as to justify granting him an extraordinary command in the east (*Leg. Man.*).

Rhetorical theory recognized speeches of praise and blame as one of the three genres of oratory, along with forensic and deliberative speaking. Sometimes evaluation does form a stand-alone category of speeches. Corbeill<sup>66</sup> treats *In Pisonem* and *In Vatinius* from this period as formal invective. On the other side, Cicero's speeches of thanksgiving to the Senate and people consist almost entirely of praise for a range of persons. The speech on the consular provinces does address general deliberative concerns, but much of it also consists of praise of Caesar's prowess. Even outside of the set pieces, however, the *post reditum* speeches are full of incidental praise and blame. (In this respect they are not particularly distinct from speeches of other periods.) Consider, for instance, the defense of Sestius.<sup>67</sup> Sestius was on trial for seditious violence during the year 58. Cicero's strategy is essentially to admit the violence, but deny the sedition. As noted above, Cicero developed a theory of the failure or even absence of the state during that year, due to the corruption of its magistrates. Useful for Cicero's own needs, this theory also helped Sestius' case. Matters had degenerated to the point that politics as usual could no longer be expected to work; force (on the part of antisocial forces) had to be met with force by the *boni* (*Sest.* 92). Part of this argument is made by means of an extended attack on the consuls Gabinius and Piso (*Sest.* 18–24):

<sup>64</sup> A. Riggsby, "Did the Romans Believe in their Verdicts?," *Rhetorica* 15 (1997): 247–8.

<sup>65</sup> See A. Riggsby, "Self and Community in the Younger Pliny," *Arethusa* 31 (1998): 87–9 for the mechanics of praise in a slightly later context.

<sup>66</sup> "Ciceronian Invective," below, 197–217.

<sup>67</sup> On the speech see Riggsby (1999): 89–97.

The one is dripping with perfumes, carefully curled, glancing down at his co-conspirators in sin and those old men who used his youth, puffed up over the moneylenders. . . . I knew he was a worthless and trivial man, recommended from his youth only by misimpression. As his character was masked by his face, so his walls concealed his crimes. (*Sest.* 18, 22)<sup>68</sup>

Most of this is not relevant to the argument, at least not in a narrow sense. Rather, in typical Roman fashion, it seeks to establish that Piso and Gabinius are the sort of people (immoral in a very general sense) who would incline to the kind of political misbehavior that Cicero accuses them of. In his defense of Caelius Cicero repeatedly suggests (and occasionally simply states) that the chief defense witness was a virtual prostitute so as to discredit her.<sup>69</sup> In addition to the violation of the rites of Bona Dea, *De Domo Sua* accuses Clodius of effeminacy and incest and other sexual improprieties.<sup>70</sup> Entire ethnic groups are attacked to undercut witness testimony (*Scaur.* 42–5, *Rab. Post.* 34–6). After his death Clodius is still a virtual tyrant and a madman (*Mil.* 80, 88). His individual crimes take a full section of the speech to list in the barest detail (*Mil.* 87).

The ethical characterizations in these speeches are highly polarized. Virtually everyone mentioned is either entirely virtuous or entirely corrupt. There is also an interesting set of occasional exceptions that proves the rule:<sup>71</sup>

Tiberius Gracchus was pained by hostility toward the Numantine treaty (in which he had been involved as quaestor to Mancinus) and the senate's severity in undercutting it, and this affair forced that brave and noble man to slide away from the authority of the senate. A brother's death, piety, pain, a great soul stirred Gaius Gracchus to seek redress for the blood of his house. . . . In these cases the cause was not just (for there can be no just cause for doing injury to the republic), but

---

<sup>68</sup> *Alter unguentis adfluens, calamistrata coma, despiciens conscios stuprorum ac veteres vexatores aetatulae suae, puteali et faeneratorum gregibus inflatus. . . . Nequam esse hominem et levem et falsa opinione hominum ab adulescentia commendatum sciebam; etenim animus eius vultu, flagitia parietibus tegebantur.*

<sup>69</sup> C. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31 (Atlanta: Scholars Press 1993): 105–121.

<sup>70</sup> A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton: Princeton University Press 1996): 112–124.

<sup>71</sup> There are also a few genuine exceptions. Plancius is admitted to be less noble than his competitor Laterensis. Caesar, as discussed above, is painted in relatively muted tones.

at least serious and a a piece with a certain manly suffering. Clodius, fresh from his saffron dress, his turban . . . suddenly put on the people's clothes. (*Har.* 43–4)<sup>72</sup>

The Gracchi acted unjustly, but not in an unmanly fashion; Clodius did both. There is then, an ethical hierarchy. But when this situation arises, the foil is always in the past. The present comparandum shows undiluted evil.<sup>73</sup> In a similar way, Cicero emphasizes his own service to the state and consequent honors not by comparison to contemporary figures, but ones from the past, as we have seen above. Even Caesar can be praised in the highest terms, but it is clear that his contribution was simply failing to obstruct his return from exile:

Jurors, at this time Sestius made the journey to Caesar on behalf of my well-being. He thought it relevant to the harmony of the citizenry and the chances of success that Caesar's mind was not unsympathetic to the cause. (*Sest* 71).<sup>74</sup>

### *Consensus*

Before treating some contextual issues, I want to treat one more repeated thematic element of the speeches. This is consensus, and it takes two distinct forms: ideal and actual. In the former usage, consensus is an ideal for the state. One of the warnings of the haruspices was against *optimatum discordiam dissensionemque* (*Har.* 40). For most of their warnings, Cicero gives simply an interpretation, showing that they point to Clodius and not to himself. In the case of discord, however, he goes on at some length to explain why the problem is a problem (*Har.* 40–2). Elsewhere he defines the failed state of the republic as dissension; the return of Cicero and the

---

<sup>72</sup> *Nam Ti. Graccho invidia Numantini foederis, cui feriendo, quaestor C. Mancini consulis cum esset, interfuerat, et in eo foedere improbando senatus severitas dolori et timori fuit, eaque res illum fortem et clarum virum a gravitate patrum desciscere coegit; C. autem Gracchum mors fraterna, pietas, dolor, magnitudo animi ad expetendas domestici sanguinis poenas excitavit. . . . Fuit in his omnibus etsi non iusta—nulla enim potest cuiquam male de re publica merendi iusta esse causa—gravis tamen et cum aliquo animi virilis dolore coniuncta: P. Clodius a crocota, a mitra,* est factus repente popularis.

<sup>73</sup> *RS* 12, *Sest.* 28.

<sup>74</sup> *Hoc interim tempore P. Sestius, iudices, designatus iter ad C. Caesarem pro mea salute suscepit. Pertinere et ad concordiam civium putavit et ad perficiendi facultatem animum Caesaris a causa non abhorrere.* Cf. *RS* 25.

republic to normalcy was the return of consensus.<sup>75</sup> Consensus is positively valued and dissension negatively in all but a few cases.<sup>76</sup> Depending on the context, the consensus in question involves slightly different groups: citizens, the Roman people, the *boni* or the *optimates*, or the Senate. The most important potential division, however, is between the upper and lower orders of society. In a famous passage of the defense of Sestius, Cicero claims:

There have always been two segments in this community among those who spend their time administering the state and conducting themselves well in this sphere. Of these two, some have always wanted to seem and be ‘popular’, the others ‘the best men.’ Those who wished what they did and said to be popular with the masses are the *populares*, those who conduct themselves so that their plans be acceptable to the best people are judged *optimates*. (*Sest.* 96)<sup>77</sup>

However, every time he discusses this distinction at any length he does so to collapse it. The normal argument is that, even though Cicero does not pander to the people, he has their interests at heart. Thus he is both one of the *optimates* and the true *popularis*.<sup>78</sup> Or he will attack a *soi-disant popularis* for tearing the people away from their betters without actually looking after their interests.<sup>79</sup> This is an old argument for Cicero and it responds to a long-standing problem. Cicero’s most emphatic claim to *popularis* status was in the speech to the people against Rullus’ agrarian law (*Leg. Agr.* 2.7–10). In a society which balanced elite control of the executive with popular legislative assemblies, the rhetoric of popular unity was necessary for the practical purposes of the aristocracy.<sup>80</sup> (It may well have been psychologically useful for them as well, as a means of legitimating their domination.)

<sup>75</sup> E.g. *RS* 27, *Dom.* 17, *Sest.* 99.

<sup>76</sup> *Sest* 86 and *Scaur.* 21, 38 allude to alleged conspiracies.

<sup>77</sup> *Duo genera semper in hac civitate fuerunt eorum qui versari in re publica atque in ea se excellentius gerere studuerunt; quibus ex generibus alteri se popularis, alteri optimates et haberi et esse voluerunt. Qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse, populares, qui autem ita se gerebant ut sua consilia optimo cuique proberent, optimates habebantur.*

<sup>78</sup> *RS* 20, *Dom.* 77, 89, *PC* 41; cf. *Sest.* 96–122.

<sup>79</sup> *Dom.* 77, 80, *Har.* 42, *Vat.* 39.

<sup>80</sup> F. Millar, *The Crowd in Rome in the Late Republic*. Jerome Lectures, 22. (Ann Arbor: University of Michigan Press 1998): 13–48. Whether this amounts to evidence for actual popular sovereignty is a different question; see the critique of such a position even in the Athenian context see V. Wohl, “Hegemony and Democracy at the Panathenaia,” *Classica et Medievalia* 47 (1996): 25–88.

Consensus also figures in the *post reditum* speeches as an actual state of affairs. In this context the usage is specific to the period. Cicero asserts the unanimity of the forces behind his recall. Again there is a variety of groups: the magistrates, the Senate, the citizenry, Italy, even the world:<sup>81</sup>

For why should I recall those divine and immortal decrees of the towns and colonies and all Italy, on which steps I seem not only to have returned to Italy but to have ascended to heaven? Everyone knows that the Campus Martius was never so full at any vote with such a crowd or so great a splendor of every class, age, and rank of men. Forget the assessment and consensus of all states, nations, provinces, kings, and the world at large as to my services to humanity; what kind of approach and entrance to the city did I have? (*Dom.* 75)<sup>82</sup>

Obviously, more is better. The breadth of Cicero's support enhances his honor, and the general considerations of the preceding paragraph could apply here as well. But unanimity may have a particular point here. If virtually everyone were on Cicero's side (only Clodius and a few close relatives and allies are admitted as exceptions), then he could not 'really' have been exiled in the first place; there would have been no one to support it. (Naturally, Cicero does not discuss what became of Clodius' 'hired' forces when it came time to vote on the recall.)

### *Religion*

While the conjunction is probably accidental, the *post reditum* speeches nonetheless raise a number of religious issues. Here I want to note three such issues and suggest that all illustrate certain tensions built into Roman notions of the relationship between the human and the divine. The first question arises most clearly in a passage from speech on the report of the haruspices. Early in that text Cicero lists the pontifices who had joined the opinion that his house could be rebuilt

<sup>81</sup> *RP* 18; *RS* 38; *Pis.* 51–52; *Mil.* 39.

<sup>82</sup> *Nam quid ego illa divina atque immortalia municipiorum et coloniarum et totius Italiae decreta commemorem, quibus tamquam gradibus mihi videor in caelum ascendisse, non solum in patriam revertisse? . . . Constat enim nullis unquam comitiis campum Martium tanta celebritate, tanto splendore omnis generis hominum aetatum ordinum floruisse. Omitto civitatum, nationum, provinciarum, regum, orbis denique terrarum de meis in omnis mortalitatis meritis unum iudicium unumque consensum: adventus meus atque introitus in urbem qui fuit?*

and reoccupied without damage to religious scruples (*Har.* 12). This, he goes on to claim, was the largest group of pontifices ever to rule on any question. Somewhat surprisingly, he then immediately questions whether such numbers are actually relevant to his case:

In the determination of criminal liability it is important that there be as many present as possible (and in fact the pontiff's job of interpretation can cross over into the power of judges), and the explanation of religious scruple can rightly be carried out even by a single, learned pontiff (which, admittedly, would be harsh and unjust in a court of law), you will find, nonetheless, that more pontifices have sat in judgment about my house than ever about the rites of the Vestal Virgins. (*Har.* 13)<sup>83</sup>

Often in Cicero's speeches this kind of deliberate ambivalence is simply a device to have something both ways. Here, however, he never really lays claim to the support of the 'one learned pontifex'; some doubt remains. This passage illustrates two features of the Roman religious system pointed out by Beard.<sup>84</sup> One is that the pontifices were hardly 'priests' in the conventional modern sense of that term. They did not conduct rites or facilitate communication between the human and the divine. Rather, they were experts, within the human world, in a branch of law that was only in the last instance divine.<sup>85</sup> If one stresses the 'religious' part of 'religious law,' then it should not be subject to human intervention. So, for instance, the various categories of sacred land were removed from human commerce.<sup>86</sup> Cicero claims he cannot even discuss pontifical law with its authorized interpreters (*Dom.* 33), a reticence he never shows in respect of civil law. But if one stresses 'law,' then the situation is different. While Roman jurists maintained a notional distinction between law-making and legal interpretation, it was quite clear to everyone that what the interpreters did affected the law. Hence the uncertainty in Cicero's position.

The particular role of the pontifices is an element of a larger issue also illustrated by this passage and by *De Haruspicum Responsis* and

---

<sup>83</sup> *Quamquam ad facinoris disquisitionem interest adesse quam plurimos (ita est enim interpretatio illa pontificum, ut eidem potestatem habeant iudicum), religionis explanatio vel ab uno pontifice perito recte fieri potest (quod idem in iudicio capitis durum atque iniqum est), tamen sic reperietis, frequentiores pontifices de mea domo quam umquam de caerimoniis virginum iudicasse.*

<sup>84</sup> "Priesthood in the Roman Republic," in M. Beard and J. North, edd., *Pagan Priests* (Ithaca: Cornell University Press 1990).

<sup>85</sup> Beard (1990): 30–43.

<sup>86</sup> A. Watson, *Law of Property in the Later Roman Republic* (Oxford: Oxford University Press 1968): 1–10.

*De Domo Sua* generally. This is the deferral of authority characteristic of Roman religious institutions. The Senate often had the literal last word, but (aside from the question of the formal status of *senatus consulta* in general) it often decided religious matters by commissioning one or more of the priestly colleges to consider matters and report back to them. Moreover, the Senate was not a unified body nor a source of positive, day-to-day direction. Individual priests and colleges (and magistrates) carried on most religious activity without much direction or supervision. The case of Cicero's house is an excellent illustration of this deferral.<sup>87</sup> The senate took up the question, referred it to the pontifices, who reported back, and then finally decided in Cicero's favor. Nor was this the end of the matter. Clodius could still attack Cicero by way of the haruspices' finding that *loca sacra et religiosa profana haberi* (*Har.* 9). Cicero responded that the reference was not to his house and in fact, because of the intensive scrutiny in the earlier case, his house was the only structure in Roman that could not be suspected of religious difficulties (*Har.* 11). Later he frames this claim slightly (probably accidentally) differently, but in a way that may be nearer the truth:

There are many houses in this city, Senators, and perhaps most of them held under good title, but as a matter of private law, the law of inheritance, warranty, conveyance, and personal obligation. I deny that there is any other house defended not only by the same private law as those but also by all public law, both human and divine. (*Har.* 14)<sup>88</sup>

His claim may be the best, but need not be unassailable. Institutionally, Cicero cannot appeal to religious hierarchy to preempt Clodius' appeal to the haruspices. And it was possible that the Senate or pontifices could have changed their minds on the basis of this new evidence or because a new issue had been raised. There is no institutional way to reach an unchallengeable decision. Nor, one suspects, could it have been otherwise in a religious world which neither had nor sought a rigorous theological explanation of the authority of reli-

<sup>87</sup> Beard (1990): 32.

<sup>88</sup> *Multae sunt domus in hac urbe, patres conscripti, atque haud scio an paene cunctae iure optimo, sed tamen iure privato, iure hereditario, iure auctoritatis, iure mancipi, iure nexi: nego esse ullam domum aliam privato eodem quo quae optima lege, publico vero omni praecipuo et humano et divino iure munitam.*



gious figures. Religious law would always be allowed the same ambiguity as human law.<sup>89</sup>

Another religious aspect of several of the speeches has to do with Cicero's quarrel with Clodius over the Aelian and Fufian laws. Immediately on taking office, Clodius offered and eventually passed three political reforms.<sup>90</sup> One removed limits on (potentially) political associations called *collegia*, a second restricted the censors' right to expel unilaterally members of the Senate, and a third limited (in ways that are not entirely clear) the practice of *obnuntiatio* established by the *leges Aelia* and/or *Fufia*. These laws, of the middle second century B.C., allowed many magistrates to obstruct public business by announcing they were watching the sky for signs (perhaps on the theory that they could always find adverse omens if they wanted them). Cicero has little to say about the *collegia* and somewhat more about the censorship, but what really disturbs him is the abrogation (as he styles it) of the *leges Aelia* and *Fufia*. Five of the *post reditum* speeches attack Piso for this law.<sup>91</sup> *Obnuntiatio* was explicitly designed to protect the Roman state from acting against the will of the gods.<sup>92</sup> In the speeches Cicero connects it to other legal institutions that may or may not have been legally implicated: the auspices and the *dies fasti* of the calendar. Piso is described as a 'prodigy and portent' for his laws against the procedure (*Pis.* 9). Certainly Cicero was happy to invoke divine hostility to Clodius in other contexts.<sup>93</sup> One might, therefore, reasonably expect a specifically religious argument in defense of *obnuntiatio*. There is none. Rather Cicero praises the laws as a brake on legislation, and particularly on potentially radical tribunes: *lex Aelia et Fufia . . . quae nostri maiores certissima subsidia rei publicae contra tribunicios furores esse voluerunt* (*RS* 11).<sup>94</sup> It might

<sup>89</sup> It is unlikely, of course, that any human-administered system could avoid this entirely, but Roman religious law is more obviously an open system.

<sup>90</sup> Asconius 8.12–9.2C; cf. W. J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: University of North Carolina Press 1999): 117–119, 125–135. A fourth law of the same period distributed free grain to the urban populace.

<sup>91</sup> *RS* 11, *Sest.* 33; *Vat.* 18; *PC* 46; *Pis.* 9–10. Vatinius is repeatedly attacked for having violated these laws before they were overturned (*Vat.* 5, 19, 23, 37).

<sup>92</sup> Whether this was its 'real' purpose is another, and perhaps incoherent, question. Certainly, *obnuntiatio* occurred on an unprecedented scale in the political turmoil of 59 as Caesar's co-consul tried to block all of his legislation. Bibulus may genuinely have believed the gods were on his side. Much of Bibulus' *obnuntiatio* was not in person and may therefore have been of questionable validity.

<sup>93</sup> *Har.* 37–53, *Mil.* 83–90.

<sup>94</sup> On the laws, see A. Astin, "Leges Aelia et Fufia," *Latomus* 23 (1964): 421–45

then be suggested that Cicero did not feel a disjunction between the political and religious. It is a common Roman assumption that the gods are interested in human political issues,<sup>95</sup> but Cicero still skips a step. How can a particular measure can be known to defend those interests? Again, there is no interest in theorizing the relationship between divine will or divine rules and their human application.

This lack of theorization appears in reverse fashion in another context. When Cicero talks about his recall and Clodius' purported madness he offers both human and divine causation—what is called 'double determination' in the context of epic. In the first section of Cicero's speech of thanksgiving to the people, delivered on his return, he says *beneficio divino immortalique vestro maxime laetor*. The phrase itself and numerous parallels suggest that the 'divinity' in question is metaphorical and exaggerated. In fact, outside of a few fixed phrases, the word *divinus* in these speeches is almost always applied to Cicero's human allies and their virtues.<sup>96</sup> Yet the gods cannot be removed entirely. The whole sentence reads as follows:

I rejoice that my offer of myself was accepted by the judgment of the immortal gods, by the testimony of the senate, by the consensus of Italy, by the confession of my enemies, and by your divine and immortal favor. (*RP* 1)<sup>97</sup>

The gods were involved after all, though unlike the other parties it is not clear just what their contribution was. Elsewhere, divine and human causation are more explicitly layered (though their relationship is no more clearly articulated):

The immortal gods gave me children; you have returned them to me. I have achieved many of my other hopes through the immortal gods; if I had not had your good will, I would lack the enjoyment of all this divine gifts. (*RP* 5)<sup>98</sup>

---

and G. Sumner, "Lex Aelia, Lex Fufia," *American Journal of Philology* 84 (1963): 337–58.

<sup>95</sup> M. Beard et al., *Religions of Rome* vol. 1 (Cambridge: Cambridge University Press 1998): 134–140.

<sup>96</sup> The fixed phrases are *divinum numen* and *humanum divinumque*. The metaphorical usage (for which see *TLL* 1624.11–1625.7) is perhaps a special favorite of Cicero's, but is hardly unique to him.

<sup>97</sup> *Eius devotionis me esse convictum iudicio deorum immortalium, testimonio senatus, consensu Italiae, confessione inimicorum, beneficio divino immortalique vestro maxime laetor.*

<sup>98</sup> *Di immortales mihi liberos dederunt, vos reddidistis. Multa praeterea a dis immortalibus optata consecuti sumus: nisi vestra voluntas fuisset, omnibus divinis muneribus careremus.*

Cicero's return is attributed here to human action, but elsewhere is specifically attributed to the gods as opposed to mortals (*Dom.* 15, 143). Note that they are not separate parts of a single chain (a construct Cicero does occasionally employ<sup>99</sup>). Nor are they thanked, in Christian fashion, for giving strength or wisdom or the like. They are credited with the same thing as the human actors. A slightly different disjunction occurs in Cicero's defense of Milo:

The very force which has often brought incredible fortune and wealth to this city removed and extinguished that danger. First it made him of a mind to dare to use force and arms against our bravest man and to be conquered by the man whom, if he had won instead, he would have had impunity and license thereafter. That was not achieved by human planning, nor even by modest concern on the part of the immortal gods. (*Mil.* 84)<sup>100</sup>

In the very same sentence Cicero asserts that Clodius attacked Milo because the gods had driven him mad and that he had a very rational reason for doing so: Milo was the only thing between him and unlimited power. Cicero even makes the same pair of assertions again a few sections later (87–88). Literally this could be taken as a contradiction. Read a little more loosely, Cicero may not be distinguishing carefully between cause and effect; Clodius' audacity is both his crime and its divine penalty. In either case Cicero has no particular theory of divine causation and in fact tells stories which resist theorization.<sup>101</sup>

### *Crime and Politics*

Seven of the speeches from the period are defenses in the criminal courts (*iudicia publica*). In four of those cases (and one other now

<sup>99</sup> *Mil.* 44, *PC* 34, *Har.* 6.

<sup>100</sup> *Ea vis igitur ipsa quae saepe incredibilis huic urbi felicitates atque opes attulit illam perniciem exstinxit ac sustulit, cui primum mentem iniecit ut vi irritare ferroque lacessere fortissimum virum auderet vincereturque ab eo quem si vicisset habiturus esset impunitatem et licentiam sempernam. Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium cura res illa perfecta.*

<sup>101</sup> The same passages also illustrate another type of detachment from the workings of the divine. In ancient cult contexts, human obligations to specific gods are quite clear, but (as D. Feeny, *Literature and Religion at Rome: Cultures, Contexts, and Beliefs* [Cambridge: Cambridge University Press 1998]: 81–82 points out for Rome), divine contributions to humans are almost never individualized. True to this pattern, Cicero thanks 'the immortal gods' generically throughout the *post reditum* speeches.

known only from a reference in a surviving speech) Cicero's strategy ties the defense to broader issues of the politics of the period.<sup>102</sup> This would hardly be surprising on the common assumption that the courts were simply another venue for political competition. (Curiously, this assumption has been somewhat discounted in precisely these cases. Cicero is accused of unnecessarily making them about himself.) But, as I have argued elsewhere, the 'political' character of the courts deserves much more detailed cooperation. Now, in one very superficial way the courts clearly were a tool for aristocrats to settle political scores. In the absence of a state prosecutor, accusations were naturally leveled by defendants' political enemies. In the case of many of Cicero's *post reditum* defenses there is indirect evidence for this. Four of the defendants—Milo, Sestius, Cispus, and Plancius—were among those listed in the speeches of thanksgiving.<sup>103</sup> There is no evidence that any of these prosecutions were undertaken in bad faith, but the coincidence is perhaps suspect. And it is certainly plausible that Cicero might have believed that his supporters, more precisely those who lacked a strong, independent social position, were the subject of a political attack.

That said, the 'political' aspects of the criminal defenses are quite varied. In *Pro Plancio* Cicero emphasizes the defendant's services to him while he was in exile and his own concomitant gratitude. This does point to the world outside the law, but it does so neither out of self-absorption nor a attempt to subvert law by politics. Cicero goes on to say that he would do as much for Plancius as for his own brother or other family member since it is through Plancius that he now has enjoyment of the others (*Planc.* 69).<sup>104</sup> Cicero's debt to Plancius implicates the latter in the economy of *gratia* and *beneficium*, not that of money. Cicero has constructed this economy more generally as the very framework of aristocratic society. In fact, weaving Plancius into the social fabric in this way seems to be the primary goal of much of the speech. References to Cicero's relationship with his own family (69), and to Plancius' with his family (29), with his neighbors (19–22), and with his superiors (27–8),<sup>105</sup> fill out a picture

<sup>102</sup> *Planc.* 75–6 refers to the trial of Cispus (*TLRR* 279).

<sup>103</sup> *RS* 19–21, 30, 35; *RP* 15. See *TLRR* 309, 271, 279, and 293 respectively.

<sup>104</sup> This claim, too, appears immediately on his return from exile: *RS* 2, *RP* 5.

<sup>105</sup> Note particularly: *L. vero Apuleio hunc tanti facit ut morem illum maiorum qui praescribit in parentum loco quaestoribus suis praetores esse oportere officis benivolentiaque superarit* (*Planc.* 28).

of Plancius woven into all the canonical structures of society. It can be shown that a concern for socially proper forms of exchange is precisely what the charge of *ambitus* is about.<sup>106</sup> Cicero's exile gave Plancius the opportunity to display this concern, but the circumstances of the exile are not really salient. Hence, Cicero does not go into his standard account of why he had been exiled.

In *Pro Sestio* the rhetoric of political alignment is in the forefront. While allusions to other recent trials in Cicero's speech repeatedly hint that political affiliation should be given judicial significance, the famous discussion of the 'tribe of optimates' (*natio optimatum*, 96–132) explicitly gives the reasoning which might support such a position. *Vis*, for which Sestius was being tried, was a criminal offense only if it were *contra rem publicam*. But the notional opposite, acting *pro re publica*, could have two senses. One is to act for the common good; the other is to act on behalf of the common will. On Cicero's account, Sestius has, of course, been doing both.<sup>107</sup> This, not denial of factual allegations, is Cicero's defense:

My intent is to show that all of Sestius' designs and the plan of his whole tribunate was this: to heal (insofar as possible) a wounded and failing republic. . . . Since he used up the whole force of his tribunate in defense of my well-being, it is necessary that my own past cause be mixed up in this man's present defense. (*Sest.* 31)<sup>108</sup>

Thus the definition of the offense not only allows, but virtually demands political arguments. Though it involves some unique peculiarities, the speech for Milo makes similar arguments. After a long argument that Milo acted in self-defense in the brawl which resulted in Clodius' death, Cicero turns around and expresses the wish that his client could take credit for the other's death: *De qua* [sc. *morte Clodi*] *si iam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret 'Occidi, occidi (Mil. 72).'* Both speeches defend against a charge of *vis*, and both are political in the crudest sense. Cicero

<sup>106</sup> Riggsby (1999): 21–27, 44–49.

<sup>107</sup> In fact Cicero generally introduces this distinction only to transcend *popularis* self-definition by narrowing it (*Off.* 1.85) or collapsing it into 'optimates' (here and *LA* 2.6–10).

<sup>108</sup> *Mihi autem hoc propositum est ostendere, omnia consilia P. Sesti mentemque totius tribunatus hanc fuisse, ut adflictae et perditae rei publicae quantum posset mederetur . . . qui cum omnem vim sui tribunatus in mea salute consumpserit, necesse est meam causam praeteriti temporis cum huius praesenti defensione esse coniunctam.*

claims his clients should be acquitted merely because they were on the right side.

In *Pro Balbo* Cicero defends a henchman of Caesar's who had been granted citizenship by Pompey from a charge that the grant was illegal for technical reasons. Cicero hitches his defense to Pompey's political preeminence. Throughout he stresses that it would be incredible for Pompey to go wrong on such a matter, and he complains:

For these reasons he was given citizenship by Pompey. The accuser does not deny this, but criticizes, so that in Cornelius [Balbus'] case he approves of the cause, but objects to the penalty; in Pompey's he objects to the cause, but sets no penalty except to his reputation. Thus they wish both the fortunes of an innocent man and the act of our foremost general to be condemned. Cornelius' life and Pompey's act are called into court. (*Balb.* 6)<sup>109</sup>

The opposition apparently anticipated this argument, claiming that Pompey had acted unknowingly and so was not to blame (*Balb.* 14). Excusing Pompey thus may have been disingenuous (Pompey, along with Caesar, may have been an indirect target of the prosecution). Nonetheless, it suggests there was considerable force to Cicero's argument. Here the political connection has less to do with political philosophy or broad questions of political alignment, than with the popularity of a single individual. Moreover, the logic of the overt argument is not political in the sense that *Pro Sestio* and *Pro Milone* are. Cicero's claim is that Pompey was too expert to have gone wrong in such a matter.

The other defenses, those of Scaurus, Caelius, and Rabirius Postumus, appear not to touch on political issues. In fact, *Pro Caelio* may discount an actual political motivation of the prosecution for tactical reasons. Only some cases have a personal political content (as opposed to motivation). The offense charged is crucial here. Across Cicero's career, defenses to charges of *repetundae* (such as those of Scaurus and Rabirius) tend to be apolitical. The same is true for *ambitus* cases, and Plancius' case, while closely tied to the exile, is not itself political. The violence cases (as Sestius' and Milo's) can on the other hand be intimately political. Yet this is not a deviation

<sup>109</sup> *Donatus igitur est ob eas causas a Cn. Pompeio civitate. Id accusator non negat, sed reprehendit, ut in Cornelio causa ipsius probetur, poena quaeratur, in Pompeio causa laedatur, poena sit nulla nisi famae: sic innocentissimi hominis fortunas, praestantissimi imperatoris factum condemnari volunt. Ergo in iudicium caput Corneli, factum Pompei vocatur.*

from the judgement of crimes. It is written into the definition of the offense: violence *contra rem publicam*.<sup>110</sup> Such a definition also opens the door to the defense of *Pro Caelio*: precisely that the act in question had no political content.

The cases of this period illustrate the complexities of the relationship between politics and the Republican courts. That Roman nobles won political prominence by military victories does not imply that the army was merely a 'political' institution, i.e. an area for political struggle. So it was with the courts, as well. Nor is there evidence that conviction or acquittal was ordinarily a test of political strength, whether factional or political. Roman criminal trials were political not because they were co-opted by the politicians; politics is in a strong sense at the very heart of the definitions of the offenses tried in the *iudicia publica*. At Rome there are no crimes which were not political crimes. The courts existed not for the sake of justice in the abstract (which serves no one in particular), but for the good of the Roman people as a whole. The private courts are the courts where individuals protect themselves, their property, and their rights. The public courts are those where the community protects itself, its property, and its rights. This idea, if not always in the front of the minds of the jurors, is one they can be led to accept. Hence a higher political good may on occasion be used to preempt the issue of guilt or innocence.<sup>111</sup>

#### BIBLIOGRAPHY

- Alexander, M. *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.* Toronto, Buffalo, London: University of Toronto Press, 1990.
- Astin, A. "Leges Aelia et Fufia." *Latomus* 23 (1964): 421–445.
- Austin, R. G., ed. *M. Tulli Ciceronis Pro M. Caelio Oratio*. 3rd ed. Oxford: Oxford University Press, 1960.
- Beard, M. "Priesthood in the Roman Republic." In *Pagan Priests*, edited by M. Beard and J. North (Ithaca: Cornell University Press, 1990): 17–48.
- Beard, M., North, J., and Price, S. *Religions of Rome*. Vol. 1. Cambridge: Cambridge University Press, 1998.
- Benner, H. *Die Politik des P. Clodius Pulcher*. *Historia Einzelschriften*, 50. Stuttgart: Franz Steiner, 1987.

<sup>110</sup> Riggsby (1999): 79–84.

<sup>111</sup> Riggsby (1999): 157–163.

- Bloomer, W. M. *Valerius Maximus and the Rhetoric of the New Nobility*. Chapel Hill: University of North Carolina Press, 1992.
- Brunst, P. A. "Amicitia in the Late Roman Republic." *Proceedings of the Cambridge Philological Society* 11 (1965): 1–20.
- Clark, A. C., ed. *M. Tullii Ciceronis pro T. Annio Milone ad iudices oratio*. Oxford: Clarendon Press, 1895; reprint Amsterdam: Hakkert, 1967.
- Clodt, C., ed. and comm. *Ciceros Rede Pro Rabirio Postumo*. Stuttgart: Teubner, 1992.
- Corbeill, A. *Controlling Laughter: Political Humor in the Late Roman Republic*. Princeton, NJ: Princeton University Press, 1996.
- Craig, C. P. "The Role of Rational Argumentation in Selected Judicial Speeches of Cicero." Ph.D. diss., University of North Carolina, 1979.
- . *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31. Atlanta: Scholars Press, 1993.
- Crook, J. *Law and Life of Rome*. Ithaca: Cornell University Press, 1967; corrected edition, 1984.
- Dyck, A. *A Commentary on Cicero, De Officiis*. Ann Arbor: University of Michigan Press, 1996.
- Epstein, D. *Personal Enmity in Roman Politics 218–43 B.C.* London, New York, Sydney: Croom Helm, 1987.
- Feeney, D. *Literature and Religion at Rome: Cultures, Contexts, and Beliefs*. Cambridge: Cambridge University Press, 1998.
- Greenidge, A. *Infamia: Its Place in Roman Public and Private Law*. Oxford: Clarendon, 1894.
- Gruen, E. S. "P. Clodius: Instrument or Independent Agent." *Phoenix* 20 (1996): 120–30.
- . *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.
- Habinek, T. *The Politics of Latin Literature*. Princeton, NJ: Princeton University Press, 1998.
- Kennedy, G. "The Rhetoric of Advocacy in Greece and Rome." *American Journal of Philology* 89 (1968): 419–36.
- Kurke, A. "Theme and Adversarial Presentation in Cicero's pro Flacco." Ph.D. diss., University of Michigan, Ann Arbor, 1989.
- Lenaghan, J. *A Commentary of Cicero's Oration De Haruspicum Responso*. The Hague: Mouton, 1969.
- Lintott, A. "P. Clodius—Felix Catilina?" *Greece and Rome* 14 (1967): 157–69.
- Marshall, B. "Pompeius' Fear of Assassination." *Chiron* 17 (1987): 119–133.
- Millar, F. *The Crowd in Rome in the Late Republic*. Jerome Lectures, 22. Ann Arbor: University of Michigan Press, 1998.
- Mitchell, T. N. *Cicero: the Senior Statesman*. New Haven: Yale University Press, 1991.
- Nisbet, R. G., ed. *M. Tullii Ciceronis De Domo Sua ad Pontifices Oratio*. Oxford: Clarendon Press, 1939; reprinted by Arno Press, Latin Texts and Commentaries, 1979.
- . ed. *M. Tullii Ciceronis in L. Calpurnium Pisonem Oratio*. Oxford: Clarendon Press, 1961.



- Pocock, L. G., ed. *A Commentary on Cicero in Vatinius*. Amsterdam: Hakkert, 1967 reprint of the 1926 London edition.
- Riggsby, A. "Did the Romans Believe in their Verdicts?" *Rhetorica* 15 (1997): 235–51.
- . "Self and Community in the Younger Pliny." *Arethusa* 31 (1998): 75–97.
- . *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press, 1999.
- Robinson, A. "Cicero's References to his Banishment." *Classical World* 87, (1994): 475–480.
- Seager, R. *Pompey: A Political Biography*. Oxford: Blackwell, 1979.
- Spielvogel, J. "P. Clodius Pulcher—Eine politische Ausnahmerecheinung der späten Republik?" *Hermes* 125 (1997): 56–74.
- Sumner, G. "Lex Aelia, Lex Fufia." *American Journal of Philology* 84 (1963): 337–358.
- Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Watson, A. *Law of Property in the Later Roman Republic*. Oxford: Oxford University Press, 1968.
- Wiseman, T. P. "Competition and Co-operation." In *Roman political life, 90 B.C.–A.D. 69*, edited by T. P. Wiseman (Exeter: Exeter University Press, 1985): 3–19.
- Wohl, V. "Hegemony and Democracy at the Panathenaia." *Classica et Medievalia* 47 (1996): 25–88.

This page intentionally left blank

## CHAPTER SEVEN

### CICERONIAN INVECTIVE

Anthony Corbeill

When Cicero's interlocutor Scipio Aemilianus outlines the development of his ideal state in the treatise *On the Republic*, he stresses a particular precondition for success. To maintain social order, elite citizens must continually fear becoming exposed to public shame:

The best citizens are not deterred [from disgraceful behavior] by fear of a punishment that has been sanctioned by laws as much as by the sense of shame that has been instilled by nature as a kind of fear of just censure (*vituperationis non iniustae*). The founder of the state used public opinion to cause this sense of shame to grow and refined it through both established customs and training. As a result shame, no less than fear, keeps the citizen from doing wrong.<sup>1</sup>

The ideal state Cicero describes throughout this treatise represents, it is clear, Rome itself.<sup>2</sup> The passage quoted describes an intermediate step in the imagined evolution toward Rome's Republican form of government. The designer of this proto-Republic (*ille rector rerum publicarum*), in contrast with his counterpart in Plato's *Republic*, was conceived by his creator as a real model of political behavior.<sup>3</sup> During the military face-off between Julius Caesar and Gnaeus Pompeius in 49 B.C.E., Cicero appeals to this hypothetical founder as the model from which those currently in power have deviated.<sup>4</sup> In an analogous fashion, this founder's ability to harness the power of words to curtail disgraceful behavior is informed by the realities of late

---

<sup>1</sup> Cic. *Rep.* 5.6: *nec vero [optimi] tam metu poenaque terrentur, quae est constituta legibus, quam verecundia, quam natura homini dedit quasi quendam vituperationis non iniustae timorem. hanc ille rector rerum publicarum auxit opinionibus perfectique institutis et disciplinis, ut pudor civis non minus a delictis arceret quam metus.* This and all subsequent translations are my own.

<sup>2</sup> See, e.g., Cic. *Rep.* 2.3, 21–22, 51–52; *Leg.* 2.23.

<sup>3</sup> On the role of this *rector* elsewhere in the treatise see K. Büchner, ed., *M. Tullius Cicero 'De Re Publica,'* Wissenschaftliche Kommentare zu griechischen und lateinischen Schriftstellern (Heidelberg: Carl Winter 1984): 395.

<sup>4</sup> Cic. *Att.* 8.11.1–2 (SB 161).

Republican politics. The inherited responsibility for maintaining this desirable fear of shame falls, I shall argue, to the public speaker, the representative of the 'best citizens.' Through the extra-legal means of invective, the public speaker employs language to exclude the potential lawbreaker from the community of the elite.

As a Roman using words to defend a client, attack an enemy, or shape state policy, Cicero is concerned with promoting his own public persona (*ethos*), and with identifying that persona with the needs and desires of the community.<sup>5</sup> It is notable that the orator employs his most angry invective at those key points in his career at which he needs to shape new aspects of his public identity: as a righteous young prosecutor (*Against Verres*), as an elected head of state (*Against Catiline; On the Agrarian Law*), as a former exile reestablishing authority (*Against Vatinius; Against Piso*), and as an elder statesman exercising that authority for the last time (*Philippics*). Although Cicero tended to act in defense of clients in the majority of his extant speeches, invective nevertheless punctuates his corpus at crucial moments as a way of establishing credibility in opposition to his opponents and their supporters.

In one of the speeches *Against Verres*, Cicero tells the jury that 'no one can be a good judge who is not moved by a certain suspicion,' an appeal to his hearers to use analysis of character as a basis for reaching verdicts of guilt or innocence.<sup>6</sup> As a result of assertions of this type, found both in oratory and in the rhetorical handbooks, it is not surprising to hear modern scholars contend that, in persuading an audience through invective, 'plausibility was . . . more important than veracity.'<sup>7</sup> Yet I am not sure Cicero's primal founder, with his confidence in the coercive powers of shame, would have appreciated this distinction. Rather, plausibility is what the best citizen would wish to avoid; it is here where evidence for the justness of the censure lies. It is, furthermore, debatable whether the Roman

<sup>5</sup> J. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: University of North Carolina Press 1988), surveys Cicero's manipulation of *ethos* throughout his career.

<sup>6</sup> *Ver.* 2.5.65: *iudex esse bonus nemo potest, qui suspicione certa non movetur*; see further *Inv.* 2.36; *Clu.* 70; *Sull.* 69 with D. H. Berry, *Cicero: Pro P. Sulla Oratio* (Cambridge: Cambridge University Press 1996): 274–275.

<sup>7</sup> *OCD*<sup>3</sup> 762, s.v. "Invective" (L. Watson), following a scholarly opinion best represented by R. G. Nisbet, ed., *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio* (Oxford: Clarendon Press 1961): 192–197.

jurors would have had the desire to separate the categories of plausibility and veracity. A recent study of the concept of crime in the late Republic concludes that ‘the purpose of the *iudicia publica* [i.e., the public criminal courts] was to try persons for harms done to the community as a whole’ and that ‘for Cicero and Quintilian it is acceptable to defend a good man, for he is of value to the society regardless of his particular guilt.’<sup>8</sup> Conversely, I shall argue that it is acceptable to condemn a ‘bad’ man by showing his danger to society—again, regardless of particular guilt. Invective supplies proof—by identifying a person as unfit for the community the speaker of necessity wins over the jury. Invective works as a series of examples of what a Roman is not. The importance placed on invective allows the speaker to include charges that seem to us contrary to the notion of ‘legal’ accusation.

Invective takes its function from its goal: if the fear of blame envisioned in *On the Republic* fails to maintain order, the perceived violator becomes exposed to public ridicule and is thereby excluded from the community.<sup>9</sup> In what follows I will 1) outline the recognizable categories of invective; 2) survey Cicero’s deployment of these categories; 3) discuss how Roman sources identify invective not simply as a literary artifice inherited from an older tradition, but as operating within the extra-legal framework Cicero posits in *On the Republic* as particular to Rome.

### *Areas of Invective*

The public shaming (translated above as ‘censure’), which Cicero’s Scipio wished would inspire fear in every member of the Roman elite, is represented by the Latin word *vituperatio*—perhaps the nearest equivalent classical Latin has to the English ‘invective.’ In the Latin rhetorical tradition, *vituperatio*, paired with its antithesis *laus* (‘praise’), constitutes the principal two topics that make up the *causa demonstrativa*, the epideictic mode of speaking.<sup>10</sup> The use of the rhetor-

<sup>8</sup> A. Riggsby, *Crime and Community in Ciceronian Rome* (Austin: University of Texas Press 1999): 151–159.

<sup>9</sup> For this definition of invective, see S. Koster, *Die Invektive in der griechischen und römischen Literatur* (Meisenheim am Glan 1980): esp. 38–39.

<sup>10</sup> *Rhet. Her.* 3.10; *Cic. Inv.* 1.7. The Greek equivalents are *epainos* and *psogos*; on

ical term *vituperatio* in the passage from *On the Republic* would not seem to be a coincidence. The Roman rhetorical treatises agree with Scipio in identifying the purpose of invective as the public shaming of a known individual through the open recounting of faults.<sup>11</sup> The narration of faults, the treatises continue, aims at influencing an audience's emotions rather than at providing logical proof.<sup>12</sup> This does not mean, however, that invective was thought to rely on falsehood, but that the space for proof of the specific charge at hand lies in a separate part of the speech, the confirmation and refutation.<sup>13</sup>

When we turn to the specific subjects that rhetorical theory finds appropriate for censure in an opponent, we immediately recognize the types of accusations encountered in Cicero's oratorical practice. I quote from Cicero's *Divisions of Oratory* a typical example of areas that offer opportunities for *vituperatio*:<sup>14</sup>

These are the chief points to be illustrated: how the person has been born, brought up, educated, trained, and morally constituted; whether anything great or unbelievable has occurred (especially of possible divine origin); furthermore, whatever the person has thought, said, or done will be fit to the classes of virtues just discussed.<sup>15</sup>

These classes that had just been discussed encompass three areas: properties of the body (*corpus*), of the mind (*animus*), and external circumstances such as upbringing and background (*externa*).<sup>16</sup> This three-fold description of the types of subjects to be censured in invective corresponds well with the categories normally identified as most frequently employed in oratorical invective, including that of Cicero. The ten most commonly identified topics of accusation in the Roman

---

the rhetorical tradition see further J. Martin, *Antike Rhetorik: Technik und Methode* (München: Beck 1974): 10, Koster (1980): 7–21.

<sup>11</sup> This accords well with the formal definition given by Koster (1980) at the conclusion of his book-length study (354).

<sup>12</sup> E.g., Cic. *Part.* 71: [*finis vituperationis est*] *turpitudine. conficitur autem genus hoc ditionis narrandis exponendisque factis sine ullis argumentationibus, ad animi motus leniter tractandos magis quam ad fidem faciendam aut confirmandam accommodate.*

<sup>13</sup> Cic. *Part.* 33: [*confirmatio et refutatio*] *ad faciendam fidem pertinent.*

<sup>14</sup> Koster (1980): 16–21 offers a compendium of these lists from an assortment of Greek and Latin texts.

<sup>15</sup> Cic. *Part.* 82: *haec erunt illustranda maxime, quem ad modum quisque generatus, quem ad modum educatus, quem ad modum institutus moratusque fuerit; et si quid cui magnum aut incredibile acciderit maximeque si id divinitus accidisse potuerit videri; tum quod quisque senserit dixerit gesserit ad ea, quae proposita sunt, virtutum genera accommodabuntur.*

<sup>16</sup> For the history of these categories, H. Caplan, [*Cicero*] *ad C. Herennium* (Cambridge, MA: Harvard University Press 1954): 174 n. a.

tradition are: 1. servile heritage; 2. barbarian (non-Roman) background; 3. having a non-elite occupation; 4. thievery; 5. non-standard sexual behavior; 6. estrangement from family and community; 7. melancholy disposition; 8. unusual appearance, clothing, or demeanor; 9. cowardice; 10. bankruptcy.<sup>17</sup> Lists of similar content are often cited in discussions of invective, and yet rarely are attempts made to relate these categories to their Roman context. Although the list may seem to include any possible type of unfortunate circumstance or improper behavior, there are in fact surprising omissions—there is little slander of inappropriate religious behavior, for example, and mockery of corpulence is rare.<sup>18</sup> I would like to spend the remainder of this chapter investigating further the meanings behind these accusations: why did the Romans consider certain forms of behavior worthy of public utterance and relevant to legal and political discourse? Identifying how these categories constitute sources of shame can facilitate a better understanding of the types of behavior public invective was meant to control.

### *Limits of Invective*

Rome had a strong tradition of public invective and acerbic humor before Cicero first stepped onto the rostra. Horace famously remarks on the ‘Italic vinegar’ that distinguished Roman oratorical practice from its Greek predecessors.<sup>19</sup> Cicero himself, in his speech *On Behalf of Plancius*, defends the right of a member of the equestrian class to rebuke a senator in public, equating the practice with the venerable traditions of freedom of speech at Rome (*ille mos . . . illa aequitas iuris . . . illa antiqua libertas*; *Planc.* 33). To demonstrate that he is not

<sup>17</sup> W. Süß, *Ethos. Studien zur älteren griechischen Rhetorik* (Leipzig and Berlin: Teubner, 1920; reprint Aalen: Scientia Verlag 1975): 247–254 (although he seems to have derived these categories from Greek oratory, he uses as an example of their application Cic. *Pis.* at 259–260). Süß, who seems to be the first to have developed these categories, is followed by the standard accounts of invective: Nisbet (1961): 192–197, I. Opelt, *Die lateinischen Schimpfwörter und verwandte sprachliche Erscheinungen* (Heidelberg: Carl Winter 1965): 129 n. 7, Koster (1980): 2.

<sup>18</sup> Religion: an exception is where the occasion for invective involves a perceived religious violation, such as in *On the Response of the Soothsayers*; corpulence: A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic* (Princeton, NJ: Princeton University Press 1996): 139–143.

<sup>19</sup> Hor. *S.* 1.7.32.

using special pleading, Cicero proceeds from the case at hand to cite historical examples of members of the non-elite openly criticizing politicians with impunity. He dwells especially on the well-known auctioneer Quintus Granius, who outspokenly critiqued famous politicians without repercussion and became a symbol at Rome for freedom of political expression. This practice of exposing politicians to possible shame allows Granius to be listed along with Lucilius, Lucius Crassus, and Laelius as a prototype for the Roman man of wit.<sup>20</sup> Pre-Ciceronian oratory too, despite its fragmentary state, indicates that vigorous denunciation constituted an acceptable part of public speaking, and Marcus Aurelius can cite the elder Cato's oratory of three centuries earlier as a model of invective practice.<sup>21</sup>

By the first century B.C.E., invective has become such an expected practice that Cicero can call personal attacks on a defendant a 'kind of law of the prosecution' (*lex . . . quaedam accusatoria; Mur.* 11). In his speech *On Behalf of Fonteius*, in fact, he claims that, since the opposing prosecutors did not attack Fonteius personally in their opening speeches, this lack must provide direct indications of his client's innocence:

Has there ever been a defendant—especially one whose sphere included seeking public office and holding political and military command—who has been accused in such a way that the prosecutor has charged him with no scandal, no crime, no shameful behavior arising from lust, effrontery, or boldness? If there were not true grounds for suspicion, certainly some could have been contrived.<sup>22</sup>

The underlying assumption represents the converse of that commonly stated in the contemporary rhetorical handbooks: that if a man can be shown guilty of one fault, he can be shown responsible for all.<sup>23</sup> Therefore, Cicero claims, if Fonteius has been the target of no accusations, he must be innocent of the principal charge for which he

<sup>20</sup> Cic. *Fam.* 9.15.2 (SB 196); other references to Granius's *libertas* include Lucil. 609–610 (Warmington); see too Cic. *Brut.* 160, 172; *de Orat.* 2.244, 254, 281–282.

<sup>21</sup> Aur. *Fro.* 1. p. 128 (28N): *M. Porcium tam bene vituperantem* (for fragments, see Malcovati). Koster (1980): 97–112 surveys pre-Ciceronian invective.

<sup>22</sup> Cic. *Font.* 37: *ecquis unquam reus, praesertim in hac vitae ratione versatus in honoribus petendis, in potestatibus, in imperiis gerendis, sic accusatus est, ut nullum probum, nullum facinum, nulla turpitudine, quae a libidine aut a petulantia aut ab audacia nata esset, ab accusatore obiceretur, si non vera, at certe ficta cum aliqua ratione ac suspitione?*; the entire passage Cic. *Font.* 37–40 bears on this point.

<sup>23</sup> Cic. *Inv.* 2.33, *Rhet. Her.* 2.5.



is being tried. It is reasonable to interpret rhetorical prescriptions such as these, together with their manifestations in practice, as evidence for the freedom allowed speakers at Rome to levy irresponsible accusations against an opponent. Surely this is one possible reading of the evidence, but other passages in Cicero indicate that we should perhaps treat more seriously this belief that immorality necessarily manifests itself in a nexus of immoral acts.

It would be instructive in this context to be able to read how Cicero directly defended himself from attacks on his character. Doubtless many such attacks existed but, unfortunately, no substantial passages in which Cicero's contemporaries voice their disapproval have survived in more than fragments.<sup>24</sup> There do exist, however, passages in which Cicero wards off personal attacks directed toward his client. His argument in the speech *On Behalf of Murena* depends upon the same assumption that underlies the passage of *On Behalf of Fonteius* discussed above. Part of the prosecutor's attack on Murena included allegations that he engaged in the un-Roman activity of dancing.<sup>25</sup> Cicero responds by asserting that, for the prosecutor to be correct in this individual claim, Murena must also have engaged in attendant immoral activities associated with the intemperate banquet (*Mur.* 13). Since it is known that Murena does not frequent such feasts, then Cicero feels secure that the charge of dancing ceases to provide a legitimate source of shame. By rebutting a single charge, Cicero can show Murena innocent of all the vices of the banquet.

In light of these two passages from Cicero's defenses of Fonteius and Murena, it is possible to offer a hypothesis that restores credibility to the public use of invective. Most members of the jury listening to these charges, after all, are trained in the same kind of rhetorical tradition as the speakers to whom they are obliged to listen. Are we to think that they simply allowed impossible charges to be levied as a means of entertainment, an entertainment, moreover, with critical implications not only for fellow members of the elite

---

<sup>24</sup> Cic. *Att.* 1.16.9–10 contains the invaluable *altercatio* with Clodius, although here again Cicero, who is relating the debate to Atticus, emerges superior. See too the invectives preserved at [Sal.] *Cic.* and Dio 46.1–28 (with Koster [1980]: 177–189, 200–210), which suggest some of the charges to which Cicero would have been vulnerable.

<sup>25</sup> For dancing as a vice, see A. Richlin, *The Garden of Priapus: Sexuality and Aggression in Roman Humor* (New York: Oxford University Press 1992): 98 n. 29; Corbeil (1996): 135–137.

who faced these charges, but also for themselves the next time they face prosecution? Perhaps; surely the history of political trials in the final years of the Republic indicates an overly litigious society. Nevertheless, a more satisfactory response is to consider that the belief that one vice can lead to a criminal life offered a means for the efficient control of potentially anti-social behavior, behavior that might threaten elite structures of rule. It is in this context that the emphasis in the passage just quoted from *On Behalf of Fonteius* becomes especially interesting: the more important a defendant, as measured by the amount of political and military power he wields, the more probable it is that he will be exposed to public scrutiny of his morality. The more essential is it, then, that he remain free of 'the fear of just censure.'

### *Invective Charges*

If invective did in fact function to limit improper behavior by the elite, determining the types of charges most commonly advanced will shed light on the kinds of behavior deemed most inimical to the maintenance of political stability. The categories of abuse range from predictable types of socially deviant behavior to less obviously threatening forms of conduct. Among those categories that one would expect to be objectionable is included the charge that an opponent has engaged in incestuous behavior; the most infamous object of such attacks by Cicero is Clodius, who is accused on many occasions of having sexual relations with one or more of his sisters.<sup>26</sup> Another common motif is to claim that the opponent is a bandit (*latro*), a charge that implies not simply criminal activity but is also figured by Cicero as including behavior that can threaten to overturn the established political order.<sup>27</sup> Scholars have recently shown how less clear charges also depend on exploiting deeper biases in Roman society. The rhetoric against rustic behavior, for example, would normally be difficult to use in a society such as Rome, where historical exempla are continually employed to underscore the value

<sup>26</sup> F. Hickson-Hahn, "What's so Funny? Laughter and Incest in Invective Humor," *Syllecta Classica* 9 (1998), treats Roman invective about incest (19–25 cover Cicero).

<sup>27</sup> T. Habinek, *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome* (Princeton, NJ: Princeton University Press 1998): 69–87.

traditionally placed on farming and the rural life. Yet when this category occurs as a topic of invective, it moves from being a simple attack on a specific occupation, relying instead on the associations made between the lack of self-control exhibited by a rural figure and the types of behavior exposed by complementary categories of invective, such as effeminate mannerisms and excessive theatricality.<sup>28</sup> The notion of a lack of self-control also informs what is the ultimate accusation of socially inappropriate behavior: to call an opponent a beast. Even this charge, frequently found in Cicero, has been demonstrated to be more complicated than may first appear, being tied into philosophical notions that being human implies responsibilities toward society and the state.<sup>29</sup> To be called a beast is to show that such responsibilities have been abandoned.

A careful examination of less clearly objectionable subjects of invective shows that they too rely on exposing an opponent as fundamentally opposed to the inherent well-being of the Roman community. Three of the commonest topics include mocking the opponent's ethnicity, name, and physical appearance. Each of these personal features is predicated on definitions of the natural, especially on the ways in which the transgression of allegedly natural behavior becomes visibly manifest in the opponent's external appearance. If the orator can succeed in identifying his opponent with such behavior, then the opponent does not belong in the community.

A non-Roman background provided easy material for public invective. Yet Cicero's objections to foreign influence in the courts normally relies not on exploiting simple xenophobia, but on demonstrating that foreign testimony, by its very nature, is of suspect value in a Roman forum. In rejecting the testimony of the Gauls against his client Fonteius, Cicero appeals to the sanctity of the oath and fear of the gods, and figures these religious scruples as essential for the administration of Roman justice. Since the Gauls do not share the same religious reverence, it is impossible to trust them on oath.<sup>30</sup>

<sup>28</sup> C. Connors, "Field and Forum: Culture and Agriculture in Roman Rhetoric," in W. Dominik, ed., *Roman Eloquence: Rhetoric in Society and Literature* (London and New York: Routledge 1997): 72–76; for Cicero's positive use of the topos of 'the honest farmer,' see A. Vasaly, *Representations: Images of the World in Ciceronian Oratory* (Berkeley, Los Angeles, Oxford: University of California Press 1993): 157–172 (on *S. Rosc.*).

<sup>29</sup> J. May, "Cicero and the Beasts," *Syllecta Classica* 7 (1996): 143–153.

<sup>30</sup> E.g., *Font.* 30: *an vero istas nationes religione iuris iurandi ac metu deorum immortalium in testimoniis dicendis commoveri arbitramini?*

The most common opportunity for this form of stereotyping occurs when provincial governors are being defended for mistreatment of their constituencies, as in Cicero's speeches on behalf of Flaccus, Fonteius, and Scaurus.<sup>31</sup> The trope of the other becomes so strong in these speeches that even Roman witnesses who speak against the defendant are made to be 'de-romanized.'<sup>32</sup> As a result of the strength of this trope, on those occasions when it became necessary for Cicero to support in court the behavior of Greeks, he turns the theme of sacrilege back upon his opponents. In the speeches against Verres, for example, it is made abundantly clear through that governor's dress, effeminate behavior, convivial excess, and impiety toward the gods that it is he who is the real 'Greek;' the Sicilians who have brought him to trial, on the contrary, have 'no similarities with the rest of the Greeks.'<sup>33</sup> In a similar vein, Cicero's plea to give Roman citizenship to the Greek poet Archias involves not so much a defense of Greek culture as a naturalization of Archias and his trade as traditionally Roman: repeatedly referred to by his Latin name, Aulus Licinius, Archias is represented as carrying on an established and honored Roman tradition of extending Greek arts throughout Italy.<sup>34</sup>

Ethnic hostilities could also include those who live on the Italian peninsula itself, but outside the capital city. Prejudice for the city of Rome, a prejudice reinforced by so many other aspects of Republican society, provided a means for the urban elite to maintain ascendancy in the face of rising provincial families.<sup>35</sup> Cicero himself was born a mere seventy miles from Rome in a municipality that had enjoyed full citizen rights since 188 B.C.E. Nevertheless, as the first of his family to attain the consulship, he had on several occasions to endure charges of being an 'immigrant citizen at Rome' or 'Rome's third foreign king.'<sup>36</sup> Cicero found a ready defense from these charges in

<sup>31</sup> For a full discussion of this form of ethnic stereotyping in Cicero, see Vasaly (1993): 191–243.

<sup>32</sup> Riggsby (1999): 129–136.

<sup>33</sup> *Ver.* 2.2.7: *nihil ceterorum simile Graecorum*; on Verres, see Vasaly (1993): 212–217, J. Heskell, "Cicero as Evidence for Attitudes to Dress in the Late Republic," in L. Bonfante and J. Sebesta, eds., *The World of Roman Costume* (Madison: University of Wisconsin Press 1994): 133–135.

<sup>34</sup> E.g. *Arch.* 5, speaking of Archias's youth: *erat Italia tum plena Graecarum artium ac disciplinarum* etc.; also 27.

<sup>35</sup> Corbeill (1996): 11–12 and bibliography cited therein.

<sup>36</sup> *Sall. Cat.* 31.7, *Cic. Sul.* 22; further examples, treating Cicero and others, provided by Opelt (1965): 150–151, Berry (1996): 181–184.

appealing to figures from Rome's past who also arose from the municipalities (*Sul.* 22–25). When, therefore, he used the same type of charges in his own invective against Lucius Piso, Cicero took care to question Piso's *Romanitas* from more than one angle: his scornful reference to Piso as the 'Campanian consul' refers to the residents of Campania who, by revolting from Rome during the war against Hannibal, exposed themselves to the potential for public disdain for centuries afterward.<sup>37</sup> The ridicule afforded by this connection with southern Italy is further reinforced by Cicero ascribing to Piso the names and epithets *Caesoninus Semiplacentius Calventius*, indicating that his mother's family originated from the Gallic provinces to the north.<sup>38</sup> The peculiarities of the Roman naming system allowed Cicero frequent opportunities to mock an opponent's heritage on other occasions—the manner in which the orator merely mentions names such as Fidiculanus Falcula (*Caec.* 28), Ligus (*Har.* 5), and Cimber (*Phil.* 11.14) could stir up in the Roman mind deep cultural prejudice.<sup>39</sup>

The mockery of names suggests another large category of invective, the mockery of physical peculiarities. It is an oddity of Roman onomastics that the third name, or *cognomen*, traditionally the province of the elite in the Republican era, denotes in nearly half the recorded instances a peculiarity of the body, mind, or both.<sup>40</sup> In Cicero's works, to cite a few examples, Romans name the following opponents in order to mark them as objects of derision: Bambalio ('stutterer,' *Phil.* 3.16), Brutus ('stupid,' *Att.* 6.1.25 [SB 115]), Verres ('uncastrated boar,' e.g. *Ver.* 2.1.121, 2.4.56). The reason for the development of the onomastic phenomenon of the pejorative name remains unclear, but it is indisputable that the attendant circumstance of mocking physical deformities dominates invective. Just as marking an opponent's ethnic traits excluded him from the Roman community, so too did the highlighting of physical peculiarities imply social deviance. The underlying premise would appear to be the notion common in antiquity that physical exterior mirrors moral interior. This notion is clearly reflected in a notable passage from Cicero's

<sup>37</sup> *Pis.* 24; see too *Dom.* 60 and Vasaly (1993): 217–243 (on *Agr.* 2). The precise connections this Piso had with Campania remain uncertain (Nisbet [1961]: 186–188).

<sup>38</sup> *Pis.* 14; see further, Corbeill (1996): 170–171.

<sup>39</sup> For these names and on names in Roman invective generally, see Corbeill (1996): 57–98.

<sup>40</sup> I. Kajanto, *The Latin Cognomina*. Societas Scientiarum Fennica. Commentationes humanarum litterarum, 36.2 (Helsinki: Societas Scientiarum Fennica 1965): 131.

oration *On Behalf of Quintus Roscius*. After detailing the physical oddities marking Roscius's accuser Gaius Fannius (he has unusually short head and facial hair), the orator reveals to his audience that Fannius's appearance foretold his deceitful nature:

For those of you who do not know him, consider his face. Surely Fannius's very head and eyebrows, so closely shaven, seem to stink of evil and proclaim his shrewd nature. Surely (if physical appearance does in fact allow one to make inferences even though it cannot speak) from the tips of his toenails to the very top of his head, this man is entirely made up of fraud, deceit, and lies.<sup>41</sup>

Cicero deliberately inserts into his invective the proviso 'if physical appearance does in fact allow one to make inferences even though it cannot speak.' The purpose of this parenthetical aside causes a modern reader to pause. It certainly cannot be intended to encourage his audience to make allowances for Fannius's appearance; Cicero is not one to arouse sympathy for an opponent. Rather, the assertion draws to the attention of his audience that they should in fact allow physical peculiarities to guide them in making judgments about guilt. The orator reaffirms a bias by offering in a public context a seemingly indisputable example of its validity.

Cicero seems to have willingly mocked an unusual physique as deviant whenever the opportunity presented itself.<sup>42</sup> He especially exploits this opportunity in his invective *Against Vatinius*, where the theme becomes a recurrent motif of the speech. Publius Vatinius suffered throughout his life from swellings on the face and neck, and spent his lifetime enduring abuse for these deformities. These tumors afford Cicero the opportunity for a series of attacks: Vatinius threatens Cicero 'like a serpent emerging from its lair—eyes jutting out, throat swollen, neck bulging' (*Vat.* 4); his pouting threatens to cause 'his swellings to burst' (*Vat.* 10). Eventually, the speech climaxes with Vatinius's growths becoming so sickened by Vatinius's behavior that they 'move away from the wicked area around his mouth and locate themselves in other areas' (*Vat.* 39). Identifying publicly an opponent's physical deficiencies provided a powerful rhetorical means for excluding that opponent from society.

<sup>41</sup> *Q. Rosc.* 20.

<sup>42</sup> Corbeill (1996): 14–56 (Fannius 43–45; Vatinius 46–55).

Another common means of indicating a male opponent's deviance involved impugning his masculinity. In oratory, this was done by pointing to outward signs by which effeminate behavior is made manifest to the viewer; clothing, hairstyle, perfume, gesture, voice, and walk were all exploited by an opposing orator as visual cues that the opponent has lapsed from the appropriate, socially acceptable style of dress and deportment.<sup>43</sup> The bias has a long and full tradition; an early example from 142 B.C.E. includes most of the features that Cicero comes to use against his own opponents in the following century. Scipio Aemilianus inveighs against Publius Sulpicius Galus:

If someone, drenched daily in perfumes, adorns himself before a mirror, shaves his eyebrows, walks about with his beard plucked and thigh hairs pulled out; who, as a young boy with his lover, wearing a long-sleeved tunic, was accustomed to lie in the low spot at banquets, who is not only fond of wine, but fond of men also, then would anyone doubt that he has done the same thing that pathics usually do?<sup>44</sup>

Numerous passages from Cicero's invective indicate that the expected answer to this truly rhetorical question is an emphatic 'No.' As in the mockery of ethnicity, names, and physical peculiarities, exclusion of the sexual deviant depends upon the existence of visible evidence.

Effeminacy in a male was perceived as an aberration of what Roman society deemed as natural behavior. Reversal of expected natural roles could become suspect in other areas as well. In his speech *On Behalf of Cluentius*, a mother is chastised for discarding what is expected of a maternal role (*Clu.* 193). Further examples include the mockery of an opponent's trade if it is deemed inappropriate for a member of the elite; conversely, if one's family is of indisputably high standing, it is acceptable to take an opponent to task for not living up to the expectations of ancestors.<sup>45</sup> The latter is an especially effective tool against Publius Clodius and his sister Clodia, both of whom Cicero figures as a disgrace to the great tradition of the Claudian family.<sup>46</sup> Finally, Cicero on several occasions impugns the honesty of those who label themselves as 'popular' politicians (*populares*) by pointing out that their behavior is far from beloved

<sup>43</sup> Richlin (1992): 97–98; Corbeill (1996): 128–169. H. Herter, "Effeminatus," in *Reallexikon für Antike und Christentum*, edited by T. Klauser, Vol. 4 (Stuttgart: Hiersemann 1959): 620–650, provides a full compendium of these signs.

<sup>44</sup> Gel. 6.12.5 = *ORF* 21.17.

<sup>45</sup> Süss (1910): 248–249, Opelt (1965): 151; Quint. *Inst.* 3.7.19.

<sup>46</sup> Clodius: *In Clod.* 25, *Mil.* 17; Clodia: *Cael.* 33–34.

by the *populus*; indeed, he claims that the only way someone like Vatinius can be truly ‘popular’ would be by killing himself.<sup>47</sup>

These categories in which expected behavior is reversed pose a rhetorical difficulty for the orator who wishes deviance to be divided into easily detectable categories. Consequently, for a community that relies on reading appearances to understand morality, hypocrisy—both verbal and visual—is especially problematic. The theme of the subversive dangers of hypocrisy plays a particularly prominent role in Cicero’s invective speech *Against Piso*, as well as on other occasions when Cicero mentions Piso. Lucius Calpurnius Piso proved to be a particularly intractable subject for abuse since his family background and demeanor would seem to indicate the ideal Roman. I have already mentioned how Cicero manipulates Piso’s name to cast doubts upon his heritage, but what could an orator do with his stern appearance? It is a dissemblance, Cicero claims, one specifically designed to deceive the viewer.<sup>48</sup> What enabled Piso to succeed as a politician was not any personal merit, but his ability to hide behind his family name.<sup>49</sup> To reveal the extent of this hypocrisy, of the ‘evil wrapped up in the layers of his brow’ (*Pis.* 12), requires information independent of appearance. Fortunately, Cicero has learned from other members of the Piso clan (although only by chance) that this Lucius is an intruder into the family (*Red. Sen.* 15). Piso, it seems, has learned the proper categories he should inhabit to present a just and upright persona to the people. The abuse of this knowledge threatens the mechanics of just censure that have been designed to ensure continuity within the Roman community.

The most damning invective in the Ciceronian corpus, such as that against Piso and Vatinius, occurs not in speeches held before the people but in those intended to be delivered before a group of senatorial peers. This interesting and perhaps surprising fact warrants some explanation. A telling example of the importance of venue is provided by the figures of Piso and Gabinius: the objects of vicious invective in Cicero’s speeches before members of the elite (e.g., *Red. Sen.* 10–18, *Sest.* 17–24), their actions in opposing his recall from exile are spoken of with an almost benign understanding in a contemporary speech before the people (*Red. Pop.* 11, 13). Cicero is not,

<sup>47</sup> *Vat.* 39; see too, e.g., *Catil.* 4.10, *Sest.* 114.

<sup>48</sup> *Pis.* 1; see too 14, 19, 20, 68; *Red. Sen.* 15–16; *Prov.* 8.

<sup>49</sup> *Pis.* 1, 2, 53; see too *Sest.* 21.



however, misleading his audience with these tactics. Rather, as is implied in the passage quoted from *On the Republic* at the beginning of this chapter, the mechanisms for shame operate differently in the closed oligarchy of the elite and before the people amassed as a body. Indeed, it is virtually certain that these apparent inconsistencies in the portrayal of Piso and Gabinius must have been intended by Cicero—he could have edited any embarrassing inconsistencies before publication—and they have been plausibly explained as serving a didactic function. Cicero teaches his readers how venue determines treatment.<sup>50</sup> Rather than reflecting a lack of relation to reality, the inconsistencies demonstrate in fact a close awareness of the values and workings of the Roman political process.

### *Invective as Moral Teaching*

The suggestion that oratory can serve a didactic purpose leads to Cicero's own expressed views of the educational function served by his words of reproach. Cicero's greatest works of invective—the speeches *Against Verres* and *Against Piso*, the *Second Philippic* against Marcus Antonius—were to survive well beyond their original historical purpose as examples for study and emulation. In addition to serving a specific function at the time of delivery, Cicero foresaw the value that these types of composition possessed as moral lessons for posterity.

As early as 60 B.C.E. Cicero described his consular orations of 63 as offering a model for the study of contemporary youths; this set of works includes the invective offered in the speeches *On the Agrarian Law* and *Against Catiline*.<sup>51</sup> In 57 B.C.E. he delivered the oration *On his House*, a work filled with harsh denunciation of Clodius and characterized by Cicero in his correspondence as inspired in part by his personal indignation (*dolor*); this speech too, he tells Atticus, must be immediately published so as not to deprive the youth of his day.<sup>52</sup>

<sup>50</sup> W. Stroh, *Taxis und Taktik. Die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart: Teubner 1975): 53.

<sup>51</sup> Cic. *Att.* 2.1.3 (SB 21): *ea quae nos scribimus adulescentulorum studiis excitati*; further evidence, with bibliography, in Stroh (1975): 52–54.

<sup>52</sup> Cic. *Att.* 4.2.2 (SB 74): *doloris magnitudo vim quandam nobis dicendi dedit. itaque oratio iuventuti nostrae debere non potest.*

Understandably, an intimate knowledge of Cicero was a desideratum for the aspiring young orator of the late Republic, and Cicero was pleased to fulfill this desire.

Late in his career, a portion of Cicero's correspondence with Marcus Brutus tellingly indicates that the orator's desire to be read and studied derived from more than a vain desire for immortality. The exchange clearly underscores Cicero's perception of the usefulness invective has for a properly functioning free society. In July of 43, Brutus had written Cicero a letter criticizing the elder statesman for being too generous in dispensing honors to the young Octavian.<sup>53</sup> In his reply, Cicero refers to Brutus's explicit criticism, while remarking further that 'perhaps someone else (maybe even you) would add that I am rather harsh in my use of censure and punishment.'<sup>54</sup> He then proceeds to justify both alleged deficiencies of character by quoting an unknown text of Solon. The formulation recalls the function of praise and blame outlined by Aemilianus's ruler in *On the Republic*: 'a state is held together by two things, reward and punishment.'<sup>55</sup>

In the remainder of the letter, Cicero appraises his role in distributing 'reward and punishment' during the period following the assassination of Julius Caesar. Under the category of punishment is included the public verbal censure of inappropriate behavior; examples of invective will act as 'eternal reminders of the public hatred toward the most cruel enemies' (23.9: *in crudelissimos hostes monumenta odii publici sempiterna*). It is within this context that he places the final, and in many ways most harsh, example of oratorical invective of his career, the *Philippics* against Marcus Antonius and his allies. Cicero's evaluation of these speeches provides for Brutus—and us—his most direct explanation of the importance of invective:

I delivered these opinions . . . not so much for the sake of vengeance. Rather, I intended to use fear *for the present situation* to deter wicked citizens from attacking the state, while I intended to leave behind *for posterity* a lesson so that no one might wish to imitate their style of madness.<sup>56</sup>

<sup>53</sup> Brut. *ad Brut.* 12.4 (1.4a.4): *prudencia . . . nulla abs te desideratur nisi modus in tribuendis honoribus.*

<sup>54</sup> Cic. *ad Brut.* 23.3 (1.15.3): *alius fortasse, quod in animadversione poenaeque durior, nisi forte utrumque tu.*

<sup>55</sup> Cic. *ad Brut.* 23.3 (1.15.3): [*Solon*] *rem publicam contineri duabus rebus dixit, praemio et poena.*

<sup>56</sup> Cic. *ad Brut.* 23.10 (1.15.10): *dixi igitur sententias . . . neque tam ulciscendi causa quam*

The dichotomy by which verbal criticism acts simultaneously as a weapon for the present and an example for the future provides a convenient framework within which to close this discussion.

One of Cicero's other correspondents, Gaius Trebonius, echoes the orator's assertion that political circumstances permit the just expression of anger against prominent contemporaries. In setting some of Cicero's invective to verse, Trebonius justifies his own plain-spokenness by citing the baseness (*turpitude*) of his target (apparently Marcus Antonius).<sup>57</sup> *Turpitude* is what Ciceronian rhetorical treatises of the same period advise the orator to uncover with his invective.<sup>58</sup> I have already reviewed the various topics that allowed the orator most readily to reveal to his hearers the baseness of an opponent: ethnic origin, social class, physical appearance. In addition to these *topoi*, the invective speeches are also linked in the ways in which their arguments develop. In most speeches, the speaker's opponent is initially depicted simply as a violator of social expectations. The depiction then grows increasingly hostile until, ultimately, it climaxes with the revelation that the opponent can no longer be tolerated not only by society but by himself. This is the preeminent claim that Cicero's rhetoric can make; that he has convinced *all* his hearers of his opponent's impropriety, including the opponent. To take the familiar example of his *First Speech against Catiline*: after setting out to the Senate the indications of Catiline's danger, Cicero spends the bulk of the speech addressing Catiline, showing that the abandonment of Rome is in his best interest as well and that he himself, as consul, refuses to take direct responsibility for Catiline's punishment (*Catil.* 1.10–27). The social outcast is represented as realizing his own lack of worth. The orator has not only taught a lesson to his peers, but to the very enemy he wishes to overthrow.

The speech *Against Piso* provides a more conspicuous example of how the opponent develops from being a danger to the state to becoming a complete outcast who should recognize his own insignificance. As already mentioned, the extant opening of *Against Piso* contains familiar rhetorical *topoi* of invective: Piso is non-Roman in

---

ut et *in praesens* sceleratos civis timore ab impugnanda patria deterrerem et *in posterum* documentum statuerem ne quis talem amentiam vellet imitari.

<sup>57</sup> Treb. *Fam.* 12.16.3 (SB 328): *turpitude personae eius in quam liberius invehimur nos vindicabit. ignosces etiam iracundiae nostrae, quae iusta est in eiusmodi et homines et cives.*

<sup>58</sup> E.g. Cic. *Part.* 71.

appearance, non-elite in speech and character (frag. viii), while his father had the low-status occupation of herald (frag. ix); he is a beast and of servile origin (1); a plague to the state (3) and so on.<sup>59</sup> The use of these *topoi* provides his audience with the evidence to evaluate Piso. Then, as he had in the *First Speech against Catiline*, Cicero passes over the possibility of inflicting physical punishment upon his opponent (who is here paired with his consular colleague Gabinius): ‘if I were to see you and Gabinius attached to a cross, would I feel greater joy at the mutilation of your bodies than I now feel at the mutilation of your reputations?’<sup>60</sup> True punishment, he continues, derives from the criminal being overcome with guilt, so that he becomes the object of hatred by good citizens, thereby losing any sense of dignity (*Pis.* 43). One may compare the close of the speech *Against Vatinius*, where social death leaves the criminal no option but physical death. Cicero closes *Against Piso* with strong language describing the hatred of Piso at every level of Roman society, the best punishment an orator could desire (45–46). The orator acts as teacher once more, teaching his hearers how they should read (and have read) deviance while teaching his opponent what the inevitable outcome of his actions should be. And yet the speech is only half over, since Piso has not yet himself come to learn that his universal hatred is deserved. This final realization is saved for the speech’s climax, where Cicero adds one important element to the attack already delivered at sections 41–46. Cicero repeats that he wished not to make Piso physically suffer, but to become the object of scorn before the entire community of Rome and Italy. Cicero then concludes that Piso’s guilt is confirmed by his opponent’s realization that ‘he hates himself, fears everyone, . . . and considers himself guilty’ (98). The evidence provided by invective has succeeded in persuading Piso of his own unfitness for Roman society.

These examples make clear how Cicero could claim to Brutus that his invective employed fear to deter acts of wickedness for the present. He envisioned his future legacy, by contrast, as providing models by which future orators could also perceive immorality and thereby expose criminality. Soon after the appearance of his attack on Piso, he boasts in a letter to his brother Quintus that all the Roman boys

<sup>59</sup> More details in Nisbet (1961): 192–197.

<sup>60</sup> Cic. *Pis.* 42: *an ego, si te et Gabinium cruci suffixos viderem, maiore adficeret laetitia ex corporis vestri laceratione, quam adficio ex famae?*

are memorizing his speech as if it were a school lesson (*dictata*).<sup>61</sup> Not surprisingly, Cicero's speeches continued to be studied after his death, offering models of how public discourse should function in a free society.<sup>62</sup> Even as late as the second century C.E., an exercise in imitating Cicero's invective, in putting the following words into the mouth of the orator of the Republic, still recognizes this function: 'This exchange will not be useless for you, senators; for often the republic grows through private quarrels, when no citizen can hide what type of man he is.'<sup>63</sup>

### Conclusion

I portray Cicero as a public figure trying to define what it is to be a proper Roman. As a public speaker, Cicero impresses readers most with his invective, an impression seemingly shared by the orator himself if we consider the way violent accusations punctuate his political life. The resultant picture is of a man boldly defending with his language a vision of Rome, who not only asserts freedom of speech as the appropriate answer to the madness of injustice but who expects everyone to agree with that assertion.<sup>64</sup> In making this effort to redeem Cicero's vehemence and to locate invective at the service of stability, I acknowledge the possibility that Cicero has succeeded in deluding me through his rhetoric as well, two thousand years after his death. In the final sentence of a book of more than 600 pages, a book devoted to forensic activity during the time of Cicero, one scholar has remarked: 'Cicero has not ceased providing for the scholars of every age—orators, clergy, and then professors—the comforting illusion that they could have been the leaders in their community,

<sup>61</sup> Cic. *Q. fr.* 3.1.11 (SB 21); for this meaning of *dictata*, TLL 5.1: 1013.76–81 (P. Graeber). Koster (1980): 210–281, esp. 277–281, evaluates *Against Piso* as an ideal speech of invective.

<sup>62</sup> T. Zielinski, *Cicero im Wandel der Jahrhunderte* (Leipzig and Berlin: Teubner 1908): 344–346, cites references to the use of Cicero in rhetorical schools of the early empire; eventually, however, Cicero's reputation came to depend on style rather than content: M. Winterbottom, "Cicero and the Silver Age," in *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, Fondation Hardt Entretiens sur l'antiquité classique, 28 (Vandoeuvres-Genève: Fondation Hardt 1982): 237–266.

<sup>63</sup> [Cic.] *Sal.* 3: *neque haec altercatio nostra vobis inutilis erit, patres conscripti; plerumque enim res publica privatis crescit inimicitias, ubi nemo civis qualis sit vir potest latere.*

<sup>64</sup> Cic. *Sest.* 14: *si asperus in quosdam homines invehi vellem, quis non concederet ut eos, quorum sceleris furore violatus essem, vocis libertate perstringerem?*

if Pompey, Caesar, and their kind had not won the day.<sup>65</sup> I suffer under an illusion, perhaps; a comforting one, surely. But if Pompey and Caesar provide the alternatives, I choose Cicero's words, however flawed.

#### BIBLIOGRAPHY

- Berry, D. H. *Cicero: Pro P. Sulla Oratio*. Cambridge Classical Texts and Commentaries, 30. Cambridge: Cambridge University Press, 1996.
- Büchner, K. M. *Tullius Cicero: 'De re publica.'* Wissenschaftliche Kommentare zu griechischen und lateinischen Schriftstellern. Heidelberg: Carl Winter, 1984.
- Caplan, H. [*Cicero*] *ad C. Herennium de Ratione Dicendi (Rhetorica ad Herennium)*. Cambridge, MA: Harvard University Press, 1954.
- Connors, C. "Field and Forum: Culture and Agriculture in Roman Rhetoric." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik (London and New York: Routledge, 1997): 71–89.
- Corbeill, A. *Controlling Laughter: Political Humor in the Late Roman Republic*. Princeton, NJ: Princeton University Press, 1996.
- David, J.-M. *Le patronat judiciaire au dernier siècle de la République romaine*. Rome: École française de Rome, 1992.
- Habinek, T. *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome*. Princeton, NJ: Princeton University Press, 1998.
- Herter, H. "Effeminatus," In *Reallexikon für Antike und Christentum*, edited by T. Klauser. Vol. 4 (Stuttgart: Hiersemann, 1959): 620–650.
- Heskel, J. "Cicero as Evidence for Attitudes to Dress in the Late Republic." In *The World of Roman Costume*, edited by J. L. Sebesta and L. Bonfante (Madison: University of Wisconsin Press, 1994): 133–145.
- Hickson-Hahn, F. "What's so Funny? Laughter and Incest in Invective Humor." *Syllecta Classica* 9 (1998): 1–36.
- Kajanto, I. *The Latin Cognomina*. Societas Scientiarum Fennica. Commentationes humanarum litterarum, 36.2. Helsinki: Societas Scientiarum Fennica, 1965.
- Koster, S. *Die Invektive in der griechischen und römischen Literatur*. Beiträge zur klassischen Philologie, 99. Miesenheim am Glan: Hain, 1980; detailed commentary on *In Pisonem* on pp. 210–281.
- Malcovati, H., ed. *Oratorum Romanorum Fragmenta Liberae Rei Publicae*. 4th ed., 2 vols. Torino: Paravia, 1976.

<sup>65</sup> J.-M. David, *Le patronat judiciaire au dernier siècle de la République romaine* (Rome 1992): 664: 'Cicéron n'avait cessé de donner aux savants de tout temps, rhéteurs, clercs puis professeurs, l'illusion réconfortante qu' eux aussi auraient pu être les premiers dans la cité, si Pompeé, César et leurs semblables ne l' avaient emporté.'

- Martin, J. *Antike Rhetorik: Technik und Methode*. Handbuch der Altertumswissenschaft 2: 3. München: Beck, 1974.
- May, J. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- . "Cicero and the Beasts." *Syllecta Classica* 7 (1996): 143–153.
- Nisbet, R. G. M., ed. *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio*. Oxford: Clarendon Press, 1961.
- Opelt, I. *Die lateinischen Schimpfwörter und verwandte sprachliche Erscheinungen: Eine Typologie*. Heidelberg: Carl Winter, 1965.
- Richlin, A. *The Garden of Priapus: Sexuality and Aggression in Roman Humor*. New York: Oxford University Press, 1992. 2nd ed.
- Riggsby, A. *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press, 1999.
- Stroh, W. *Taxis und Taktik. Die advokatische Dispositionskunst in Ciceros Gerichtsreden*. Stuttgart: Teubner, 1975.
- Süss, W. *Ethos. Studien zur älteren griechischen Rhetorik*. Leipzig and Berlin: Teubner, 1920; reprint Aalen: Scientia Verlag, 1975.
- Vasaly, A. *Representations: Images of the World in Ciceronian Oratory*. Berkeley, Los Angeles, Oxford: University of California Press, 1993.
- Winterbottom, M. "Cicero and the Silver Age." In *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig. Fondation Hardt Entretiens sur l'antiquité classique, 28 (Vandœuvres-Genève: Fondation Hardt, 1982): 237–266.
- Zielinski, T. *Cicero im Wandel der Jahrhunderte*. 1st ed., Leipzig and Berlin: Teubner, 1897; 2nd, revised edition, 1908.

This page intentionally left blank



## CHAPTER EIGHT

### CICERO'S CAESARIAN ORATIONS

Harold C. Gotoff

The *Orationes Caesarianae*<sup>1</sup> consist of three speeches Cicero delivered in the period between September 46 and November 45, the only orations he is known to have given in Rome between late 52<sup>2</sup> and the *First Philippic* in September 44. They pit Rome's greatest orator—every act of verbal persuasion being in part an *agon*—against his most sophisticated audience, C. Julius Caesar, *imperator* and *dictator*, a scholar, author, and orator of the highest distinction. Although grouped by chronology and addressee, in other ways they are quite disparate. The first, *Pro M. Marcello*, is not a judicial speech, but was delivered in the Senate to thank Caesar for his pardon of M. Claudius Marcellus. The *Pro Ligario* and *Pro Rege Deiotaro* both take the form of judicial speeches, and, under the exceptional powers of Caesar's office, were delivered before the dictator acting as single judge,<sup>3</sup> but their venues and their aims were very different. The *Lig.*, given in the Forum in the presence of a *corona* is the defense of a former Pompeian, charged apparently with some form of lèse majesté. The *Deiot.*, the defense of a Galatian tetrarch against the charge of attempting to murder Caesar, was heard in the home of Caesar, in the presence perhaps of his *concilium*.

Beyond responding to its situation, each speech has further aims: the *Marc.* to put Marcellus' pardon in a broader political context, the *Lig.* to urge perseverance in the policy of *clementia*, the *Deiot.* to assure Caesar of the king's loyalty. In all three Cicero adopts, among others, the voice of a political critic and advisor, a voice to which

---

<sup>1</sup> The title of the speeches is ancient, but not Cicero's; see Schanz-Hosius i. 406.

<sup>2</sup> In *T. Munatium Plancum Bursam* of late 52 or early 51; see J. W. Crawford, *M. Tullius Cicero: The Lost and Unpublished Orations* (Göttingen: Vandenhoeck & Ruprecht 1984): 230 n. 3.

<sup>3</sup> So T. Mommsen, *Römisches Strafrecht* (Leipzig: Dunker & Humblot 1899): 144 n. 5.

he gives credence by assuming between himself and Caesar a rapport based on mutual respect. The orator cedes the parity of Caesar as a man of letters<sup>4</sup> and master of the art of oratory, inviting him to observe his choice of tactics and strategies, to smile at forms of deception, to appreciate all aspects of his ingenuity and art. In return, he assumes the respect of the most powerful man in the world and leave to speak frankly and familiarly on matters of state. How Cicero strives to achieve such a rapport is the subject of this paper.

It was tempting to go beyond this goal and extrapolate something more personal and psychological about the relationship between these two historical giants. However, a Ciceronian speech can only incidentally mirror his true feelings, and even then identification of the 'real' Cicero amidst the many voices he creates would be an entirely subjective process. If the true Cicero cannot be extrapolated, it is equally unsound to import him from other evidence or the *communis opinio*. To do so is an exercise in *petitio principii*. Some aspects of the *communis opinio* are palpably contestable and should be questioned by any student of these speeches or their author.

Cicero returned to Rome with a pardon in late 47 to find government at a standstill. Caesar dominated both by military victories and his position as dictator, but had spent little time in Italy since crossing the Rubicon. He had control of the Senate, but resistance continued in Africa and Spain, threatening to destabilize his power. Some of his surviving opponents had accepted his *clementia*, others were awaiting pardon, and a few dramatically had spurned it. Cicero found little public business being conducted in Rome. He later avowed (*Fam.* 4.4.4) that he had resolved to attend the Senate, but, in protest against Caesar's usurpation, not to speak out—a choice rendered easier by Caesar's absences, by the Senate's impotence,<sup>5</sup> and by his own limited popularity with its members on both sides; letters reveal

---

<sup>4</sup> Not, perhaps, insincerely; at *Fam.* 16.9.3 he credits Caesar with the ability to discern genuine Cicero.

<sup>5</sup> G. Dobesch, "Bemerkungen zu Ciceros Rede pro Marcello," in *Römische Geschichte, Altertumskunde und Epigraphik: Festschrift für Artr Betz zur Vollendung seines 80 Lebensjahres*, edited by E. Weber and G. Dobesch (Wien: Österreichischen Gesellschaft für Archäologie 1985): 162–3, stresses his principled stance, but how widely he disseminated it is not known. F. Gasti ed., *Marco Tullio Cicerone Orazioni Cesariane* (Milano: Rizzoli 1997): 92 n. 1, adds *Att.* 13. 31. 3 where C. talks of lying low as a *semilibber*. But that was written more than a year later, when Caesar was discussing policy with him.

his lack of popularity with ex-Pompeians (see *Fam.* 7.3.2–3; 9.5). But he had not entirely retired from politics; he was working with success to gain pardon for ex-Pompeians like Caecina and Paetus. Hirtius and Balbus, Caesarians both, were becoming intimates, and he had made his peace with Cassius Longinus, Junius Brutus, and Cornelius Dolabella. He was no more inactive than other Roman politicians.

As to Cicero's despair at the prospect of a fatally wounded Republic, to what point in the political system in which he had lived and worked from Sulla to Clodius would Cicero have liked to return? The power struggles from, say, 75 to 65 which took him to the pinnacle of public life also created the dynasts. 63 was good year for Cicero in spite of an attempted coup d'état, but one in which he was kept by a Tribune from giving a valedictory on leaving office. 59 saw him in restless retirement,<sup>6</sup> followed by a degrading retreat caused by Clodius, from which he only extricated himself by toadying to the Triumvirs. By the end of the decade could not easily have recalled a promising moment for the Republic.

Yet, and this is important if the past is any guide to the future, to the option of retirement he had always been unsuited. He had recognized that his best hope for political influence after office was to attach himself to a more powerful Roman as an advisor, playing Laelius Sapiens to a modern Scipio Africanus. He reached out in vain to Pompey, rejecting the more appreciative Caesar. Yet, he kept on trying. Even after the debacle of his defense of Milo, Cicero seems no more eager to leave Rome in 51 for foreign service than he had been in 62.

Students of Roman history take a highly dramatized view of this period of Cicero's life, highlighting his despondency over his position, his bitterness at the loss of the Republic, his heroic attempts to intervene in its behalf in its death throes, the suicidal final surge of energy with which he opposed Antony. It is important to dispel such notions. Dire though things may have seemed to him, he could not have known that in the near future the *Philippics* really would mark his last struggle for the Republic. Excerpts from the *Letters*

---

<sup>6</sup> His decision in 59 to withdraw from politics and devote himself to literary pursuits did not sustain him. His proposed *Geography* bored him (*Att.* 2.6.1) and when out of Rome he was passionate for news and rumors. See E. Gruen, *The Last Generation of the Roman Republic* (Berkeley: University of California Press 1974): 500–01, on earlier complaints of *regnum*.

often show him depressed or disgusted, but others can be found revealing a better mood. Their evidence is ephemeral, influenced by the purpose and recipient of each document. Style may also enter into it. By training and disposition he could express himself in the full panoply of distinctive voices, from dispassionate to fervent. At *Fam.* 4.13.1, written in mid-46, he complains that he is limited by events to the epistolary mode—not of course to the light and witty kind, but the ‘sad and wretched which still should offer some promise and consolation for your pain; but I had nothing to promise.’ Yet, by section 5 he has cheered himself up and affects to see light at the end of the political tunnel.<sup>7</sup> The period of the *Caesarianae* also saw Cicero in the midst of great domestic sadness. What with estrangement from his brother, the loss of his daughter, and the bitter divorce from his wife, his personal life was at a low ebb and some of those feelings may have fueled a temporary depression.

In life as in letters, he was capable of being idealistic and cynical almost simultaneously, but almost always in political situations, he was realistic. Certainly, he had never had or needed an ideal state in which to function. As a politician Cicero was practical, trained and disposed to deal with political realities; and he had done so all his life. It has pleased posterity to judge his fight with Antony as quixotic; history shows that it was futile. What was in Cicero’s mind was to play Octavian against Antony and have the Senate, under his leadership, emerge victorious. The strategy failed; it was certainly not suicidal.<sup>8</sup>

Similarly, although Cicero probably could never have enjoyed an intimate friendship with Caesar, hostility was not total. Both he and his brother had benefited from Caesar’s good will. When Caesar was killed Cicero could rejoice. But this does not mean that he never could or did work with him.<sup>9</sup> He had won pardon for himself and for others. He could value Caesar’s toleration of his *parhresia* and his charm as his dinner guest. He admired Caesar’s restrained, literary response to his own praise of Cato, in life and death Caesar’s inveterate enemy (*Att.* 13.51). He could be flattered by the attentions of

<sup>7</sup> See, too, *Att.* 13.31.3. Sections 1 and 5 of *Fam.* 4.4. are less upbeat than 3 and 4.

<sup>8</sup> *Att.* 13.31.3 (May 45) shows C. taking the part of an advisor, even while frustrated by the constraints of Caesar’s regime.

<sup>9</sup> See below, 238, 249.

Caesar's followers (*Fam.* 9.16.2). Caesar is one of two living Romans he critiques in the *Brutus*,<sup>10</sup> where he also records Caesar's flattering dedication of *De Analogia* to him.

Cicero had one more reason for reaching a *modus vivendi* with Caesar. Master as he was of the Roman qualities of compromise and pragmatism, he could control both his despair at the political situation and any lingering antipathy to Caesar. It is clear from his record in public life that for all his frustrations and periodic decisions to retire, any hope, no matter how forlorn, of participation in public life would draw him back into the arena, eager for the fight and hopeful, if not of immediate success, at least of temporary viability until a better opportunity arose. Factors such as these should argue against bringing to the *Caesarianae* a priori notions of Cicero's disposition.

A curious example of just this mistake is adduced and summarily dismissed by an ancient scholiast.<sup>11</sup> It relates particularly to the *Marc*: 'Many think that this speech (*Marc.* ) is "figured" and assume it contains more invective than praise,' treating it as a work so totally figurative as to leave, like allegory, no surface indication of its literal meaning. The 'many' must base their reading on their belief that Cicero would not sincerely praise Caesar. 'But this suits neither reality nor Caesar; for in reality Caesar was being moved to clemency by true praise, and Caesar was an orator who could not be deceived.' Evidence for the interpretation, by the definition of the strategy, ought not be detectable in the text.<sup>12</sup> It stretches credulity to believe that a hostile Cicero would openly threaten Caesar, attack him covertly, or talk over his head to a hostile audience of disaffected Republicans.

To avoid the biographical fallacy, I put in quotation marks the use of his name as speaker; e.g. 'it reflects well on the independence

<sup>10</sup> The praise, though in some ways qualified, is genuine; see H. C. Gotoff, *Cicero's Caesarian Speeches: A Stylistic Commentary* (Chapel Hill and London: University of North Carolina Press 1993): xxvi–xvii.

<sup>11</sup> *Sch. <J. G.> Gronov.*, published by T. Stangl, ed., *Ciceronis Orationum Scholiastae* (Hildesheim: Georg Olms 1964; reprint of the 1912 Vienna edition): 295–6. See below, 235 n. 44.

<sup>12</sup> R. R. Dyer, "Rhetoric and Intention in Cicero's Pro Marcello," *Journal of Roman Studies* 80 (1990): 17–30, believes our *Marc.* to have been for an audience of 'educated traditional senators' (20), half a year after the event and for seditious purposes (30).

of Cicero that "Cicero" addresses Caesar with such authority and familiarity.<sup>7</sup> If it does not get us closer to his character and inner self, it at least discourages identifying the author with any of the personalities and attitudes he adopts.

Although textual analysis will not allow the reader to discover the character and attitudes of an author, it may help to understand the dynamic that the speaker hoped to create between himself and his judge. Orators must always assess audiences to determine how best to approach and appeal to them. The question of how the speaker engages his audience is a valid one for the student of rhetoric and oratory. Here, in the circumstances of each oration it may be legitimate to surmise, at least tentatively, from the personality Cicero creates for his speaker how he thought his audience might be best won over.

*Pro M. Marcello*

At a meeting of the Senate in the Fall of 46, described soon after the event in dramatic detail in *Fam.* 4. 4, something happened that gave Cicero hope for public visibility and political viability. Calpurnius Piso, Caesar's father-in-law, brought up the name of M. Marcellus, anti-Caesarian consul of 51, now living in exile. His cousin, C. Marcellus, suddenly threw himself at Caesar's feet and pleaded for a pardon. At once the entire Senate rose in support. In a conspicuously resentful response, Caesar complained of the virulence of the man's opposition. Then suddenly and unexpectedly he announced that he would nonetheless accede to the wishes of the Senate and pardon his enemy.

It is difficult to credit the alleged circumstances that led to such a scene. The Senate, now largely filled with Caesar's partisans and ex-Pompeians indebted to him, is said by Cicero to have spontaneously and virtually unanimously urged the restoration of Marcellus.<sup>13</sup> Some attribute importance to Caesar's decision by assuming Marcellus

---

<sup>13</sup> It is prudent to be suspicious of spontaneous, unanimous displays of enthusiasm before absolute leaders. Former Pompeians, beneficiaries of Caesar's clemency, would have scant cause to embarrass him. Caesar's partisans would have no more inclination to adulate Marcellus.

was the titular leader of the remaining Pompeians. But, though he had vehemently opposed Caesar,<sup>14</sup> in the debates of 51–50 he had argued more as an optimate than a Pompeian. He joined Pompey at Epirus; but after his leader's death, like Cicero, he left the cause. In the *Brutus* (250–51) he is described at Mytilene, not as the political successor of Cato, but as a Stoic sage on the verge of attaining ἀταραξία. He seems an unlikely focus of Senatorial aspirations, such as they were, for the restoration of the Republic, having constantly rejected the wishes of his family and Cicero to ask Caesar for clemency.

The view that the event and its outcome were orchestrated by Caesar flows from the premise that as dictator he had the power to set in motion or suppress public events. But if the petition and Caesar's reaction were pre-arranged, Cicero's performance cannot be assumed to have been entirely unexpected. His description of his response (*Fam.* 4.4.3) sounds sincere and unrehearsed;<sup>15</sup> but so it might, even if he had been participating in a political fiction. Caesar was certainly dramatizing his disposition to defer to the *auctoritas* of the Senate. It should be stressed that, whatever views Cicero expresses in the *Letters* on the loss of the Republic, Caesar gave little evidence of plans to dismantle Republican institutions.<sup>16</sup>

In an unusual and perhaps equally artificial move, Caesar next called for a voice vote of the Senate in support of his decision.<sup>17</sup> It was under those conditions that Cicero delivered the *Marc.* In the analyses that follow I plan to concentrate on passages that establish either the character of the speaker vis-à-vis his audience or the aims of the author's rhetorical strategies (of which the creation of the speaker is one).

<sup>14</sup> C. disapproved of his scourging a man elevated by Caesar, a senator from Comum (*Att.* 5.11.2).

<sup>15</sup> Yet he admits (33) that the Senate singled him out to respond. *Pluribus verbis* is a self-deprecating description of his rhetorical enthusiasm rather than an admission of premature hopes (E. Castorina, *L'ultima oratoria di Cicerone* [Catania: Giannotta 1975]: 113). Given the tone of *Fam.* 4.4, it cannot reflect later disillusionment.

<sup>16</sup> See R. Syme, *The Roman Revolution* (Oxford: Clarendon Press 1939): 51–4 and 53, n. 3 for his alleged cynical comment on Sulla's willing retirement.

<sup>17</sup> See D. R. Shackleton Bailey, ed., *Cicero, Epistulae ad Familiares* (Cambridge: Cambridge University Press 1977) on *Fam.* 4.4 (his 203).

*M. Tulli Ciceronis Pro M. Marcello oratio*

Early critics of the speech read it as a *gratulatio*, gradually focusing on what they took to be Cicero's servile adulation of Caesar. No name looms larger among critics of Cicero than that of F. A. Wolf,<sup>18</sup> whose judgment that the shameless flattery of the *Marc.* militates against its genuineness is best contested by reference to the substantial number of places where the speaker presents himself as quite different: critical, impatient, demanding, superior, even threatening. About half a century ago, scholars began to focus on the speaker as a political advisor.<sup>19</sup> Some more recent scholars assume that the orator used the occasion to fight a covert action against the dictator.<sup>20</sup>

The aspect of the speech as *suasoria* still dominates, but questions arise about the character of the advisor,<sup>21</sup> what he tried to effect, why, and how. 'Cicero' advises Caesar to persevere in his policy of offering *clementia* to his defeated enemies. But he also insists that it be offered consistently, not arbitrarily, as policy, and with an acceptance that the policy is one of necessity, not indulgence. The reader may suspect a further purpose: that in what he says and how he says it, the speaker is presenting to the leader he addresses the model of an advisor, perhaps for the leader's approval.

'Cicero' begins, as he frequently does in his speeches, by reflecting on the significance of the occasion and its circumstances and on their relation to himself. The function of the Roman *patronus* is to lend his *auctoritas* to his client; but in this case, he treats the restoration of Marcellus' status as a condition of his own. It was not inevitable that the speaker should measure the value of Caesar's decision by its effect on his own standing or the strength of the state by his own. But that is what, with no apology, he does.

Although his presumed purpose (33) is to approve of Caesar's decision and thank him for having rendered it, 'Cicero' first addresses

<sup>18</sup> The ensuing controversy never really challenged the authenticity of the speech. Quintilian never cites it, but later antiquity studied it as exemplary of courtly oratory. See W. Y. Fausset, ed., *Orationes Caesarianae* (Oxford: Clarendon 1893): 3-7.

<sup>19</sup> See G. Cipriani, "La *Pro Marcello* e il suo significato come orazione politica," *Atene e Roma* 22 (1977): 113-25, esp. 115-21 and Dyer (1990): 19.

<sup>20</sup> Dyer (1990): esp. 19-23; C. Loutsch, "L'exorde dans les discours judiciaires de Cicéron," Ph.D. diss. (Bibliothèque Nationale de Luxembourg 1974): 399, 402-403.

<sup>21</sup> Addressed by M. Fusco, "From Auditor to Actor: Cicero's Dramatic Use of Personae in the Exordium," Ph.D. diss. (University of Chicago 1988), esp. 192-228.



the Senate.<sup>22</sup> Only after defining the dictator's act by its effect on himself does he praise Caesar's virtues, attributing his decision to pardon Marcellus to 'incredible and nearly divine wisdom,' beyond the humane virtues, *mansuetudinem, clementiam, modum*. In this way, he may deflect the criticism, never voiced in the *Caesarianae*, but here inferred (see Dyer, [1990]: 23–26), that *clementia*, as an arbitrary act of condescension, has no place in a Republic.

Next 'Cicero' mentions and praises Marcellus, insisting that the silence he has kept until now was occasioned by the exile of his friend. Strictly speaking, Caesar cannot be blamed for Marcellus' situation, for his exile, however prolonged, was voluntary. Yet, until Caesar unilaterally restored the voice and *auctoritas* of Marcellus, the state and the Senate were denied the voice and *auctoritas* of Cicero.

Caesar might have found it hard to accept the assumption that his expansive gesture had committed him to a *libera res publica* with a major rôle in it for Cicero,—if Caesar really were expected to be persuaded by these clever, but hardly subtle rhetorical tactics. 'Cicero' is not abject or even effusively grateful; nor does he thank Caesar formally until the peroration (33–4). He praises Caesar warmly, but not indiscriminately. And only when he has established his own centrality to the event celebrated by his speech and committed Caesar to his interpretation of that event does 'Cicero' utter the name of C. Caesar.

Shifting the point of address to Caesar (3), the speaker repeats his interpretation of the event: by yielding<sup>23</sup> to the Senate, Caesar recognized its fully restored *auctoritas* and the legitimacy of the Republic. More striking, he insists that the Senate's wish and Caesar's pardon validate the eminence of Marcellus' public career. Its corollary, that the pardon, in turn, redounds to the glory of the man who offered it, even reverses the emphasis: it is the excellence of Marcellus that lends respectability to Caesar's act.<sup>24</sup> Such an ungrateful argument,

<sup>22</sup> He uses the vocative three times in 1–2, only once later, in 13.

<sup>23</sup> In spite of *offensionibus*, still undefined at 21–2. *Fam.* 4.4. mentions only *acerbitas*, but M. Gelzer, *Caesar: Politician and Statesman* (Cambridge, MA: Harvard University Press 1968): 282, saw a reference to the plot of which C. accuses Antony (*Phil.* 2.74).

<sup>24</sup> With similar circularity the speaker reasons that others pardoned by Caesar cannot have been criminals, because (13): 'Caesar would not bring a state enemy into the Curia.' The generosity of Caesar's act is in this way qualified. So, *Lig.* 19, with reference to himself.

insistent in its demand that Caesar acknowledge the legitimacy and virtues of his bitter opponent, is not an obvious one for Caesar to have wished Cicero to make. Still, it portrays the speaker as independent, with enough integrity to eschew abject flattery. Quintilian (*IO* 9.2.27–8) points out that the affectation of *parrhesia* is itself a form of flattery. The *exordium* ends with Caesar hearing an exuberant encomium to Marcellus.

Having proceeded by a bold, but logical sequence to a *laus Marcelli*, Cicero shifts without transition to a grand *laudatio* of Caesar's military attainments: 'No man's flow of genius, no man's power of speaking or writing, no man's abundance of material is enough to list your exploits, Caesar, much less adorn them.' The superlative opening assertion is abruptly diminished by a qualification: 'Nonetheless, I assert, with all due respect to you, that the glory they convey is no grander than what you have gained today.' Any objection on Caesar's part is preemptorily dismissed with *et hoc pace dicam tua*, though he might not balk too strenuously at being elevated to statesman. The military genius that won for Caesar a quadruple triumph is subordinated to the glory his present action will assure him in a reasoned *thesis* in expository style.<sup>25</sup> 'Cicero' again stresses the singularity of the glory Caesar gained by pardoning Marcellus by insisting that only it belongs to Caesar alone: 'But in the glory, C. Caesar, which you have just won, you have no partner: whatever it is—and it is great—it is all, all I say, yours.' The point, though fulsomely expressed, is critical: *sapientia* and *consilium* are beyond fortune, completely in a man's power. All credit belongs to the man who exhibits them. The style is didactic; the voice that expresses this observation in a balanced antithetical coda (*7 fin.*) is that of a teacher or advisor.

The advice behind this *thesis* is practical and political and it is not over. To bring wisdom to fruition a further virtue is necessary: self-control, which 'Cicero' deems the ultimate virtue of a man: (8) 'To overcome emotion, restrain anger, be temperate in victory, not just lift up a prostrate foe, but enhance his former *dignitas*—the man who has done this I do not compare with the greatest men, but I judge most like god.' The attribution of (near) divinity to a man so endowed is barely remarkable in the full flight of rhetorical exuberance. More

<sup>25</sup> 6. *SED TAMEN . . . NAM . . . ET CERTE . . . VERO . . .* 7. *AT VERO . . . Numquam ENIM temeritas cum sapientia commiscetur, neque ad consilium casus admittitur.*

noticeable is that 'Cicero' presents his judgment impersonally and proscriptively (*Haec qui fecit . . . eum*). The distinction is deliberate and important. Any well wisher might on this occasion praise Caesar and thank him for his restraint. 'Cicero' defines a goal and in a sense challenges Caesar to meet it. But the glory that it brings is in the future (10): . . . 'with what benevolence shall we embrace it!' For now, Caesar must accept the fact that his prospects for glory depend in part on restoring the *auctoritas* of his enemy at the behest of the Roman Senate.

The *sapientia* of which 'Cicero' speaks is not academic philosophy, Stoic or otherwise; indeed, he debunks such abstract speculation in section 25: 'And so I was unhappy to hear that oh! so famous and philosophical discourse of yours'; '. . . do not be philosophical to our detriment . . .' and section 27 . . . '[That glory] for which you won't deny you are most avid, however philosophical you are.' It is practical Roman wisdom which, combined with self-control, can realize the victory of intellect over passion that is fundamental to reconciliation. Political and social peace are requisite to the return of republicanism. 'Cicero's' disquisition is practical and political and underlies a coherent and consistent policy.

'Cicero' characterizes *clementia* not as a generous and kindly act, but as part of a sensible, well thought-out program of post-war reconciliation. Hence his insistence on *sapientia*<sup>26</sup> as the force motivating the policy of *clementia*: it is a part of a coherent program. Whether or not Cicero contrived the term,<sup>27</sup> he certainly shaped it in the *Marc.* as a policy that Caesar cannot abandon.<sup>28</sup> 'Cicero' returns to the point in section 12, where the virtues of justice and kindness of spirit distinguish Caesar beyond his victories; together they insist that Caesar's gesture was no arbitrary act of compassion that might be thought condescending or, alternatively, might be arbitrarily abandoned or rescinded. They represent an intellectual victory over the pitfalls of military victory; they are not only laudable, they are vital

<sup>26</sup> M. Rambaud, "Le *Pro Marcello* et l'insinuation politique," in *Présence de Cicéron: Hommage au R.P. M. Testard*, edited by R. Chevallier (Paris: Les Belles Lettres 1984): 43–56.

<sup>27</sup> See S. M. Weinstock, *Divus Julius* (Oxford: Oxford University Press 1971): 241–43.

<sup>28</sup> He argues at *Lig.* 15 that continued *clementia* is essential to control the passions of his own supporters.

to the future of the state. It may be observed again that praise of this kind, beyond flattering, can be considered binding on its recipient.

Whether by previous agreement or to present himself as a forceful spokesman for Caesar's policy, Cicero, taking the rôle of advisor, shapes and defines the dictator's post-war program of reconciliation. The audience becomes the Senate, which he addresses at section 13 for the first time since the opening. His expression of Caesar's reasoning is one that becomes familiar in the *Caesarianae*; the Civil War was tragic, but unavoidable because fated. Adherents of Pompey, like those of Caesar, became involved because of motives that were well intentioned, or at least free from *scelus*. The harshest reproach he attaches to any of the Pompeians is *temeritas* (17).<sup>29</sup> This argument forms the basis for exculpating Caesar's former enemies on at least quasi-legal grounds; whether 'Cicero' is expounding Caesar's rationale or he conceived it to bind Caesar is uncertain. Addressing the Senate, Caesar's advisor commits his leader to the position that from this Civil War there emerge no enemies. For political purposes he denies charity for anyone, but insists that Caesar bears malice towards none.

Just as he had done in the *exordium*, at 14–15 'Cicero' introduces himself, his position, and his experience into the argument. He projects his own sponsorship of peace onto Marcellus, asserting that he had been identically disposed.<sup>30</sup> And so, by pardoning first Cicero, now Marcellus, Caesar reveals his affinity for peacemakers.<sup>31</sup> In this context a traditional advocate's tactic<sup>32</sup> becomes a potent challenge to Caesar to continue to treat his policy of *clementia* as reflective and political, not just a gesture of personal kindness.<sup>33</sup>

Pompeians (and Caesarians) emerge from this argument guiltless; Caesar's status is enhanced. After praising himself and Marcellus (16) as pacifists, 'Cicero' expands to a further *laus Caesaris* (17–8), the most extravagant of the speech, in which he contrasts Caesar with

<sup>29</sup> Already at section 13: *ignoratione potius et falso atque inani metu quam cupiditate aut crudelitate*.

<sup>30</sup> He so describes Marcellus, with some justification, in a letter of this period *Fam.* 4.7.2.

<sup>31</sup> *Maluisset se non dimicare quam vincere* makes a strong and memorable slogan.

<sup>32</sup> At *Deiot.* 12 and *Lig.* 28, but in aid of different strategies; see below, 238, 248, 262.

<sup>33</sup> So M. von Albrecht, "Ciceros Rede für Marcellus. Epideiktische und nichtepideiktische Elemente in Die Antike," in *Die Antike in litterarischen Zeugnisse*, edited by P. Neukam (München 1988): 11.

Pompey and the zealots of his side. Certainly one of Cicero's goals in this speech is to glorify Caesar, either because he believes it or because Caesar is the best hope for restoration of a some form of Republic or because he hopes to work with him or because Caesar had co-opted him or some of these reasons or all.

With a pair of imperatives, *gaude* in section 19 and *noli . . . defetigari* in section 20, 'Cicero' shifts tone and tempo from the essentially gratulatory spirit of the first half of the speech<sup>34</sup> to the admonitory urgency of the second, pressing Caesar to take steps necessary for the restoration of the republic and for lasting personal glory. The advisor becomes at once more intimate, and more dominating. At times it may be difficult to imagine the speaker raising in a public forum some of the personal matters he addresses, unless they respond to points Caesar had made earlier on this occasion. At times the tone that 'Cicero' takes in exhorting the most powerful man in the world may seem excessively bold; but, by remaining in character, he asserts his independence and frankness,—qualities essential in a credible advisor.

With section 21 'Cicero' turns his attention from the public image of Caesar to the psychology of the inner man. He patronizes Caesar's paranoia and shrugs off his fear of physical attack with a terse, dismissive, and largely disingenuous argument: 'you have no more opponents.' The presentation is brilliant—both pithy and specious. One may ask whether Cicero expected Caesar to be convinced by the logic or struck by the rhetoric. Humoring his leader's anxiety, 'Cicero' argues in much more measured periods that all men realize that their survival depends on his.<sup>35</sup>

But this very point, elicited seemingly to comfort, raises in the abstract a political problem: the life of a Republic should not rely on any individual. It is hard to imagine that Caesar would not feel some sting in this *sententia*.<sup>36</sup> Cicero may have wished for Caesar to resign his dictatorship, hardly a subject to pursue on this occasion. In a moment 'Cicero' will argue Caesar out of even considering it.

---

<sup>34</sup> For the first time 'Cicero' treats the republic as a reality: *de nobis quos in re publica tecum simul esse voluisti*. This may qualify the characterization of G. Petrone, "La parola e l'interdetto. Nota alla *Pro rege Deiotaro* e alle orazioni cesariane," *Studi dell' Istituto di filologia latina dell' Università di Palermo* 6 (1978): 89, of section 19 as the first example of Latin panegyric.

<sup>35</sup> See Suet. *Div. Iul.* 86.

<sup>36</sup> See *Bell. Civ.* 1.32.

As an alternative he advises him of the need to take swift action to repair the Republican system. To specific governmental reforms, he adds the principal necessity of political healing, which only Caesar can bring about. And 'Cicero' insists unequivocally that both leaders accept responsibility for the excesses of Civil War. By thus publicly challenging Caesar, 'Cicero' maintains his *persona* as an independent advisor. Parity also reduces the sting of lavishing *clementia*; and Caesar's policy has always been to minimize and limit blame (see *Lig.* 33).

'Cicero' again probes the psychological disposition of Caesar, who had spoken of himself as having fulfilled the expectations of both public and private life: *Satis diu vixi vel naturae vel gloriae*. It is uncertain how often and in what company Caesar so expressed himself and to what purpose.<sup>37</sup> Sincerity cannot be discounted, for his health was not good (Suet. *DJ* 45). Suetonius (*DJ* 86) implies he confided this to intimates; 'Cicero' (25) claims to have heard Caesar repeat it frequently—perhaps even earlier on this occasion. 'Cicero' probably would not have raised the point in so public a forum if he thought Caesar would object to being argued out of it. The rejection of this resolve, especially by a republican, is in itself flattering. But the way 'Cicero' expresses himself is abrasive.

He brusquely questions the depth of the philosophical foundation of Caesar's rationale for retiring. The superlatives of 'that most famous and philosophical phrase of yours' (25) are ironic, if not tinged with sarcasm. 'Cicero' picks holes in Caesar's logic in a series of impatient, unanswerable questions on the subjective meaning of *satis*, *modus*, and *parum*. In terse, pressingly interrogative, elliptical arguments he dismisses *sibi* and *gloriae* of Caesar's formula as irrelevant—although a rebuke for selfishness ('Don't be philosophical at our expense.') is not absent—, compared with the demands of *patriae*. 'Cicero' teases his interlocutor for his vanity: 'You won't deny that, for all your philosophy, you're avid for glory.' This 'Cicero' knows his man too well to allow a disclaimer. The line of repartee he attributes to Caesar, 'Do you claim, then, that our legacy is insufficiently large?' (26), was itself feisty and arch. Dictator and advisor are portrayed in a blunt disquisition between equals, in which parry meets

---

<sup>37</sup> C.'s language at *Prov. Cons.* 35 foreshadows Caesar's: *cum vero ille suae gloriae iam pridem rei publicae nondum satis fecerit.*

thrust.<sup>38</sup> This becomes part of 'Cicero's *persona* that emerged at section 19<sup>39</sup> of a more aggressive, demanding advisor.

Earlier 'Cicero' was satisfied to elevate Caesar's *clementia* to a political virtue which would outshine his military successes. Now he suggests that posterity's response to all Caesar's attainments to date, including *clementia*, will be mere admiration: glory will come only if and when Caesar has restored the Republic (section 26 fin), which must therefore be key to Caesar's program. 'Cicero's' tone continues frank and independent, sometimes even harsh and impatient. 'Then, if you wish, when you've paid your debt to your nation and completed the natural expectations of a full life' are the conditions of Caesar's freedom to retire. Initial 'then' is emphatic, but 'if you wish' is dismissive: 'then, but only then, you can do what you please.' The individual must serve the state to the extent he is needed and then becomes expendable. This harsh reality is a fundamental Roman tenet; and the compact ends only with a man's death. But now 'Cicero' undercuts even that by observing that Caesar does not set a limit by life itself, but looks on to immortality. Service to the state, i.e. restoring the republic, becomes a requisite, potentially onerous and painful, for a personal goal: immortality.

There is nothing subtle or indirect about the view of Caesar meditating his place in history. This is not a plea for continued service, but a demand—a demand, 'Cicero' is swift to point out, that has its origin in the dictator's own vanity. We have heard this before,<sup>40</sup> but 'Cicero' does not now elicit the petitions of a dependent population or the needs of the state, but makes it clear that Caesar's sense of himself demands immortality of reputation. He binds Caesar to this analysis by the enthusiasm with which he subscribes to it: 'This, I say, *this* is your life *which* will thrive in the memory of all times, *which* posterity will enhance, *which* eternity itself will guard.' There are in the pursuit of immortality no laurels on which to rest; the successes on which four triumphs have been predicated are a mere concessive to future conditions: 'But unless Rome has been made stable by you policies, your name may wander far and wide, but it will have no fixed base' (section 29).

<sup>38</sup> So Dyer (1990): 18 on the 'elegant intellectual and rhetorical game of retortion.'

<sup>39</sup> Not necessarily at odds with C.'s own; see *Att.* 9.15. But the venue here is public.

<sup>40</sup> Section 25 fin. where 'C.' immediately diverts himself to a less esoteric argument.

'Cicero' now has become more confidential, and more practical, advising Caesar less on policy than on achieving immortality. Caesar's eternal fame will depend entirely on the judgment of a disinterested posterity that only the successful political resolution of the war can affect. The problem is how to control that debate. This is a clever and effective observation, envisioning men yet unborn determining history's verdict. 'Cicero' has moved from urging *clementia* as the condition of Caesar's glory at section 20 to exhorting Caesar to look to his place in history (section 29): 'Therefore look also to those judges who will judge you in centuries to come.' This is political advice with a distinctly personal touch.

Abruptly, in section 30 'Cicero' returns to the present. He repeats language earlier developed to exculpate all participants of the Civil War,<sup>41</sup> which entitled ex-Pompeians to pardon. *Bonitas* is described as the force motivating reconciliation, disarming the passions of those who had been disarmed of weapons (section 32).<sup>42</sup> The point that Caesar has no enemies apparently reminds him of his argument at section 22; he assures Caesar that he has only adoring partisans. Now, as if it had been the purpose of his entire oration, 'Cicero' does what is expected of a senator in deliberation. Anticlimactically and almost perfunctorily, 'Cicero' proposes a bodyguard consisting not merely of a military escorts, but of members of the Senate itself. This, amounting to a pledge of support and affirmation of the dictator by the Roman Senate, seems to be 'Cicero's' *sententia*.

In his peroration 'Cicero' finally comes to the *gratulatio*, the offering of thanks to Caesar for pardoning Marcellus—speaking for all in the name of the Senate and the Roman people; but also, as he had at the beginning of the speech, in his own name as a friend and patron of Marcellus. He has shown his fidelity to his order and his friend, as he has paid the leader of the world the respect of forthrightness and a measured independence.

Gelzer (1968) says: 'the main significance of the speech is that it gives expression to Cicero's own political programme' (280). It may do less, if Cicero is articulating Caesar's policy. But it certainly does more. It suggests that Caesar has at his disposal as an advisor to his

<sup>41</sup> 31: *Perfunctua res publica est hoc misero fatalique bello; cf. 13: ad illa arma fato sumus nescio quo rei publicae misero funestoque compulsi.*

<sup>42</sup> *Sed iam omnis fracta dissensio est armis, exstincta aequitate victoris.*



regime an orator-politician-statesman of experience and perspicacity, one who, however grateful he may be for Caesar's pardon of Marcellus, retains the independence to advise him dispassionately and where necessary critically, certainly eloquently. For Cicero it may have represented an opportunity to return to the corridors of power for the first time since 63, be it as political advisor or publicist.

*Pro Q. Ligario*

The opening passages of the *Marc.* resounded with references to the day on which Caesar appeared to take a great step towards restoring the *Res publica*. Cicero's letter to Sulpicius Rufus reflected his pleasure and optimism. That day in late 46 may have seemed no less auspicious to Cicero when he entered the Forum to speak in behalf of Q. Ligarius. It is true that Caesar had done little of substance since the *Marc.* to restore the Republic. The Senate met, but the Senate was his. And Caesar had spent much of the intervening time in North Africa. It is further true that whatever was being transacted in the law courts, they no longer played the vital political role that had catapulted Cicero to success. It is also true, that Caesar would be sole judge of the proceedings. But for the first time since the end of 52 Cicero would have a public audience for a speech—his beloved *corona*.<sup>43</sup>

It has been argued that it was an embittered Cicero who pled *Lig.*, because the fact that the case was being tried meant that Caesar, after apparent acquiescence, had rejected his argument (*Marc.* 13) absolving Pompeians of criminality.<sup>44</sup> But Caesar's announcement of a pardon preceded Cicero's arguments in the *Marc.* More important, perhaps, the assumption that a lawyer and politician like Cicero would be crushed if Caesar did not adhere to his utopian hope gets little support from what we know of Cicero's resilience.

<sup>43</sup> It may be argued, however, that he evoked the *corona* less in *Lig.* than in *Deiot.*

<sup>44</sup> So Loutsch (1974) and "Ironie et Liberté de Parole: Remarques sur l'exorde *ad Principem* du *Pro Ligario* de Cicéron," *Revue des Études Latines* 62 (1984): 399–402, adducing the comment in Sch. Gronov. (cited n. 11, above). 'Oratio figurata' is the extension of one definition of *ironia*: *contraria dicendi quam quae intellegi velis ratio, ut totum pro Q. Ligario prohoemium* (Quint. 11.2.50). This sounds more extreme than (9.1.14), where Quint. defines *oratio figurata*: *schema quo aliud simulatur dici quam dicitur*; cf. C. *de Or.* 2.2.69, which leans less towards sarcasm.

The narrative of the events leading to the trial is generally clear, though details are disputed. Q. Ligarius, a member of a Sabine family of equites, had gone to Africa in 50 as legate to the duly appointed proconsul, C. Considius. When his principal returned to Rome in early 49 to stand for consul, Ligarius remained and was executing his duties when war broke out. C. Attius Varus, a former proprætor of Africa, arrived with a part of Pompey's army and took over the governance of the province; Ligarius stayed on in a subordinate role. Later the Senate sent L. Aelius Tubero to replace Considius. Probably following orders,<sup>45</sup> though Cicero does not use this as an excuse, Ligarius kept L. Tubero from landing, re-supplying his ship, or even disembarking his ailing son, Quintus. The Tuberos went on to Thrace and joined Pompey at Pharsalus; Ligarius remained in Africa, fought Caesar at Thapsus in 46, and was there captured. Caesar spared him, but, perhaps angered by the tenacity of the opposition (see *Fam.* 6.13.3.), perhaps as an example to Pompeians still resisting in Spain, forbade his return to Italy.

After Caesar's return to Rome on July 25, 46, Cicero, consistent with his general efforts, worked assiduously to secure a pardon for Quintus. In *Fam.* 6.14 he wrote his client of his difficulties in proceeding—a claim that owes more to a desire to assure him of his efforts than to any special indignities imposed by Caesar (*pace* McDermott [1970]: 322). He appealed to Caesar in his own home, while Quintus' brothers lay prostrate at the dictator's feet. Such histrionic petitions were not rare, and Cicero was satisfied with his performance and its reception. 'Cicero' refers to this emotional petition at *Lig.* 14 as he imagines the Tuberos heartlessly bursting in on it to urge Caesar to withhold his pity. No evocation of Caesar's *clementia* in the *Marc.* is so fraught with emotion.

Soon after, Q. Tubero applied to Caesar for permission to prosecute Ligarius and Caesar consented. It is difficult to imagine the actual event and the roles played by its principals. Taking advantage of privilege enjoyed by a dictator (see n. 3, above), Caesar allowed the trial to be held, assigned it a venue in the Forum, and presided over it as sole judge. Plutarch (*Cic.* 39.7) alleges that Caesar's motive for proceeding<sup>46</sup> was the sheer pleasure of hearing the ora-

<sup>45</sup> Caesar (*B.C.* 1.30–31) claimed Varus was responsible for the refusal of landfall.

<sup>46</sup> 'C.' opines that Caesar's reaction to Q. Tubero's petition at 17 was amazement; but he offers no explanation for Caesar's decision to allow the case to proceed.

tor again after so long a hiatus,<sup>47</sup> though he had no intention of pardoning his enemy. But, he claims, Caesar was so moved by the power of the oratory that he was obliged to acquit.

Most scholars reject Plutarch<sup>48</sup> on the ground that Caesar was not emotional, a judgment with which the account of Caesar weeping on news of Pompey's death (Plut. *Caes.* 48) does not accord. It is, however, unlikely that Caesar would have devoted to a mere jeu d'esprit the one public trial he is known to have adjudicated during his dictatorship. The fact is that, without the approval of Caesar, the *Lig.* would not have taken place. If Caesar allowed a public trial, he probably did so for a political purpose, from which no momentary twinge caused by an orator's art would have dissuaded him.

Although Q. Ligarius did have a knack for placing himself in the thick of things, if this was political theater to exhibit Caesar's treatment of his foes, he does not seem so central a Pompeian that his public trial would serve any exemplary political purpose, whatever its outcome.<sup>49</sup> Equally surprising as prosecutor was Q. Aelius Tubero, son of Lucius and member of a consular plebeian gens until recently associated less with politics than the study of history. The father, who had served in Asia as legate to Q. Cicero in 58, shared with Cicero a long friendship, interest in the fine arts,<sup>50</sup> and a preference for Pompey's side in the Civil War. He also was connected to Cicero by marriage. The Senate assigned him the province of Africa in 50. Kept from landing there, he joined Pompey at Pharsalus and returned to Rome with a pardon from Caesar. His son Quintus traveled with his father, was ill during the African indignity, but sufficiently

<sup>47</sup> The recent delivery of the *Marc.* does not refute the story. It was not a judicial speech.

<sup>48</sup> Beginning with W. K. A. Drumann, *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung, oder Pompeius, Caesar, Cicero und ihre Zeitgenossen*, 2nd ed. 6 vols. (Berlin: Gebrüder Bornträger 1899–1929): VI. 232 n. 1. Only W. McDermott, "In Ligarianam," *Transactions of the American Philological Association* 101 (1970): 317–47, credits the account.

<sup>49</sup> Cf. Münzer *R. E.* 13 (1926), cols. 519–22, though he and his family could boast C. as their *patronus*. T. had been a quaestor; Q. chosen as a legate by Considius. He had come to Caesar's attention (*Bell. Afr.* 89); and his activities were considered worthy of public airing. He would gain fame as one of Caesar's assassins.

<sup>50</sup> C. claims close and warm relations with both Tuberos. The son is *propinquus meus* (1); when he flatters him (8) he is setting them up for a rhetorical fall, but the ploy depends on the essential warmth of the relationship; so 12 and, with reference to the father 21.

recovered to fight vigorously against Caesar at Pharsalus.<sup>51</sup> It is perhaps relevant to observe that Q. Aelius Tubero was a fledgling orator for whom this was to be his last case.<sup>52</sup>

If Caesar was directing a show-trial, it is striking that the prosecutors, too, were dedicated Pompeians, at least until his defeat at Pharsalus, though apparently Quintus did contrast himself and his father with Ligarius in his speech.<sup>53</sup> 'Cicero's' opening concession to the charge that Ligarius had been in Africa is ironic because it applied equally to all other Pompeians who had migrated to that province;<sup>54</sup>—all, that is to say, but the Tuberos, who had been prevented from landing. Cicero's attacks on the Tuberos in *Lig.* seem to have occasioned a froideur, but no lasting break with the elder Tubero.<sup>55</sup>

On the basis of his earlier appeal, Cicero was an obvious enough choice to defend Ligarius. The political value of this ever-popular showman would not have been lost on Caesar, who had always been well-disposed towards Cicero as a man of politics and of letters, and was now engaged in a cordial, if formal relationship with him. (See *Marc.* 6, above.) Among intimates of Caesar's who had become a part of Cicero's social and intellectual life was C. Vibius Pansa, with whom Cicero shared the defense of Ligarius and whom he calls *meus necessarius*. Caesar must have ordered or agreed to this collaboration.

The specific charge brought against Ligarius remains in question.<sup>56</sup> 'Cicero' pretends that he had been accused merely of having been in Africa, a self-evident fact. From Quintilian's citation of Tubero's speech (11.1.80) we learn more of his charge: that, though the dissection between Pompey and Caesar was an internal matter, a *dignitatis contentio*, Ligarius conspired with a foreign monarch and nation hostile to the Roman state.<sup>57</sup> Whether this led to a charge of *maies-*

<sup>51</sup> 'C.'s account of it (9), which impressed Plutarch, has a great deal of theater and should not be taken entirely seriously; see Gotoff (1993): 128–29.

<sup>52</sup> *Dig.* 1.2.2.46. His later distinction as jurisconsult suggests he was not quite as hapless as C. makes him out to be. Quint. had a copy of his speech against Q. Ligarius.

<sup>53</sup> See below, n. 57.

<sup>54</sup> But see R. Bauman, *The "Crimen Maiestatis" in the Roman Republic and Augustan Principate* (Johannesburg: Witwatersrand University Press 1967): 144.

<sup>55</sup> So *Att.* 13.20.2, written some four months later.

<sup>56</sup> Good, if inconclusive discussions in Bauman (1967): 144–47 and K. Bringmann, "Der Diktator Caesar als Richter?" *Hermes* 114 (1986): 74–79.

<sup>57</sup> Q. Tubero said that, as a youth, he was with his father, whom the Senate

*tas* or *perduellio*, or that it was either, is not certain. Both would technically require the presence of the accused at trial and both would be capital.<sup>58</sup> But Cicero argues (sections 12–13) that death was not the punishment sought, but was rather the logical result of pursuing a man already in exile. The charge that Ligarius had dealt with an enemy of Rome seems not to have persuaded Caesar. Cicero never mentions it.

The more serious allegations may have fallen to Pansa, but the force of the prosecutor's contention should not be overestimated. He may have had his own difficulties developing a convincing argument that his loyalty to Pompey was any less culpable than Ligarius' or that his father's motive in going to Africa during the Civil War was in no way military.<sup>59</sup> He would also have had to allay the suspicion that their opposition to Ligarius was inflamed by a private dispute, a *querela* (23).

Beyond the principals and the charge, the purpose of the trial Caesar approved raises questions. It took place against the background of his policy already in practice of reconciling with his opposition through personal pardons. Some say *Lig.* was argued merely to demonstrate the dictator's *clementia*, or to show it working even in the face of the persistent enmity of a Ligarius;<sup>60</sup> others that it was conceived to condemn this man for anti-Caesarian activity (which Pompeians like Varus and Labienus were planning to continue perpetrating in Spain), in order to frighten dissidents into abandoning their opposition.<sup>61</sup> A subsequent pardon, to extend this theory, might have underlined Caesar's *miser cordia*. Against the exemplary value of a convicting Ligarius are his comparative obscurity and the weakness of the prosecutor's position, as well as the fact that Caesar acquitted him.

---

had sent not to fight but to buy grain and who left the Pompeians as soon as he could.

<sup>58</sup> So T. Mommsen, *Römisches Staatsrecht* (Leipzig: S. Hertz 1887); refs. in Bauman (1967): 147.

<sup>59</sup> Quint. 11.1.78 speaks directly to precisely this difficulty.

<sup>60</sup> So G. Walser, "Der Prozess gegen Q. Ligarius im 46 v. Chr.," *Historia* 8 (1959): 95–96 and K. Kumaneicki, "Der Prozess des Ligarius," *Hermes* 95 (1967): 439–40.

<sup>61</sup> So McDermott (1970): 324–27, but unlikely, considering C.'s insistence on the proposition that Ligarius has committed no crime, unless Caesar, who had given C. license, was content to let him go off like a loose cannon; so C. Craig, "The Central Argument of Cicero's Speech for Ligarius," *Classical Journal* 79 (1984): 195 n. 6, suggesting that in the absence of collusion 'the orator might simply have seen what the situation demanded.'

A speech is a persuasive act. *Lig.* seems not to have been pled to convince Caesar—and Caesar had no need to convince anyone—that *clementia* was in his political repertoire. A variety of political scenarios mentioned above focus on making of Ligarius a particular object lesson to a particular group. Perhaps Caesar arranged this public trial to show Romans that under his government trials for redress of grievances could take place. If so, he did not make a practice of it. The only other trial known to have been held under his prerogatives as Dictator was argued out of the public eye. As ‘Cicero’ argues, such procedures threaten terrible consequences. The liability of the Pompeian prosecutor has no more obvious function than that to which Cicero puts it—to stigmatize the pursuit of personal vengeance as unpatriotic and to distinguish the vengeful Tuberos from other pardoned Pompeians. The point that emerges (section 15):—‘how many victors would want you to be harsh, when so many of the vanquished seem to?’—if generalized to urge all to refrain from pursuing vendettas, may be enough to justify the trial.

Cicero seems to be enjoying himself and inviting Caesar to enjoy the pleading of the case. A reading of the text may suggest that Cicero was treating *Lig.* as a tour-de-force, to remind Caesar of his oratorical skills as well as his ability to deliver cogent and forcefully expressed advice, in case the dictator might wish either. But that is not a reason for Caesar to have staged the trial.

Craig (1984): 195 has put most succinctly the theoretical problem of the *Lig.* as a criminal trial. As judge Caesar should not dispense *clementia*, but adjudicate the case on its legal merits,<sup>62</sup> while as a conciliatory dictator, he had the power and the political need to offer *clementia*. But Cicero had pled for *clementia* before judges, e.g., *Mil.* 92. And in this case, he defended his client’s *voluntas* towards Caesar and his innocence of the act that provoked the Tuberos, while also arguing that no crime took place. In the end, he does not address the legal problem of Caesar’s position, which modern scholars see as a difficulty, anymore than he is troubled in the *Marc.* by the moral implications of offering pardon to fellow citizens.

---

<sup>62</sup> Of the argument that no Roman had the right to extend *clementia* to another free-born Roman there is no trace in the *Lig.*

*M. Tulli Ciceronis Pro Ligario Oratio*

The traditional purpose of the *exordium* of a judicial speech is for the patron to introduce himself and present his view of the nature and demands of the case in an ornamental but controlled expository style in order to win the good will of the judge(s). The *exordium* of the *Lig.* violates those principles. It is a masterpiece of cheerful confidence disguised as unremitting panic, conveyed by obvious exaggeration, self-parody,<sup>63</sup> and sophistic argumentation, suggesting the absurdity and inconsequence of the case before Caesar. The tone of the *exordium*, was admired in antiquity by Quintilian (4.1.70): *divina illa pro Ligario ironia*.

The speaker of *Pro Ligario* bursts forth in utter confusion because his intended line of defense has been nullified by his colleague's fatal admission that their client had been in Africa, although Caesar had captured Ligarius there and was keeping him there in exile. He blames his predicament unequivocally on his fellow counsel, Caesar's own friend, Pansa, and confesses that he cannot think of another expedient,<sup>64</sup> because his intended strategy—to lie to the judge relying on his ignorance—has been exposed by the brilliance of the prosecution. This is how Cicero presents himself, brazenly admitting his disrespect for the judge to the judge Caesar. His decision to put his client's fate in the hands of Caesar is occasioned purely by expedience. He even manages to diminish Caesar's *miser cordia*, by limiting its application to minor infractions: 'by which many have been saved, having sought of you and gained not acquittal of a crime, but absolution of an indiscretion.' One might have expected an *argumentum a minori*.

The wit of the *exordium* depends on the assumption that the judge was likely to appreciate the situation as Cicero conceived it. 'Cicero' was arguing before a man of infinite power, who was also thought and probably thought himself to be a consummate public speaker very nearly on a par with Cicero. It is not surprising, under these circumstances, to find the orator, even as he enlists the time-honored methods of rhetorical persuasion, deferring to his judge's pretensions by conceding Caesar's ability to see through them. An orator always

<sup>63</sup> On the histrionics of *quo me vertam nescio*, see Gotoff (1993): 108–09.

<sup>64</sup> *Aporia*, a technique equally at home in comedy and tragedy, is capable of conveying either pathos or humor; see Gotoff (1993): 108.

flatters his audience as being too smart to be deceived by lawyers' tricks.<sup>65</sup> The strategy by which he conveys his openness to Caesar is to treat him collegially, even admitting his plan to lie to him.<sup>66</sup> He cannot allow Caesar to believe that the strategy of *deprecatio* is essentially sincere.

Thus does 'Cicero' introduce himself and his analysis of the difficulties of pleading the case.<sup>67</sup> He immediately associates himself personally with the Tuberos, *père et fils*, and with Pansa,<sup>68</sup> and Pansa with Caesar. The admission of such intimacies makes the case seem less momentous.<sup>69</sup> He reveals his confusion, admits a contemptuous willingness to deceive the judge, stipulates his client's guilt, promptly throws himself on that judge's mercy with a less-than-generous compliment, and, practically in the same breath, accuses the prosecutor—and his father—of greater culpability! The shift, with an abrupt and masterful reversal of tone, to an aggressive ἀντικατηγορία<sup>70</sup> provides an unexpected and powerful climax to the *exordium*. The orator, having winked at Caesar with his rhetorical burlesque, now proceeds to business: to exonerate his client, impeach the prosecutor, and persuade Caesar to persevere in his policy of *clementia*.<sup>71</sup>

In a carefully composed narrative (section 2b–6) suggesting tight

<sup>65</sup> That he boasted of deceiving the judges in the *Cluent.* we know from Quint. 2.17.21. In *Mur.* 61 'C.' confides to his judges that he can speak urbane before them, because they are not an *imperita multitudo*. Years later he allowed (*fin.* 4.74) that his arguments in *Mur.* were trifling, because the judges were *imperiti* and he was playing to the crowd.

<sup>66</sup> Twice more in the *Lig.* 'C.' treats lies as rhetorically negotiable: at 16, he ponders a sympathetic and noble lie, and 25 will stipulate to Tubero's lie, which helps Ligarius. In all three cases it is disarming to discuss such strategies with the man meant to be deceived.

<sup>67</sup> See A. Primmer, *Cicero Numerosus*, Sitzungsberichte der Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse, 257 (Wien: Böhlau 1968): 317–18, on rhythm. Loutsch (1974): 403, on the alliteration qualified by *Cael.* 77, does not consider that the tone is part of the burlesque.

<sup>68</sup> His disparaging treatment of Pansa's 'rashness' is mitigated by the clear inconsequence of the 'admission.' Loutsch's reading (1974): 403–04 of Cic.'s tone as bitterly sarcastic, stemming from his disappointment with Caesar, cannot be correct.

<sup>69</sup> McDermott (1970) points out that the only principal to whom he does not tie himself is Ligarius.

<sup>70</sup> An extended attack on the Tuberos which dominates the bulk of the speech.

<sup>71</sup> C. repeatedly returns to humor based on an appreciation, shared with Caesar, of oratorical manipulation. So, e.g., the largely perfunctory appeal for mercy for the sake of Ligurius' innocent and pathetic relatives (35–36) and the ostentatious dismissal (30), in favor of a *deprecatio*, of a possible defense that echoes the argument of the *narratio*.



logic, he reports his client's actions in Africa. He lingers with excessive specificity over the early and innocent period of Ligarius' African sojourn. Only when the orator breaks off at section 6 does it become clear that he included no detail of his client's anti-Caesarian activities. He quickly concedes that by remaining after Varus arrived, Ligarius may have done something indictable, but only by necessity, not desire. 'Cicero' offers no rationale, but insists emotionally<sup>72</sup> that Ligarius could not have been motivated by personal animus against Caesar.

With a sudden transition, 'Cicero' breaks off one rhetorical strategy for another. There has been no mention of African opposition to Caesar or of Ligarius' relations with the African leader, Juba. This kind of argumentation invites the question of the beneficiary of this persiflage. The first answer must be Caesar; however much Cicero enjoyed playing to the crowd, only one judgment counted. Caesar might have delighted in the argument precisely because of its persuasive inanity. This is not to imply that Cicero was trying merely to divert Caesar. Rather he is maintaining a rapport between orator and judge based on respect for Caesar's ability to appreciate these rhetorical tricks without any mistrust that the orator was trying to confound him. Here one master is invited by another master to be amused by and admire his work. If he could sustain Caesar's admiration for his oratorical talents, Cicero might better dispose him to countenance 'Cicero's' political advice and to conclude that Cicero was suitable to publicize or inform the dictator's political agenda.

At 6 'Cicero' abruptly stops his narrative—well short of establishing the greater culpability he alleged of the Tuberos. Instead, he proclaims, in the manner of a *patronus*, a link between himself and his client: his own Pompeian sympathies. This lets him praise Caesar not only for his pardon, but for restoring his former *dignitas*. He thus provides himself as a precedent for Caesar to extend similar *clementia* to Ligarius.<sup>73</sup>

He further uses the *laudatio Caesaris* as a springboard for continuing the *vituperatio Tuberonum* begun in the *exordium*. From 9–29 he attacks their activities and their motives in tones that range from ingratiating to condescending to devastating, from middle style expository to high style passion and indignation. He questions their wisdom,

<sup>72</sup> He stresses Quintus' close fraternal ties and the hardship of separation (5 *fn.*).

<sup>73</sup> The same tactic has a different function at 9, 28; see next paragraph.

their motives, and most of all their humanity in trying to deter Caesar from his policy of *clementia*. If volume is a valid criterion of measuring the thrust of a speech, then the attack on the opposition must be given due weight. He compliments and identifies himself with them, just as he had with Ligarius, as a former Pompeian; but with them the technique is used for denigration. He faults and corrects their logic, reveals their hypocrisy in prosecuting Ligarius as anti-Caesarian, and accuses Q. Tubero of personally assaulting Caesar at Pharsalus.

The abrupt transition beginning in section 8, marked by the vocative of Tubero and a lightening shift to nominative is brilliant: 'Observe, please, Tubero, how I'm ready to speak of Ligarius' case . . . Besides, I said what I did about myself so that Tubero will forgive me when I speak about him.' The speaker lulls him with a spacious compliment: 'whose hard work and success I honor' . . . before coldly confronting them in section 9 with an indignant reminder of their virulent opposition to Caesar. This leads to a great coup de théâtre, an imaginative evocation of Tubero attacking Caesar at Pharsalus that all listeners might appreciate, save two.<sup>74</sup> An epigrammatic coda, addressed to Caesar, restores calm but reinforces the antithesis between Caesar's *clementia* and the *crudelitas* of the Tuberos: 'Shall the oratory of the very men whose absolution is your glory urge you to brutality.' The extended attack on the opposition, full of clever and technically admirable approaches, is punctuated with comment on Caesar's policy of reconciliation.

The argument that follows is another piece of oratorical fluff. 'Cicero' had raised the specter of brutality in the aftermath of Civil War. Now he identifies Tubero with that excess: the consequence of his prosecution is not that Ligarius will be condemned, but that he will be killed, since he is already in exile.<sup>75</sup> The *reductio* of the argument suggests that persuading Caesar to refuse clemency will produce a result worse than death. He introduces a 'Tubero' to deny that intention, and uses the opportunity to point out in a patronizing, if apparently sympathetic, voice his opponent's faulty logic and insensitivity as well. At section 13 he turns to fate-worse-than-death

<sup>74</sup> Analyzed by Gotoff (1993): 128–29, and in "Oratory: The Art of Illusion," *Harvard Studies in Classical Philology* 95 (1993): 298, 303–04.

<sup>75</sup> It is unlikely that a conviction of Ligarius would have entailed more than continued exile.

argument: 'What is the punishment but death? For if he's in exile, as he is, what more do you demand? That there be no forgiveness? But that's harsher and worse.' Harsher and worse than what the speaker neglects to say. The effect of this argument might be to discomfort the opposition, but to amuse Caesar, who understands its structure. What is seriously 'harsher' is the damage the prosecutor is doing to Caesar's reputation for *miseriordia*. The section closes with another handsome period containing implicit political advice: 'How much harsher is this: to attack in the Forum what we pled for at your home and amidst the general misery to destroy the sanctuary of compassion.'

'Cicero,' now in the role of advisor (section 15), expresses himself with an evident candor<sup>76</sup> and warns Caesar of the deleterious political effect of abandoning that policy. It would open the floodgates to vengeance-seekers among his own supporters, whose claims are stronger than those of former Pompeians—an observation that would have already occurred to Caesar. Certainly, there is no pretense that this argument would respond to a charge of *perduellio* or *maiestas*, against his client.<sup>77</sup> Another handsomely composed period makes the political point: 'How many men by not wanting you to forgive anyone would hinder your *clementia*, when the same men you forgave don't want you to be merciful towards others?' The very logic of the advice convicts Tubero.

To emphasize the necessity of maintaining Caesar's program, 'Cicero' claims (section 16) that a noble lie denying Ligarius' presence in Africa would be preferable to a harmful admission. The notion of paltering with the truth to a worthy purpose would not shock;<sup>78</sup> discussing the strategy with the opposition in front of the judge is comic. With 'No one should expose and refute our lie amidst the perils of a fellow citizen's critical law case, especially not someone

---

<sup>76</sup> 'Evident' refers to the rhetorical tone, not necessarily the speaker's convictions. The equivalence is no more to be assumed than that 'the poet's own voice breaks through' in a particularly passionate moment of a poem. 'I shall say boldly, Caesar, what I think' conveys a candor that may reflect Caesar's tolerance more than C.'s courage. But the orator's tone is powerful and passionate and his vision very nearly a threat: 'if your mercy were not so great, this victory of yours would be awash with the most bitter grief.'

<sup>77</sup> Similarly, the disposition C. urges for Deiotarus (see below) is argued on grounds other than his innocence or guilt of the charge of attempted murder.

<sup>78</sup> Quint. countenances it at 4.2.89–94.

who was in the same circumstances,' he turns frivolity into a harsh attack on Tubero.

Switching to Caesar, who allowed Tubero's request to proceed against Ligarius, he imagines the actual *postulatio* and succinctly assumes Caesar's reaction: 'No doubt you were amazed that he was not prosecuting someone else, or that the prosecutor was someone in the same boat, or that he was raising some bizarre charge.' It is shameless of Tubero to pursue a Pompeian in the courts. 'Cicero' will attribute it to unworthy, private motives.

He presents an argument previously expressed at *Marc.* 13 and 31, making a rhetorically useful point for bringing about a concord after Civil War.<sup>79</sup> There was no crime, only mistakes, no villains, only degrees of victims; some kind of fatal calamity appears to have infected the improvident minds of people. To support such musings no legal arguments are made, no historical examples offered; the best reason to accept this premise is that it offers a rationale for absolving both sides of culpability. Following a rhetorical peak of the speech in section 18, with sympathetic evocations of dead Pompeians and of soldiers loyal to Caesar and his *dignitas*, 'Cicero' moves to an argument that puts Caesar on the defensive: 'Tell me: when you were pursuing peace, was it to reach agreement with criminals or good citizens?' Leaving no room for response, he insists, with rhetorical indignation (19) 'I would feel less grateful if I believed Caesar had pardoned me as a criminal' and generalizes: 'And how would you have served the state if you wanted so many criminals restored to their former status?' 'Cicero' deprives Caesar's gesture of much of its *humanitas*.

In tandem with the clever rhetorical ploys that marked the first invective against his opponents is the bold, critical voice already heard in the *Marc.* that does not fear to challenge Caesar. 'Cicero' becomes more assertive and critical. Recalling Caesar's description of the conflict as more a divorce than a Civil War, he insists that while the claims of the leaders might have been equal, the status of their followers was not. 'Cicero' puts it delicately, but the meaning is clear: Pompey represented more 'good men.' In the end, Caesar's

---

<sup>79</sup> Craig (1984) argues that a weak argument in 17–19 is placed deliberately at the center of the speech to bury it. But rhetorically, as part of 'C.'s *consilium* to Caesar, this argument, bursting into the midst of the *vituperatio* that dominates 'C.'s *deprecatio*, is anything but unobtrusive.

side was ratified by the gods. What confirms his victory is his policy of *clementia*: 'Once your clemency was discerned who would not endorse that victory in which no one died unless in arms?' caps the argument and might have capped the main body of the speech.

Instead, 'Cicero' returns to his opponents with another extended invective that repeatedly appears to offer Tubero warmth and sympathy only to withdraw it suddenly and harshly. He produces a dramatic dialogue in which the Tuberos claim to having been doing their duty,<sup>80</sup> and appears to accept the excuse, until, with a devastating twist he suddenly turns on his friend: 'but I do not agree that you can criticize in others what you boast of for yourselves.' As if he had not just delivered himself of this objectionable remark, he allies himself with the elder Tubero (21); he accepts Lucius' avowal that he had preferred to stay at home,<sup>81</sup> but faced intolerable pressures (22). Once more abandoning him (23), 'Cicero' insists that Lucius was following his own political inclinations: 'The departed with those whose cause he shared.' The father got to Africa neither reluctant nor passive, but incensed to find his place usurped—for which he wrongly blames Ligarius. Each argument not only rejects Tubero's position, but assails his motives and isolates him even from other Pompeians, insisting that this is the real, unprincipled basis of the prosecution—a personal complaint, in fact, a *querela* stemming from *ira* at having been forbidden to land.

'Cicero's' attack on the Tuberos is devastating, but it is also masterly, and self-consciously so. If Tubero blames Ligarius for preventing his father from taking command, he will find himself on the horns of a dilemma, an embarrassing spot where orators delight in placing opponents.<sup>82</sup> Either he wished to retain the province for

---

<sup>80</sup> 'C.' is here responding to Q. Tubero's account of his and his father's anti-Caesarian activities as reported by Quintilian.

<sup>81</sup> Comparison of the motives and behavior of Ligarius and the Tuberos may stem from Tubero's own argument (10): 'You accuse a man who has a better case than yours, as I assert, or, if you prefer, equal' may indicate that Tubero conceded a similarity between their activities until Ligarius joined Juba.

<sup>82</sup> C. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma* (Atlanta: Scholars Press 1993), shows that this figure beyond most others is a dazzling demonstration of an orator's technical superiority over an opponent—calling attention to his swift and devastating wit. He analyzes (170, n. 20) this dilemma as a logical argument to defeat Tubero, rather than as a self-consciously clever rhetorical flourish to amuse Caesar.

Pompey or to deliver it to Caesar.<sup>83</sup> Neither alternative is tenable, entailing either wanting to lead the resistance to Caesar or of being willing to betray his own Senatorial *imperium*.<sup>84</sup> The dilemma routs the Tuberos rhetorically: 'behold, Caesar, what freedom, or rather audacity, your liberality has given us.' 'Cicero' drops any pretext of sympathy with the prosecution at section 24 with a pre-emptive denial of one alternative of the dilemma, insisting that the Tuberos, contrary to their protestations and out of personal pique, exceeded the demands of loyalty to Pompey.

With another initial profession of empathy, 'Cicero' establishes the fervor of Tubero's support for Pompey in the war by equating it with his own,<sup>85</sup> but at once brands his opponent's position as more extreme: 'You certainly <favored war> having reached a point where you'd be ruined if you didn't win,' and finally mocks the sincerity of Tubero's conviction: 'though, as things stand, I'm sure you'd prefer this pardon to that victory.' Once again 'Cicero' positions himself close to Tubero only to embarrass him and leave him in the unlovely position of appearing to be pressuring Caesar, who has forgiven his own enemies, to destroy his.

### *Deprecatio*<sup>86</sup>

At section 29 'Cicero' announces with a rhetorical flourish that everything he has said is directed to one end: an appeal to Caesar's humanity. But in the 28 sections since he turned out of desperation to the strategy of *deprecatio*, he has not used it. And between here and the *peroratio* at 37, there is scant reference to it. Instead, 'Cicero' meditates on *clementia*, assumes a rapport with Caesar stemming from his professional parity, exercises ingenuity in developing arguments, and even analyzes Caesar as a critic of defense oratory; only briefly does he resort to *deprecatio*. This is predominantly a discussion of the art of oratory.

---

<sup>83</sup> 'C.'s descriptions of the province at 22 and 24 make clear what he thinks of anyone desiring that province.

<sup>84</sup> The second shrewdly forces on Caesar a judgment that does him credit: 'For even if you appreciated the gesture, you would not have approved it.'

<sup>85</sup> Section 28. See Gotoff (1993<sup>2</sup>): 309–311.

<sup>86</sup> See Quint. 7.4.17.

'Cicero' first includes Caesar in his deliberations (a *captatio*) by recalling, in his collegial persona, their many shared courtroom experiences.<sup>87</sup> In a *divisio*, 'Cicero' outlines the standard lines of appeal in two approaches: *non fecit* vs. *erravi*.<sup>88</sup> Generally the defense argues the case to his judge(s); today, he tells the judge, he will appeal to him as a *parens*.<sup>89</sup> Caesar's true position in the case may stand between judge and master; in the speech the antithesis is between judge/master and fellow advocate. The judicial problem some moderns perceive in Caesar's dual role as judge and ruler does not concern 'Cicero,' who neither considers the judge disinterested nor allows him so to consider himself.

As often when in a familiar, collegial mode and pondering rhetorical strategies, 'Cicero' adds sophisticated humor. He boasts that he could have mounted a defense of Ligarius and ventures, as a sample of how a lawyerly defense might run, an obvious echo of what he had in fact argued at section 2f. Having opted to plead for mercy, he insists that Caesar has created precedents for such a plea, adding querulously a somewhat impudent appeal for equity (31):<sup>90</sup> 'Shall I have no hope for Ligarius, though I was permitted to petition you for another?'

When it looks as if a *deprecatio* will begin, 'Cicero' pulls back (section 31) 'though my hope for this case was not placed in my speech nor in the support of friends of yours . . .' Rather he avows that oratory is unnecessary with Caesar,<sup>91</sup> who is not swayed by the rhetoric of advocates or their ties to him (31).<sup>92</sup> 'Cicero' then analyzes him as a judge, asserting that facts prevail, not the authority of the advocate and entreaties for mercy, leaving open the possibility of a *deprecatio*, if it reflects a just claim. Still he does not provide one, any more than he produces friends and relatives of Ligarius, although

<sup>87</sup> There is no known trial in which the two shared the defense. On Caesar's oratorical career and reputation, see Gotoff (1993): 164 and esp. 165 and *tecum . . . te . . . tuorum*.

<sup>88</sup> As a nice touch, in the emotional plea the *patronus* takes the role of his client.

<sup>89</sup> He uses *parens* as in the character of Comedy, not the title conferred on Caesar after Munda.

<sup>90</sup> A bold appeal, himself as precedent, but an allusion hard to explain. Pardon preceded *Marc*.

<sup>91</sup> See, too, at section 35: 'since I was then involved in all your affairs.'

<sup>92</sup> At *Deiot*. 40, the speaker argues that Caesar's compassion needs no oratory to rouse it.

he invites Caesar to imagine their potential for emotional effect.<sup>93</sup> He will impose on his judge similarly at *Deiot.* 7.

Finally, in 33, 'Cicero' does briefly raise the emotional level, as a demonstration perhaps, rather than an appeal to Caesar's emotion, evoking the sorrow caused by the forced separation of a tightly-knit family. The swelling passion of the exhortations shifts the speaker into another mode: 'Let that victorious voice of yours prevail.' Some passion remains in tone but now the exhortation is political. He identifies friends of Q. Ligarius present and absent,<sup>94</sup> and emphasizes the political impact of a pardon: his grateful supporters will be Caesar's partisans.

Like the *exordium*, the *deprecatio* contains ironic variations on a conventional form; and indeed at many other points in the speech 'Cicero' appears to welcome Caesar's interest, amusement, and admiration for his manipulation of associated rhetorical techniques. This strategy allows him to establish a rapport most useful with a judge who would not be moved by vulgar manipulation nor be pleased to be subjected to it. Cicero is not getting outside the genre to apply it in a 'metatextual' way. Virtually all parts of a practical oration are self-conscious and deliberately manipulative variations on abstract rhetorical forms, just as no voice of the orator is 'metatestuale'<sup>95</sup> because all are.<sup>96</sup> A first-person *persona* inserted into a speech is a dramatic contrivance encouraged by the patron-client relationship of Roman law,<sup>97</sup> and the 'himself' Cicero injects is just another persona. In this case, appealing to this particular single judge, Cicero opts for projecting familiarity, professional parity, common interest in the pleading of a case. If by so doing he can disarm Caesar and win his goodwill, he would be well satisfied.

<sup>93</sup> In all this he invites Caesar's participation or, at least, appreciation (32): 'Consider . . . You know men well . . . I have no doubt how you would judge . . . Don't imagine . . .'

<sup>94</sup> T. Brocchus was present; of the others we know nothing but that L. Corfidius could not have been present, since he was dead; see *Att.* 13.44.3 and Gotoff (1993): 174–75.

<sup>95</sup> See R. Dimundo, ed., *Processo a un re: Pro Rege Deiotaro* (Venezia: Marsilio 1997): 30.

<sup>96</sup> K. Geffcken, *Comedy in the Pro Caelio* (Leiden: Brill 1973), and J. Axer, *The Style And The Composition Of Cicero's Speech 'Pro Q. Comoedo'* (Warsaw: Wydawnictwa Uniwersytetu Warszawskiego 1980), demonstrate how surrounding circumstances may suggest a *persona*.

<sup>97</sup> See C. Craig, "The Accusator as Amicus," *Transaction of the American Philological Association* 111 (1981): 31–37.



*Peroratio*

The peroration is low-keyed, practical in content, and mildly hortatory in style. Following on the conclusion of the last section, that the pardon of Ligarius would serve a public function, Cicero develops a new thesis: a pardon for Ligarius would satisfy the Roman people in the Forum as the pardon of Marcellus did Senators in the Curia. The conceit has little substance, but it invites consideration of popular support and allows 'Cicero' to stress his rôle as advisor (*fac . . . da . . . noli . . . tantum te admonebo*), with an exhortation to Caesar to maintain his policy of *clementia*. 'Cicero' pleads neither for his client's innocence nor for mercy, but for *bonitas*, the virtue of human kindness, that common people most appreciate. His final advice, 'by relieving that absent man you will relieve these present,' brings in for the only time in the speech the *corona*.

As with the *Marc.*, therefore, Cicero has used an oration delivered before Caesar as an opportunity to display his skills and take the rôle of political advisor. Again, it is impossible to say whether he is demonstrating his perspicacity in developing policy or his genius in presenting it. In either case he might be valuable to Caesar.

*Pro Rege Deiotaro*

The *Pro Rege Deiotaro* of November 45 is perhaps the most baffling of Cicero's speeches. A foreign prince, allied in the past with Rome's activities in the East, was accused in absentia at by one of his relatives of having made two attempts upon the life of Caesar when offering him hospitality in August of 47 in Galatia. As with *Lig.* I assume that this speech would not have been delivered without Caesar's sanction.

Deiotarus,<sup>98</sup> as tetrarch of the Tolistoboii in western Galatia, had adhered to the Roman cause in the war against Mithradates VI of Pontus, and was honored by a succession of generals from Sulla to Pompey. By Pompey's settlement Deiotarus extended his dominion

<sup>98</sup> A variety of sources (see Dimundo [1997]: 43, n. 8) supply insights for a picture of D. at odds with the one 'C.' paints consistently; cf. *Phil.* 11.33–34, and *Div.* 1.26–7.

to Pontus and Lesser Armenia, of which the Senate pronounced him *Rex*. He remained friendly to Roman officials in the East, including Cicero in 51. As a client of Pompey and Rome, Deiotarus led his own cavalry at Pharsalus, and retreated with Pompey, after whose death he shifted fealty to Caesar, sending troops to support him in Alexandria. When Mithradates' son, Pharnaces, King of Cimmerian Bosphorus, took advantage of Caesar's struggle in Egypt and laid claim to lesser Armenia, Deiotarus sought the help of the Roman provincial general and sent him a contingent of horsemen. Their forces were routed by Pharnaces at Nicopolis; relief came only later, from Caesar himself.

After gaining control of Alexandria, Caesar turned to Asia Minor. In Cappadocia he forgave King Ariobarzanes' support of Pompey; his family had stayed loyal to Rome throughout the Mithradatic wars and his realm was now in danger from Pharnaces. He then continued North towards Zela. Somewhere near the border with Galatia, at a meeting described in the *Bell. Alex.* 68, Deiotarus appeared before the Roman general dramatically dressed as a suppliant convict to beg forgiveness for supporting Pompey. Caesar rejected Deiotarus' excuse that he had not been able to judge between competing forces in Rome. Nevertheless, in view of Deiotarus' hospitality, friendship, position, and age, he postponed deciding on the territorial disputes raised by other Galatian tetrarchs and allowed him to keep the title of king.<sup>99</sup> From there he went on, with the king in tow, to achieve his swift victory over Pharnaces at Zela (August 2, 47) and then to accept the tetrarch's hospitality, before arriving at Nicaea in Bithynia.

At some point, or points along the way Caesar awarded Lesser Armenia to Ariobarzanes and the Eastern tetrarchy of the Trocmori along with some of Cappadocia to Mithradates of Pergamon.<sup>100</sup> Although Caesar postponed resolving the other tetrarchs' complaint, Deiotarus' theatrical attire at their meeting suggests that he had already lost something, perhaps Lesser Armenia. Retention of his title means he was left with something, perhaps all of Galatia.<sup>101</sup>

<sup>99</sup> Cf. section 10, trans. below, 258.

<sup>100</sup> At *Div.* 1.27 C. says that a hostile Caesar snatched away the tetrarchy of the Trocmori to give to his 'insignificant little Eastern acolyte' (Mithridates of Pergamon), stripped D. of Armenia, a gift of the Senate, and, having enjoyed his sumptuous hospitality, left his royal host ruined.

<sup>101</sup> See D. Magie, *Roman Rule in Asia Minor* (Princeton: Princeton University Press 1950): 413.

Probably, he was not aware of Caesar's final decision as he attended him from Zela and offered him hospitality at his castle. The final disposition of Deiotarus' territories came probably at Nicaea at a meeting<sup>102</sup> at which M. Brutus urged restoration of the king's territories.<sup>103</sup> Caesar's settlement left the king stripped of a large portion of the land he had lost to Pharnaces.

Precisely what occasioned Caesar's enmity is not clear: in supporting Pompey at Pharsalus, Deiotarus acted no worse than Ariobarzanes, whom Caesar pardoned and rewarded, or Castor Tarcondarius, father of the king's accuser (Caes. *B.C.* 3.4). His decision may have had as much to do with rewarding others as punishing Deiotarus.<sup>104</sup> One of the beneficiaries, Mithradates of Pergamon, had for a while enjoyed Caesar's favor.<sup>105</sup> As to the Cappadocian and Galatian settlements, Caesar may truly have been offended by Deiotarus' appearance in person at Pharsalus (Cic. 9)<sup>106</sup> or been convinced by the claims of the other tetrarchs. Had he at any time during his march through Asia Minor become aware of Deiotarus' involvement in an assassination plot, he would likely not have waited two years for an inquiry.

Deiotarus made several further attempts to get Caesar to restore his lands. Upon the death of Mithradates of Pergamon in 45 he petitioned Caesar campaigning in Spain, who replied with a reassuring, if noncommittal message. A second delegation was in Rome in November 45.<sup>107</sup> Castor, son of Tarcondarius, also pursuing territorial claims and perhaps vengeance, charged Deiotarus with having tried to kill Caesar in Galatia. Caesar held some kind of inquiry, opting to hear the case in the privacy of his own home. He sat as sole judge, but is not known to have rendered a decision.

<sup>102</sup> The precise format of which is unclear; see below, 265.

<sup>103</sup> Loutsch (1974): 408 would have Brutus at the border in *Bell. Alex.* 78. For the speech see *C. Att.* 14.1.2; Tacitus knew it (*Dial.* 21).

<sup>104</sup> As C. suggests at section 35. For another motive for supplying kingdoms, see *C. Att.* 13. 2a. 2, and Magie (1950): 1246 n. 20.

<sup>105</sup> See Magie (1950): 406.

<sup>106</sup> C. Loutsch, *L'exorde dans les discours de Cicéron* (Brussels: Latomus 1994): 409–12, believes that personal hatred lay behind not only not restoring D.'s land, but the trial itself, in which he was prevented from rendering a guilty verdict by the weakness of the case against the king, if not C.'s rhetoric. This does not sound like a problem to baffle a brilliant politician and the most powerful man in the world.

<sup>107</sup> After Caesar's death, he continued to deal with Antony (*Phil.* 11.31,33).

If this were all that is peculiar about the speech, it would be unique in Cicero's career; but in addition, it is difficult to specify the judicial procedure in question or even discern a formal prosecutor.<sup>108</sup> Cicero mentions no one but Castor and Phidippus, a slave of Deiotarus', who had come to Rome in his master's delegation, but had been suborned by Castor, only to recant, before repeating his charges (32). Very little is known about Castor, son of the monarch whose tetrarchy Deiotarus, his father-in-law, had seized.<sup>109</sup> That Castor, a foreigner, could plead a criminal case in Rome is doubtful. No slave, domestic or foreign, could be a prosecutor. Foreign clients were represented by Roman *patroni* in provincial matters like territorial disputes; the Senate would be expected to hear and mediate complaints.<sup>110</sup> Civil matters might be brought to the *praetor peregrinus*. Yet, it is strongly implied (8) that Castor and Phidippus had some oratorical function in the trial. 'Cicero' speaks scornfully of their rhetorical abilities; (see below).

The charge was attempted assassination at his own home (15), which might have involved *maiestas*, *perduellio*, or *vis*. To bring a foreign monarch to trial in Rome would have been unique, but the accusation was apparently broader: that Deiotarus was hostile to Caesar and preparing an army to fight him. 'Cicero' accuses Deiotarus' Galatian rival of exploiting a personal antipathy Caesar was believed to feel for the king and rebuts not only the charges, but the perception of the king's animosity. On whatever basis the charges of personal animus were leveled, they are refuted at greater length than that of attempted murder. Castor may have wanted to portray the king as a less than reliable client for a Roman general leading an expedition to the East.

If the major charge is evanescent and some of the minor ones nugatory, the question arises why the most powerful man in the world and one of its busiest, informed of a plot by a client to kill

<sup>108</sup> P. Mackendrick, *The Speeches of Cicero: Context, Law, Rhetoric* (London: Duckworth 1995): 449, claims, without proof, that Castor was absent, but that as alleged victim, Caesar was plaintiff and judge and *de facto* prosecutor.

<sup>109</sup> See Magie (1950): 1236 n. 40. Deiotarus is said by Plutarch to have murdered his son-in-law and his own daughter; maybe even his own son. So Strabo 12. 5. 3 (568).

<sup>110</sup> The whole affair may involve Caesar usurping another branch of government. A. Quartulli, *I grandi processi di Cicerone* (Lanciano: G. Carabba 1940): 377, mentions C.'s failure to bring this up.

him, would have convened a trial or even a formal inquiry. In the background may loom an Eastern expedition and renewed Parthian campaign proposed by Caesar.<sup>111</sup> It would be in his interest to find the Eastern provinces settled and cooperative on his arrival. Some reasons advanced in the case of the *Lig.* for a trial can be dismissed: it would have been the opposite of a show trial; and no propaganda value could accrue from so restricted an audience.

The absence of a formal prosecutor as well as the defendant, along with weak charges and the absence of a verdict make the event at which *Deiot.* was delivered hard to conceive. Perhaps it was not a trial. Caesar had the broadest leeway in conducting any inquiry. The form it actually took may have been based on the *cognitio extra ordinem*<sup>112</sup> by which a magistrate tries to establish the relevance of a law to a case or the veracity of charges brought.<sup>113</sup> Caesar may have charged Cicero, who as governor of Cilicia had known the king, with representing Deiotarus.<sup>114</sup> Cicero seems to have had a genuine affection and admiration for the king. But, the event also offered him the chance, as in the previous *Caesarianae*, of being heard by Caesar. Here, too, while defending a client, he may have been pursuing more personal goals.<sup>115</sup>

### *M. Tulli Ciceronis Pro Rege Deiotaro Oratio*

Any speculation on the circumstances under which the *Deiot.* was delivered must take into account the speech itself. 'Cicero' treats it

<sup>111</sup> C. refers to the plan in mid-45 (*Att.* 13.27.1, 31.3). Dio 44.46.3 and App. *B.C.* 3.77.312 in 47.

<sup>112</sup> This grew out of the *cognitio praetoria* by which a praetor decided without a *iudex* on matters of law and fact (A. H. J. Greenidge, *The Legal Procedure of Cicero's Time* [Oxford: Clarendon Press 1901]: 98) and would soon become the *cognitio princeps*, always *extraordinaria*. See Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Oxford University Press 1963): esp. 13–17, 19, 22–28.

<sup>113</sup> Loutsch (1974): 412, n. 20 suggests that there was no precedent for a Roman magistrate trying a foreign sovereign, but that Caesar's remarks (*Bell. Civ.* 3.107) on mediating the matter of Ptolemy and Cleopatra explain his action.

<sup>114</sup> See 39; *Phil.* 11.33–4 f., and H. Botermann, "Die Generalabrechnung mit dem Tyrannen: Ciceros Rede für den König Deiotarus," *Gymnasium* 99 (1992): 321, on Cicero as patron. Thus M. Junius Brutus had represented the king at Nicaea. See H. Malcovati, ed., *Oratorum Romanorum Fragmenta Liberae Rei Publicae* (Torino: Paravia 1976): 465. See 265 and n. 138.

<sup>115</sup> See above, n. 10.

as a forensic defense ('I am forced to defend against a most terrible crime') countering a prosecution speech at a formal trial. Some of the particulars are unique, but he defines them in the *exordium* where often in his career he expressed concerns about special problems raised by a case. He bemoans the virulence of the accusers, but ignores the impropriety of a foreign prosecutor. He deplors a slave taking the part of accuser as deleterious to Roman morale, but not as so outrageous as to vitiate the trial. In expressing an anxiety normal in a lawyer pleading before a *suae causae iudex*, he appears to address a trial judge,<sup>116</sup> rather than a magistrate dispensing justice from a tribunal.

Cicero takes the rôle of an advocate pleading an anomalous case in unique circumstances before a single judge, but a judge peculiar not only in that he is interested,<sup>117</sup> but because he too is a distinguished orator and man of letters. In this, his strategy is similar to that of *Lig.*<sup>118</sup> His character is respectful, but familiar, conceding by his candor in revealing strategies Caesar's parity with him. He does not lose heart, but deals with the presence of an interested party by turning the tables: 'I don't so much worry about how you want to judge Deiotarus as I know how you want others to judge you (4).' In a certain setting Caesar's response to this might be 'touché.'<sup>119</sup>

Compared with *Lig.*, the structure of this speech conforms more closely to the textbook canon for forensic oration: *exordium*, *partitio*, *narratio*, *refutatio*, and *conclusio*.<sup>120</sup> *Lig.*, lacking a true *exordium* altogether, is arguably more idiosyncratic; but, with *exordium* and *peroratio* in *Deiot.* consuming sixteen of forty-three sections and the *refutatio* being interrupted by an extended attack on the accusers and an encomium for Deiotarus, the structure of speech may be less conventional than its appearance.

'Cicero's' opening strategy establishes a rapport with Caesar by treating him practically as his *patronus*, the man who can allay the

<sup>116</sup> In *Marc.* Caesar is addressed 11 times, always with praenomen; in *Lig.* 16 times, four with praenomen; in *Deiot.* 18 times, 6 with praenomen.

<sup>117</sup> C. might have argued this in *Lig.* as well, but chose not to, perhaps to prevent Ligarius appearing as a personal enemy.

<sup>118</sup> See esp. on *Lig.* 30.

<sup>119</sup> If this was a *cognitio* argued in council in the form of a judicial trial, raising the issue of an interested judge would be a small tour-de-force of verisimilitude.

<sup>120</sup> Observed by M. von Albrecht, "Cicéron: Théorie rhétorique et pratique oratoire," *Les Études Classique* 52 (1984): 19-24.

fears<sup>121</sup> occasioned by this singular case and stressed by his opening words. At first he is tentative; referring to the unexampled obligation of defending a foreign king, he allows: 'although even that is not unreasonable, when you might be in danger'; but at this point the concession not wholly convincing. When he moves to the subject of an interested judge, the abatement of his *aporia* provided by the 'Caesar' he envisions is expressed more positively: 'This, too, sometimes bothers me, Caesar, but when I consider you closely, my fear is alleviated.' Now the essential injustice of the situation is allayed by Caesar's *sapientia*; now the epithet *iniquum*, accepted as a fact, is dismissed in favor of Caesar's fairness. A congeries of assurances begins to balance the fears.<sup>122</sup> Yet he makes Caesar hear in detail why an interested judge is usually disqualified.

To address problems raised by his situation, 'Cicero' uses strategies adopted rather to amuse Caesar than overwhelm him. The disadvantages of the present venue are considerable, but, they are put forth in a way that Caesar is unlikely to have found offensive. 'Cicero' grants he misses the presence of a *corona* that he could manipulate to convince the judge of the superiority of his case.<sup>123</sup> Instead, he reveals, he will need to approach Caesar directly, employing a different kind of rhetoric (5), precluding his use of the emotional tactics that have made him so successful.<sup>124</sup> The argument is valid on its face, but it becomes a rhetorical tactic when discussed with the judge. In the end, he will assert, as at *Lig.* 32, that Caesar is proof against rhetorical persuasion (40). The problem is not to get Caesar to believe in his sincerity, but to believe rather that in using the ploy Cicero is conceding his audience's intelligence and experience, not abusing it.

An unabashed admission of the orator's ability, under normal conditions, to manipulate the emotions of his audience emboldens him to elicit in a *praeteritio* those techniques denied to him in this case.

<sup>121</sup> *commoveri . . . perturbant . . . timor . . . conturber . . . extimescebam . . . Perturbat . . . Moveor . . . perturbationem* make an impressive list.

<sup>122</sup> *timere desino . . . metum minuit . . . Non . . . tam timeo.*

<sup>123</sup> The argument is not presented seriously, although Caesar would appreciate the efficacy of a *corona*. In *Lig.* he never appeals to the *corona*, acknowledging them only at the end.

<sup>124</sup> Loutsch (1994): 422 suggests an allusion to a presumed stylistic debate (Attic vs. Asian) of this period that supposedly found C. and Caesar on opposite sides. His assertion that the allusion masks a 'critique sévère' of the venue does not follow.

An inspiring reminder of his client's steadfast loyalty to Rome, an evocation of symbols of Roman institutions visible to the ordinary throng, direct appeals to the Senate house, to the Forum, to the gods themselves—such strategies, he asserts, would ensure his victory. In bemoaning his inability to make such passionate appeals, Cicero elevates the emotional level. 'Cicero' facetiously urges Caesar to imagine the sympathetic reaction to the king he could elicit from a *corona*, and, judging its potential from his own experience as orator,<sup>125</sup> to be swayed by the emotion 'Cicero' might have generated. The *exordium* that began with 'Cicero' in panic ends with him supremely confident because of the virtues of his judge.

Opening the speech proper (7b–14), 'Cicero' announces his intention of criticizing the accusers, to whom he in fact devotes 10 OCT lines. Using as a point of transition their strategy of exploiting Caesar's earlier animosity to give credence to their false charges, he addresses instead the king's relations with Rome and Caesar. The judge is again asked to alleviate 'Cicero's' concerns, purge himself of anger, and recall the concordat he had reached with the king after their meeting in Galatia. The orator assumes the true attitude of the judge towards the defendant (10): 'And so, though you acquitted him of the major charges, you did not forgive a very minor abuse of friendship—not guilt, but a personal *querela* that did not prevent a amicable outcome. Such manipulation, if not done carefully, might be found offensive even by a judge with fewer pretensions than Caesar.

Caesar had rejected Deiotarus' apology for following Pompey. 'Cicero' justifies the king's choice on grounds of loyalty to Rome, but insists that the side each man took in the war was determined not by personal animus but by an *error communis* (10), a *fatale bellum* (13).<sup>126</sup> More daringly, he argues that Deiotarus' fidelity to Pompey, however wrong, was tolerable, because Pompey was worthy of it. An emotional *commiseratio*, like that at *Lig.* 18, evokes Magnus at his best.

No one can read the description of Deiotarus' going to Pompey in section 13 unaffected by how unenthusiastically he is portrayed as implementing his decision; equally dispassionate was his withdrawal: 'So, with the battle of Pharsalus ended, he left Pompey; he

<sup>125</sup> Section 7: 'who have frequently spoken in behalf of many people.'

<sup>126</sup> The language is reminiscent of *Marc.* 10 and *Lig.* 17.



was unwilling to pursue a hope without end. Believing he had satisfied whatever liability he may have incurred, or indulged whatever delusion he may have entertained, he took himself home.' No one can read section 14 without feeling the energy and resolve of the man once he shifted his support to Caesar. 'Cicero' produces an unadorned series of simple sentences, verb-last, of a type sometimes identified with reports made to the Senate by generals in the field.<sup>127</sup> He stresses the king's energy and resolve in his support of Caesar.

In the same passage (9), 'Cicero' assumes the rôle of a political advisor he had adopted in both earlier speeches. He urges Caesar not to withdraw the pardon he had once offered to Deiotarus. 'No enemy ever appeased you only to find in you traces of resentments.' Although the word *clementia* appears four times in this speech (8, 38, 40, 43), it never means what it did when applied to Marcellus, Ligarius, or other Roman citizens. Deiotarus is a foreign client already pardoned for his allegiance to Pompey by Caesar as general in the field; restoration of civil rights is not an issue. Caesar's refusal to return to the king lands lost to Pharnaces cannot be construed as repeal of pardon, nor would his conviction on a charge of murder. As a piece of general political advice, on the other hand, it suits the general backdrop of the case relating to foreign policy and to the persona the orator adopts as political advisor. Cicero returns to the issue at section 39.

'Cicero' urges Caesar to treat his hostility to the king as a private dispute, rather than one engendered by criminality—a distinction made also in *Lig.* 23. There he reduced Tubero's charges to little more than personal pique. Here he treats the animus between Caesar and the king as a quarrel between friends terminated by an act of hospitality, offered by the king and accepted by Caesar, which Cicero ornately describes.<sup>128</sup> The advice to prevent a foreign client from feeling insecure about Rome's assurance to him is an appeal for stability in a territory through which Roman forces might soon be marching.

Having established Deiotarus as a loyal friend of Rome and Caesar, 'Cicero' comes to the main charge (15–22), which he treats with a

<sup>127</sup> E. Fraenkel, "Ein Form römischer Kriegsbuletins," *Eranos* 54 (1956): 189–94 = *Kleine Beiträge* (Rome 1964) I: 73–92.

<sup>128</sup> Section 8: 'You were willing to enter his home, you, to renew his old hospitality; you did his household gods receive, you did his altar-fires behold as a conciliated friend.'

blend of outrage, contempt, and humor. His strategy is to repeat the accuser's narrative, punctuating it with comments addressed, usually in his own colloquial style, directly to Caesar, who is considered able to appreciate the tactic. He may in part mock the style of Phidippus' report, represented as an example of the *vitium* of the plain style.<sup>129</sup>

'Cicero' begins informally with a vigorous dismissal in exclamatory adverbs and ellipses: 'Oh, how unbelievable the charge is! It doesn't even invite suspicion!' He quotes from the doctor's narrative that Deiotarus had tried to lure Caesar, between bathing and retiring for the night, to a place where armed assailants might kill him. On this he comments in disbelief tinged with rhetorical outrage: 'Is this the charge, is this the indictment for which a runaway accuses a king, a slave his master?' He is amazed, he tells Caesar, that a suborned doctor was not being used to claim poison as the weapon and muses on the advantages of poison, assuming a rare detachment on the part of the intended victim.

Again, 'Cicero' characterizes the accusers' explanation of Caesar's escape before stating it (section 19): 'Oh, how cleverly trumped up the charge is!' Nothing occurred. The reason disaster was averted, the doctor claims, is that Caesar decided not to visit the intended crime scene. 'Cicero' raises with Caesar an innocent question: 'What about later on? Or did Deiotarus, because the first attempt failed immediately disband his army?' In any case Caesar changed his mind after eating and went to the place; by that time it was too late to attack him.<sup>130</sup> 'Cicero' sensibly asks: 'Would it have been so hard to keep those assailants where they'd been assigned for another hour or two?'

At this point 'Cicero' departs from burlesque to contrast the actual situation: a guest, at his ease, enjoying the king's hospitality and the host performing with dignity every *officium* of his rank. His tone at 19 reflects the absence of any sense of agitation or confusion. He asks the purported victim to recall whether at the time he had noticed in Deiotarus or his men anything 'that was not orderly and calm and within the manners of a serious and pious man' (20). Asked to conjecture why his alleged attacker might have wanted him killed

<sup>129</sup> Cf. [Cic.] *Her.* 4.16.

<sup>130</sup> Phidippus created this awkwardness by having omitted dinner from his narrative between bath and bedtime.

after his bath, but not after his dinner, Caesar is addressed less as judge, witness, or victim than as critic of a dismal piece of storytelling.

Further reducing the accuser's account to absurdity, 'Cicero' affects to be unable to follow the narrative (21). Once more the alleged plot is upset by a small change of schedule, to which the assassins lack the mobility to adjust. Now 'Cicero' loses patience and asks, 'Had Deiotarus arrayed in the bath bronze statues that could not be transported into the dining room rather than real assassins?' On that note he dismisses the accusation.

'Cicero' goes on to discuss (22–34) subsidiary indictments leveled by Castor. The relationship they bear to the main charge is neither stated nor easy to imagine. They are divided between the claim that Deiotarus mustered an army to fight Caesar and general allegations of his hostility to Caesar. The first breaks down into several items, to each of which 'Cicero's' response is flippant. To the charge of forming an army, for example, 'Cicero's' retort is not that the king wouldn't, but that he couldn't field an army to challenge Caesar's, adding gratuitously that once he might have done so, but no longer. To the charge that the cavalry troops he send to support Caesar were inferior, 'Cicero's' answer is brief, but unctuous: of course they were not as good as Caesar's forces, but he had sent the best he had.

The recitation of anecdotal evidence that Deiotarus has in various ways displayed animus towards Caesar throws doubt that the *Deiot.* was delivered at any kind of a murder trial. If proved, the charges would not convict; the necessity to refute them gives 'Cicero' an opportunity to show off his ingenuity, more extravagantly because of the slightness of the burden. For example, at the allegation that, on hearing of the drowning of Caesar's general, Domitius, the king quoted a line of Greek poetry: 'let our friends die, as long as our enemies die with them,' 'Cicero' asked Caesar (25): 'But who could be Domitius' friend were he your enemy?'—a rebuttal more at home in the *Controversiae* of Seneca.

The clearest indication that Cicero is no longer seriously replying to the *res gestae* of a serious trial is the remarkable interlude (26–32) in which 'Cicero' interrupts his rebuttal to the secondary charges with a bombastic attack on the accusers and a praise of Deiotarus that is just as obviously rhetorical. The two are interwoven<sup>131</sup> and

<sup>131</sup> Not unusual; see J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: University of North Carolina Press 1988), esp. 28–30.

grow out of the charge that the king danced naked in public upon hearing of the death of Domitius Calvinus. 'Cicero's' rebuttal, an argument from character, is that Deiotarus is too civilized to be guilty of the offense.

The king is praised for his *frugalitas*, a decent restraint that militates against its possessor behaving in public as accused. 'Cicero' prefers it to regal virtues and attributes it to Deiotarus practically from birth. By life-long contact with Romans he had acquired the qualities of a Roman gentleman—'a splendid *paterfamilias* and a most responsible farmer and cattleman.' Whether a Roman would without irony so judge any foreigner is uncertain; the evidence of Plut. and Strabo (see n. 109, above) is that the king would not have been that foreigner.

In a graceful period (27), 'Cicero' switches focus from the improving youth of his client to his advanced years,—a topic calculated to arouse sympathy while at the same time laying open Castor, the accuser of his own grandfather, to attack both for the impiety of making the charge of public dancing and for the absurdity of imputing such behavior to an older man. He paints an affecting picture of an old man who had to be lifted on to his horse three years earlier at Pharsalus and was universally admired merely for being able to hold his seat.<sup>132</sup> Caesar would have only a moment to enjoy this shameless flimflam before being directed to Castor and the devastating image of him on horseback preening himself in anticipation of attacking Caesar, unable to be restrained by other Pompeians, especially Cicero who was by now urging unconditional surrender.<sup>133</sup>

That section of the *vituperatio* ends with a smooth antithesis, 'Could you not enjoy your good fortune, Castor, without utterly ruining your relative's?' and turns immediately to an impassioned harangue against the social impiety of bribing slaves to betray their masters. Some thirty-five OCT lines later, 'Cicero' sums up with a total condemnation of Castor: 'Did you come to this city precisely to corrupt its laws and tradition and stain the humanity of this state with your own native barbarity?' Cicero had similarly excluded another opponent from the civilized world at *Lig.* 16.

---

<sup>132</sup> The same man who met Caesar and kept up with his fast march to Zela, then across half of Cappadocia to the Western border of Galatia and, perhaps, onward to Nicaea.

<sup>133</sup> Section 29. At *Lig.* 28 the speaker also injected himself as a fellow Pompeian and witness.

*Peroration*

If an *exordium* of seven sections seemed excessive for a speech of forty-three, so, too, may a *peroratio* of nine sections (35–43). Its emphases may also surprise. Neither of the two major arguments of the section bears to the apparent charge against Deiotarus.<sup>134</sup> ‘Cicero’ first states (35–38) that his goal is to reconcile Caesar with his client and assure Caesar that Deiotarus bears no grudge. He argues that the king is grateful to Caesar for relieving him of much of his kingdom (36), much as Antiochus once thanked Scipio for similarly easing his task as ruler. It is uncertain whether Antiochus expressed a bitter, but rhetorically clever irony or a stoic acceptance of a calamity. The middle style that is home to the kind of historical *exempla* found in the *Pro Archia* and in the urbane and learned talk of the dialogues, is gentle and controlled, revealing no irony. But Deiotarus never stopped scheming to be restored to his former domains, even after Caesar’s death (*Phil.* 2.94).

Perhaps the congeries of rationalizations for accepting loss—Caesar had other obligations; the honors bestowed by Rome and restored by Caesar are intact;<sup>135</sup> a sense of inner worth and memory of his past services sustain him—reflect the ingenuity of the speaker as much as the inner soul of his client. But there is a message: Deiotarus’ assigned virtues, *magnitudo animi*, *gravitas*, *constantia*, assure that he will live a tranquil (and unthreatening) old-age. *Magnitudo animi* obviates hard feelings; *gravitas* entails a sense of responsibility and self-respect generally denied to non-Romans, while *constantia* would be welcome to a Roman general marching through the king’s territory on the way to Parthia.

At section 39 ‘Cicero’ shifts his *persona* from *patronus* to advisor and admits that his purpose involves advice on state policy (cf. *Lig.* 29): ‘As I labor in his behalf, I do so also for many prominent men whose restoration should be permanent, without your gift of it being called into doubt.’ However provoked, Caesar must not by his action give any foreign beneficiary of his generosity reason to worry that

<sup>134</sup> In section 42 he argues from the testimony of an attendant of the king that D. could not have engineered an assassination attempt; but that is limited to just one sentence.

<sup>135</sup> He is buoyed by Caesar’s encouraging letter he received in Tarragon. Having also received such a letter (*Lig.* 7), ‘C.’ is able empathize with his client.

his pardon is subject to repeal. There is no evidence that Cicero alludes to foreign clients other than Deiotarus; the advice may only relate to Caesar's nullification of earlier assurances made by Rome to Deiotarus. That does not diminish its validity as advice.

The remainder of the *peroratio* ranges over a number of topics, most prominent among them Caesar's *clementia*. 'Cicero' insists (40), as he did in *Lig.* 31, that Caesar will not be moved by rhetoric. And as earlier in this speech he asked Caesar to imagine the pressure to acquit under which a *corona* aroused in behalf of Deiotarus would have put him, here he asks Caesar to look at the aggrieved, consider their plight, and allow his innate *clementia* to persuade him. Caesar makes an orator's work unnecessary. From an *ad hoc* argument that *clementia* is especially appropriate in the case of kings, 'Cicero' makes the diplomatic point that they and their heirs will be more loyal if confident in the retention of their status (41).<sup>136</sup>

Still in the rôle of advisor, Cicero makes his final point: the outcome of this trial will be a victory either for the cruelty of Deiotarus' enemies or the compassion of Caesar. These words and especially those at section 41 recall arguments pursued in the two earlier speeches and here applied to foreign policy: that *clementia*, beyond reflecting on Caesar's humanity, can become a diplomatic basis for restoring the confidence of foreign kings whose relations with Rome were undermined by the political uncertainties of Civil War.<sup>137</sup>

### *Conclusion*

Some of the criticism of this speech may stem from the unfamiliar character of the process of which it is a part. The absence of a true prosecutor and prosecution speech, the nature of the venue which prohibited the presence of a *corona*, and the lack of a verdict make the circumstances of the oration appear sinister. Scholars have described the inquiry as a star-chamber (MacKendrick [1995]: 441), totalitarian justice (Seel [1967]: 349–53), or Kabinetts-justiz (Bringmann [1986]: 83). Heitland (1923: 3.61) believed the whole inquiry

---

<sup>136</sup> The king and his son are imagined as present (*hi*) and in appreciative view of Caesar.

<sup>137</sup> Cf. *Lig.* 10, 12.

to be an assertion of Caesar's power over the Senate's prerogatives in foreign affairs.

Perhaps, as I have argued (See 255, note 112), the event was not meant as a formal trial, but as an inquiry, called by Caesar for his own benefit, into the attitude and reliability of the Galatian tetrarch. If it took the form of a *cognitio extra ordinem*, some issues fall into line, not least the lack of a verdict. The fact does not reflect judicial indecision. Absolute rulers sometimes solicit opinions. In anticipation of an Eastern campaign Caesar may have wanted to judge the dependability of an Eastern potentate whose loyalty to Rome had once been considerable, but who might now have reason to resent Caesar. Caesar might hear a range of charges and allow a patron of the defendant to argue in his behalf.<sup>138</sup> But the procedure would not have required all the accoutrements of a formal trial.

The speech delivered in behalf of Deiotarus by M. Junius Brutus at a hearing held before Caesar at Nicaea, may provide a parallel—no formal prosecution; and only Caesar to sway. Brutus spoke formally and with passion. Cicero (*Brut.* 21) says he spoke *ornatissime et copiosissime*; and at *Att.* 14.1.2 records Caesar's judgment: 'he certainly seemed to speak with great energy and freedom'—a tribute to his force and conviction. Well known in its day, his speech survived for at least a century. No one knows precisely the kind of speech an advocate might make in such circumstances. It might well bear some relation to typical defense oratory, accommodated to the altered milieu. Formal *exordia* and perorations treating matters as if in true trial conditions might be *pro forma* and/or amuse in the somewhat artificial surroundings. If some aspects are redolent of formal declamation, the cultivated entertainment that had for decades been engaging the cognoscenti of Rome might be indulged in the less public ambience of a *cognitio*. If 'Cicero' at times treats with humor the conventions and tactics of oratory,—e.g. the fiction that the accusers are formal prosecutors (see above, 254)—he may hope that this judge will take extravagant displays of rhetoric in good part. All speeches are acts of persuasion; a speech to Caesar would require the most exquisite choice of strategies and tactics to avoid insulting his intelligence by vulgarity; offending his vanity by the obvious; and above all, boring him. 'Cicero' is by turns ironic and direct, emotional

<sup>138</sup> There may have been several hearings; *Phil.* 2.95: *semper enim absenti adfui Deiotaro*.

and playful, movingly sympathetic and convincingly outraged, keeping always a complex blend of respect and intimacy, deference and independence. These are also qualities by which a man may promote himself as advisor or spokesman.

*Style (and Content)*

The *Deiot.* is often judged a perfunctory oratorical performance, unsatisfactory even to Cicero himself.<sup>139</sup> Some believe that the pardon of Marcellus had raised Cicero's hopes for a return of the Republic and inspired him to work with Caesar, freely producing pro-Caesarian propaganda in *Lig.*, only to become disillusioned again and retire to his study until Caesar co-opted him, against his will, to plead *Deiot.* In that speech, Caesar wanted the king to be convicted, but was checked by an unexpectedly! strong speech, though heard by practically no one, from a disengaged defense lawyer.<sup>140</sup> So disposed, these scholars also find stylistic weakness.<sup>141</sup>

With Caesar away, not much of a political nature was going on in Rome. In early September 45, whatever else Cicero was feeling, he sent Caesar a letter complimenting, of all things, his *anti-Cato*, and preparing to meet with him.<sup>142</sup> The last consideration may have been paramount in Cicero's apparent change of mood: Caesar was coming back. The desire of scholars to deny that Cicero may have been willing to participate, to the extent the dictator would permit, in Caesar's governance predisposes them to be critical of the speech even as a piece of oratory, as if a brilliant speech would have proven Cicero's devotion to Caesar. They adduce a brief letter written to accompany a copy of the *Deiot.* sent to Cornelius Dolabella at his request.<sup>143</sup>

<sup>139</sup> See Gasti (1997): 49–54.

<sup>140</sup> Loutsch (1974), esp. 410.

<sup>141</sup> See, e.g. Petrone (1978): 101–02.

<sup>142</sup> *Att.* 13. 50. 1 and 4. At *Att.* 13. 51 he says: 'nor did I write otherwise than to one equal to myself. For I admire those books of his, and therefore wrote him without flattery and in a way I think he will read with pleasure.'

<sup>143</sup> *Ad Fam.* 9. 12, presumably written soon after delivery. J. N. Settle, "The Publication of Cicero's Orations," Ph.D. diss. (University of North Carolina 1962): 261, asks why Dolabella requested a copy, but finds no answer.



My little speech for Deiotarus, which you asked for, I had with me, though I didn't think I did. . . . I wish you'd read it as you would read an trivial case without much substance and not very worthy of recording. But I wanted to send an old friend and host this small offering, loosely woven with a thick thread, as offerings of that host tend to be.

The fact that the letter was not written in Rome makes it remarkable that Cicero just happened to have found a copy. He might even have been traveling with it. If he thought as little of it as scholars tend to believe, it is surprising that he was willing to broadcast it, especially to his former son-in-law, whose cleverness seems still to have charmed him.

The diminutive *oratiuncula* (likewise *munusculum*), *tenuem*, *inopem*, *levissime crasso filo* have all been adduced as self-criticism of the stylistic quality and an indication that Cicero, for reasons cited above, could produce no better than a messy, uninspired speech.<sup>144</sup> But diminutives need not be taken as pejorative and *tenuis* and *inops* describe the case, not the speech.<sup>145</sup> The next epithet, *levidensis crasso filo*,<sup>146</sup> is universally considered an admission of weakness in the speech. The source of the metaphor is clearly weaving; there is less agreement about what it means than that its coloring is derogatory. But, reading to the end of the conceit, Cicero identifies the quality of his gift with that of gifts Dolabella typically gives. If this is not meant as a literary poisoned dart, it seems that Cicero viewed its quality without aspersion. The letter accompanying the gift of a speech he judged respectable enough to send is, in the tradition of dedicatory cover-letters, suitably self-deprecatory, just as the compliment in its first section, that Baiae purified its polluted waters in honor of Dolabella's visit, is handsomely lavish.

A close reading of the speech reveals clever strategies, like the manipulation of the potentially unfavorable dramatic situation in the *exordium*, and tactics, the parsing of the charge to ridicule the accuser's second-rate narrative style, and the many examples of brilliant, effective composition. I mention, inter alia, section 11:<sup>147</sup>

<sup>144</sup> So Petrone (1978): 96, and less passionately Loutsch (1994), and even Gasti (1997).

<sup>145</sup> See the careful, detailed analysis of Dimundo (1997): 23–29.

<sup>146</sup> A *hapax*. See Shackleton Bailey's (*Att.*) comment *ad loc.*

<sup>147</sup> *Maxime vero perturbatus est, ut audivit consules ex Italia profugisse, omnis consularis — sic enim ei nuntiabatur — cunctum senatum, totam Italiam effusam. Talibus enim nuntiis et rumoribus patebat ad orientem via nec ulli veri subsequebantur. Nihil ille de condicionibus tuis,*

But he was most disturbed hearing that the consuls had fled Italy, that all men of consular rank (for so he was informed), the entire Senate, and all Italy had been routed. The way to the orient was vulnerable to such unreliable reports and no true ones followed. He knew nothing of your terms, your efforts at unity and peace; he heard nothing of the conspiracy of particular individuals against your *dignitas*. This being the case, he still held back until delegates and messages from Pompey reached him.

In 58 words Cicero builds up suspense for Deiotarus' fateful decision to join Pompey. 'This being the case' sums up the preceding as leading to a consequence, but what follows is still another delay: 'He still held back' maintains the suspense until direct pressure from Pompey forced the king to act.<sup>148</sup> This is not to claim that the *Deiot.* is a great speech, but that its stylistic virtues may have fallen victim to the same prejudice that has damaged its worth, like that of the other *Caesarianae*, as an competent effort by Rome's greatest orator to impress his most rhetorically talented judge.<sup>149</sup>

#### BIBLIOGRAPHY

For an overview of the general subject and the questions not raised in this study, I am happy to recommend Gasti's excellent text and commentary with fine introductions.

- von Albrecht, M. "Ciceros Rede für Marcellus. Epideiktische und nichtepideiktische Elemente in Die Antike." In *Die Antike in litterarischen Zeugnisse*, edited by P. Neukam (München 1988): 7–16.
- . "Cicéron: Théorie rhétorique et pratique oratoire." *Les Études Classiques* 52 (1984): 19–24.
- Bailey, D. R. Shackleton, ed. *Cicero's Letters to Atticus*. 7 vols. Cambridge University Press: Cambridge, 1965–1970.
- , ed. *Cicero, Epistulae ad Familiares*. 2 vols. Cambridge: Cambridge University Press, 1977.
- Bauman, R. *The "Crimen Maiestatis" in the Roman Republic and Augustan Principate*. Johannesburg: Witwatersrand University Press, 1967.

---

*nihil de studio concordiae et pacis, nihil de conspiratione audiebat certorum hominum contra dignitatem tuam. Quae cum ita essent . . .*

<sup>148</sup> Countering a series of criticisms by Petrone (1978): 101–102, Dimundo (1997): 29–33 points to a number of impressive stylistic moments in the speech.

<sup>149</sup> I extend my gratitude to the Trustees of the Louise Taft Semple Fund for the unfailing generosity of their support.

- Botermann, H. "Die Generalabrechnung mit dem Tyrannen: Ciceros Rede für den König Deiotarus." *Gymnasium* 99 (1992): 320–44.
- Bringmann, K. *Untersuchungen zum späten Cicero*. Hypomnemata, 29. Göttingen: Vandenhoeck und Ruprecht, 1971.
- . "Der Diktator Caesar als Richter? Zu Ciceros Reden 'Pro Ligario' und 'Pro Rege Deiotaro'." *Hermes* 141 (1986): 72–88.
- Castorina, E. *L'ultima oratoria di Cicerone*. Catania: Giannotta, 1975.
- Cipriani, G. "La *Pro Marcello* e il suo significato come orazione politica." *Atene e Roma* 22 (1977): 113–25.
- Craig, C. "The Central Argument of Cicero's Speech for Ligarius." *Classical Journal* 79 (1984): 194–99.
- . *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31. Atlanta: Scholars Press, 1993.
- Crawford, J. W. M. *Tullius Cicero: The Lost and Unpublished Orations*. Göttingen: Vandenhoeck & Ruprecht, 1984.
- Dimundo, R, ed. *Processo a un re: Pro Rege Deiotaro*. Venezia: Marsilio, 1997.
- Dobesch, G. "Bemerkungen zu Ciceros Rede pro Marcello." In *Römische Geschichte, Altertumskunde und Epigraphik: Festschrift für Artr Betz zur Vollendung seines 80. Lebensjahres*, edited by E. Weber and G. Dobesch (Wien: Österreichischen Gesellschaft für Archäologie 1985): 153–231.
- Drumann, W. K. A. *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung, oder Pompeius, Caesar, Cicero und ihre Zeitgenossen*. 2nd ed., 6 vols. Berlin: Gebrüder Bornträger, 1899–1929; original edition 1834–1844; 2nd ed. revised by P. Groebe; reprint Hildesheim: Olms, 1964.
- Dyer, R. R. "Rhetoric and Intention in Cicero's Pro Marcello." *Journal of Roman Studies* 80 (1990): 17–30.
- Fausset, W. Y., ed. *Orationes Caesarianae*. Oxford: Clarendon, 1893.
- Fusco, M. "From Auditor to Actor: Cicero's Dramatic Use of Personae in the Exordium." Ph.D. diss., University of Chicago, 1988.
- Gasti, F. ed. *Marco Tullio Cicerone Orazioni Cesariane*. Milano: Rizzoli, 1997.
- Gelzer, M. *Caesar: Politician and Statesman*. Cambridge, MA: Harvard University Press, 1968, trans. P. Needham.
- Gotoff, H. C. *Cicero's Caesarian Speeches: A Stylistic Commentary*. Chapel Hill and London: University of North Carolina Press, 1993.
- . "Oratory: The Art of Illusion." *Harvard Studies in Classical Philology* 95 (1993): 288–313.
- Greenidge, A. H. J. *The Legal Procedure of Cicero's Time*. Oxford: Clarendon Press, 1901.
- Gronovius, J., ed. *Marci Tulli Ciceronis Opera Quae Supersunt Omnia*. Leiden: apud Petrum vander Aa, 1692.
- Gruen, E. *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.
- Heitland, W. E. *The Roman Republic*. Cambridge: Cambridge University Press, 1923.
- Kumaneicki, K. "Der Prozess des Ligarius." *Hermes* 95 (1967): 434–57.
- Lausberg, H. *Handbuch der Literarischen Rhetorik*. 2 vols. München: Max Hueber Verlag, 1960.

- Lob, M. *Cicéron. Discours 18 Pour Marcellus—Pour Ligarius—Pour Le Roi Déjotarus*. Paris, 1952.
- Loutsch, C. "L'exorde dans les discours judiciaires de Cicéron." Ph.D. diss., Bibliothèque Nationale de Luxembourg, 1974.
- . "Ironie et Liberté de Parole: Remarques sur l'exorde *ad Principem* du *Pro Ligario* de Cicéron." *Revue des Études Latines* 62 (1984): 98–110.
- . *L'exorde dans les discours de Cicéron* (Brussels: Latomus 1994).
- MacKendrick, P. *The Speeches of Cicero: Context, Law, Rhetoric*. London: Duckworth, 1995.
- Magie, D. *Roman Rule in Asia Minor*. 2 vols. Princeton: Princeton University Press, 1950.
- Malcovati, H., ed. *Oratorum Romanorum Fragmenta Liberae Rei Publicae*. 4th ed. 2 vols. Torino: Paravia, 1976.
- May, J. M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- McDermott, W. "In Ligarianam." *Transactions of the American Philological Association* 101 (1970): 317–47.
- Millar, F. *The Crowd in Rome in the Late Republic*. Jerome Lectures, 22. Ann Arbor: University of Michigan Press, 1998.
- Mommsen, T. *Römisches Strafrecht*. Leipzig: Dunker & Humblot, 1899.
- . *Römisches Staatsrecht*. 3rd ed. 3 vols. [in 5]. Leipzig: S. Herzl, 1887.
- Münzer, F. In *Paulys Real-Encyclopadie der Classischen Altertumswissenschaft* 13 Leipzig, 1926.
- Petrone, G. "La parola e l'interdetto. Nota alla *Pro rege Deiotaro* e alle orazioni cesariane." *Studi dell' Istituto di filologia latina dell' Università di Palermo* 6 (1978): 85–104.
- Primmer, A. *Cicero Numerosus*. Sitzungsberichte der Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse, 257. Wien: Böhlau, 1968.
- Quartulli, A. *I grandi processi di Cicerone*. Lanciano: G. Carabba, 1940.
- Rambaud, M. "Le *Pro Marcello* et l'insinuation politique." In *Présence de Cicéron: Hommage au R.P. M. Testard*, edited by R. Chevallier, 43–56. Paris: Les Belles Lettres, 1984.
- Rochlitz, S. *Das Bild Caesars in Ciceros Orationes Caesarianae: Untersuchungen zur clementia und sapientia Caesaris*. Studien zur klassischen Philologie, 78. Frankfurt: M. Lang, 1993.
- Ruch, M. *Pro Marcello Oratio*. Paris, 1952.
- Seel, O. *Cicero. Wort, Staat, Welt*. Stuttgart: Klett, 1967.
- Settle, J. N. "The Publication of Cicero's Orations." Ph.D. diss., University of North Carolina, 1962, c. 1963.
- Sherwin-White, A. N. *Roman Society and Roman Law in the New Testament*. Oxford: Oxford University Press, 1963.
- Stangl, T. ed. *Ciceronis Orationum Scholiastae*. Hildesheim: Georg Olms, 1964; reprint of the 1912 Vienna edition.
- Syme, R. *The Roman Revolution*. Oxford: Clarendon Press, 1939.

- Walzer, G. "Der Prozess gegen Q. Ligarius im 46 v. Chr." *Historia* 8 (1959): 90–96.
- Weinstock, S. M. *Divus Julius*. Oxford: Oxford University Press, 1971.
- Wolf, F. A. M. *Tulli Ciceronis quae vulgo fertur Oratio pro M. Marcello*. Berlin: F. T. Lagardii, 1802.

This page intentionally left blank

## CHAPTER NINE

### THE *PHILIPPICS*

Jon Hall

Composed between September 44 and April 43, the fourteen *Philippics* are the last of Cicero's extant orations. Although they address a variety of political situations, they are unified by a central theme: opposition to Mark Antony's attempts to seize control of the Republic following the assassination of Julius Caesar. The speeches are thus closely tied to the complex political events of the period, and a knowledge of this historical background is essential to an appreciation of Cicero's rhetorical aims. The study by Frisch provides excellent guidance in this regard,<sup>1</sup> and textual matters are also well served, with a number of useful editions and linguistic commentaries on the various speeches.<sup>2</sup> Less work, however, has been done on their rhetorical features. Only Wooten attempts an oratorical analysis of the collection as a whole, and studies of individual literary aspects are relatively few in number.<sup>3</sup> The following discussion presents a brief summary of the background and content of each speech, and then examines four of their most important rhetorical features: (1) Cicero's use of the 'rhetoric of crisis'; (2) his use of wit and ridicule, especially in *Philippics* 2 and 13; (3) the rhetorical purpose of praise and honorific decrees; (4) the style of the speeches.

---

<sup>1</sup> H. Frisch, *Cicero's Fight for the Republic: The Historical Background of Cicero's Philippics* (Copenhagen: Glyndendal 1946).

<sup>2</sup> See especially D. R. Shackleton Bailey, *Cicero: Philippics* (Chapel Hill and London 1986), whose text and translation (with some minor alterations) are followed in this discussion; and P. Fedeli, *In M. Antonium Orationes Philippicae XIV* (Leipzig: Teubner 1982), who provides (xix–xxvi) a survey of editions and commentaries of the various speeches up to 1982. To this list now add W. K. Lacey, *Cicero: Second Philippic* (Warminster: Aris & Phillips 1986).

<sup>3</sup> C. W. Wooten, *Cicero's Philippics and Their Demosthenic Model* (Chapel Hill and London: University of North Carolina Press 1983). Lacey (1986) offers throughout good comments on Cicero's style. For other individual studies, see the bibliography below.

*Introductory summary*

Table 1 below gives the date of each speech and its audience.<sup>4</sup>

Table 1

Speech	Date	Audience	Speech	Date	Audience
1	2 Sept. 44	Senate	8	4 Feb. 43	Senate
2	19 Sept. 44 (dramatic date) <i>End Nov. 44</i>	Senate <i>Antony departs for Cisalpine Gaul</i>	9	Early Feb. 43	Senate
			10	Soon after 4 Feb. 43	Senate
3	20 Dec. 44	Senate	11	End Feb. 43	Senate
4	20 Dec. 44	People	12	Beg. March 43	Senate
5	1 Jan. 43	Senate	13	20 March 43	Senate
6	1 Jan. 43	People		<i>15 April 43</i>	<i>Battle of Mutina</i>
7	Mid-Jan. 43	Senate	14	21 April 43	Senate

The speeches divide conveniently into five groups.<sup>5</sup>

(1) *Philippics 1 and 2*

By August 44 Mark Antony had succeeded in maneuvering himself into a position of political supremacy at Rome. He had at his disposal an intimidating force of Caesar's veterans, while Brutus and Cassius, the leaders of the assassins, had withdrawn from the city and were soon to leave the country. Cicero too had up to this point been inclined to avoid confrontation, even going so far as to make arrangements to sail overseas (*Att.* 15.25; 16.6.1–2; 16.7; cf. *Phil.* 1.1–6). *Philippic* 1, however, marks a decisive and fateful change in his approach to the political situation.

Inspired in part by the lone opposition to Antony of Calpurnius Piso Caesoninus (*Phil.* 1.14), and in part by a sense of duty to Brutus (*Att.* 16.7), Cicero finally committed himself to taking a stand against

<sup>4</sup> The dates are those given by Shackleton Bailey (1986). See Frisch (1946) for detailed discussion of disputed dates.

<sup>5</sup> The following summary is based primarily on Frisch (1946) who should be consulted for detailed discussion of individual points.



the consul. He returned to Rome on 31st August, but declined to attend a meeting of the Senate convened by Antony on the following day. On September 2nd, however, with Antony himself absent from the Senate, Cicero delivered the first *Philippic*, a forceful and wide ranging attack on Antony's policies since March 44. Although clearly a calculated gesture of political defiance, the speech is not uniformly belligerent, offering in places the possibility of cooperation in the future (see especially *Phil.* 1.27–34). Antony however well understood the significance of this direct challenge to his leadership and responded in turn on 19th September with a furious denunciation in the Senate of Cicero's character and career (*Fam.* 12.2.1). In doing so he initiated a decisive breach in their political relations.

The second *Philippic* is a political pamphlet composed as a response to this tirade. While it takes the dramatic form of a speech delivered directly on 19th September to Antony's criticisms, Cicero himself states elsewhere that he was not actually present in the Senate house on that day.<sup>6</sup> The speech is thus an example of written rather than spoken political invective. The aim of the pamphlet is twofold: first, to counter Antony's denigration of his character and reputation; and second, to launch his own attack on Antony's political credibility.

The speech is probably the best known of the *Philippics* to the modern audience, due in part perhaps to the appeal of its colorful, strident language, and in part to the availability of English and German commentaries suited to the school and university student. All the more reason then to stress that the speech is in fact something of an anomaly within the collection as a whole. Its function as invective means that it contains little of the deliberative style of oratory found elsewhere in the *Philippics*; and with a total of 119 sections it is more than twice as long as any of the other speeches. As we shall see below, the speech contains many passages of vituperative brilliance; but its form and content overall are quite unlike those of the other *Philippics*.

---

<sup>6</sup> *Phil.* 5.19–20. While a written text of the speech was certainly being prepared in late October 44 (*Att.* 15.13.1–2; 15.13a.3; 16.11.1–2), the precise date of its circulation is not known. Early December seems plausible, given Antony's departure for Cisalpine Gaul at the end of November. For a convenient summary of the relevant evidence, see S. Cerutti, "Further Discussion on the Delivery and Publication of Cicero's Second Philippic," *Classical Bulletin* 70 (1994): 23–28, although his attempt to overturn the standard view that the speech was never delivered should be treated with caution.

(2) *Philippics 3, 4, 5 and 6*

By November 44 Octavian, with the help of his own army of Caesar's veterans, had forced his way onto the political scene. Antony, aware that his military superiority was no longer secure, hurriedly left Rome on 29th November to take over the province of Cisalpine Gaul from D. Brutus. Brutus resisted and was eventually besieged by Antony at Mutina. Cicero's prime concern with Antony now out of Rome and the new consuls for 43 (C. Vibius Pansa and Aulus Hirtius) about to enter office, was to raise effective military and political opposition to the Antonian cause. *Philippic 3*, delivered towards the end of December, thus urges the Senate to give its official approval to the actions of Octavian and D. Brutus in resisting Antony. Although Cicero certainly had private reservations about Octavian's trustworthiness, he realized that the young man provided an important counterweight to Antony's military dominance in Italy (*Att.* 16.9; *Att.* 16.14.1), and so lavishes extravagant praise on the young man. The speech, like many of the others that follow, also contains fierce denunciations of Antony and his policies. *Philippic 4* was delivered at a *contio* immediately after this senatorial debate and presents a brief, partisan account of the proceedings there and Cicero's contribution to it.

Cicero pursues much the same tactics in *Philippic 5*, vilifying Antony and proclaiming enthusiastic support for Octavian, D. Brutus and, on this occasion, M. Lepidus. His main challenge in the speech is to counter a concerted effort by Antony's supporters to push the Senate into peace negotiations. The debate continued for several days and established Cicero as the prime advocate of forceful military action against Antony, a role that he plays in most of the following *Philippics*. His proposals proved in this instance only partially successful; Octavian, Brutus and Lepidus all received recognition from the Senate, but plans were also made to send an embassy to Antony.

*Philippic 6*, like *Philippic 4*, was delivered at a *contio* and likewise summarizes Cicero's arguments in the recent senatorial debate. These two speeches are the only *contiones* in the *Philippics* and both are remarkable for their brevity (16 and 19 sections long respectively). Only *De Lege Agraria 3*, a speech quite different in design and purpose, is of comparable length among Cicero's extant public speeches. *In Catilinam 2 and 3*, and *Post Reditum apud Populum* are nearly twice

as long, *Pro Lege Manilia* longer still. In this respect *Philippics* 4 and 6 may provide examples of the kind of brief *ad hoc* oratory that a Roman senator delivered quite frequently in the course of his political business but usually did not make the effort to publish. Cicero presumably circulated copies in this case because he wanted to create the impression that the common people strongly supported his cause. *Philippic* 4.6–7 and 6.12–13 in particular depict the crowd responding positively to his arguments against Antony.

### (3) *Philippics* 7, 8 and 9

*Philippics* 7, 8 and 9 all address issues arising from the Senate's decision to send an embassy to negotiate with Antony at Mutina. In *Philippic* 7 Cicero complains that a misplaced hope in the embassy is blunting the Senate's preparations for armed resistance against Antony. Again the stance that he adopts is hardheaded and uncompromising, taking individual senators to task and insisting on introducing the Antonian question into a debate on quite different matters. The same tough-talking attitude appears in *Philippic* 8, a speech on the counterproposals that Antony has sent back with the ambassadors. Cicero castigates those in the Senate supporting Antony's cause, characterizes his proposals as insulting and unreasonable, and fiercely criticizes the Senate for its irresolute response to them. He concludes with his own (apparently successful) proposal that anyone joining Antony's forces should be regarded as acting *contra rem publicam*.

Servius Sulpicius Rufus, one of the three ambassadors sent to Antony, died in the course of this mission. *Philippic* 9 is Cicero's contribution to a debate in the Senate regarding the public honors to be bestowed upon him. The discussion was to a large extent a matter of routine senatorial business, and Cicero's speech is in part a respectful eulogy of Sulpicius. Typically, however, he also exploits the occasion for a further attack on Antony's cause. By presenting Sulpicius as heroically fallen in the service of the state, Cicero can slyly depict Antony as a dangerous enemy of the republic (see below for further discussion).

### (4) *Philippics* 10 and 11

The focus of senatorial debate shifts in *Philippics* 10 and 11 to the eastern provinces. Just prior to leaving Rome at the end of November

44, Antony had forced through the Senate the assignment of various provinces for the year 43 to his supporters. These included the allotment of Macedonia to his brother Gaius. A later motion of the Senate, however, advised existing provincial governors to disregard all such assignments, with the result that Q. Hortensius Hortalus, the outgoing governor of Macedonia, placed his legions at the disposal of Marcus Brutus, who was now raising an army in Greece. The scene was thus set for further conflict between Caesar's assassins and the supporters of Antony.

In the ensuing senatorial debate the consul Pansa seems to have proposed that Brutus' control over the three provinces of Greece, Macedonia and Illyricum be given official recognition, while Q. Fufius Calenus argued for the legitimacy of Gaius' command. In *Philippic* 10 Cicero presents his own position, devoting part of the speech to an attack on Antony's brother and part to praise of Brutus. Perhaps the speech's most interesting challenge, however, is its attempt to convince the Senate that Caesar's veterans will accept Brutus, one of his assassins, as commander (*Phil.* 10.15–20); Cicero's skillful rhetoric seems to have carried the day (*Phil.* 11.26).

*Philippic* 11 is also concerned with the allocation of *imperium* in the east, although its origins are quite different. Towards the end of February news arrived in Rome that C. Trebonius, governor of Asia and one of Caesar's assassins, had been brutally put to death by P. Dolabella, who was on his way to Syria with a legion. Dolabella had recently aligned himself with Antony and was now in a position to take control of Asia. The Senate's response to this shocking turn of events was unanimous, at least in one respect: Dolabella was denounced and declared a public enemy. Who should be given authority to confront his army was more controversial, however. In *Philippic* 11 Cicero argues that command should be granted to C. Cassius Longinus, a general already in the vicinity and well qualified for the task. It was a sensible proposal, but one that understandably proved unpopular with both Caesarians and Antonians in the Senate. Pansa in particular was hostile to the idea and succeeded in pushing through an alternative proposal, which assigned Syria and Asia to himself and Hirtius.

#### (5) *Philippics 12, 13 and 14*

Dolabella's move into Asia and the weakening position of D. Brutus at Mutina seem to have rendered the Senate—including apparently

Cicero himself—rather more amenable to negotiations with Antony. For in *Philippic* 12 we learn that Cicero has agreed to take part in a second embassy to meet with Antony near Mutina. Plans for the mission soon ran into trouble, however, as Cicero and P. Servilius Isauricus (another of the proposed participants) began to suspect that they had been deceived by accounts of Antony's desire for compromise. Consequently Cicero asserts in *Philippic* 12 that he was mistaken in agreeing to participate in the embassy, and argues forcefully against both its validity in principle and his own personal involvement with it. In the end the embassy was never sent, although it is not clear whether it was derailed primarily by Cicero's speech or simply overtaken by other developments. Whatever the case, all thoughts of negotiation soon evaporated; a couple of weeks later Pansa left Rome with four legions to strengthen the armed opposition to Antony.

Soon after his departure the Senate received letters from L. Munatius Plancus and M. Lepidus (governors of Transalpine Gaul and Narbonese Gaul/Nearer Spain respectively) advising a course of compromise with Antony. (These letters were presumably written when the notion of a second embassy was still current.) Cicero himself had further received a copy of a letter sent by Antony to Hirtius and Octavian, which urged the generals to join forces with Antony and pursue a campaign of vengeance against Caesar's assassins. No less alarmingly, this letter also suggested that Lepidus and Plancus supported Antony's cause. In *Philippic* 13 Cicero sets out to counter this disturbing turn of events. In the first part he argues vehemently against Lepidus' view that peace with Antony is possible (he makes no mention of Plancus' letter in the published version of the speech). In the second part he reads to the Senate the contents of Antony's letter and subjects it to extended ridicule, hoping to reveal Antony's treachery and forestall any swell of support for the cause of punishing the assassins. This second part in particular is a tour de force of Cicero's scathing oratorical wit (see further below).

On April 15th Pansa's legions clashed outside Mutina with those led by Antony. The first reports to arrive in Rome told of an Antonian victory, prompting great dismay within the Senate and leading to rumors (manufactured by Antonian agitators) that Cicero intended to seize power in the city. Finally, however, the fact of Antony's defeat became known, and an official account of the engagement was read out at a meeting of the Senate on 21st April. *Philippic* 14

is Cicero's speech on this occasion, and is in part deliberative, in part a eulogy of the dead. He begins by taking issue with some of the proposals made by the first speaker, P. Servilius Isauricus, reminding the Senate that, despite Antony's defeat, Decimus Brutus is still besieged. He then goes on to praise those fallen in battle and proposes honors for them and their generals. It is at this moment of apparent political success that our record of Cicero's oratory comes to an end. As events would go on to prove, however, Antony and his army were by no means finished. Cicero's stubborn opposition would eventually fail.

As this summary shows, the *Philippics* provide us with a wide range of oratorical situations: speeches on provincial commands and funeral honors; a eulogy of those killed in battle; brief orations to a public assembly; harangues against Antony in the Senate and the written invective of *Philippic* 2. They thus offer important glimpses into the kind of deliberative oratory usually employed in the Senate. *Philippic* 9, for example, on the honors to be paid to Sulpicius Rufus, seems closer to a *sententia* (a brief statement of opinion on matters under debate) than to a fully elaborated *oratio*. The distinction is not always an easy one to make,<sup>7</sup> but in this case the speech derives its main argument from the proposals made by previous speakers, and its brevity (a succinct 17 sections) points to the speech's relatively modest role within the wider debate. *Philippic* 11 is considerably longer (40 sections), but is likewise organised around the views already expressed in the current debate, and concludes with a cogently argued counter-proposal.

Other speeches are likewise limited in scope, often eschewing extended digressions and keeping the argument sharply focused on the formal proposals that they present.<sup>8</sup> (Eight of the eleven senatorial speeches—*Philippics* 3, 5, 8, 9, 10, 11, 13, 14—formulate specific proposals for decrees.) This context of senatorial debate also allows Cicero to dispense with lengthy introductions and engage swiftly with

<sup>7</sup> See J. W. Crawford, *M. Tullius Cicero: The Lost and Unpublished Orations* (Göttingen: Vandenhoeck & Reprecht 1984): 16–19.

<sup>8</sup> *Philippic* 7 provides an interesting contrast. In this case Cicero abruptly diverges from the rather mundane matters under debate—the Appian Way, the Mint, the Luperci—to address what he considers to be the more important and pressing issue: the Senate's lack of vigor in organizing military opposition against Antony (*Phil.* 7.1). This speech too, however, is kept relatively brief (27 sections).

the issues at hand (see especially *Philippics* 8, 11, 12, 13). In this respect his approach is rather different from that of his forensic orations. Such direct, businesslike oratory is certainly not unknown in the other extant senatorial speeches. *De Provinciis Consularibus*, *De Lege Agraria* 1 and *In Catilinam* 4 provide perhaps the closest parallels. But none of these attempts to formulate a decree to be put to a vote, and the other senatorial speeches that survive (*In Catilinam* 1, *Post Reditum ad Senatum*, *De Haruspicum Responso* and *Pro Marcello*) do not represent the kind of deliberations that regularly took place in the house. The *Philippics* thus constitute some of our best evidence for the nature of senatorial oratory and debate.

It should be noted, however, that the fourteen preserved speeches are not a complete record of Cicero's oratorical activity during these months. Several other speeches were delivered that were either not circulated or have since been lost.<sup>9</sup> Cicero did not publish, for example, a copy of the speech that he delivered at a *contio* in February 43 following *Philippic* 11, his speech in the Senate in support of Cassius (*Fam.* 12.7.1–2). His decision to circulate the senatorial speech but not the public one suggests that on this particular issue he regarded the business conducted in the Senate as the more important and influential.<sup>10</sup> At the same time, the fact that he did not publish a speech that was supposedly well received by the assembly raises the suspicion that the audience was not in fact quite so welcoming as Cicero would like Cassius to believe (*Fam.* 12.7.1). Considerable hostility towards Caesar's assassins still prevailed at Rome, and Cicero's limited use of *contiones* during these months may have been influenced in part by the unpredictable reactions that he was likely to encounter.

As our summary has indicated, Cicero encountered considerable opposition from his senatorial audience too. Q. Fufius Calenus (cos. 47) was Antony's most active supporter in the Senate and had been granted the influential privilege of speaking first in debates.<sup>11</sup> Others

<sup>9</sup> See Crawford (1984): 250–53; 259. Also J. W. Crawford, *M. Tullius Cicero: The Fragmentary Speeches*. American Classical Studies 33, 2nd ed. (Atlanta: Scholars Press 1994): 289–93. The grammarian Arusianus Messius refers to a sixteenth and seventeenth *Philippic*; H. Keil, ed., *Grammatici Latini*, vol. 7 (Leipzig 1880): 467.

<sup>10</sup> Cf. Crawford (1984): 251. It is clear that the fourteen speeches that we do possess were circulated soon after their delivery (*ad Brut.* 2.3.4; 2.4.2).

<sup>11</sup> Calenus was father-in-law of the new consul, Pansa, a fact that presumably influenced the decision. See Frisch (1946): 169–71 for other consulars who also

pursued a more moderate course of appeasement with Antony. The motives of such men no doubt varied. Some, especially in the months before Antony left Rome for Gaul, would have been intimidated into a stance of complacency (see, for example, *Fam.* 12.2.1 on Antony's menacing tactics). Others, such as Hirtius and Pansa, may have had rather more noble reasons for attempting compromise. Any civil war was bound to be brutal, and the Senate was frequently short of financial and military resources.<sup>12</sup> At the same time, their close association with Caesar was not likely to dispose them too kindly to his assassins.

Cicero then could not always rely on his views receiving a friendly reception. The kind of opposition that he could face is best illustrated perhaps by *Philippic* 12, where Cicero argues against his inclusion in the proposed second embassy to Antony. It is a forceful and carefully reasoned speech, but several features suggest that he encountered considerable resistance in the course of its delivery. It is striking, for example, that he changes his line of argument quite radically about half way through. He begins by asserting that the embassy is misconceived *in principle*, and draws upon a battery of rhetorical devices to press home the point, including exclamations, urgent rhetorical questions and appeals to shame (*Phil.* 12.7–8). At *Philippic* 12.16, however, he changes tack. He no longer argues against the embassy as a whole, merely his own participation in it (12.16–30). This smacks of a tactical retreat, as if he has recognized that his arguments against the embassy itself are not succeeding, and that the best that he can hope for now is his own exclusion from it.

There are more explicit signs of direct opposition too. The fact that Cicero addresses Pansa directly five times between sections 15 to 23 suggests that he is being actively challenged by the consul as the speech progresses. Indeed we know that the Senate had objected quite forcefully on a similar occasion in January 43, when Servius Sulpicius Rufus tried to withdraw from the first peace delegation to Antony on the grounds of ill health (*Phil.* 9.8: *vehementius excusationi obstitit*). On this occasion too Pansa had played a leading role in

---

probably spoke ahead of Cicero. As Cicero complained to Cassius (*Fam.* 12.4.1): *egregios consules habemus sed turpissimos consularis*. ('We have an excellent pair of Consuls, but the Consulars are a shocking collection.')

<sup>12</sup> On the monetary problems faced by the commanders of senatorial legions, see e.g. *Fam.* 11.10.5; 11.24.2; 12.30.4; cf. Frisch (1946): 238–39.



insisting that Sulpicius undertake the mission (*Phil.* 9.9). And Cicero's promise at the very end of *Philippic* 12 to take further thought on the whole matter is not the triumphant conclusion of one whose speech has clearly carried the day.<sup>13</sup>

The *Philippics* then take place in a context of tense, often heated senatorial debate. The mood of Cicero's audience naturally changed according to the political circumstances of the time, but rarely could he expect his proposals to meet with unanimous agreement. As we shall see, he is often forced to adopt a combative, hectoring manner as he attempts to counter the dangerous activity of Antony's supporters, and the insidious complacency of many of the other senators. Two strategies are particularly important in helping him to achieve these aims.

### *The rhetoric of crisis*

The main way in which Cicero tries to raise strong and decisive opposition against Antony is through the 'rhetoric of crisis.'<sup>14</sup> By depicting Rome and the Republic as on the brink of destruction, Cicero attempts to jolt the Senate into urgent, energetic action. Frequently, for example, he presents the situation as a stark choice between freedom and slavery (*Phil.* 3.29):

Therefore since the question now is whether he pays his penalty to the Commonwealth or we become slaves, in the Gods' name, Members of the Senate, let us at last take our fathers' heart and courage, resolving to regain the freedom that belongs to the Roman race and name, or else to prefer death to slavery.<sup>15</sup>

The present moment, Cicero claims, is crucial and requires decisive action (*Phil.* 3.32):

---

<sup>13</sup> Shackleton Bailey (1986): 299 notes the oddity of these final remarks, but offers a rather different interpretation.

<sup>14</sup> See Wooten (1983), esp. 58.

<sup>15</sup> *quapropter, quoniam res in id discrimen adducta est utrum ille [sc. Antonius] poenas rei publicae luat an nos serviamus, aliquando, per deos immortalis, patres conscripti, patrium animum virtutemque capiamus, ut aut libertatem propriam Romani generis et nominis recuperemus aut mortem servituti anteponamus!* This dichotomy between slavery and freedom is employed frequently throughout the speeches. See *Phil.* 3.33–36; 4.11; 5.21; 6.19; 8.12; 10.18–20; 11.3; 13.6.

Will you not use the proffered opportunity—the generals available, the spirit of the troops aroused, the Roman People united, all Italy stirred up to recover freedom, this heaven-sent boon? If we miss the moment there will not come another.<sup>16</sup>

An important feature here is what has been aptly termed the ‘disjunctive mode.’<sup>17</sup> Cicero describes the situation in terms that exclude the possibility of any middle course or compromise (*Phil.* 5.6):

Let me make plain what is at issue; it will be easy then for you gentlemen to decide what to propose or support. The issue is whether Marcus Antonius should be given the means of crushing the commonwealth, massacring honest men, plundering Rome, bestowing land on his brigands, enslaving the Roman people; or whether none of this be placed within his power.<sup>18</sup>

These alarmist claims continue throughout the speeches: Antony’s supporters have already marked out for themselves the properties to be confiscated when they win (*Phil.* 8.9; 4.9; 14.10). They are violent and unpredictable, worse even than the revolutionary renegades of Rome’s past: L. Antonius poses a greater threat than the Gracchi (*Phil.* 7.17); Dolabella is more savage than L. Cinna (*Phil.* 11.1); Antony is himself more tyrannical than Tarquinius Superbus (*Phil.* 3.9–11), crueler than Hannibal (*Phil.* 14.9).<sup>19</sup>

Cicero also uses rhetorical *enargeia* to heighten this sense of alarm and indignation.<sup>20</sup> In *Philippic* 11, for example, he describes Dolabella’s execution of C. Trebonius in Syria (*Phil.* 11.7):

So picture the scene . . . armed men bursting into Trebonius’ house, while he, poor wretch, saw the swords of the brigands before he heard what was going on; the entry of the raging Dolabella, his foul voice,

<sup>16</sup> *non tempore oblato, ducibus paratis, animis militum incitatis, populo Romano conspirante, Italia tota ad libertatem recuperandam excitata, deorum immortalium beneficio utemini? nullum erit tempus hoc amisso.*

<sup>17</sup> Wooten (1983): 58–86.

<sup>18</sup> *quid autem agatur cum aperuero, facile erit statuere quam sententiam dicatis aut quam sequamini. agitur utrum M. Antonio facultas detur opprimendae rei publicae, caedis faciendae bonorum, urbis dividendae, agrorum suis latronibus condonandi, populi Romani servitute opprimendi, an horum ei facere nihil liceat.*

<sup>19</sup> See also in general *Phil.* 3.31 and 7.17 on Lucius Antonius; *Phil.* 11.1–3 on Dolabella; *Phil.* 11.10–14 and 13.26–28 on other supporters of the Antonian cause.

<sup>20</sup> On *enargeia* see Cic. *de Orat.* 3.202; *Rhet. Her.* 4.55.68; Quint. *Inst.* 8.3.61–71; 9.2.40–42.

his infamous mouth, the chains, the lashes, the rack, the torturer and executioner Samiarius.<sup>21</sup>

As Cicero himself observes, the explicitness of the detail here is intended to provoke a reaction of horrified outrage from the Senate (*Phil.* 11.7): *miseram illam quidem et flebilem speciem, sed ad incitandos nostros animos necessarium* ('a scene grievous and lamentable indeed, but needful to stir our spirits'). The more vivid the portrayal, the greater its impact. This type of *enargeia* is used with equally striking effect in *Philippic* 13, this time to arouse a feeling of dismay and indignation rather than horror (*Phil.* 13.4):

Picture to yourselves their faces, above all those of the Antonii, their gait, appearance, expression, air of consequence; and their friends, some walking by their side, others in front. Imagine the reek of wine, the abusive, threatening language.<sup>22</sup>

Again it is the precision and fulsomeness of the detail that bring the depiction startlingly to life, as too the appeal to senses other than the visual: the unpleasant smell conveyed by *vini anhelitum*, the menacing sounds suggested by *contumelias* and *minas verborum*. In other cases, however, a single detail is all that is required for memorable, shocking effect (*Phil.* 3.4):

Under his host's roof at Brundisium he [sc. Antony] ordered brave soldiers and loyal citizens to be murdered; it was commonly reported that as they lay dying at his feet their blood splashed into his wife's face.<sup>23</sup>

What Antony would call the justifiable execution of traitors becomes in Cicero's hands a sadistic slaughter of innocents.<sup>24</sup> The rhetoric of crisis thus relies to a large extent on a strident language of extremes and exaggeration; of comparisons and depictions designed to disturb the audience. Not surprisingly Cicero's opponents disparaged such tactics and depicted him as an irresponsible war-monger (*Phil.* 7.3:

<sup>21</sup> *ponite igitur ante oculos . . . irruptionem armatorum in Treboni domum, cum miser ille prius latronum gladios videret quam quae res esset audisset; furentis introitum Dolabellae, vocem impuram atque os illud infame, vincla, verbera, eculeum, tortorem carnificemque Samiarium.*

<sup>22</sup> *ora vobis eorum ponite ante oculos et maxime Antoniorum, incessum, aspectum, vultum, spiritum, latera tegentis alios, alios praegredientis amicos, quem vini anhelitum, quas contumelias fore censetis minasque verborum!*

<sup>23</sup> *quippe qui in hospitis tectis Brundisi fortissimos viros optimosque civis iugulari iusserit; quorum ante pedes eius morientium sanguine os uxoris respersum esse constabat.*

<sup>24</sup> Antony's capacity for bloodshed is further developed at *Phil.* 4.4; 4.14; 5.20.

*bellicum me cecinisse dicunt*). The taunt was not without basis. When the first envoy to Antony was proposed in January 43, Cicero rejected the idea, arguing instead for outright war (*Phil.* 5.33):

With this man, Members of the Senate, we must fight it out. It must be war, I repeat, war, and that right away. No drawn-out business of envoys!<sup>25</sup>

And when, a month later, L. Caesar called for a state of tumult (*Phil.* 8.1–2), Cicero again tried, using legalistic, disjunctive language, to push the Senate to a more extreme position (*Phil.* 8.2–4):

Certain persons thought that the name of war ought not to be in the motion. They preferred to call it ‘tumult’. . . . (4) There is no halfway house between war and peace. If ‘tumult’ does not come under the heading of war, it must come under the heading of peace—than which nothing more incongruous can well be said or thought.<sup>26</sup>

Likewise Cicero strives on numerous occasions to brand Antony an enemy of the state (*hostis*). There is, he claims, no third possibility: either Antony is a commander employing his troops legitimately, or he is an enemy against whom the Senate must declare war. He argues the point in December 44 (*Phil.* 3.14 and 21; 4.1–5), pursues it again in January 43 (*Phil.* 5.21; 7.10–13), once more in February (*Phil.* 8.6), and for a final time in April following the battle of Mutina (*Phil.* 14.6–10 and 22). His repeated failure to carry the point illustrates well the degree of opposition that he encountered in the Senate and the difficulty of the rhetorical challenge that faced him.

To a degree this rhetoric of crisis simply reworks devices that Cicero had employed with success earlier in his career. As early as 70 B.C. he had depicted the case against Verres as much more than the trial of an individual; the jury’s decision (he claims) is also absolutely vital for deciding the extent of the Senate’s judicial power in the years to come (*Ver.* 1.1–3; 46–49; 2.5.177–78). In 63 B.C. he portrays Catiline as a monster plotting the death of senators and about to overwhelm the earth with fire and slaughter (*Catil.* 1.2–3); his troops are already assigned to various regions of Italy, and plans

<sup>25</sup> *cum hoc, patres conscripti, bello, <bello> inquam, decertandum est, idque confestim; legatorum tarditas repudianda est.*

<sup>26</sup> *belli nomen ponendum quidam in sententia non putabant: tumultum appellare malebant. . . . (4) cum inter bellum et pacem medium nihil sit, necesse est tumultum, si belli non sit, pacis esse: quo quid absurdius dici aut existimari potest?*

for murder and arson in Rome are afoot (*Catil.* 2.6). On the written page such strategies can seem to the modern reader crudely exaggerated and manipulative. But this approach seems in fact to be in line with the general tenor of Roman political rhetoric. P. Clodius Pulcher employed similar tactics against Cicero in the 50's B.C., depicting him as a cruel despot aiming at tyranny. The *pater patriae* of 63 becomes in Clodius' invective a *hostis Capitolinus*, a *rex*, a *crudelis tyrannus*.<sup>27</sup> Likewise Antony, himself often labeled by Cicero a low-life gladiator, responds in kind by calling his opponent a *lanista* or trainer of gladiators (*Phil.* 13.40)—a potent jibe, with its implication that Cicero is profiteering from the organization of a rag-tag military force (as opposed to one made up of respectable Roman legionaries). Certainly some of this rhetoric is conventional; but this does not mean that it is ineffective. The fact that Cicero and Antony spend time rebutting such attacks points to their power to shape public perceptions.

Moreover, as we have seen, the situation was not one that called for nuanced argument. Civil war was a drastic step to take, and Cicero's demonization of Antony was crucial to his persuasive strategy. The reticent and recalcitrant Senate was unlikely to respond to anything less. And since, from Cicero's point of view, Antony was the latest in a succession of public menaces that included Catiline in the 60s and Clodius in the 50s, it is not surprising to find him calling once again upon the rhetorical techniques that had proved successful on these earlier occasions.<sup>28</sup> The main difference lies in the vigor and intensity with which he pursues this rhetoric of crisis throughout the *Philippics* as a whole. It operates in these speeches on a much grander scale than anywhere else. To some extent Cicero was perhaps forced to elaborate it to this degree by the development of political events, which required him to repeat and rework his warnings of catastrophe over several months; nevertheless, it is a challenge to which he responds with impressive energy and imagination.

---

<sup>27</sup> W. J. Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill and London: University of North Carolina Press 1999): 190–91 and 311, n. 97.

<sup>28</sup> Verres, Catiline and Clodius had all been depicted in Cicero's speeches over the years as foul political beasts posing a menace to society. See J. M. May, "Cicero and the Beasts," *Syllecta Classica* 7 (1996): 143–53; Carlos Lévy, "Rhétorique et philosophie: la monstruosité politique chez Cicéron," *Revue des Études Latines* 76 (1998): 139–57.

*Wit and ridicule in Philippics 2 and 13*

Antony is portrayed through this rhetoric of crisis as a violent, dangerous man who must be vigorously resisted. On other occasions, however, Cicero sets out to undermine Antony's moral and political authority through mockery. The most famous examples appear in the invective of *Philippic 2*, where the principal aim is to characterize Antony not as dangerous but as ridiculous; as a man of unparalleled *levitas*, quite unworthy of respect or admiration.<sup>29</sup> As we have seen, this speech is quite unlike any of the others in the collection, not least because it does not set out to address matters of current senatorial policy. It is not so much a political speech as part of the verbal sparring expected in aristocratic feuds in the Late Republic.

In generic terms it has much in common with the *In Pisonem* of 55 B.C., with both speeches setting out to damage their opponent's personal prestige through invective.<sup>30</sup> The approach in *Philippic 2*, however, differs in one important respect. In the *In Pisonem*, Cicero tends to rely on repeated insult, employing a wide range of abusive terms in an apparently arbitrary and indiscriminate way (e.g. *Pis.* 11: *carnifex*; 13: *caenum*; 14: *furcifer*; 31: *immanissimum ac foedissimum monstrum*). *Philippic 2* by contrast achieves much of its effect through comic caricature. Cicero seizes upon several dubious features of Antony's character, and constructs from them a memorably ridiculous portrait of him as a foolish and intemperate buffoon.

Antony's notorious drinking habits provide rich material for such a caricature. Through judicious hyperbole Cicero turns a drunken indiscretion into a scene of striking repugnance (*Phil.* 2.63):

But in an assembly of the Roman people, a master of horse, conducting public business! Where a belch would have been a disgrace, he vomited, filling his lap and his whole platform with morsels of food stinking of wine!<sup>31</sup>

<sup>29</sup> See L. A. Sussman, "Antony as a *Miles Gloriosus* in Cicero's *Second Philippic*," *Scholias* 3 (1994): 53–83, for a good discussion of the individual features of Cicero's depiction of Antony, although the associations that he draws with the comic *miles gloriosus* character are at times strained. See also L. A. Sussman, "Antony the *Meretrix Audax*: Cicero's Novel Invective in *Philippic 2*," *Eranos* 96 (1998): 114–28.

<sup>30</sup> R. G. M. Nisbet, ed., *M. Tulli Ciceronis In L. Calpurnium Pisonem Oratio* (Oxford: Clarendon Press 1961): 192–97; N. W. Merrill, *Cicero and Early Roman Invective* (Ph.D. diss. Cincinnati 1975): 31–44, esp. 39. For an example of this kind of sparring between Dolabella and Antony, see *Phil.* 2.79.

<sup>31</sup> *in coetu vero populi Romani negotium publicum gerens, magister equitum, cui ructare turpe*

It is typical of the speech's technique, however, that this hit at Antony's drunkenness is not a casual or isolated one. Elsewhere Cicero evokes the smell of stale wine on Antony's breath (*Phil.* 2.30 and 2.42), slyly suggests that his inconsistent pronouncements as augur were a result of the drink (*Phil.* 2.81; 84), and that his attempts to found a colony at Capua were affected by a *furiosam vinolentiam* (*Phil.* 2.101). This accumulation of detail gives the depiction a persuasive consistency and depth.

Antony's love affair with the *mima* Cytheris offered further scope for ridicule. Cicero portrays Antony attending the birthday parties of professional clowns (*Phil.* 2.15), travelling in the company of actors and pimps (*Phil.* 2.58), and encouraging their gambling and gluttony (*Phil.* 2.62). Perhaps most inventive and lively is his depiction of Antony disguised as a humble courier attempting to deliver a letter to his estranged wife (*Phil.* 2.77). The actions unfolds in the ludicrous manner of a comic mime, with Antony drinking heavily in a tavern, tricking his way into a meeting with his wife, then finally revealing his true identity and taking her rapturously in his arms (*Phil.* 2.77). Cicero deftly strips the consul of 44 of all poise and dignity.<sup>32</sup>

He also depicts Antony as remarkably stupid, although in this case he relies more on straightforward sneers than caricature. Most of these taunts occur in the speech's opening refutation of Antony's accusations. To the claim, for example, that Cicero made unconstitutional use of force during the Catilinarian conspiracy, Cicero ripostes (*Phil.* 2.19):

It is not audacity that makes you say these shameless things, but your failure to perceive glaring consistencies. Obviously you are a fool, for nothing could be more senseless than to reproach another man for using armed force in the public interest when you have resorted to it yourself to the public injury.<sup>33</sup>

---

*esset is vomens frustis esculentis vinum redolentibus gremium suum et totum tribunal implevit.* On Cicero's use of hyperbole here, see Quintilian *Inst.* 8.6.68. For Antony as notorious drunkard, see Plin. *Nat.* 14.148.

<sup>32</sup> See J. J. Hughes, "A 'Paraklausithyron' in Cicero's *Second Philippic*," in *Studies in Latin Literature and Roman History VI*, edited by C. Deroux. Collection Latomus, 217 (Bruxelles: Latomus 1992): 215–27, for a good discussion of Cicero's comic technique here, although the identification of the episode as a *paraklausithyron* is not entirely convincing. As Hughes himself admits, some of the essential elements of the comic stock scene are missing in Cicero's treatment (or at best 'inverted'). On Antony's love affairs see Sussman (1994): 70–74.

<sup>33</sup> *haec tu non propter audaciam dicis tam impudenter, sed quia tantam rerum repugnantiam*

The point is driven home with equal insistence at 2.25–32 where Cicero overturns the accusation that he instigated Caesar's assassination. In the course of the refutation, Antony is sarcastically labeled a *homo acutus* ('clever fellow'), addressed as *omnium stultissime* ('most foolish of all men'), and depicted as one unable to follow a basic rhetorical argument (*Phil.* 2.32): *quid est? conturbo te? non enim fortasse satis quae diiunctius dicuntur intellegis?* ('Ah, I fear I am confusing you. Perhaps you don't quite understand a logical dilemma?'). The effect is not simply to prove Antony's criticisms wrong. Cicero is able to assert his own intellectual superiority (and thus his better credentials for leading the state), while Antony is characterized as a dimwit whose slanders are easily parried. As the speech progresses, Antony appears not just as a drunken clown, but as an astoundingly moronic one as well.

This use of comic caricature and ridicule are again not features unique to the *Philippics*. They call to mind most obviously Cicero's approach in the *Pro Caelio*, where the aristocratic Clodia is portrayed as a common *meretrix*, and the serious accusations of procuring poison are shrugged off by being presented as a scene from farce (*Cael.* 49–50; 63–67).<sup>34</sup> In both speeches the aim is comic trivialization, and in both Cicero succeeds admirably. But it is worth noting that he does not employ the technique to any great extent in the *Philippics* beyond this written invective. Such ridicule serves well to expose Antony's unsuitability to govern Rome; but when the consul leaves with his army to challenge Decimus Brutus, Cicero's aims change. There is still room for jeers at Antony's tipping and debauchery, but the need to depict him as a dangerous and violent figure becomes more urgent. Sneers give way to darker, more disturbing portraits, as the wrangling of personal *inimicitia* is replaced by a larger concern for the impending national crisis.<sup>35</sup>

Nevertheless, another occasion arose in March 43 that required from Cicero a similar kind of forceful attack on Antony's personal

---

*non vide[as]. nihil profecto sapiis. quid est enim dementius quam, cum rei publicae perniciosa arma ipse ceperis, obicere alteri salutaria?*

<sup>34</sup> Cf. Sussman (1994): 53–60; K. A. Geffcken, *Comedy in the Pro Caelio* (Leiden: Brill 1973): 27–43.

<sup>35</sup> Antony is described as *violentus et furens* at *Phil.* 2.68, and his role in the bloodshed at Pharsalia is vividly depicted at *Phil.* 2.71. But these details play only a relatively small part within the speech as a whole. For later brief references to his drunkenness, see *Phil.* 3.20; 6.4; 13.31.



and political credibility. As we have seen, in *Philippic* 13 Cicero reveals to the Senate a letter that Antony has sent to Hirtius and Octavian, two of the commanders leading armies against him. In it Antony apparently denounced Cicero and the Republican cause, justified his own policies, and attempted to persuade Hirtius and Octavian to join forces with him (see especially *Phil.* 13.38; 40; 42).<sup>36</sup> This was clearly a dangerous and potentially subversive document. As Cicero recognised, to lose the support of Hirtius and Octavian would be disastrous for the senatorial cause, and the letter's claims had to be discredited thoroughly and decisively. In this case, however, Cicero employs not ludicrous caricature, but an incisive form of wit known as *dicacitas* to achieve his end. As he observes in *De Oratore*, when handled well this type of humor—which consists of sharp, witty responses to remarks made by one's adversary—overthrows the opponent's arguments, wins the admiration of the audience through its cleverness, and shows the speaker to be a man of poise and refinement (*De Orat.* 2.236).<sup>37</sup> *Philippic* 13 stands out as one of the finest examples of Cicero's use of *dicacitas*, and hence also of his oratorical humor in general.

His approach is to read out extracts from Antony's letter and hold each up in turn to derision and ridicule. A few examples will illustrate the virtuoso nature of this display. At 13.23 Cicero neatly counters Antony's insults of the murdered Trebonius with a sharp jab at the status of Antony's own children (*Phil.* 13.23): *at [Trebonium] scurrae filium appellat . . . is autem humilitatem despiciere audet cuiusquam qui ex Fadia sustulerit liberos?* ('Then he calls Trebonius "the son of a buffoon". . . . Does the father of Fadia's children dare to despise anybody's lowly social origins?')<sup>38</sup> This is followed by a derisive double entendre as he depicts Antony's debauched lifestyle (*Phil.* 13.24): . . . *in lustris, popinīs, alea, vino tempus aetatis omne consumpsisses, ut faciebas, cum in gremiis mīnarum mentum mentemque deponeres.* ('You would have spent your entire life in brothels, cookshops, gaming, drinking, as you used to do when you laid your mind and mouth in the lap of actresses').<sup>39</sup> And then

<sup>36</sup> Frisch (1946): 252–55 conveniently reconstructs the letter's content.

<sup>37</sup> See also *de Orat.* 2.218–22; *Orat.* 87; A. D. Leeman, H. Pinkster, E. Rabbie, *M. Tullius Cicero De Oratore Libri III Bd. 3 (Buch II 99–220)* (Heidelberg: Carl Winter 1989): 188–89.

<sup>38</sup> Fadia, to whom Antony was not actually married, was the daughter of a freedman, Quintus Fadius; see *Phil.* 2.3.

<sup>39</sup> See A. Corbeill, *Controlling Laughter: Political Humor in the Late Roman Republic*

a deft, taunting play on words in response to Antony's claim that Octavian owes everything to his family name (*Phil.* 13.25): *debet vero solvitque praeclare*. ('Yes, he owes and splendidly he pays'). But perhaps it is his sustained attack on Antony's supporters that shows this wit at its most exuberant (*Phil.* 13.26–27):

Ex-aediles: Bestia, the punching-bag on which I exercised my voice and lungs; Trebellius, patron of credit and defrauder of creditors; Caelius, a ruptured wreck of a man; and the mainstay of Antonius' friends, Cotyla Varius, whom Antonius used to have flogged by public slaves at dinner, just for fun. . . . (27) Decius too is there, a scion, I believe, of the Mures Decii, which accounts for his gnawing up Caesar's gifts.<sup>40</sup>

In just a few lines, Cicero manages to incorporate an amusingly demeaning image (*corycus laterum et vocis*), a cleverly alliterative insult (*diruptus dirutusque*), pointed antithesis (*fidei patronus, fraudator creditorum*), and scathing sarcasm (the description of Cotyla Varius as *columen amicorum Antoni*). Even the contrived pun on *Muribus* (from *mus*, 'mouse') and *erosit* ('nibbled, gnawed') packs a punch with its criticism of Decius' prodigality.<sup>41</sup>

Cicero's rebuttal is relentless and comprehensive, extending to some 28 sections, and it is this exhaustiveness that makes it unique. In approach and technique these witty retorts are certainly similar to those employed by politicians in the context of oratorical *altercatio*. Indeed Cicero had long been renowned for his skill at this kind of verbal sparring, and many of the examples of *dicacitas* that he presents in the *De Oratore* (e.g. 2.240–288) derive from such a context.<sup>42</sup> But in *Philippic* 13 he undertakes something of a quite different magnitude. His use of a written text to provide the prompts for his sarcastic rejoinders is also unusual, although not entirely unknown. Cicero refers (*De Orat.* 2.223–24) to the famous orator L. Crassus (cos. 95) generating humor from the text of a dialogue on civil law

(Princeton, NJ: Princeton University Press 1996): 122–23, with n. 33, on the sexual allusion. *mentum* literally = 'chin.'

<sup>40</sup> *aedilicium, corycus laterum et vocis meae, Bestia, et fidei patronus, fraudator creditorum, Trebellius, et homo diruptus dirutusque Caelius, columenque amicorum Antoni, Cotyla Varius, quem Antonius deliciarum causa loris in convivio caedi iubebat a servis publicis. . . . (27) est etiam ibi Decius, ab illis, ut opinor, Muribus Decii; itaque Caesaris munera erosit.*

<sup>41</sup> See Corbeill (1996): 90–91.

<sup>42</sup> For a good example of senatorial *altercatio*, see *Att.* 1.16.8–10 on Cicero's clash with P. Clodius in 61 B.C.

by M. Iunius Brutus (pr. 140?). And Antony himself had ridiculed one of Cicero's letters in the meeting of the Senate on 19th September 44 (*Phil.* 2.7). Cicero's refutation in *Philippic* 13, however, is far more ambitious and impressive.<sup>43</sup>

While *Philippics* 2 and 13 represent the two most extended examples of humorous ridicule, passages of a similarly aggressive tenor can be found in the other speeches as well (e.g. *Phil.* 11.10–14). This fact highlights two important features of the *Philippics* overall. The first is the extensive part played by attacks on character. In general the speeches rarely stray too far from matters of immediate political policy; but when they do, it is usually to embark on some kind of personal vilification. Cicero thus manages to link political issues with the moral credentials of those involved. As we have seen, both caricature and hyperbolic depictions of his violent character serve to undercut Antony's ethical standing within the *Philippics*. Conversely, just as Cicero had presented himself as savior of the state in the years following Catiline's conspiracy, so he strives to style himself in the *Philippics* as *defensor conservatorque libertatis* (*Phil.* 3.28: 'defender and protector of freedom'). As often in Cicero's oratory, the projection of his own personal authority, and the dismantling of his opponent's, work closely with the presentation of actual facts and argument.<sup>44</sup>

The second distinctive feature of the humor in *Philippics* 2 and 13 is its acerbic and forthright tone. Cicero employs this confrontational manner throughout the speeches as a whole, often in conjunction with caustic sarcasm.<sup>45</sup> In *Philippics* 8, for example, Cicero ridicules Calenus' support of Antony (*Phil.* 8.18):

And what is more, to make himself appear a more conscientious senator, he says he has no call to be Antony's friend, seeing that Antony

---

<sup>43</sup> Cf. D. Stockton, *Cicero: A Political Biography* (Oxford: Oxford University Press 1971): 313. 'This was vintage Cicero . . . weaving with his sure barrister's skill a net of gay and murderous wit, coarse raillery, pained incredulity, destructive logic, and moral fervour.'

<sup>44</sup> See in general J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill and London: University of North Carolina Press 1988), and 148–61 in particular on Cicero's self-presentation in the *Philippics*. For Cicero's frequent identification of himself with the Roman state, see also P. MacKendrick, *The Speeches of Cicero: Context, Law, Rhetoric* (London: Duckworth 1995): 574, s.v. 'L'État, c'est moi syndrome.'

<sup>45</sup> Cf. A. Haury, *L'Ironie et l'humour chez Cicéron* (Leiden: Brill 1955): 205. '[In the *Philippics*] Aussi dominant, non sans détente, l'ironie cinglante et le sarcasme.' See in general pp. 205–214 and 220.

appeared against him in court though owing him a great favor. Behold the power of patriotism! He has a personal grievance, but for the commonwealth's sake he defends—Antony!<sup>46</sup>

This is just one part of a strident and vociferous harangue (*Phil.* 8.16):

I do admit, Quintus Fufius, that in one case your perception was better than mine. I used to think Publius Clodius a pernicious citizen, criminal, lustful, unpatriotic, insolent, villainous. You on the contrary regarded him as blameless, moderate, innocent, and unassuming, a valuable and desirable member of the community. In this one instance I acknowledge your keen perspicacity and my own grave error.<sup>47</sup>

The conceit is a little labored perhaps; but the description of Clodius as *sanctus* and *temperans* has a sharp edge to it and helps as well to associate Antony with Clodius' disruptive political violence. Moreover Cicero's dryly mocking admission of Calenus' perspicacity gives little room for effective retort. This kind of caustic sarcasm recurs throughout the *Philippics*, directed most often against Antony himself (e.g. *Phil.* 2.30–32; 3.16; 5.13–15), but also on occasions against his supporters in the Senate (e.g. *Phil.* 7.2–3). Like the comic caricature that we have discussed, its effect is usually to expose the falsehood of Antony's claims to respectability; in doing so it also succeeds in contributing to Cicero's own pose of superior insight and moral authority.

### *The rhetorical purpose of praise and honorific decrees*

As we have seen, Cicero's main aim in the *Philippics* is to persuade the Senate to take decisive action against Antony. A second important aim, however, is to organize a viable military force that can put this opposition into effect. Commanders such as Decimus Brutus must be voted the senatorial authority and resources needed to con-

<sup>46</sup> *et quidem, quo melior senator videatur, negat se illi amicum esse debere: cum suo magno esset beneficio, venisse eum contra se. vide<te> quanta caritas sit patriae: cum homini sit iratus, tamen rei publicae causa defendit Antonium.*

<sup>47</sup> *uno in homine, Q. Fufi, fateor te vidisse plus quam me. ego P. Clodium arbitrabar perniciosum civem, sceleratum, libidinosum, impium, audacem, facinerosum, tu contra sanctum, temperantem, innocentem, modestum, retinendum civem et optandum. in hoc uno te plurimum vidisse, me multum errasse concedo.*

duct their campaigns against Antony. The main way in which Cicero attempts to generate this support in the Senate is through elaborate, fulsome praise of the commanders' achievements. In *Philippic* 3, for example, he celebrates D. Brutus' loyalty to the state with a resounding exclamation (*Phil.* 3.8):

Decimus Brutus' manifesto is recent, it has just been published. Assuredly it must not be passed over in silence. He promises to keep the province of Gaul in the control of the Senate and People of Rome. A citizen born for the Commonwealth, mindful of his name, following in the footsteps of his ancestors!<sup>48</sup>

Octavian, Lucius Egnatuleius and two Roman legions receive similarly enthusiastic praise (*Phil.* 3.3–7), and the same tactics are employed in *Philippic* 5, where the achievements of M. Lepidus are earnestly extolled, along with those (again) of Octavian and D. Brutus (*Phil.* 5.36–46). Cicero likewise eulogizes M. Brutus' military accomplishments in *Philippic* 10, as he attempts to have the general's claims to the governorship of Macedonia recognized by the Senate (*Phil.* 10.11):

There was a storm, great Heavens, a ravaging conflagration, the destruction of Greece, but for the amazing, superhuman courage which quelled the madman's reckless enterprise. How speedily Brutus acted, how circumspcctly, how boldly!<sup>49</sup>

The praise in such passages can have several functions. The most obvious is to persuade the Senate to support the generals in question. By celebrating their achievements Cicero shows why these men deserve senatorial backing, and the elevated, enthusiastic language is designed to evoke a similarly positive emotional response from the audience. His aim however extends beyond merely practical support. There is a moral high ground to be claimed as well. In a civil war where the line between constitutional and unconstitutional acts was becoming increasingly blurred, official pronouncements of praise and honors become important for helping to define the 'good' cause from the 'bad.' As we have seen, the Senate consistently shrinks from declaring Antony a *hostis*. But the more decrees Cicero can persuade

<sup>48</sup> *hoc vero recens edictum D. Bruti quod paulo ante propositum est certe silentio non potest praeteriri. pollicetur enim se provinciam Galliam retenturum in senatus populique Romani potestate. o civem natum rei publicae, memorem sui nominis imitatoremq; maiorum!*

<sup>49</sup> *quae tempestas, di immortales, quae flamma, quae vastitas, quae pestis Graeciae, nisi incredibilis ac divina virtus furentis hominis conatum atque audaciam compressisset! quae celeritas illa Bruti, quae cura, quae virtus!*

it to pass against him, the greater the moral authority his own cause acquires. The honorific decrees proposed in *Philippic* 14 for those who died fighting against Antony at Mutina thus take on an important symbolic dimension. And in *Philippic* 9 Cicero exploits the debate over the honors to be awarded to Servius Sulpicius Rufus for a similar purpose. The facts regarding Sulpicius' death were plain enough; he had succumbed to illness while serving on the embassy to Antony. But through a rather strained argument, Cicero tries to claim that he had effectively died a violent death at the hands of an enemy of the state (*Phil.* 9.7):

Therefore I say, Leptines did not kill Octavius, nor the king of Veii those whose names I have just mentioned, more certainly than Antonius killed Servius Sulpicius. For obviously he who was the cause of death is responsible for it.<sup>50</sup>

Cicero recognizes that if he can persuade the Senate to award Sulpicius the honors usually given only to an ambassador slain by the enemy, the decree can be depicted as a moral pronouncement about the conflict as a whole (*Phil.* 9.7; see also 9.3).

But there is also a further persuasive intent behind some of the praise and honorific decrees presented in the *Philippics*. Cicero aims not just to convince the Senate to support certain generals; he also hopes to exert some kind of influence on the *generals themselves*. This is seen most clearly in the cases of Octavian and Lepidus. By bestowing official recognition upon their achievements Cicero tries to induce them to work within the constitutional framework rather than against it.

Cicero himself hints at this manipulative aim in *Philippic* 5, although he dresses it up in the lofty terms of aristocratic *gloria* (*Philippics* 5.49):<sup>51</sup>

It is a law of nature, Members of the Senate, that once a man has come to a perception of true glory and perceived that in the eyes of the Senate, the Roman Knights, and the entire Roman People he is a valued citizen and a benefit to the Commonwealth, he will think nothing comparable to this glory.<sup>52</sup>

<sup>50</sup> *non igitur magis Leptines Octavium nec Veientium rex eos quos modo nominavi quam Ser. Sulpicium occidit Antonius: is enim profecto mortem attulit qui causa mortis fuit.*

<sup>51</sup> On this appeal to aristocratic *gloria*, see E. Narducci, *Modelli etici e società: Un'idea di Cicerone* (Pisa: Giardini 1989): 137–41.

<sup>52</sup> *ea natura rerum est, patres conscripti, ut qui sensum verae gloriae ceperit quique se ab senatu, ab equitibus Romanis populoque Romano universo senserit civem c[iv]itarum haberi salutaremque rei publicae, nihil cum hac gloria comparandum putet.*

The argument here is clearly designed to allay the Senate's fears that men such as Lepidus and Octavian will misuse the extraordinary privileges that Cicero proposes for them. Public recognition of a person's achievements, he claims, acts to spur that person on to achieve even greater success. Such assertions, however, should not be dismissed merely as opportunistic rhetoric. Other examples suggest that Cicero firmly believed that praise and honors could be used to influence another's actions. His praise in *Philippic* 1 of a number of Antony's actions following Caesar's assassination (*Phil.* 1.31–33) seems designed to inspire Antony to emulate this kind of behavior in the future (note the references here once again to aristocratic *gloria*). And a fulsome letter of praise to Dolabella in May 44 also clearly had the same intent.<sup>53</sup> The most explicit acknowledgement of this aim, however, comes in a letter to M. Brutus, in which Cicero gives his reasons for the lavish praise bestowed on Lepidus in the fifth *Philippic* (*Phil.* 5.38–41). These proposals for honors were intended, he claims, to temper the man's crazed determination for conflict (*ad Brut.* 1.15.9):

We tried to bring him back from treason by honoring him, but our wisdom was defeated by the folly of a thoroughly irresponsible individual.<sup>54</sup>

Brutus disapproved of these tactics (*ad Brut.* 1.15.3), and as a rhetorical strategy they do appear naively optimistic given the ruthless political arena in which Cicero was trying to apply them. His handling of Octavian in particular lies open to criticism. The enthusiastic praise in *Philippics* 3 and 5 of the young man's (unconstitutional) military actions against Antony played a crucial role in consolidating his position. At Cicero's suggestion the *adulescens* was made *propraetor* and member of the Senate; seven months later he was leading his army through Italy against Rome (*Phil.* 3.3–4; 5.42–46).<sup>55</sup>

---

<sup>53</sup> *Fam.* 9.14.6 (= *Att.* 14.17A): *qua re quid est quod ego te hortor ut dignitati et gloriae servias?* ('What reason is there for me to urge you to cherish your reputation and personal glory?'). Cicero evidently also included a eulogy of Dolabella in his first draft of *Philippic* 2; Atticus advised him to make it less effusive (*Att.* 16.11.2). See also the approach that Cicero adopts in his private letters to Munatius Plancus around this time (*Fam.* 10.3; 10.5; 10.6), and cf. *Prov.* 38.

<sup>54</sup> *nos illum [sc. Lepidum] honore studuimus a furore revocare. vicit amentia levissimi hominis nostram prudentiam.*

<sup>55</sup> See also the comments of D. Brutus (*Fam.* 11.20.1) regarding the notorious aphorism *laudandum, ornandum, tollendum* attributed to Cicero with respect to the young Octavian.

And yet the link between the two events is not of course one of simple cause and effect—Octavian's rise to power depended on much more than *Philippic* 5. The example tells us more perhaps about the limitations of the Senate and senatorial oratory at this time than about Cicero's political acumen. While the *Philippics* in general were important for shaping military policy within the debating chamber, the Senate's ability to control those outside it was becoming ever more precarious. When it denied Cassius *imperium* in Syria (contrary to Cicero's urgings in *Philippic* 11), the general proceeded to march against Dolabella anyway (*Fam.* 12.11.1; *ad Brut.* 2.3.3).<sup>56</sup> And the ease with which Octavian had raised an army shows all too clearly the degree to which the Senate was already at the mercy of the legions and their generals. If we can take Cicero's explanation in his letter to Brutus at face value, he was well aware that his support of Lepidus was a gamble. But with the conventional mechanisms of government rapidly proving ineffective, it was perhaps a risk worth taking. The resourceful orator attempts in difficult circumstances to exert on events whatever influence he can.

### *Style*

The *Philippics* raise two important issues with regard to Cicero's linguistic style. The first involves sentence structure. As W. R. Johnson notes, in these speeches Cicero generally avoids a highly periodic style. Long, elaborately structured sentences are now the exception rather than the standard mode of expression, and are used only for special emphasis. Indeed, according to Johnson's statistics, the average sentence length in the *Philippics* is only 18.7 words, considerably lower than the average for Cicero's earlier speeches, which ranges between 22 and 26 words.<sup>57</sup> There are certainly some methodological problems with Johnson's analysis;<sup>58</sup> but the phenomenon that it identifies does seem to be a real one.

---

<sup>56</sup> Cf. *Phil.* 11.27: *nam et Brutus et Cassius multis iam in rebus ipse sibi senatus fuit.* ('For both Brutus and Cassius have already been their own Senate on a number of occasions'). Cicero thus declares his own definition of constitutional action to be highly subjective and flexible.

<sup>57</sup> W. R. Johnson, *Luxuriance and Economy: Cicero and the Alien Style* (Berkeley: University of California Press 1971): 46; 68.

<sup>58</sup> The main problem lies in Johnson's sampling, which draws on only the open-



Several reasons may lie behind this stylistic change. As we have seen, Cicero's rhetorical aims require him to generate a sense of urgency within his audience. One of his favorite techniques for achieving this is the vigorous, energetic use of rhetorical questions. In *Philippic* 3, for example, he employs them in some 22 of its 36 sections; in *Philippic* 7 they appear in 18 sections out of 27. Since such questions are most effective when combined with a swift, clipped sentence structure, their frequent use may contribute in part to the perceived rapidity of the *Philippics*' style.<sup>59</sup> Furthermore, as we have seen, Cicero's confrontational manner leads him to employ a good deal of sarcasm throughout the speeches. This too is the kind of device that loses much of its force if extended across too long a sentence. Moreover, on a broader level the context of urgent senatorial debate may also exert its own pressure towards an economy of style. Cicero in general eschews elaborate set-piece oratory, preferring instead to keep his speeches sharply focused on the discussion at hand.

But these explanations may not by themselves suffice to explain the phenomenon. The preference for shorter sentences is not in fact confined to the *Philippics*. It appears also in the Caesarian speeches of 46 and 45 B.C., a fact that points to some larger influence beyond those of the immediate rhetorical context.<sup>60</sup> The most plausible explanation is that Cicero's style has been influenced by recent literary debates, in particular by criticisms of the florid 'Asiatic' oratory with which he was closely associated.<sup>61</sup> His rhetorical treatises of 46 B.C. certainly indicate a close engagement with these stylistic issues.<sup>62</sup> And while he mounts in them a vigorous defence of his own literary

---

ing thirty sentences of each speech. See the remarks of M. Winterbottom, *Classical Review* 24 (1974): 70–71, and M. L. Clarke, *Greece and Rome* 19 (1972): 100. Tac. *Dial.* 22.2–3 observes that the orations composed towards the end of Cicero's life are brisker and less discursive than his earlier efforts.

<sup>59</sup> As a simple comparison, *Catil.* 3 uses rhetorical questions in only 3 of its 29 sections, *Catil.* 4 in 7 out of 24. In *Catil.* 1, on the other hand, where Cicero's aim, as in the *Philippics*, is to provoke some kind of decisive action, they are used far more frequently (in 20 sections out of 33).

<sup>60</sup> See H. C. Gotoff, *Cicero's Caesarian Speeches: A Stylistic Commentary* (Chapel Hill and London: University of North Carolina Press 1993): xl–xliii, who likewise notes the additional influence in these speeches of the immediate rhetorical context.

<sup>61</sup> This is essentially the conclusion of Johnson (1971): 61–63, although he phrases it in typically provocative terms (with references to Cicero's 'vanity' and 'shame').

<sup>62</sup> *Brut.* 284–91; *Orat.* 23. In general see A. D. Leeman, *Orationis Ratio* (Amsterdam: A. M. Hakkert 1963), vol. 1: 136–67.

credo, it is reasonable to suppose that the controversy had prompted a greater self-consciousness about his use of lengthy, elaborate periods, and about the benefits of brevity. Indeed a letter from May 44 shows the matter to be an ongoing concern. Cicero sends Atticus a version of the speech that he believes Brutus *should* have made on 16th March following Caesar's assassination. The question of how plain ('Attic') or elaborate ('Asiatic') the style should be is a central one (*Att.* 15.1a.2):

I fear though that you may be led astray by your surname and judge it too Attically. But you have only to call to mind Demosthenes' thunderbolts to realize that a speaker can be both impeccably Attic and profoundly impressive.<sup>63</sup>

It is unfortunate that this speech has not survived. As a fully elaborated oration designed for delivery at a *contio*, it would help us to judge more precisely whether Cicero's leaner style in the *Philippics* is part of a broader shift within his oratory as a whole, or a result primarily of their immediate rhetorical context. At present the question remains open, although a more complete statistical study of the *Philippics* and the Caesarian speeches may be able to shed more light on the matter.<sup>64</sup> The least that can be said is that the rapid style of the *Philippics* turns out to be thoroughly appropriate. Its brisk, direct language suits well Cicero's urging of decisive opposition to Antony.

The influence of Demosthenes also figures prominently in stylistic studies of the *Philippics*.<sup>65</sup> Certainly it is clear that a few of Cicero's expressions are modeled directly on passages from Demosthenes' speeches;<sup>66</sup> and the letter to Atticus just quoted shows Cicero's keen

<sup>63</sup> *quamquam vereor ne cognomine tuo lapsus ὑπεραττικὸς sis in iudicando. sed si record-abere Δημοσθένους fulmina, tum intelleges posse et Ἀττικώτατα <et> gravissime dici.*

<sup>64</sup> The study of L. Laurand, "Sur l'Évolution de la Langue et du Style de Cicéron," *Revue de Philologie* 7 (1933): 62–72, despite its promising title, focuses only on small scale changes in Cicero's vocabulary.

<sup>65</sup> The most important studies are Wooten (1983) and W. Stroth, "Die Nachahmung des Demosthenes in Ciceros Philippiken," in *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig (Vandœuvres-Genève: Fondation Hardt 1982): 1–40 (with other studies noted on page 1, n. 2).

<sup>66</sup> Stroth (1982): esp. 6–23. Problems arise however when we move from precise verbal parallels to the use of similar 'rhetorical themes,' a phrase whose vagueness makes difficult any definite identification of Demosthenic influence. See the remarks made in response to Stroth's paper by Leeman, Classen and Winterbottom (pp. 32–40).

interest in Demosthenes from a broader perspective.<sup>67</sup> Indeed, he had recently produced a Latin translation of *De Corona*.<sup>68</sup> But in the context of the fourteen speeches as a whole these influences do not really loom all that large. There are in fact two ways in which Cicero—who suggested the title ‘Philippics’ only half seriously (*ad Brut.* 2.3.4)—may have thought it an appropriate one. First he may have wished to compare his fierce *ad hominem* attacks on Antony with Demosthenes’ invective against Philip of Macedon. If this is the case, the title has a direct relevance to only a few of the fourteen speeches.<sup>69</sup> Alternatively, he may simply have wished to draw attention to the role of prominent statesman that he adopts in them. This indeed was the way in which he had applied the term some years earlier when writing to Atticus about several other speeches (*Att.* 2.1.3):

Remembering what a brilliant show your countryman Demosthenes made in his so-called *Philippics* and how he turned away from this argumentative, forensic type of oratory to appear in the more elevated role of statesman, I thought it would be a good thing for me too to have some speeches to my name which might be called ‘consular.’<sup>70</sup>

The description that he offers here can be readily applied to his own *Philippics*, given their emphasis on his activity in the Senate and divergence in approach from his forensic speeches. If this was indeed what he had in mind when he first suggested the title to Brutus, the ‘Demosthenic influence’ was presumably not conceived as extending to detailed matters of style.<sup>71</sup>

---

<sup>67</sup> Cicero also depicts Demosthenes as a desirable oratorical model at *Brut.* 35 and 289; cf. *Orat.* 23.

<sup>68</sup> *Opt. gen.* 14. Cicero notes here that he has also translated Aeschines’ opposing speech, a point generally underplayed by those stressing the Demosthenic influence in the *Philippics*.

<sup>69</sup> Cf. G. Kennedy, *The Art of Rhetoric in the Roman World 300 B.C.–A.D. 300* (Princeton: Princeton University Press 1972): 270.

<sup>70</sup> *fuit enim mihi commodum, quod in eis orationibus quae Philippicae nominantur enituerat tuus ille civis Demosthenes et quod se ab hoc refractariolo iudiciali dicendi genere abiunxerat ut σεμνότερός τις et πολιτικώτερος videretur, curare ut meae quoque essent orationes quae consulares nominarentur.*

<sup>71</sup> The title was not universally adopted by the ancients. Aulus Gellius (6.11.3 and 13.1.1) refers to the speeches as *Antonianae*. For J. Denniston, *M. Tulli Ciceronis in M. Antonium orationes philippicae prima et secunda* (Oxford: Clarendon Press 1926): xvii, ‘the title “Philippics” is not a very happy one.’ Wooten (1983): 52 asserts that ‘there are very few specific passages in Cicero’s *Philippics* in which he seems to be copying Demosthenes closely or verbatim.’

As we have seen, Cicero in the *Philippics* relies largely on tried and trusted rhetorical techniques. His powers in this final stage of his career, however, show no sign of stagnation or decay. He applies these familiar strategies with great skill and invention, often on a scale, and with a consistency, not attempted elsewhere. Perhaps the quality that stands out most of all in these speeches is their vigor. Gone is the sometimes shrill, sometimes irresolute political posturing of the 60s and 50s. Absent too the clever yet often glib rhetorical sleight of hand that figures so prominently in his forensic speeches.<sup>72</sup> Cicero is at last his own man, and his oratory is all the better for it. His formidable oratorical powers are finally directed towards a clearly defined cause in which he fully believes. This conviction in his mission produces a confrontational, often caustic directness that endows the *Philippics* with an austere *gravitas* rarely found in earlier speeches.

It was a conviction, however, that cost Cicero his life. By December 43 he was dead, hunted down and executed by Antony's agents. For the rhetorical teachers and students of the early empire, this violent end furnished fertile material for their declamations, with speeches on whether Cicero should burn his writings to save his life, and ever more gory versions of Antony's abuse of his corpse.<sup>73</sup> Other more perceptive critics of the imperial period, however, could discern something of the symbolic significance of the *Philippics*. They are indeed a turning point in the tradition of Roman deliberative oratory, the last great attempt to pursue Republican government through the mechanisms of senatorial debate. Hereafter deliberative oratory would be severely limited in its scope, circumscribed by the *princeps*' sword (or, more tactfully, the blessed peace of his government).<sup>74</sup> In *De Oratore* 3.1–8 Cicero celebrates the oratorical swan-song of his political mentor, L. Crassus, delivered a few days before he died. It was, he claims, a defiant oration, bravely upholding the senatorial cause in the face of dangerous opposition. Cicero with his *Philippics* more than emulated this esteemed example.

<sup>72</sup> Cf. Wooten (1983): 70.

<sup>73</sup> Sen. *Suas.* 7 and *Suas.* 6, esp. 6.10–27.

<sup>74</sup> Tac. *Dial.* 37.6. See *Phil.* 2.20 for Antony's ridicule of Cicero's assertion of the power of senatorial oratory (*cedant arma togae*). On the decline of deliberative oratory under the emperors, see M. L. Clarke, *Rhetoric at Rome: A Historical Survey*, 3rd ed. (London: Routledge 1996): 100–108; and H. Caplan, "The Decay of Eloquence at Rome in the First Century," in *Studies in Speech and Drama in Honor of Alexander M. Drummond* (Ithaca: Cornell University Press 1944): 295–325.

## BIBLIOGRAPHY

- Bailey, D. R. Shackleton, ed. *Cicero: Philippics*. Chapel Hill and London: University of North Carolina Press, 1986.
- Caplan, H. "The Decay of Eloquence at Rome in the First Century." In *Studies in Speech and Drama in Honor of Alexander M. Drummond*, edited by D. C. Bryant, B. Hewitt, K. R. Wallace, and H. A. Wichelns (Ithaca: Cornell University Press, 1944): 295–325.
- Cerutti, S. "Further Discussion on the Delivery and Publication of Cicero's Second Philippic." *Classical Bulletin* 70 (1994): 23–28.
- Clarke, M. L. Review of W. R. Johnson, *Luxuriance and Economy: Cicero and the Alien Style* (Berkeley: University of California Press, 1971) in *Greece and Rome* 19 (1972): 100.
- . *Rhetoric at Rome: A Historical Survey*. 3rd ed. London: Routledge, 1996. Revised and with a new introduction by D. H. Berry.
- Corbeill, A. *Controlling Laughter: Political Humor in the Late Roman Republic*. Princeton, NJ: Princeton University Press, 1996.
- Crawford, J. W. M. *Tullius Cicero: The Lost and Unpublished Orations*. Göttingen: Vandenhoeck & Ruprecht, 1984.
- , ed. *M. Tullius Cicero: The Fragmentary Speeches*. American Classical Studies, 33, 2nd ed. Atlanta: Scholars Press, 1994.
- Delaunoy, M. "Statistiques des Idées dans le Cadre du Plan Oratoire des Philippiques de Cicéron." *Les Études Classiques* 34 (1966): 3–34.
- Denniston, J. D., ed. *M. Tullii Ciceronis in M. Antonium orationes philippicae prima et secunda*. Oxford: Clarendon Press, 1926.
- Fedeli, P., ed. *In M. Antonium Orationes Philippicae XIV*. M. Tullii Ciceronis Scripta Quae Manserunt Omnia, 28. Leipzig: Teubner, 1982.
- Frisch, H. *Cicero's Fight for the Republic: The Historical Background of Cicero's Philippics*. Copenhagen: Glyndendal, 1946.
- Geffcken, K. *Comedy in the Pro Caelio (with an appendix on the in Clodium et Curionem)*. Leiden: Brill, 1973.
- Gotoff, H. D. *Cicero's Caesarian Speeches: A Stylistic Commentary*. Chapel Hill and London: University of North Carolina Press, 1993.
- Haury, A. *L'ironie et l'humour chez Cicéron*. Leiden: Brill, 1955.
- Hughes, J. J. "A 'Paraklausithyron' in Cicero's *Second Philippic*." In *Studies in Latin Literature and Roman History VI*, edited by C. Deroux. Collection Latomus, 217 (Bruxelles: Latomus, 1992): 215–27.
- Johnson, W. R. *Luxuriance and Economy: Cicero and the Alien Style*. Berkeley: University of California Press, 1971.
- Kennedy, G. *The Art of Rhetoric in the Roman World 300 B.C.–A.D. 300*. Princeton, NJ: Princeton University Press, 1972.
- Lacey, W. K., ed. *Cicero: Second Philippic*. Warminster: Aris & Phillips, 1986.
- Laurand, L. "Sur l'Évolution de la Langue et du Style de Cicéron." *Revue de Philologie* 7 (1933): 62–72.
- Leeman, A. D. *Orationis Ratio: The Stylistic Theories and Practice of the Roman Orators, Historians, and Philosophers*. Amsterdam: A. M. Hakker, 1963.
- Leeman, A. D., H. Pinkster, and E. Rabbie. *M. Tullius Cicero, De Oratore Libri III, Kommentar*, Vol. 3. Heidelberg: Carl Winter, 1989.

- Lévy, C. "Rhétorique et philosophie: la monstruosité politique chez Cicéron." *Revue des Études Latines* 76 (1998): 139–57.
- MacKendrick, P. *The Speeches of Cicero: Context, Law, Rhetoric*. London: Duckworth, 1995.
- May, J. M. "Cicero and the Beasts." *Syllecta Classica* 7 (1996): 143–53.  
 ——. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- Merrill, N. W. "Cicero and Early Roman Invective." Ph.D. diss., University of Cincinnati, 1975.
- Nisbet, R. G. M., ed. *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio*. Oxford: Clarendon Press, 1961.
- Stockton, D. *Cicero, A Political Biography*. Oxford: Oxford University Press, 1971.
- Stroh, W. "Die Nachahmung des Demosthenes in Ciceros Philippiken." In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig. Entretiens sur l'Antiquité Classique, Vol. 28 (Vandœuvres-Genève: Fondation Hardt, 1982): 1–31, with discussion, 32–40.
- Sussman, L. A. "Antony as a *Miles Gloriosus* in Cicero's *Second Philippic*." *Scholium* 3 (1994): 53–83.  
 ——. "Antony the *Meretrix Audax*: Cicero's Novel Invective in *Philippic* 2.44–46." *Éranos* 96 (1998): 114–28.
- Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Winterbottom, M. Review of W. R. Johnson, *Luxuriance and Economy: Cicero and the Alien Style* (Berkeley: University of California Press, 1971), *Classical Review* 24 (1974): 70–71.
- Wooten, C. W. *Cicero's Philippics and Their Demosthenic Model*. Chapel Hill and London: University of North Carolina Press, 1983.

## CHAPTER TEN

### THE LOST AND FRAGMENTARY ORATIONS

Jane W. Crawford

Cicero is known to have delivered hundreds of speeches in the course of his long and illustrious career in the courts and in the Senate of Rome. Many of these were published and have been preserved to the modern day in their entirety. Others were damaged in transmission and have come down to us in fragmentary form.<sup>1</sup> Yet a third group of speeches, which are known to have been delivered, are completely lost to us. These may have been published and subsequently disappeared without a trace, or they may never have been published at all. In this paper, I will discuss the lost and fragmentary speeches, offering some theories as to why they suffered such a fate and placing them in their political and personal context within Cicero's career. As some of the fragmentary speeches have substantial remaining parts, I will provide a more in-depth analysis of the context, content, and construction of these speeches.

Our knowledge of the lost or unpublished speeches is entirely based on references to them in Cicero and in other ancient authors.<sup>2</sup> From these *testimonia* we may reconstruct their context, but rarely can we discover anything of their actual content. Yet despite these limitations, these speeches are important for understanding more fully Cicero's oratorical career. Assuming that many of the lost speeches were, in fact, never published by Cicero at all,<sup>3</sup> one may fruitfully

---

<sup>1</sup> The extant corpus of Cicero's orations includes 58 complete (or virtually so) speeches and 16 fragmentary ones. See J. W. Crawford, *M. Tullius Cicero. The Fragmentary Speeches*. American Classical Studies 37, 2nd edition (Atlanta: Scholars Press 1994): 3–4.

<sup>2</sup> For the history of scholarship on the lost speeches, see J. W. Crawford, *M. Tullius Cicero: The Lost and Unpublished Orations*. Hypomnemata, 80 (Göttingen: Vandenhoeck and Ruprecht 1984): 21–30.

<sup>3</sup> See F. Luterbacher, "Ciceros Reden," *Sokrates* N.F. 10 (1922): 89–91; M. Schanz and C. Hosius, *Geschichte der römischen Literatur*, vol. viii.1 (Munich: C. H. Beck'sche 1927): 446; and Crawford (1984): 1–2.

examine the reasons, personal or political, which persuaded Cicero to withhold them.

Whenever Cicero gave a speech, in the Senate or in the law courts, he had to decide whether or not to have it copied and circulated among his friends and colleagues, and thence made available to a wider audience. This is what is meant by 'publication' in Cicero's day,<sup>4</sup> and in every case it involved a conscious choice on his part. Many factors may have led Cicero to publish his speeches, not the least of which was his status as a *novus homo*, a 'new man'. He did not have a famous family name on which to trade, nor was he rich, nor a successful military man. His route to the consulship had to be based on the reputation that oratory could earn for him, and the best way to ensure that his reputation was solid, and more importantly, memorable, was to be selective about what he published and what he did not publish. Other factors may be considered important as well, such as the intent to provide exempla for students of rhetoric,<sup>5</sup> so the desire to create positive propaganda or to justify a particular political stance should not be regarded as Cicero's only reasons for publishing his speeches. But any theory of publication must also imply a theory of non-publication, and it is this question—why Cicero choose not to publish some of his orations—that I will examine in more detail.

There were a number of reasons that appear to have influenced Cicero to withhold a delivered speech from publication, but the general principle seems to have been that Cicero usually decided against publishing a speech when he thought that there was more to be lost than gained from its dissemination. Frequently suppression of speeches can be directly related to political pressures, and the desire to avoid

---

<sup>4</sup> See J. J. Phillips, *The Publication of Books at Rome in the Classical Period* (Diss. Yale 1981): 16–17; G. Cavallo, ed., *Libri, editori e pubblico nel mondo antico* (Rome: Laterza 1975): 27–80; and R. Starr, "The Circulation of Literary Texts in the Roman World," *Classical Quarterly* 37 (1987): 213–233. On the question of whether Cicero abridged his orations for publication, see Andrew M. Riggsby, "Pliny on Cicero and Oratory: Self-Fashioning in the Public Eye," *American Journal of Philology* 116 (1995): 123–133.

<sup>5</sup> See W. Stroh, *Taxis und Taktik: Die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart: Teubner 1975). Stroh bases his argument on evidence from Cicero's *Brutus*, but Cicero is not discussing the political uses of oratory in the *Brutus*. Moreover, whatever Cicero's stated reasons for publication are, his actual practice—sometimes choosing not to publish a particular speech—must also be taken into account. See E. Narducci, *Cicerone e l'eloquenza romana* (Rome: Laterza 1997): 165 and n. 29 in support of my position.



offending in print, as it were, a powerful individual or group. For example, when Cicero was twice pressured by Pompey to undertake the defense of Aulus Gabinius in 54, he strenuously tried to refuse (see the Letters to Atticus and to Quintus in September and October of 54). But Pompey prevailed; even though Cicero had given testimony against Gabinius during the *divinatio* (the process of selecting the prosecutor) prior to the first trial, he was ultimately convinced to defend him at the second prosecution. Gabinius was first acquitted, then convicted; Cicero published neither of his speeches concerning this unpopular defendant because he did not wish to offend Pompey, nor to appear to be his lackey. A further reason for dissociating himself from Gabinius was no doubt the fact Cicero disliked him intensely.

A similar situation is seen in the case of the defense speech for C. Calpurnius Piso, charged with extortion in 63. The prosecution, brought by Caesar, was politically motivated: Piso had opposed Pompey's overseas commands, and now Caesar was showing his support for Pompey by attacking his enemies. Cicero undertook the defense of Piso because Piso had supported him in his consular candidacy. His advocacy was successful, and Piso was acquitted. Cicero did not publish the speech, despite the fact that he had made his first defense of a consular defendant,<sup>6</sup> and a successful one at that, because he saw that to do so could offend Pompey and Caesar while gaining him nothing from Piso. This was a prudent, tactful, and strategically sound move for a sitting consul, who needed the support of both Pompey and Caesar far more than that of Piso.

Thus it appears that in making choices regarding the publication in cases such as these, Cicero is attending to the advice given in the *Commentariolum Petitionis* (53).<sup>7</sup> The author of this piece on electioneering points out that while a politician is involved in an electoral campaign, he should not involve himself with controversial issues either in the Senate or before the people, lest any group take offense at his position or doubt his loyalty to them. Cicero, as his career

<sup>6</sup> See W. C. McDermott, "Cicero's Publication of his Consular Orations," *Philologus* 116 (1972): 277-84.

<sup>7</sup> The authorship of this piece is disputed, but it generally agreed to be late Republican in date. See J. S. Richardson, "The 'Commentariolum Petitionis,'" *Historia* 20 (1971): 436-72, and J. M. David, et al., "le 'Commentariolum Petitionis' de Quintus Cicéron. État de la question et étude prosopographique," *Aufstieg und Niedergang der römischen Welt* I. 3 (1973): 239-77.

progressed, was always acutely aware of where he stood in relation to other politicians, their friends and their enemies. Thus each time he gave a political speech, or defended someone in the courts, he had to consider whether it was to his advantage to publish the oration or not.

The sum of such decisions reveals patterns of publication in Cicero's career. Not unexpectedly, given the potential political impact of published speeches, which had wider dissemination and greater permanence than those that were heard once, Cicero frequently chose to publish his orations. Yet suppression was equally important. If we look at all the known speeches of Cicero, we see that there are 83 that may be considered unpublished,<sup>8</sup> as against 58 extant, 16 fragmentary,<sup>9</sup> and five<sup>10</sup> probably published and subsequently lost—a total of 79. It is clear that Cicero decided not to publish more than half the time. A chronological look at the pattern of such decisions will reveal much about Cicero's developing career and the changing influences and pressures that he felt as he climbed from an unknown new man to the pinnacle of power in Rome. After his fortunes were reversed, we can see how his decisions regarding publication changed as well. The Table (see below, 327) illustrates the pattern of Cicero's activities and reflects his principles of selection.

In the first ten years of Cicero's career, there are fourteen published speeches, of which eleven are extant, two are fragmentary, and one was probably published and lost. In the same period, there are eight unpublished. Of the published speeches, almost all (13) are forensic, while of the non-published pieces, six are forensic and two political. One may draw two conclusions from this information. First, it is clear that Cicero is far more involved in the courts than in politics; political speeches account for less than 14% of the total. In view of his own words at *De Officiis* 2.47–51, where, after mentioning the fame that comes from eloquence, he claims that the greatest reputation can be won by defending an innocent person in a

<sup>8</sup> These speeches and their dates of delivery are discussed in detail in Crawford (1984).

<sup>9</sup> U. Schindel, "Ein neues Redefragment Ciceros?" *Hermes* 122 (1994): 367–68, proposes that a fragment of a Ciceronian oration may be found at Quintilian 8.6.43. This is possible, but not convincing, and in any case, it would have to be listed among the *fragmenta incertae sedis*. See Crawford (1984): 295–300.

<sup>10</sup> These are *Pro Tullio* I; *Pro M. Fonteio* I; *De lege agraria* IV; *Cum provinciam in contione deposuit*; and *De consulatu suo*.

legal proceeding, this is not surprising. Secondly, we see that Cicero published more speeches (14) than he withheld (8), which shows that at this stage in his career he was willing to go on the record more often than not. This is certainly to be expected, since oratory—particularly published oratory—was the best way for an unknown yet talented political newcomer to make his name and reputation, which was Cicero's main goal during this period.<sup>11</sup>

In the next ten years, during which Cicero was elected to the praetorship (65) and the consulship (63), a distinct change is seen. There are twenty-two forensic speeches (seven extant, six fragmentary, one probably published, and eight not published) and thirty-two political speeches (eight extant, six fragmentary, three probably published, and fifteen not published). In this decade there are more political speeches than forensic (32 to 22), and the number of speeches withheld from publication increases somewhat, to 43% of the total (23 are suppressed and 31 are published). As Cicero's political activity increases, so does his selectivity in the matter of the publication of his speeches. Again, this should not surprise us. Having bolstered his name recognition and laid the foundations for a political career through forensic patronage and other, more overtly political means, Cicero now enters the competition for the top political prize—the consulship. Because his status as a new man places him at a distinct disadvantage, he must become increasingly cautious in deciding what to publish and what to withhold. Clearly, now that his political career is underway, Cicero has more at stake and more to risk by publication of a speech containing indiscreet remarks about an opponent, or one which endorses an unpopular position. When there is more to lose than to gain by publication, Cicero is duly cautious, and his behavior reflects this fact.

The fifties were not kind to Cicero, and he suffered serious reverses in his career and staggering blows to his prestige. Due to the machinations of his most hated enemy, P. Clodius Pulcher, he was exiled from Rome for a year and a half in 58–57. Upon his return, it soon became clear to him that the political climate had changed considerably. Caesar, Pompey, and Crassus, the 'triumvirs,' had succeeded in usurping the political process to an unprecedented degree, and

---

<sup>11</sup> For Cicero's exploitation of his youth and inexperience as a defense strategy, see H. Gotoff, "Oratory: The Art of Illusion," *Harvard Studies in Classical Philology* 95 (1993): 289–313, at 302.

the violence and unrest engendered by Clodius and others made normal political life impossible. During this period, Cicero becomes even more selective about which speeches he allows to be published; in fact, he withholds a good deal more than he publishes (44 to 17). Moreover, of the sixty-one orations known from this decade, there are forty forensic speeches, and only twenty-one are political. Obviously, Cicero is far more active in the law courts (which, it must be said, are heavily politicized at this time) than in the political arena. This reflects Cicero's marginalized position in the triumviral system of government; his main role seems to have been to defend the triumvirs' allies whenever they were prosecuted (as in the case of Gabinius cited above).<sup>12</sup> Also not unexpected is Cicero's extreme selectivity in publishing his speeches in this hostile and uncertain political environment. Caution had to be Cicero's watchword, and this is shown by the fact that less than 30% of his output is published in this decade. This applies both to forensic speeches (twenty-nine not published, eleven published) and political orations (fifteen withheld, six published). So in all aspects of his public life, Cicero reflects the difficulties he faced and the restrictions placed on him by the 'triumvirs' in this period.

In the final years of Cicero's life (49–43), Rome was swept by powerful forces that offered hope to Cicero for the restoration of the Republic, yet that ultimately resulted in the end of republican Rome and in Cicero's own death. The wrenching uncertainties of the Civil War between Caesar and Pompey, and Caesar's final victory, although distressing for Cicero, pale in comparison to his terrible grief over the loss of his beloved daughter, Tullia, in 45. This blow caused Cicero effectively to abandon public life and to turn to the solace of philosophical writing, a position that suited him well during the dictatorship of Caesar. During Caesar's rule, Cicero gave only three orations, the so-called 'Caesarian speeches,' of which one is forensic and the other two are political. Otherwise, Cicero remained entirely aloof from the law courts and from politics as well until the assassination of Caesar in March of 44.<sup>13</sup> After that, Cicero re-entered

<sup>12</sup> Other defense briefs which Cicero undertook at the behest of the triumvirs are *Pro Cispio* (57–54), *Pro Druso* (54), and *Pro T. A. Balbo* (55).

<sup>13</sup> A recent study has even shown that Cicero let himself get out of shape. After this period of forensic and political inactivity, his sentence length becomes shorter, with fewer words per strong stop; this indicates that he had lost some of his prodigious

the political arena once again, with a burst of activity aimed primarily at ridding Rome of Marc Antony and bringing about the restoration of the Republican form of government. In the last year and a half of his life, Cicero gave twenty political speeches; all but five of these were published. Here we see Cicero wielding his principal weapon, published oratory, in a way that is reminiscent of his early career. He makes sure that his opinions are heard and that they remain in the public consciousness as published speeches. Although he failed to restore the Republic (and became a victim of Antony's proscriptions), his effort was remarkable.

Now that we have gained an overview of the patterns of publication and suppression of speeches in Cicero's oratorical career, we may turn to a closer examination of some of the factors that affected Cicero's decisions about publication.

In general, Cicero took into account two factors in considering speeches for publication or not: practical and political. The first involves such mundane criteria as how busy Cicero was,<sup>14</sup> whether he had previously published on the issue at hand, or whether he had already successfully defended the client.<sup>15</sup> Sometimes perhaps lack of interest in a client or an issue at Rome was a determining factor. Only the people of Reate, for example, would have cared about Cicero's speech on their behalf in 54. Similarly, it seems that few people would have been interested in the fate of D. Matrinius, a low-level clerk, following his trial in 67.<sup>16</sup> Sometimes speeches were made in a proceeding that was dropped; such efforts rarely were published<sup>17</sup> (although after Verres fled Rome and abandoned his case in 70, *Verrines* II–IV were published in full).

Another consideration was probably aesthetic. One would like to assume that Cicero engaged in a form of quality control, and that

---

gious breath control through lack of practice. See B. Frischer, "How To Do Things with Words per Strong Stop. Two Studies on the *Historia Augusta* and Cicero," *Aspects of Latin. Papers from the Seventh International Colloquium on Latin Linguistics* (Innsbruck: Institut für Sprachwissenschaft der Universität 1996): 585–599.

<sup>14</sup> Soon after Cicero returned from exile in 57, he gave two speeches on Sept. 7 on the question of who should be in charge of the grain supply for Rome. Neither of them was published due to the rush of events surrounding Cicero's return.

<sup>15</sup> For example: *Pro Q. Caecilio Metello Celeri* (63); *Pro Sestio de ambitu* (52); and the speech *De imperatore adversus Dolabellam deligendo*, the substance of which is contained in *Philippic* 11.

<sup>16</sup> Others of this sort are: *Pro C. Mustio* (74 or 73); *Pro Sthenio Thermitano* (72); *Pro Cispio* (54?); *Pro libertate Tenediorum* (54); and *Pro Saufeio* (52).

<sup>17</sup> As in the case of Q. Mucius Orestinus (before 64).

if he did not think that a speech met his high standards, he would revise it before publication (as is known to have happened to the *Pro Milone*). But if he thought it was not worth the effort, such an aesthetically deficient speech would remain unpublished. Sometimes, too, Cicero might choose to suppress an unsuccessful speech, such as the defense of C. Antonius in 59, or his remarks *De Lege Flavia* in 60.<sup>18</sup>

There are somewhat unusual practical reasons for non-publication of a speech as well. For example, Cicero occasionally gave speeches in Greek, a practice that was frowned upon by some (see *Verr.* 2.4.147); these speeches were not published. Sometimes there was (or seemed to be) a conflict of interest, or Cicero's sympathies were with both sides of an issue, or simplest of all, he personally disliked the client or the cause that he was representing.<sup>19</sup> In some cases, multiple factors worked to preclude publication, and so the decision was made on several levels.

It should be noted that in principle the genre of a speech seems not to have mattered in the decision to publish or not. In the courts, Cicero normally spoke for the defense, as he regarded the role of *patronus* as the most noble (*De Officiis* 2.51). Since he rarely took the role of prosecutor or testified against defendants in court, few such speeches are among his published work. Yet the fact that prosecution speeches are found among the published speeches leads us to conclude that there is no generic reason not to publish them. On the political side, there are speeches to the Senate and to the people (*in contionibus*). The latter are rather rare; only eight survive (one a tiny fragment). Thus, publication of speeches given at *contiones* did occur, and so one cannot rule out the possibility of deliberate suppression based on genre. The same is true of *sententiae* (when the word means 'speech') given in the Senate, although this designation is sometimes controversial.<sup>20</sup>

Political reasons for the deliberate suppression of speeches are more complex and less likely to be ascribed with certainty. The problem is that one must prove two negatives: that the speech was not

<sup>18</sup> But he did revise and publish the *Pro Milone* (52), which had failed resoundingly when it was delivered.

<sup>19</sup> Such speeches include *Pro Bestia* (56) and *In P. Autronium Paetum* (62); *Pro Gabinio* (54); *Pro C. Messio* (54) and *Pro P. Cornelius Dolabella* (52).

<sup>20</sup> For more on this issue, see Crawford (1984): 16–19.

published, and that publication would have been detrimental to Cicero's political standing in some way. In this investigation, it is the connection of one case with others like it which may be our only clue. For example, when Cicero was seeking the consulship, he did not publish his speeches *De C. Manilio* (66), *In Oligarchos* (66), or *Pro C. Orchivio* (65) because he did not want to offend potential supporters of his campaign. Likewise, as consul, he carefully maneuvered to keep both Pompey and Caesar happy, so as to be able to count on their help, by not publishing the *Pro C. Calpurnio Pisone* (63). To avoid offending Cato, several speeches, including the *De Locatione Asiatica* in 61 and *In P. Clodium Pulchrum* in 56, appear to have been purposely suppressed. The speech *De Rege Ptolemaeo* (56) was not published in order to spare Pompey's feelings. The remarks Cicero made against Vatinius' candidacy for the praetorship in 54 could only have caused trouble while offering no advantage to Cicero. And finally, it should be noted that on occasion Cicero seems to have been looking out for his own feelings. He did not publish his speech on revisions of the tax contracts in the East in 61, because its failure saw the end of his beloved concept of *concordia ordinum*. Nor did he publish a speech supporting Caesar, given in the Senate in 56, because it showed his capitulation to Caesar after the conference of Luca and exposed his own weak position in the current political situation.

Clearly, the factors urging suppression of a given speech were many and varied, and frequently more than one was involved. The issues were not always clear-cut for Cicero, and they are even less so for us. Yet the concept is valid, and the problems are illustrative of the issues facing the orator in the last years of the Roman republic. Most importantly, the study of the lost and unpublished orations can add to the understanding of Cicero's oratorical career beyond what can be known through the extant speeches alone.

The study of the fragmentary orations<sup>21</sup> of Cicero presents diverse challenges, requires different methodology, and offers distinct rewards. These speeches, which number sixteen, are every bit as important as the extant orations, in that Cicero thought them worthy of publication after their delivery and saw to it (with one exception) that

---

<sup>21</sup> For the purposes of this study, I define as fragmentary those speeches which were published in antiquity but are known to us now only through citations in other authors. Thus, speeches such as the *In Pisonem*, the *Pro Tullio* and the *Pro Scauro*, which have substantial lacunae and badly damaged beginnings, are not considered fragmentary.

they were copied and circulated.<sup>22</sup> Each of them provides valuable information about Cicero's political and/or forensic activities and the turbulent times in which he lived and worked. Yet what remains for us are only fragments, ranging from a single word or phrase to as many as ten or twelve consecutive lines. The fragments have been preserved by a wide range of authors, from Cicero himself to writers active in the 6th century A.D.<sup>23</sup> Most of the citations come from grammarians and rhetoricians such as Quintilian, Priscian, Aquila, Charisius, Arusianus Messius and the like, who commented on particular words or phrases in the speeches available to them. Such citations are usually short, but the scholiasts, Asconius Pedianus and the so-called Bobbio Scholiast, preserved longer pieces of the speeches and wrote often lengthy comments on them. These are the most interesting and informative, of course, but even the tiny bits can offer some insight into Cicero's handling of a legal matter or provide us with some understanding of his political position on an issue.

There is no clue as to the circumstances which led to the damage (or, in some cases, to the near-complete loss) of these orations. No ancient pattern of publication or of collection in antiquity can be found which would explain why these particular speeches were preserved only as fragments.<sup>24</sup> Only chance could account for the wide range of types of speeches that have suffered such damage. There are speeches that deal with public and private legal matters, religious issues, elections, business, and of course, politics. There are speeches delivered in the courts, in the Senate and to the people, for friends, enemies, opponents and supporters, associates and clients. The speeches date from the 70s, when Cicero's career was just getting started, to near the end of his life in 43 B.C. Nor can we be sure that the authors who quoted from them actually had the preserved speech—they might well have been quoting at second hand.

---

<sup>22</sup> The exception is the *In P. Clodium et Curionem*, which was given in 61 and not published by Cicero, but then was circulated without his knowledge or permission while he was in exile. For more on this speech, see below, 324–326.

<sup>23</sup> See L. D. Reynolds, ed., *Texts and Transmission* (Oxford: Clarendon Press 1983): 54–57, on the survival (or not) of the texts of Cicero's speeches.

<sup>24</sup> On the question of how Cicero's speeches were collected and organized in antiquity, see J. E. G. Zetzel, "Emendavi ad Tironem: Some Notes on Scholarship in the Second Century A.D.," *Harvard Studies in Classical Philology* 77 (1973): 225–243. During the medieval period collections appear to be random (Reynolds [1983]: 57 ff.).



Thus we do not know how their preservation came about; it appears to be sheer luck that any of them are preserved at all.<sup>25</sup>

In dealing with the fragmentary speeches, one must carefully extract Cicero's *ipsissima verba* from the surrounding context of the author who is quoting them. One must also take care not to confuse the *testimonia* with the text, for to do so results in a mistaken notion of what the speech contained and ascribes words and ideas to Cicero that are not his. It is important, however, to provide enough of the embedding context to make clear the sense of the quotation (although the purposes of the quoting author may inform his text in ways that are not discernable) so that relevance of the fragment may be apparent. When the fragments have been securely identified, they can sometimes be arranged in order on rhetorical grounds, or following the logical sequence of Cicero's argumentation in the case at hand. Each fragment can be analyzed for its content and its contribution to the argument can be assessed; all the relevant information can then be put together in an analysis of and commentary on the speech itself.

There are sixteen fragmentary speeches of Cicero known today. Of these, five have come down to us only in a single fragment; they are *Cum Quaestor Lilybaeo Decederet*, given in 74 after he had completed his service as quaestor in western Sicily; *De* or *Pro C. Manilio*, which is dated to late 66 or early 65, and concerns the trial of C. Manilius, tribune of the plebs in 66 and a supporter of Pompey; *De Proscriptorum Liberis*, delivered in Cicero's consular year, 63, concerning the right of the children of persons who had been proscribed to run for political office; *De Othone*, also from 63, given at a *contio* (a public meeting) hastily convened after a former tribune of the plebs was verbally attacked at the theater; and *In P. Servilium Isauricum*, which was delivered in the Senate on April 9, 43 against Isauricus' opposition to a proposal Cicero had made the day before. Although each of these speeches is important (the two from 63 were thought good enough to be included in Atticus' request that Cicero send him copies of his consular speeches, the twelve so-called *oratiunculae* [*Ad Att.* 2.1.3]), there is so little to go on that reconstruction is impossible and our ability to gain significant insight into Cicero's thinking on the issues is limited.<sup>26</sup>

<sup>25</sup> For an overview of earlier scholarship on the fragmentary speeches of Cicero, see Crawford (1994): 2–3.

<sup>26</sup> For full treatment of each of these, see Crawford (1994): 19–22; 33–41; 201–07; 209–14; and 289–93.

A second group of speeches consists of those which have fewer than twelve fragments. There are six of these, four of which are forensic and two are political. Five of the six are relatively early in Cicero's career (before the consulship), and were useful to the orator as he made his way in Roman politics. The sixth, delivered early in 62, amounts to a defense of his actions as consul and was clearly a significant speech on a critical issue. Quite a lot can be gleaned from the fragments of these orations, and in most cases the structure of the speech can be seen, revealing the defense strategy Cicero adopts or the treatment he chooses for the issues at stake. A closer look at some of the speeches in this group will illustrate this point.<sup>27</sup>

The *Pro Vareno* is the earliest of the fragmentary speeches, datable to the early 70s.<sup>28</sup> L. Varenius was accused of the murder of two relatives and the attempted murder of a third. It appears from the remaining bits of the speech that Varenius may have been set up; one of the prosecutors was a professional *accusator*, and the trial has a suspiciously 'open and shut' feel to it. Nevertheless, the young Cicero undertook the case and did his best, albeit in a losing cause. From the fragments we can see that Cicero took the offensive, trying to divert the charges to hired killers, playing with the prosecutors' statements to show their lack of credibility, and using delaying tactics. After an opening that was designed to arouse pity for the defendant, Cicero names the principal accuser, gives the charges, and immediately tries to distance his client from them. He employs the *cui bono* defense, arguing that the people who benefited from the deaths of the victims should be considered the probable murderers and actually names them in the speech. He contends that they are the real criminals and poor Varenius was entrapped and implicated by them in a crime that he did not commit. Despite these tactics, Cicero's defense was not successful and Varenius was convicted (Quintilian 7.2.36). His strategy had failed, and yet he published the speech. At this point in his career, Cicero was anxious to gain recognition, and perhaps it did not matter to him that he had fought a losing battle, as long as the speech itself was well thought of. And

---

<sup>27</sup> Little is known about Cicero's defense of C. Fundanius, probably to be dated to 66, and the five fragments that remain from the speech offer hardly any elucidation. For the details, see below, 318 and Crawford (1994): 57–64.

<sup>28</sup> The exact date is unknown, but parallels with the trial of Sex. Roscius of Ameria (in 80) and connections to the Sullan proscriptions point to an early date.

it was—Quintilian, for example, later cited it with admiration as an example of a flexible and creative defense.

In 69 Cicero defended P. Oppius on charges of assault<sup>29</sup> brought against him by M. Aurelius Cotta, Oppius' commander in the province of Bithynia. Once again we can see from the seven fragments remaining from this speech what Cicero's plan of defense was. First he suggested that there was no attack on Cotta at all. He impugned the charges, claiming that they were inconsistent and improper, and would set a bad precedent. He appropriated the prosecution's tactics when it suited him, forcing them to choose between untenable alternatives. He attacked Cotta (though carefully, as he was a personal friend), using irony and sarcasm. We do not know whether Oppius was convicted or not, but Cicero was sure to publish this defense championing a man of equestrian rank, since he needed the support of that group in his continuing bid for higher political office.

Politics is the focus of the next speech in this group, the *De Rege Alexandrino* (65). This speech was delivered in the Senate on the question (much vexed) of the proposed annexation of Egypt by Crassus, and the challenges that proposal raised for Pompey and Caesar. Cicero opposed the annexation, as did the conservatives in the Senate, thus acquiring their support and showing at the same time that he was looking out for Pompey's best interests. The speech was a success, and Cicero published it as a 'position paper' designed to further his political career at the critical time of his consular canvass.

The remaining fragments of the speech, and the embedding context provided by the Bobbio Scholiast, reveal very clearly how Cicero treated this issue. He begins (fragments 1–3) by decrying Crassus' greed, possibly deliberately blurring the distinction between greed for wealth (of which Crassus had plenty) and power (of which he wanted more). He continues the speech with a discussion of honesty and the need for moral standards in public and private life (fragments 4, 5, and 8), and investigates the causes for just war (6 and 7). These topics could well be applied to a discussion of the relative merits of Pompey and Crassus; in this part of the speech one suspects that contrasts were drawn between the two rivals. Cicero also takes the opportunity to accuse the current Egyptian rulers of committing murder and mayhem (9 and 10). All of the fragments thus point to

---

<sup>29</sup> Or extortion, or theft; the evidence is unclear. See Crawford (1994): 24–25.

Cicero's conclusion that the annexation of Egypt was a bad idea and should not be undertaken by anyone, least of all by Crassus. The Senate agreed and let the matter drop; Cicero published his speech to consolidate his position vis-à-vis Pompey and to solidify his support among the senators.

At about this time, or perhaps a bit earlier, Cicero defended a certain C. Fundanius on unknown charges. Five fragments remain from this speech, but they offer virtually no insights into the defense that Cicero mounted in this case. We do not even know the exact identity of the defendant, nor whether the defense was successful. However, as the speech was most likely delivered and published prior to Cicero's consular canvass, we may speculate that Fundanius was acquitted, and that Cicero regarded his support as an important political asset.<sup>30</sup>

The trial of Q. Gallius occurred in 64. Gallius was indicted by M. Calidius for bribery that he allegedly had committed during his campaign for the praetorship in 66. We know that the trial was delayed for two years, for Gallius served as the Praetor in charge of the court which tried Cornelius for treason in 65 (see below).<sup>31</sup> The accusation thus seems to have been brought by Calidius for personal reasons, since there would not have been any reason to try to oust someone from an office that he had already held. Calidius perhaps hoped to benefit from provisions in the *lex Calpurnia de ambitu*, which allowed a successful prosecutor to take the rank (and some privileges) of a convicted defendant. Whatever the reasons for the prosecution, Cicero's defense speech was very widely read and quoted in antiquity, even though it seems that Gallius was convicted,<sup>32</sup> and the seven fragments which remain show a varied and lively defense, including two sharp and witty attacks on the prosecution speeches of Calidius.

The last speech in this group, *Contra Contionem Q. Metelli*, is a significant political expression on Cicero's part. It was delivered to

---

<sup>30</sup> Fundanius was one of the four members of *sodalitates*, or 'brotherhoods,' whom Cicero defended on various charges and from whom he therefore expected support in his consular canvass. See the *Commentariolum petitionis* 19.

<sup>31</sup> For a full discussion of the date of this trial, see Crawford (1994): 145–46.

<sup>32</sup> This is inferred from the fact that fifteen years after this trial, Gallius' relatives (probably his sons) undertook a retaliatory prosecution of Calidius. Had Gallius been acquitted, there would have been no need for such revenge.

the Senate in 62, a few days after the end of Cicero's term as consul, in response to a highly critical review of his consulship by Q. Metellus Nepos, a tribune of the plebs. Nepos' primary attack on Cicero focused on the decision to put five members of Catiline's conspiracy to death without a trial. Cicero argues in the remaining fragments of this speech that it was the Senate's decision, not his own, to do this; although this argument is in fact invalid (Cicero as presiding consul would have had the ultimate responsibility for the Senate's actions), it was convincing. The senators voted to name Cicero *pater patriae*, and to make illegal any further efforts to retaliate against those who had punished the conspirators. Cicero's counterattack on Metellus Nepos was thus certainly effective, for the time being, at least,<sup>33</sup> and in the unrest that followed the Senate's decree, Nepos was suspended from office and had to leave Rome altogether.

Why did Nepos lead this attack on Cicero, at such cost to himself? His goal seems to have been to bring about the recall of Pompey from the East to take over the army now fighting Catiline and the remnants of his band. In this he had the backing of Caesar, who seems to have been supporting Pompey's interests as well. The fact that the commander of the armies facing Catiline was Nepos' own brother, Q. Metellus Celer, further complicates the picture. It is my opinion that Nepos' goal was to create animosity between Cicero and Celer, who had been a strong supporter of Cicero's actions as consul. In this he was somewhat successful, as a rift between the two did arise (see *Ad Fam.* 5.1), but Cicero was able to smooth it over (*Ad Fam.* 5.2). Although the publication of his speech chastising Metellus Nepos could have further offended Celer, it seems not to have done so, and rather solidified Cicero's position in the Senate and in the public eye.<sup>34</sup>

From the ten remaining fragments, we can see that Cicero's speech had a two-part thrust. First he mounted a counterattack on Nepos, and then sought to explain his actions with regard to the conspirators,

---

<sup>33</sup> Cicero was later (in 58) forced into exile by P. Clodius Pulcher, who argued along the same lines that Nepos apparently used in 62, holding Cicero responsible for putting Roman citizens to death without a trial.

<sup>34</sup> It is likely that the complete speech would have contained many other points relating to Cicero's successful consulship, and covered other areas besides the issue of the execution. Thus the speech would have served as a favorable summary of Cicero's consulship, deserving of publication.

concluding by placing the blame for their deaths clearly on the Senate. Although Cicero takes the credit for discovering and crushing the conspiracy (fragments 7 and 8), the final decision to execute the criminals rests with the senators: *vos enim statuistis, vos sententiam dixistis, vos iudicastis* ('In fact you decided, you pronounced the opinion, you judged'). Here Cicero claims that he did not bear the ultimate responsibility, and his speech *Contra Contionem Q. Metelli* effectively defends that claim.

Five of the fragmentary speeches offer substantial portions of preserved text, from which we can attempt the reconstruction of the argument and the rhetorical arrangement of the oration. The two speeches *Pro Cornelio* and the *In Toga Candida* were the objects of commentary by Asconius Pedianus; the speeches *In P. Clodium et Curionem* and *De aere alieno Milonis* were studied by the Bobbio Scholiast. Fortunately for us, both commentators preserve much of the original speeches, by citing them in their work.

The first two of these orations, the *Pro C. Cornelio I* and *II*, were given by Cicero in defense of the tribune of the plebs, C. Cornelius, in 65. These two speeches were thus very important, coming as they did in the critical year before Cicero began his consular canvass in earnest. The charge against Cornelius was treason (*maiestas*) and the trial was fraught with political implications requiring adept handling by Cicero to ensure that he did not alienate powerful supporters while at the same time making a defense that also revealed his own political stance on current issues. Let us take a closer look at these critical speeches, of which a total of eighty fragments survive.

C. Cornelius was a protégé of Pompey, who had served under Pompey in Spain and was tribune of the plebs in 67. During his tenure in this office, Cornelius was accused of *maiestas*, because he himself had read aloud a bill that he was proposing after another tribune, P. Servilius Globulus, had vetoed it. A trial was begun and disrupted in 66, amid allegations that the prosecution had been bought off and that Cornelius' own gang of thugs had been behind the violent acts that led to the suspension of the trial. In 65 the prosecution was reopened (following the conviction of another tribune, C. Manilius, on similar charges), and Cicero undertook the defense. Although Cornelius had the backing of Pompey, he also had powerful enemies, and it seems that Cicero took some risks in defending Cornelius; however, he would have not hesitated to lend

his support to Pompey's former quaestor, and he was sympathetic to the reforms that Cornelius was attempting to introduce.<sup>35</sup>

The defense was difficult, because Cornelius had in fact flaunted the veto of Globulus, at an assembly in full view of the people of Rome. Cicero could not deny the facts of the case, nor did he try. Rather, he claimed that Cornelius had merely read out his bill to clarify it, and had in fact obeyed Globulus' veto by immediately dismissing the assembly after his reading. Thus no diminution of another tribune's power or of the power of the Roman people (one of the definitions of *maiestas*—a complex and poorly understood law) had occurred, and Cornelius was innocent. The jury agreed, having been convinced by Cicero's skillful guidance though a daunting tangle of legal interpretations and political pressures.

The extant fragments of the speeches for Cornelius show how Cicero accomplished this feat.<sup>36</sup> In the first speech, he begins with an *exordium* designed to arouse compassion in the jurors and put them in a mood sympathetic toward the client. Fragments 1–4 belong to this part of the speech.<sup>37</sup> The *narratio*, which explains the facts of the case, is very short as preserved; it is represented by only two fragments (5 and 6).<sup>38</sup> Then Cicero begins a digression (fragments 7–18) in which he ridicules the prosecution and tries to disconnect his client and himself from the recently convicted Manilius. These points, though minor, have to be addressed before Cicero begins the main portion of the defense (the *argumentatio*, represented by fragments 20–45). In fragment 19, however, we find the *partitio*, stating clearly and succinctly the matters which he will treat in the *argumentatio*. Cornelius is accused of having 1) passed a bad law; 2) violated the tribunician veto; and 3) committed sedition. These three

<sup>35</sup> See M. Griffin, "The Tribune C. Cornelius," *Journal of Roman Studies* 63 (1973): 196–213.

<sup>36</sup> My analysis is based on that of K. Kumaniecki, "Les discours égarés de Cicéron pro Cornelio," *Med. Kon. Vlaam. Acad. Belg.* 32 (1970): 3–36, but reflects an emphasis more grounded in traditional rhetorical theory. I have also rearranged the fragments slightly.

<sup>37</sup> In his review of the *Fragmentary Speeches*, "Fragmina Tulli," *Classical Review* 47 (1997): 50–52, J. G. F. Powell rightly notes (51) that these four fragments do not make up the entire *exordium*, as I had implied (96).

<sup>38</sup> Powell (1997): 51, argues that the length of the *narratio* cannot be assumed, because we have not got all of the speech. This is true, but I would point out the brevity of the *narratio* in the *Pro Caelio*, and Austin's remarks thereto (R. G. Austin, ed. *M. Tulli Ciceronis, Pro M. Caelio Oratio* [Oxford: Clarendon Press 1960]: 45).

allegations are then answered in order by Cicero. In fragments 20–27 he argues that bad laws can be amended, and as Cornelius was willing to amend his bill, he cannot be guilty. Fragments 28–33 deal with the issue of Cornelius' violation of Globulus' veto; Cicero answers this charge with the claim that his client only read his bill to clarify it, and indeed dismissed the assembly before a vote could be taken. Finally, in fragments 34–45, we find Cicero attempting to show how Cornelius was a benefactor to the republic rather than a seditious villain. There is a great deal of extraneous material in this part of the speech. Examples from history, marginal issues and generalizations on a variety of topics seem purposely to obscure the central facts, and seem to have been included to draw the jurors' attention away from the weak case that Cicero in fact had. Certainly this is a good and well-known Ciceronian tactic. The remaining fragments of the *peroratio*, 46–55, include some of the usual pathetic appeal (55) as well as a summary of the issues of the trial.<sup>39</sup>

Cicero's second speech for Cornelius has only 18 extant fragments and is much less rich in information and rhetorical artistry than the first speech. Moreover, it seems to reflect quite closely the interrogation of witnesses and Cicero's reactions to their testimony.<sup>40</sup>

The speeches for Cornelius were successful. His client was acquitted, and Cicero added to his reputation as a powerful orator in support of the innocent victim of political maneuvering by people who did not have the best interests of Rome at heart.

The next fragmentary speech to consider is the purely political *In Toga Candida*. Delivered in the Senate in 64, right before the consular elections, it was clearly a success, for Cicero was elected consul at the head of the poll. It is unlikely that the speech *per se*, which is an attack on his rivals, C. Antonius and L. Catilina, directly influenced the outcome of the election; the vote went to Cicero as a moderate supporter of the middle class and the middle road, and was not a protest vote against the other candidates. Nevertheless, we can see from the 27 surviving fragments of the oration (all preserved by Asconius) that it was a powerful and vigorous invective.

Most of the extant fragments are aimed at Catiline, and attempt

<sup>39</sup> Fragments 56–62 cannot be located with any sense of security, though some may well belong in the *peroratio*.

<sup>40</sup> The speech has the following rhetorical structure: *Exordium*; *Demonstratio* (showing the witnesses' prejudices); *Confutatio* (attack on the witnesses); *Digressio* (on wealth); and *Peroratio*.



to show how he is completely unsuited to serve as consul, due to his numerous wretched crimes against society (and against members of Cicero's own family, as well). Cicero attacks Catiline very strongly, discussing offenses including murder, adultery and incest (in contrast, Antonius gets off rather lightly, being accused of behaving badly towards provincials and getting himself expelled from the Senate).

Cicero gave this speech in response to a tribune of the plebs, Q. Mucius Orestinus, who had vetoed a proposed new anti-bribery law, and in doing so had insulted Cicero publicly by stating that he was not worthy to hold the consulship. Thus the ostensible reason for the speech is a discussion of bribery, and that is where Cicero begins. The proper order of the fragments is not that preserved by Asconius, who had his own reasons to rearrange them,<sup>41</sup> but it is possible to reconstruct the rhetorical structure of this compelling piece.

In the first fragment, Cicero goes on the attack against his rivals immediately, alluding to clandestine meetings held by them to assure the support of those they have bribed. He asserts in fragment two that this is the only way they can hope to succeed, because they have no friends; he goes on to show that Catiline in particular has offended the Senate, the courts, the people of Rome, and Cicero himself (fragments 3–6). He returns to his opening theme in the next two fragments, claiming that Catiline and Antonius will have to start a slave war, or use gladiators, or step up the bribery in order to gain election. Having thus set forth a general picture of what disasters might come from his opponents, Cicero then presents three *colloquia*, first with Catiline, then Antonius, and finally Mucius (the tribune whose remarks spurred Cicero to give the speech).

The *colloquium* with Catiline is the longest, consisting of 12 fragments, and the nastiest. Cicero rakes Catiline over the coals for past crimes (and murders) committed during the Sullan proscriptions, for despicable personal behavior (including not-so-veiled references to adultery and incest), mistreatment of allies, flaunting of the law and the law courts, and plots against the leaders of the state. He then turns to Antonius, whom he treats in two fragments,<sup>42</sup> and lastly, to

<sup>41</sup> He was trying to demonstrate that Cicero had not defended Catiline in 65 on charges of extortion. For a full treatment of this issue, see Crawford (1994): 168–172.

<sup>42</sup> There was probably more to this than remains now, but Asconius' greater interest in Catiline explains the uneven balance. The two fragments chastise Antonius for unsportsmanlike behavior in chariot races and for ingratitude toward Cicero himself, who helped him get elected to the praetorship in 66.

Mucius, who is the subject of a heavy blast of irony and sarcasm. The last two fragments, which belong in the peroration, leave the audience with a sense of unease relating to the opening lines of the speech. Cicero implies that there are evil people about, planning evil things, perhaps even violence, on behalf of Antonius and Catiline. His message is clear; his rivals have been and still are not to be trusted, and should not be elected.

That Cicero's point was taken seriously and deserved to be is clear from the fact that he was returned first in the polling, Antonius was elected as second consul, and Catiline went on to plot revolution and violence against the state.

The speech *In Clodium et Curionem* is one of the most interesting of the fragmentary orations of Cicero, because the orator did not authorize its publication. Rather, the speech, delivered in 61, was 'leaked' to the public during Cicero's exile, in 58. This caused Cicero considerable distress, and he tried to have it dismissed as a forgery (*Ad Att.* 3.12.2), because he thought that it might have a negative effect on his efforts to be recalled. It is clear, however, that it is Cicero's own work; one fragment of it actually comes verbatim from a letter of Cicero to Atticus (1.16.9), in which he discusses both a set speech against Clodius and an *altercatio* with him. Both probably served as sources for the fragments that have come down to us.

Most of the extant speech is aimed at Cicero's enemy, P. Clodius Pulcher.<sup>43</sup> This is not surprising, since the speech was delivered in the Senate shortly after Clodius was acquitted of offenses relating to his illicit presence at the rites of the Bona Dea in the previous year. Cicero had given damaging testimony against Clodius, destroying his alibi; nevertheless, the jury, allegedly bribed, dismissed the charges. In the aftermath of the trial, Cicero addressed the Senate to encourage them and reassure them against fears of what Clodius might do next. Of course, he took the opportunity to lambaste Clodius thoroughly, using a combination of wit and invective to malign him personally and to lament the lack of true justice in the Roman state.<sup>44</sup>

---

<sup>43</sup> On the career of P. Clodius Pulcher, see Jeffrey Tatum, *The Patrician Tribune* (Chapel Hill: University of North Carolina Press 1999). Tatum provides a detailed analysis of the Bona Dea scandal in pages 62–86, and discusses this speech at 87–89.

<sup>44</sup> Apparently he also attacked Clodius' patron C. Scribonius Curio, the trial jury, and M. Pupius Piso, consul in 61, but no fragments concerning these have survived.

The structure of the speech is fairly straightforward; the remarkable thing about it is the invective, which is cutting, witty, and wide-ranging. The speech is comprised of an *exordium*, followed by a *digressio*, which discusses Clodius' financial difficulties, and then the *argumentatio* proper, which contains the bulk of the invective. There is but one fragment remaining of the *peroratio*. In the *exordium* (fragments 1–6), Cicero sets the scene and deals with the outcome of Clodius' trial, briefly but with biting sarcasm, signaling here the mood of much of the speech. Fragments 7–17, with an interruption at 13 in which Cicero ironically touches on Clodius' religious practices (an obvious reference to the Bona Dea scandal), outline how Clodius plans to repay his vast debts by getting a rich province to plunder. That he is a dishonest opportunist is the thrust of this section.

The *argumentatio* (fragments 18–32), is the real tour-de-force of this oration. Cicero uses several of the stock themes of invective,<sup>45</sup> including ridicule of one's appearance or dress, one's ancestry and origins, criticism of behavior such as gluttony, immorality, extravagance and debt, and pretentiousness, to attack Clodius in an extremely funny, yet cruel, way. In the first two fragments of this onslaught, Cicero takes up the subject of Clodius' presence at Baiae, that great resort town on the Bay of Naples, actually calling him forth in a sort of *protopoieia* to defend himself. He foreshadows here the famous passage in the *Pro Caelio* in which Clodius' renowned ancestor Appius Claudius Caecus appears.<sup>46</sup> In the next four fragments, the orator makes great fun of Clodius' dressing up as a woman (as he did in order to gain entrance into the rites of the Bona Dea, reserved for women only). He details each item of clothing, describes the fitting room, and concludes with Clodius' looking into a mirror, declaring himself 'pretty' (a pun on his cognomen, Pulcher). Fragments 25–32 concern the trial itself, its outcome, and the bribery charges surrounding it; this part is more serious in tone, but still contains elements of humor. The last fragment effectively summarizes Clodius'

<sup>45</sup> See R. G. Nisbet, *Commentary on the In Pisonem* (Oxford: Clarendon Press 1961): 194, for a summary of such themes. For a full treatment of the use of political invective in Roman oratory, see I. Opelt, *Die lateinischen Schimpfwörter und verwandte sprachliche Erscheinungen. Eine Typologie* (Heidelberg: C. Winter 1965): 125–164.

<sup>46</sup> The connections between this speech and the *Pro Caelio* are explained by K. Geffcken in *Comedy in the Pro Caelio* (Leiden: Brill 1973): 72. There is much valuable material on the *In Clodium et Curionem* in Geffcken's monograph, particularly on the comic elements that Cicero uses with such great impact.

position, now and for the future, and encourages the Senate not to lose heart in the face of such a blatant perversion of justice.

The *In P. Clodium et Curionem* is clearly important for understanding the hostility between Cicero and Clodius, which ultimately led to Cicero's exile, and it is no wonder that the speech caused Cicero anxiety when it was published without his consent, for it contains much that could cause offence. Considering its uncertain disposition in antiquity, we are fortunate that it survived at all.

The last of the fragmentary speeches that I will discuss was delivered in the year 53. Although it is titled *De Aere Alieno Milonis* (*On Milo's Debts*), it is in fact mostly about Clodius. Only one of the 25 fragments (all preserved by the Bobbio Scholiast) mentions Milo by name, while 21 concern Clodius. Obviously, Cicero has taken the occasion of defending his friend and long-time ally T. Annius Milo against allegations raised by Clodius in the Senate to turn the tables on his enemy and attack him. Rather than the personal invective that he employed against Clodius in the earlier speech, here Cicero aims his remarks more generally, seeking to show to his audience, the Senate, how Clodius had caused serious disruption to the state and to its leading citizens by his irrational and violent behavior. Milo and his alleged debt is no threat at all; rather it is this madman, Clodius, who has endangered the city and all that is dear in it. Cicero's hostility to his enemy is clear and unrelenting. From the *prooemium* straight through to the end of the extant fragments, Cicero attributes all sorts of reckless and threatening acts to Clodius. These include bribery; violence, at the polls and elsewhere; the attempted murder of Pompey; making false accusations; proposing irresponsible laws; and of course, immorality (*de religionibus violatis . . . de incestis stupris* [fragment six]). It is an impressive display, and as such was an important speech for Cicero. In it he clearly addresses Clodius' untrustworthiness and the threat that his power, though waning, still posed for Rome and for Pompey. It is a political speech about a personal enemy, yet it is no less effective for that reason.

The lost and fragmentary speeches of Cicero represent an important source for a fuller understanding of his career and of the great issues that he faced throughout his public life. When these orations are integrated into the body of extant speeches, a clearer view of his development as a politician, statesman, advocate, and orator emerges. The picture is fuller and more nuanced; successes and failures alike play a role. For these reasons we should not ignore this

valuable resource, but be glad that we have as many of these speeches as we do. Perhaps more will even be discovered in the future, thus adding to our knowledge of the last years of the Roman republic and the men who governed it.

Table  
Distribution of Cicero's Published and Unpublished Speeches by  
Period and Type (Forensic or Political)

Period	Type	Preserved		Not Preserved			TOTAL %	
		[a] Extant	[b] Fragmentary	[c] Possibly Published	[d] Not Published	[e] Total	Published ([a+b+c]/e)	Not Published (d/e)
80 – 70	Forensic	11	1	1	6	19	68.4%	31.6%
	Political	<u>0</u>	<u>1</u>	<u>0</u>	<u>2</u>	<u>3</u>	<u>33.3%</u>	<u>66.7%</u>
	<i>Total</i>	11	2	1	8	22	63.6%	36.4%
69 – 60	Forensic	7	6	1	8	22	63.6%	36.4%
	Political	<u>8</u>	<u>6</u>	<u>3</u>	<u>15</u>	<u>32</u>	<u>53.1%</u>	<u>46.9%</u>
	<i>Total</i>	15	12	4	23	54	57.4%	42.6%
59 – 50	Forensic	10	0	0	29	39	25.6%	74.4%
	Political	<u>5</u>	<u>1</u>	<u>0</u>	<u>15</u>	<u>21</u>	<u>28.6%</u>	<u>71.4%</u>
	<i>Total</i>	15	1	0	44	60	26.7%	73.3%
49 – 43	Forensic	1	0	0	0	1	100.0%	0.0%
	Political	<u>16</u>	<u>1</u>	<u>0</u>	<u>5</u>	<u>22</u>	<u>77.3%</u>	<u>22.7%</u>
	<i>Total</i>	17	1	0	5	23	78.3%	21.7%
UNDATED	Forensic	0	0	0	3	3	0.0%	100.0%
	Political	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
	<i>Total</i>	0	0	0	3	3	0.0%	100.0%
CAREER	TOTALS	58	16	5	83	162	48.8%	51.2%

#### BIBLIOGRAPHY

- Alexander, M. C. *Trials in the Late Roman Republic, 149 B.C.–50 B.C.* Toronto, Buffalo, London: University of Toronto Press, 1990.
- Austin, R. G., ed. *M. Tulli Ciceronis, Pro M. Caelio Oratio*. 3rd edition. Oxford: Clarendon Press, 1960.
- Bailey, D. R. Shackleton, ed. *Cicero's Letters to Atticus*. 7 vols. Cambridge: Cambridge University Press, 1965–1970.
- , ed. *Cicero: Epistulae ad Familiares*. 2 vols. Cambridge: Cambridge University Press, 1977.

- , ed. *Cicero: Epistulae ad Quintum Fratrem et M. Brutum*. Cambridge: Cambridge University Press, 1980.
- Bauman, R. A. *The Crimen Maiestatis in the Roman Republic and the Augustan Principate*. Johannesburg: Witwatersrand University Press, 1967.
- Broughton, T. R. S. *The Magistrates of the Roman Republic*. American Philological Association Monographs; revised ed., 3 vols. Chico, CA: Scholars Press, 1984–1986.
- Brunt, P. A. “Amicitia in the Late Roman Republic.” *Proceedings of the Cambridge Philological Society* 191 (1965): 1–20.
- Cavallo, G. ed. *Libri, editori e pubblico nel mondo antico*. Rome: Laterza, 1975.
- Ciaceri, E. *Cicerone e I Suoi Tempi*. 2 vols. Milan: Editrice Dante Alighieri, 1939–1941.
- Craig, C. *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31. Atlanta: Scholars Press, 1993.
- Crawford, J. W. M. *Tullius Cicero: The Lost and Unpublished Orations*. Hypomnemata, 80. Göttingen: Vandenhoeck and Ruprecht, 1984.
- . *M. Tullius Cicero. The Fragmentary Speeches*. American Classical Studies, 37, 2nd edition. Atlanta: Scholars Press, 1994.
- David, J. M., et al. “Le ‘Commentariolum Petitionis’ de Quintus Cicéron. État de la question et étude prosopographique.” *Aufstieg und Niedergang der römischen Welt I*. 3 (1973): 239–77.
- Drumann, W. K. A. *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung, oder Pompeius, Caesar, Cicero und ihre Zeitgenossen*. 2nd ed., 6 vols. Berlin: Gebruder Bornträger, 1899–1929. Original edition 1834–1844; 2nd ed. revised by P. Groebe; reprint Hildesheim: Olms, 1964.
- Epstein, D. F. *Personal Enmity in Roman Politics, 218–43 B.C.* London, New York, Sydney: Croom Helm, 1987.
- Frischer, B. “How To Do Things with Words per Strong Stop. Two Studies on the *Historia Augusta* and Cicero.” In *Aspects of Latin. Papers from the Seventh International Colloquium on Latin Linguistics, Jerusalem, April 1993*, edited by H. Rosén. Innsbrucker Beiträge zur Sprachwissenschaft, 86 (Innsbruck: Institut für Sprachwissenschaft der Universität, 1996): 585–99.
- Geffcken, K. *Comedy in the Pro Caelio (with an appendix on the In Clodium et Curionem)*. Leiden: Brill, 1973.
- Gotoff, H. C. “Oratory: The Art of Illusion.” *Harvard Studies in Classical Philology* 95 (1993): 289–313.
- Granrud, J. E. “A Preliminary List of Cicero's Orations.” *Transactions and Proceedings of the American Philological Association* 44 (1913): xxvii–xxx.
- Greenidge, A. H. J. *The Legal Procedure of Cicero's Time*. Oxford: Clarendon Press, 1901.
- Griffin, M. “The Tribune C. Cornelius,” *Journal of Roman Studies* 63 (1973): 196–213.
- Gruen, E. S. *Roman Politics and the Criminal Courts, 149–78 B.C.* Cambridge MA: Harvard University Press, 1968.
- . *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.

- Kumaniecki, K. "Les discours égarés de Cicéron pro Cornelio." *Med. Kon. Vlaam. Acad. Belg.* 32 (1970): 3–36.
- Lintott, A. W. *Violence in Republican Rome*. Oxford: Clarendon Press, 1968.
- . "Cicero and Milo." *Journal of Roman Studies* 64 (1974): 62–78.
- Luterbacher, F. "Ciceros Reden." *Sokrates N.F.* 10 (1922): 89–91.
- Malcovati, H., ed. *Oratorum Romanorum Fragmenta Liberae Rei Publicae*. 4th ed., 2 vols. Torino: Paravia, 1976.
- Marshall, B. A. *A Historical Commentary on Asconius*. Columbia, Missouri: University of Missouri Press, 1985.
- McDermott, W. C. "Cicero's Publication of His Consular Speeches." *Philologus* 116 (1972): 277–284.
- . "Curio Pater and Cicero." *American Journal of Philology* 93 (1972): 381–411.
- Mitchell, T. N. *Cicero. The Ascending Years*. New Haven: Yale University Press, 1979.
- Narducci, E. *Cicerone e l'eloquenza romana: retorica e progetto culturale*. Rome: Laterza, 1997.
- Nisbet, R. G. M., ed. *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio*. Oxford: Clarendon Press, 1961.
- Opelt, I. *Die lateinischen Schimpfwörter und verwandte sprachliche Erscheinungen. Eine Typologie*. Heidelberg: C. Winter, 1965.
- Patricius, A. *Fragmentorum M. T. Ciceronis tomus IIII, cum And. Patricii adnotationibus*. Venetiis: Ziletum, 1561.
- Phillips, J. J. *The Publication of Books at Rome in the Classical Period*. Ph.D. diss. Yale University, 1981.
- Powell, J. G. F. "Fragmina Tulli." *Classical Review* 47 (1997): 50–52.
- Puccioni, G. *Frammenti delle orazioni perdute*. 1st edition. Florence: Mondadori, 1971.
- Ramsey, J. T. "The Prosecution of C. Manilius in 66 B.C. and Cicero's *Pro Manilio*." *Phoenix* 34 (1980): 323–336.
- Reynolds, L. D., ed. *Texts and Transmission: A Survey of the Latin Classics*. Oxford: Clarendon Press, 1983.
- Richardson, J. S. "The *Commentariolum Petitionis*." *Historia* 20 (1971): 436–72.
- Riggsby, A. M. "Pliny on Cicero and Oratory: Self-Fashioning in the Public Eye." *American Journal of Philology* 116 (1995): 123–133.
- Schanz, M., and Hosius, C. *Geschichte der römischen Literatur*, vol. viii.1. 4th edition. Munich: C. H. Beck'sche, 1927.
- Schindel, U. "Ein neues Redefragment Ciceros?" *Hermes* 122 (1994): 367–68.
- Seager, R. *Pompey. A Political Biography*. Berkeley: University of California Press, 1979.
- Settle, J. N. "The Publication of Cicero's Orations." Ph.D. diss., University of North Carolina, 1962.
- Sigonio, C. *Fragmenta Ciceronis, Caroli Sigonii diligentia collecta*. Venetiis: ex officina Stellae, Iordani Zilleti, 1559.
- Squires, S. ed. *Asconius: Commentaries on Five Speeches of Cicero*. Bristol and Wauconda, IL: Bristol Classical Press [U.K.], Bolchazy-Carducci [U.S.], 1990.

- Starr, R. "The Circulation of Literary Texts in the Roman World." *Classical Quarterly* 37 (1987): 213-233.
- Stockton, D. *Cicero: A Political Biography*. New York: Oxford University Press, 1971.
- Stone, A. M. "A House of Notoriety: An Episode in the Campaign for the Consulate in 64 B.C." *Classical Quarterly* 48 (1998): 487-491.
- Stroh, W. *Taxis und Taktik: Die advokatische Dispositionskunst in Ciceros Gerichtsreden*. Stuttgart: Teubner, 1975.
- Sumner, G. V. *The Orators in Cicero's Brutus: Prosopography and Chronology*. Toronto: University of Toronto Press, 1973.
- Syme, R. "Ten Tribunes." *Journal of Roman Studies* 53 (1963): 55-60.
- Tatum, W. J. *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Vanderbroeck, P. *Popular Leadership and Collective Behavior in the Late Roman Republic*. Amsterdam: J. C. Gieben, 1987.
- Ward, A. M. "Politics in the Trials of Manilius and Cornelius." *Transactions and Proceedings of the American Philological Association* 101 (1970): 545-556.
- Weinrib, E. J. "The Prosecution of Magistrates in the Roman Republic." *Phoenix* 22 (1968): 32-56.
- Wiseman, T. P. "The Ambitions of Quintus Cicero." *Journal of Roman Studies* 56 (1966): 108-115.
- . "The Definition of 'Eques Romanus' in the Late Republic and Early Empire." *Historia* 19 (1970): 67-83.
- . *New Men in the Roman Senate, 139 B.C.-A.D. 14*. Oxford: Oxford University Press, 1971.
- Zetzel, J. E. G. "*Emendavi ad Tironem*: Some Notes on Scholarship in the Second Century A.D." *Harvard Studies in Classical Philology* 77 (1973): 225-243.



## CHAPTER ELEVEN

# THE INTELLECTUAL BACKGROUND OF CICERO'S RHETORICAL WORKS

Jakob Wisse

### 1. *Introduction*

'What a funny consul we have!,' Cato the Younger was said to have remarked during Cicero's defense speech for Murena, made near the end of Cicero's consulship in 63 B.C. It was not meant as a compliment: a Roman consul ought not to be joking during a serious trial about electoral corruption. Moreover Cato, who was one of the speakers for the prosecution, was the victim of the jokes, for Cicero had just been making the audience laugh by ridiculing his inflexible, unrealistic Stoic beliefs.<sup>1</sup>

That a Roman audience would laugh at jokes even by a consul need cause no surprise; Cicero himself, in a long digression on wit in his *De oratore*, stresses the effectiveness of humor in oratory. What may be more surprising is that they laughed at jokes that presupposed knowledge of Stoic philosophy. The explanation is ostensibly to be found in the speech itself. Near the beginning of the passage in question, Cicero says that his audience 'is not an ignorant crowd or some gathering of rustics,' and that intellectual pursuits (*studia humanitatis*) are familiar and even dear to them.<sup>2</sup> A different picture, however, emerges from a passage in the fourth book of his *De finibus* of 45 B.C., which is part of a fictional discussion between Cato and himself about Stoic moral philosophy, supposed to have taken place in 52. When he is about to discuss the same issues that were touched

---

<sup>1</sup> The anecdote is found in Plut. *Cat. Mi.* 21.5 and in *Comp. Dem. et Cic.* 1.5, where it appears as an example of Cicero's unscrupulous breaches of propriety when his cases demanded it. The relevant passage in the speech is 60–66.

<sup>2</sup> *Mur.* 61: *et quoniam non est nobis haec oratio habenda aut in imperita multitudine aut in aliquo conventu agrestium, audacius paulo de studiis humanitatis quae et mihi et vobis nota et iucunda sunt disputabo.*

upon in the speech for Murena, he says that he is not going to make jokes about it now; what he said in that speech 'was addressed to an ignorant audience, and I also made some allowances for the crowd' (4.74: *apud imperitos tum illa dicta sunt; aliquid etiam coronae datum*).

The combination of these two passages illustrates the complexities of Roman intellectual life at the time, and of the evidence for reconstructing it. On the one hand, the episode indicates that even the eminently intellectual subject of philosophy was 'popular,' in the sense that many members of the Roman upper classes (and probably even some segments of the lower ones) had some knowledge of it, and would be flattered by the suggestion that they did. On the other hand, it shows that this knowledge was generally quite superficial, and that familiarity with technical details and the willingness and ability to engage with the issues was restricted to a minority. The passages from the two works thus illuminate each other, but unfortunately they still fail to tell us, for instance, the size of this minority, or exactly how superficial the knowledge of most Romans was.

Most issues of the intellectual life of this period of cultural turmoil show similar complexities, and accordingly, scholarly opinion about them is sometimes sharply divided. At the same time, many of these issues are relevant to Cicero's rhetorical works, which touch on many subjects outside 'rhetoric' narrowly defined, and are firmly rooted in the contemporary intellectual environment. An adequate treatment of the intellectual background of these works, therefore, would have to be book-length. In this relatively brief and selective chapter, some important subjects must be left out altogether—notably, the question of libraries and the availability of books—, while others can be only summarily treated.<sup>3</sup>

---

<sup>3</sup> For a wide-ranging account, see E. Rawson, *Intellectual Life in the Late Roman Republic* (London – Baltimore: Johns Hopkins University Press 1985); for an excellent short overview, M. Griffin, "The Intellectual Developments of the Ciceronian Age," in *The Cambridge Ancient History. Second edition. Vol. IX: The Last Age of the Roman Republic, 146–43 B.C.*, edited by J. A. Crook, A. Lintott, E. Rawson (Cambridge: Cambridge University Press 1994): 689–728; despite some over-polemical passages, there is also much of value in A. E. Douglas, "The Intellectual Background of Cicero's Rhetorica: A Study in Method," in *Aufstieg und Niedergang der Römischen Welt* I. 3 (Berlin – New York: De Gruyter 1973): 95–138, esp. on the assumptions behind older scholarship and on Cicero's remarks about the visual arts; see also the relevant chapters in E. Fantham, *Roman Literary Culture from Cicero to Apuleius* (Baltimore – London: Johns Hopkins University Press 1996): 1–54. For libraries and books see A. J. Marshall, "Library Resources and Creative Writing at Rome," *Phoenix* 30 (1976): 252–264; Rawson (1985): 39–45; Griffin (1994): 692–694.

Before focusing on some of the more specific issues in sections 4–6, I shall discuss two topics of general importance. The first, briefly treated in section 2, is Roman attitudes to Greek culture and learning. They are relevant here both because Cicero's writing was greatly influenced by the attitudes of his potential readership, and because the background of many of his own views is to a large extent Greek. The second topic concerns another important factor shaping the contemporary debates: the fact that many of the subjects discussed by Cicero were thought of as the special province of professionals—'grammarians' (where matters of language and literary scholarship were concerned), rhetoricians, and philosophers. Section 3 addresses such questions as the social status and the typical activities of some of these professionals.

Some other crucial general factors are more difficult to pin down and are therefore often ignored. Particularly for the members of the Roman upper class, there were numerous opportunities for discussion, thinking, and reading that were not tied to the context of professional teaching. A good example is the private gathering at the house of Cicero's friend Atticus sometime in May 45, where the learned Greek grammarian Tyrannio seems to have given a reading of his work on Greek accentuation. We may also think of the delightful opening scene of the third book of Cicero's *De finibus* (3.7–10), with its encounter between Cicero and Cato in Lucullus' library; this encounter is no doubt fictional, but such meetings must have taken place. And of course there was private reading, often mentioned, for instance, by Cicero in his letters. Especially notable is the description by Antonius, the interlocutor of *De oratore*, at a point in the dialogue where he is still at pains to distance himself from a wholehearted acceptance of intellectual pursuits (2.59–61). When he is at leisure at his villa in Misenum, he says, he reads Greek authors—not, he emphasizes, the philosophers (who are too abstruse) or the poets (who are too difficult), but those who wrote speeches and history. The existence of such informal, relatively unstructured intellectual activities should not be forgotten in our reconstructions. Also in this regard, intellectual life in Rome was a complex matter.<sup>4</sup>

---

<sup>4</sup> For Tyrannio's reading see Cic. *Att.* 12.6.2 (for the date, see Shackleton Bailey ad loc.); in general, see esp. Griffin (1994): 694–696; and Rawson (1985): 51–52; Fantham (1996): 41–42.

2. *Greek learning in a Roman world*

Intellectual activities are of course often frowned upon by people who regard themselves as ‘practical,’ and this was also true in Greece and Rome. In Rome, however, this sentiment usually took a specific form: intellectual activities were ‘Greek’ and therefore not properly Roman. In the first book of *De oratore* Sulpicius, one of the younger interlocutors, suggests that Crassus, the chief interlocutor, should expound his views on the existence of an ‘art’ of speaking. Crassus initially reacts with indignation. ‘Are you treating me like one of those idle and jabbering little Greeks—learned and well read as they may be—, posing me a trivial question on which to talk any way I like?’ (1.102: *Quid? mihi nunc vos, inquit Crassus, tamquam alicui Graeculo otioso et loquaci et fortasse docto atque erudito quaestiuunculam, de qua meo arbitratu loquar, ponitis?*).<sup>5</sup> In the same vein, some fellow-Romans disparagingly called Cicero himself a ‘little Greek.’<sup>6</sup> At the other end of the scale, Cicero was not the only leading Roman politician who had thoroughly assimilated Greek learning. Cato the Younger is a clear example, as is Caesar, who wrote, among many other things, a treatise about the technical issue of grammatical analogy (cf. below, 352–354).

The existence of such widely differing attitudes to Greek culture has given rise to equally widely differing scholarly views. For example, Jocelyn, concentrating on philosophy, argued that from the early 2nd century B.C. onwards, the Romans generally looked at the subject and its (Greek) practitioners with suspicion, and that attitudes such as Cicero’s and Cato’s were confined to a very small minority. On the other hand, Gruen contends that all rejections of things Greek were merely symbolical, token acts, meant as public affirmations of Roman cultural autonomy by a Roman establishment which in fact welcomed Greek culture. Such extreme analyses are, in my view, one-sided.<sup>7</sup>

<sup>5</sup> All translations from *De oratore* are taken from J. M. May & J. Wisse (transl., intr., etc.), *Cicero. On the Ideal Orator (De Oratore)* (New York – Oxford: Oxford University Press 2001).

<sup>6</sup> Dio Cassius 46.18.1; cf. Plut *Cic.* 5.2.

<sup>7</sup> H. D. Jocelyn, “The Ruling Class of the Roman Republic and Greek Philosophers,” *Bulletin of the John Rylands University Library* 59 no. 2 (1977): 323–366; E. S. Gruen, *Studies in Greek Culture and Roman Policy* (Leiden: Brill 1990): 158–192, esp. 171 ff.; id., *Culture and National Identity in Republican Rome* (Ithaca: Cornell University

It seems to do more justice to the evidence to say that between acceptance and outright rejection, there was a whole range of attitudes to things Greek. This 'gray area' is difficult to chart with any precision, due not only to a relative lack of sources to supplement Cicero, but also to the inherent complexity of such matters. To start with, many people will have held no clearly articulated or even consistent views, and will have reacted differently in different situations. The 'ignorant' jurors in the trial of Murena, for example, were flattered into appreciating Cicero's discussion of philosophical issues, but if someone had actually called them ignorant they would no doubt have reacted very differently—feelings of hostility to intellectuals and Greeks might well have become apparent. Moreover, tolerably articulated positions could and did come in very different kinds.

The latter point is clearly illustrated by Cicero's preface to his *De finibus* (1.1–12). He there defends his undertaking to write about philosophy in Latin by answering the objections of four groups, which he first lists in the opening section. There are those who, though 'not unlearned,' reject philosophy altogether, others find it acceptable provided the efforts expended are limited, and yet others would prefer Cicero to write about other subjects. And some Romans take a totally different attitude, preferring to read about philosophy in Greek—snobbishly, as Cicero implies (1.10, cf. 1.5). Apart from such critics, he also had readers, and according to *De officiis* 2.2 his books had even encouraged many to take up writing about philosophy themselves. All of this already makes up a variegated picture, yet it only concerns philosophy, the most theoretical and 'Greek' among intellectual subjects. When we also take into account the different attitudes to different types of Greek writing, as witnessed, for example, by 'Antonius' statement paraphrased above (333: *De or.* 2.59–61), it becomes clear that the spectrum of Roman attitudes to Greek culture was extremely broad.

---

Press 1992), esp. 223–271. Jocelyn's scepticism is useful as an antidote against some lofty visions of the effect of Greek philosophy on Roman society, but his argument as a whole is unbalanced. E.g., of Cicero's critics mentioned in *Fin.* 1.1 (see below) he only mentions those hostile to philosophy, not the 'snobs' who preferred to read Greek ([1977]: 361 with notes 11–12). Gruen relies, *inter alia*, on assumptions about concerted policies of 'the Roman establishment' which are more at home in the language of the 1960's than in an analysis of Roman society; and on a factual interpretation of selected passages from Cicero's dialogue *De oratore* (see A. D. Leeman, H. Pinkster, J. Wisse, *M. Tullius Cicero. De oratore libri III. Kommentar. 4. Band: Buch II, 291–367; Buch III, 1–95* [Heidelberg: Universitätsverlag C. Winter 1996]: 284; May & Wisse [2001]: 17–18).

An interesting variant is the attitude of Pompey, who was the Roman general *par excellence*, but does seem to have been given to intellectual ostentation. For instance, he probably had no great taste for philosophical disquisitions, but when on Rhodes in 66 and 62 B.C., he made a point of visiting and listening to the illustrious Stoic Posidonius.<sup>8</sup> This, like, for example, the episode from Murena's trial, seems to suggest that in this period acceptance of Greek culture was dominant, despite strong opposing voices.

The variations in attitude naturally created a tension between acceptance and rejection of Greek learning, both externally, between the different attitudes present in Roman society, and internally, on a personal level. The external tensions are clear from the abuse directed at Greeks and at Cicero himself (above). The tensions on a personal level are likewise well exemplified by Cicero himself, who often appears uneasy about his own 'un-Roman' predilection for intellectual activities. This uneasiness was no doubt partly due to the abuse to which he was subjected, but at least one other, more personal factor contributed to it. For despite his intellectual calling, according to his own conviction his place was in Roman political life. Addressing his brother Quintus in the preface to *De oratore*, he regrets that the political situation makes it impossible to pursue 'the arts to which we have been dedicated from boyhood,' but also makes it clear that this call of politics cannot be ignored (1.1–3). In general, the question of the right balance between the *vita activa* and the *vita contemplativa* continually occupied him.<sup>9</sup>

The existence of tensions where Greek intellectual accomplishments are concerned is further illustrated—and partly proved—by *De oratore*. The ideal orator sketched in this work is a Roman orator-statesman who at the same time possesses universal knowledge, especially of philosophy. On the one hand, this implies a thoroughgoing commitment to intellectual pursuits. On the other hand, remarks like that of the interlocutor Crassus quoted above, about 'idle and jabbering little Greeks' (1.102), are found in many parts of the work, and are

---

<sup>8</sup> See Posidon. T35–39 EK. On Pompey, see Rawson (1985): 104–109; on p. 106 she plausibly suggests that his relationship with Posidonius ('doubtless' begun in Rome in 87–86 according to Jocelyn [1977]: 336) was meant to mirror the relationship of his great example Alexander with Aristotle.

<sup>9</sup> Cf. also his eager return to politics after Caesar's death; and esp. *Off.* 2.2–4. Cf. M. Kretschmar, *Otium, studia litterarum, Philosophie und βίος θεωρητικός im Leben und Denken Ciceros* (Diss. Leipzig 1938); Leeman-Pinkster-Wisse (1996): 288–290.

obviously aimed at sceptical Roman readers, signaling that the Roman element is not meant to be obliterated. Particularly noteworthy is a passage in the third book (3.75), where Cicero makes Crassus refer to an incident in Athens, where, as quaestor on his way home from his province, he had arrived just two days late to attend the famous Eleusinian Mysteries. He demanded that the celebration be repeated for his sake, and was angry when this was refused—behavior clearly reflecting the Roman feelings of superiority over the Greeks. That Cicero himself would almost certainly never have acted thus, and may even have regarded Crassus' demand as arrogant, only enhances the significance of his addition of the story. And indeed, the passage follows closely upon Crassus' long and learned account of how Greek philosophers followed the example of Socrates in rejecting eloquence (3.56–73). It was clearly important to Cicero at this point to counter the possible impression that Crassus' mastery of Greek intellectual subjects made him 'un-Roman,' and to leave no doubt that admiration of Greek intellectual accomplishments did not stand in the way of healthy feelings of Roman superiority.<sup>10</sup>

Less conspicuous but no less crucial to the same work is the way that Cicero, particularly in the third book, argues for his view of the ideal orator's philosophical knowledge. Employing a strategy not unknown from his speeches, he only gradually reveals this 'intellectual' view to the reader. The use of this cautious technique of persuasion clearly reflects the sensitivities in this area that he expected in his readers.<sup>11</sup>

Interestingly, Cicero's approach in some other works is notably different. From his early *De inventione* (untypical in this as in other respects), traces of cultural ambiguities are wholly or virtually absent. Probably, the youthful enthusiasm of the seventeen-year-old Cicero was not yet sensitive to such issues; the apparent lack of a clear view

---

<sup>10</sup> Other examples of the various aspects of Cicero's attitude and presentation: 1.195 (the Twelve Tables superior to all philosophical libraries); 2.17–18 (playful analysis of the concept of *ineptus* ['unfitting, tactless,' etc.], supposedly absent from the Greek language); 1.22 and 3.56–57 (remarks about Greek leisure); and, on the other hand, 3.137 (reference to the Greeks is unavoidable where learning is concerned).

<sup>11</sup> For this technique see below, 379–383 and 383 with n. 11; and Leeman-Pinkster-Wisse (1996): 93–95; May & Wisse (2001): 18–19. For a clear example in a speech, see E. S. Ramage, "Clodia in Cicero's *Pro Caelio*," in *Classical Texts and their Tradition. Studies in Honor of C. R. Trahman*, edited by D. F. Bright and E. S. Ramage (Chico CA: Scholars Press 1984): 201–211.

about the readership may also have played a part.<sup>12</sup> His most important later rhetorical works, *Brutus* and *Orator*, also differ from *De oratore* in their approach to things Greek. This is not to say that they do not show some related concerns. When in *Orator* Cicero is about to launch into a technical discussion of word arrangement, he defends himself for doing so (140–148); for instance in 144, he admits that teaching lacks dignity if it resembles teaching in a low-level school (*si quasi in ludo*), but that he sees no reason to reject it if it is done by means of advice, exhortation, etc. (*si monendo, si cohortando, . . .*). In both works, however, he is far less hesitant to discuss matters Greek and intellectual. The actual discussion in *Brutus* begins with a short history of Greek eloquence (26–51), without any of the excuses surrounding such topics in *De oratore*. In *Orator*, the very first part of the work (1–32) is perhaps even more Greek than Roman, with references to Greek poets and philosophers (4–5) and Plato's theory of forms (10), his claim that his own eloquence was based on philosophical knowledge acquired in the Academy (12–17), and the concentration on Greek orators in the discussion of suitable oratorical styles (24b–32; cf. esp. 31). All this probably reflects Cicero's focus on his immediate opponents at the time of writing (46 B.C.), the Atticists, whose criticisms of his oratory were the driving force behind these two works. They were intellectuals like Cicero, and since they belonged to a younger generation, he may also have felt that their receptive attitude to Greek culture was beginning to make his cautious approach superfluous.

It seems useful to sketch very briefly how the attitude to things Greek had developed over, roughly, the century preceding Cicero's mature years—if only because Cicero fairly often projects his own ideas and attitudes back into the time of the revered ancestors. A favorite episode is the famous embassy sent by Athens to Rome in 156 or 155 B.C., consisting of the Academic philosopher Carneades, the

---

<sup>12</sup> As to Cicero's age, see G. A. Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300* (Princeton: Princeton University Press 1972): 106–110; to my mind, his discussion settles the question of the date of *Inv.* in favor of the early one (around 90), although the dating to the late 80's is still frequently found. Other explanations of the absence of references to the contrast between Greek and Roman are equally possible; see, e.g., G. A. Kennedy, *A New History of Classical Rhetoric* (Princeton: Princeton University Press 1994): 118. The point that indications of readership are absent is also Kennedy's (*ibid.*).



Peripatetic Critolaus, and the Stoic Diogenes of Babylon. Catulus, the interlocutor in *De oratore*, says that Scipio the Younger, Laelius, and Furius, who 'were always openly in the company of the most learned men from Greece,' were very pleased with the Athenians' choice; 'they and many others frequently went to hear them speak' (2.154–155).<sup>13</sup> Such pronouncements cannot be taken as historical. The three Romans mentioned here are part of what used to be called the Scipionic Circle, an alleged group of supporters of Greek culture around Scipio, portrayed especially in Cicero's *De republica*, where they discuss political theory. That the conversations of such dialogues were fictional and meant to be recognized as such by the readers is now usually acknowledged, and it is now also generally assumed that the Scipionic Circle likewise owed its existence to Cicero's fiction (and, in part, to modern scholarship).<sup>14</sup> But it is more difficult to say to what degree Cicero believed in the correctness of his general picture of the period (as distinct from his fictional portraits). However that may be, it is in accordance with this general picture that in *De oratore* and elsewhere he leaves out one element of the story of the embassy known to us from other authors, viz., the reaction of Cato the Elder.<sup>15</sup> Cato was disconcerted by the brilliant public display speeches of the philosophers, and persuaded the Senate to have them conclude their official business so that they could leave forthwith.

This affair indicates that already in this earlier period, there were tensions of the same kind as in Cicero's own lifetime, even if the balance must have been different. The dominant mood in Cicero's later years was almost certainly one of acceptance, however qualified, of Greek intellectual activities, but that can hardly have been the case a century before. The Roman perception that Greek intellectuals constituted a problem seems to have become more acute when a host of learned Greeks flooded into Italy, shortly after Lucius

---

<sup>13</sup> ... *P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia palam semper habuerunt.* (155) *atque ego hoc ex iis saepe audivi, cum dicerent pergratum Atheniensis et sibi fecisse et multis principibus civitatis, quod, cum ad senatum legatos de suis rebus maximis mitterent, tris illius aetatis nobilissimos philosophos misissent Carneadem et Critolaum et Diogenem. itaque eos, dum Romae essent, et a se et ab aliis frequenter auditos.*

<sup>14</sup> On the 'Scipionic Circle' see H. Strasburger, "Der Scipionenkreis," *Hermes* 94 (1966): 60–72; A. E. Astin, *Scipio Aemilianus* (Oxford: Clarendon Press 1967): 294–306; J. E. G. Zetzel, "Cicero and the Scipionic Circle," *Harvard Studies in Classical Philology* 76 (1972): 173–179.

<sup>15</sup> Plut. *Cato Maior* 22.1–23.3; Plin. *Nat.* 7.112.

Aemilius Paullus' epoch-making victory over king Perseus of Macedon at Pydna in 168 B.C. Polybius at least suggests that contemporaries found the influx remarkable.<sup>16</sup> Among the Romans who welcomed the development was Paullus himself, who, for instance, saw to it that his sons (one of whom was the Younger Scipio) were educated by the best among the Greek teachers.<sup>17</sup> Considerable opposition to the growing Greek intellectual presence in Rome, on the other hand, is indicated by the fact that in 161 B.C., the Senate passed a motion mandating the praetor Marcus Pomponius to rid the city of philosophers and rhetoricians. Cato's success, some five years later, in hurrying the three philosophers out of Rome points in the same direction.

Acceptance of things Greek seems to have grown gradually. Education in the basics of Greek rhetorical theory was apparently normal when Crassus (born 140 B.C.) was young, and this was provided by Greek house teachers (not yet in schools).<sup>18</sup> In *De oratore* (dramatic date 91 B.C.), Cicero portrays his chief interlocutors Crassus and Antonius as very learned, but also as keen to hide their learning from the general public. This, on the one hand, is again part of Cicero's fiction, and as many of his readers must have realized, the real Crassus and Antonius were less learned than Cicero's portrait makes them. On the other hand, the real Crassus took a personal interest in young Cicero's education, and was clearly not averse to intellectual pursuits.<sup>19</sup>

In and after the 80's B.C., the process of acceptance must have been further hastened by the new influx of Greeks into Rome, among whom were now some leading intellectuals. This influx in effect turned Rome into a major Greek intellectual center. One of its causes was the temporary loss of the appeal of Athens: some of the philosophical schools which had dominated the intellectual scene in the

<sup>16</sup> Plb. 31.24.7; cf. the (chronologically vague) reflection in Cic. *De or.* 1.14. How much the number of Greeks actually increased is less important than contemporary and later perceptions that the difference was significant.

<sup>17</sup> Plin. *Nat.* 35.135; cf. Plut. *Aem.* 6.8–10; and *ibid.* 28.11 about his acquisition of the great library of the Macedonian kings.

<sup>18</sup> Cf. *De or.* 1.137 (Crassus); for house teachers rather than schools see below, 343, 344, 345.

<sup>19</sup> On the fictional aspect of the portraits in *De oratore* see below, 377. Crassus' interest in Cicero's education, mentioned in *De or.* 2.2, is indirectly confirmed by Suet. *DGR* 26.1 (letter of Cicero's to Titinius) and *Brut.* 211 (Cicero knew Crassus' wife): E. Rawson, *Roman Culture and Society. Collected Papers* (Oxford: Oxford University Press 1991): 26–27.

previous centuries had disappeared after Sulla's capture of the city in 86 B.C., or in the 20 or 30 years after that,<sup>20</sup> and many Greeks now came to Italy instead. Also, in the Roman campaigns in the East a number of intellectuals were taken to Rome as prisoners of war (below, note 38).

In the same period, Roman sophistication, in those of Cicero's generation and those coming after that, grew considerably, and some Romans began to develop ideas no less independently than some of their contemporary Greek counterparts. As a consequence, a 'network' consisting of Greek and Roman intellectuals seems to have emerged, in which there was at least some real exchange instead of a one-way influence from Greeks to Romans.<sup>21</sup> It is during this period of fundamental changes in Rome's intellectual life that most of Cicero's works took shape.

### 3. *Professionals and others: the disciplines of grammar and rhetoric*

In an important sense, Cicero was no rhetorician. For the term 'rhetorician' is most normally used to refer to a professional teacher of rhetoric, something which Cicero, as an upper class Roman, would never have wanted to be. Teaching was among the activities that were, he once wrote, 'honorable for those whose rank they fit' (*Off.* 1.151)—not, that is, for Roman gentlemen.<sup>22</sup> The question of the

<sup>20</sup> On the disappearance of the Academy see J. Glucker, *Antiochus and the Late Academy*. Hypomnemata 56 (Göttingen: Vandenhoeck & Ruprecht 1978); J. P. Lynch, *Aristotle's School. A Study of a Greek Educational Institution* (Berkeley: University of California Press 1972): 177–189; W. Görler, "Älterer Pyrrhonismus; Jüngere Akademie; Antiochos aus Askalon," in M. Erler et alii, *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4: Die hellenistische Philosophie* (Basel: Schwabe 1994): 777–779, 784, 917; on that of the Peripatos, Lynch (1972): 192–207; and on the possible demise of the Stoa, Glucker (1978): 366–68; P. Steinmetz, "Die Stoa," in Erler et alii (1994): 707.

<sup>21</sup> This notion of a two-way exchange in a network of relationships rests partly (but not exclusively) on my conclusions regarding the origins and transmission of Atticism; see below, 366, and my "Greeks, Romans, and the Rise of Atticism," in *Greek Literary Theory after Aristotle: A Collection of Papers in Honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, I. Sluiter (Amsterdam: VU University Press 1995): 78–79. This pattern seems to have continued for some decades after Cicero's death, until the two cultures grew more apart again in the first century A.D. By then, however, intellectual activities were barely considered un-Roman anymore.

<sup>22</sup> The sentence in full is as follows: *quibus autem artibus aut prudentia maior inest aut non mediocrius utilitas quaeritur, ut medicina, ut architectura, ut doctrina rerum honestarum, eae*

rhetoricians' social status is obviously important for evaluating Cicero's attitude towards them, as is the question of what form their professional activities typically took. The same applies to the so-called 'grammarians,' whose discipline is also relevant to a number of aspects of Cicero's rhetorical works. This discipline was not 'grammar' in the normal English sense, but the study of literature (especially poetry) and language, on any level from instruction for children to technical scholarship. In the case of the philosophers, however, central though they may be to the understanding of Cicero's work, such questions are less pressing. The most important philosophers mentioned by Cicero are Greeks based in the Greek world, so their social status is hardly ever in question. Also, the main problem about their activities is their stance towards rhetoric and the rhetoricians, which will be addressed below (§ 5 and 389–397). So in this section, we shall concentrate on the rhetoricians and the grammarians—always with the caveat outlined earlier (333): the 'disciplinary' contexts were essential, but we may assume that more informal, private settings were also quite important for the intellectual activities in these fields.

As to the relationship between the rhetoricians' and the grammarians' disciplines, the view is still fairly common that both were part of a strictly defined curriculum, which was taught in successive schools, and through which most boys and young men—or at least those from the wealthier families—were expected to proceed.<sup>23</sup> According to this picture a boy, starting at seven, first received 'primary,' elementary instruction in reading, writing, and arithmetic from a teacher of letters (*γραμματιστής*); then, from eleven or twelve to fifteen, he continued with 'secondary' education in the school of a *grammaticus*, who taught language and literature; after that, he would

---

*sunt iis quorum ordini conveniunt honestae.* Rhetoric must be included in the latter category; in this context, one should not press the potential contrast between *utilitas* and Cicero's strictures, found elsewhere, of the very limited usefulness of the rhetoricians' teachings. For the comparatively low esteem of professional teaching cf. *Orat.* 140–148 (above, 338).

<sup>23</sup> The education of girls is not relevant here. Women did not act as public speakers, and accordingly, our meager sources contain 'no indication that girls were given a formal rhetorical training'; but most upper-class girls were probably literate, and some reached a high level of proficiency in 'grammar.' See E. A. Hemelrijk, *Matrona docta: Educated Women in the Roman Élite from Cornelia to Julia Domna* (London – New York: Routledge 1999): 17–58, esp. 20–23; quotation from p. 23 (her account is not invalidated by her acceptance, for the most part, of the usual standard picture of boys' education).

often receive 'higher' education at the hands of a rhetorician; and finally, a few would then turn to philosophers.<sup>24</sup> Cicero never alludes to such a strict pattern, and it has indeed recently become clear that the picture is anachronistic. For one thing, such a uniform system throughout the Graeco-Roman world is out of the question for most, if not all of antiquity; there was no central authority to impose it, nor could most of the smaller cities have sustained such an elaborate set-up. Also, the first grammarian's school probably appeared only in the late 2nd century B.C., and in Rome there were no rhetorical schools until the late 90's. Wealthy Romans actually continued to employ house teachers for their children even after the emergence of the schools.<sup>25</sup> Moreover, the division between the 'primary' and 'secondary' level did not exist. In Rome and other big centers, there were indeed low-level 'teachers of letters.' They did not, however, teach upper class boys, but typically supplied 'craft literacy' for the low-born, including even slaves. The poverty of such teachers was well known, and this profession was socially on a par, for instance, with that of a doorkeeper. The kind of education that Cicero would assume was different. The first teacher encountered by upper class boys was the grammarian, and they learnt their ABC's and other elements either before that at home (probably from a *paedagogus*), or it actually fell to the grammarian to teach them these too. The teaching of a grammarian, that is, could start at the lowest, elementary level; but it progressed much further.<sup>26</sup>

<sup>24</sup> The standard picture is found, e.g., in the two standard accounts, viz., H.-I. Marrou, *Histoire de l'éducation dans l'Antiquité* (Paris: Seuil 1965) vol. 1: 215–321; vol. 2: 63–96; and S. F. Bonner, *Education in Ancient Rome* (London: Methuen 1977), esp. 34–75, 163–327. It is often reproduced, e.g. (in part) by G. A. Kennedy, "Historical Survey of Rhetoric," in *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*, edited by S. E. Porter (Leiden: Brill 1997): 18–19.

<sup>25</sup> The lack of uniformity is shown, for late antiquity, by R. A. Kaster, "Notes on 'Primary' and 'Secondary' Schools in Late Antiquity," *Transactions of the American Philological Association* 113 (1983): 323–346; no uniformity can be supposed earlier. On the late appearance of the '*schola grammatici*' see A. D. Booth, "The Appearance of the *schola grammatici*," *Hermes* 106 (1978): 117–125. The absence of rhetorical schools in Rome follows from the affair of the *rhetores Latini* (below, 344–345). For house teachers see, e.g., below, 344 on Cicero's nephew; and 345.

<sup>26</sup> On the teachers of letters vs. the grammarians see Booth (1978); id., "Elementary and Secondary Education in the Roman Empire," *Florilegium* 1 (1979): 1–14 [= Booth 1979]; id., "The Schooling of Slaves in First-Century Rome," *Transactions of the American Philological Association* 109 (1979): 11–19 [= Booth 1979<sup>2</sup>]; and Kaster (1983): 323–324, 337–341. The social equation between the former and doorkeepers is found in Plut. *De vit. aere al.* 6 (830B) (Booth [1979<sup>2</sup>]: 12 note 5).

The sequence of subjects posited in the standard picture, with their ascending order of difficulty, is of course generally correct. The age at which a boy would transfer to a rhetorician, however, was not fixed, and would depend on his talent and the progress he made. Fifteen was probably not unusual, but we find Quintus, Cicero's nephew, at the age of twelve or thirteen diligently studying with the rhetorician Paeonius, who acted as house teacher. Moreover, there was considerable overlap between the teaching of grammarians and rhetoricians: especially early on, in the first half of the 1st century B.C., grammarians also taught rhetoric, and even wrote treatises about it.<sup>27</sup> Cicero seems to allude to this when Antonius in *De oratore* says that *in ludo*, i.e., in a fairly low-level school, the cases given to boys to practice their speaking are very simple (2.100). In general, Cicero's comments about and censures of the rhetoricians' rules and approaches apply equally to grammarians teaching the subject.

When we turn to the two individual disciplines it is most convenient to start with the rhetoricians, and we may begin by noting that around 100 B.C. or somewhat earlier, the Romans began to designate these professional teachers of speaking by the Greek word *rhetor*. In Greek, this word (ῥήτωρ) could also mean 'orator, public speaker,' but the Romans had no use for a Greek word in referring to Roman orator-politicians. That they did adopt it for the professional teachers was no coincidence.<sup>28</sup> At that time, the subject was still considered a basically Greek thing, and the teaching of rhetoric was still in the hands of Greek house teachers (below, 345).

The first Latin teachers appeared in 93 B.C. with the sudden emergence of the school of the self-styled 'Latin rhetoricians' (*rhetores*

<sup>27</sup> Quintus studying with Paeonius: Cic. *Q. fr.* 3.3.4. The 'overlap': Suet. *DGR* 4.4 *veteres grammatici et rhetoricam docebant, ac multorum de utraque arte commentarii feruntur*; see R. A. Kaster (ed., transl., intr., comm.), *C. Suetonius Tranquillus. De Grammaticis et Rhetoribus* (Oxford: Clarendon Press 1995): 99–100 about this statement (and its general correctness, as opposed to Quintilian's biased remarks in 2.1.1–6); and *ibid.* 100–101.

<sup>28</sup> The designation *magister dicendi* also remained in use. For the date of the adoption of the term see *De or.* 3.54 *horum, qui nunc ita appellantur, rhetorum praeceptis* (the dramatic date is 91 B.C.). For the distinction between *orator* and *rhetor* see Leeman-Pinkster-Wisse (1996) on *De or.* 3.81; cf. Suet. *DGR* 25.3; Kaster (1995): 270. The matter is complicated by the fact that in *Brutus* and *Orator* the word *rhetor*, though sometimes meaning 'rhetorician' (*Orat.* 12, 93), is often used for orators; in these works, however, this usage is restricted to Greek contexts, and the reference is usually to Greek orators (*Brut.* 316; *Orat.* 31, 42, 46, 57, 231; in *Brut.* 265 the word is contrasted with Greek πολιτικός; the meaning in *Brut.* 42 is not quite clear).

*Latini*), headed by one Plotius Gallus. In spite of abundant scholarly speculation, much about this affair is bound to remain unclear, but we do know that the censors of 92 B.C., Crassus (the interlocutor in *De oratore*) and Gnaeus Domitius Ahenobarbus, issued an edict expressing their displeasure. They thereby succeeded in suppressing the school, but only very briefly; Latin teachers were active from then on. The censors almost certainly did not object to rhetorical teaching as such, since this was by now firmly established. Their main objection, the edict seems to say, was that young men, who ought to be in the forum learning from their elders, could now idle away their days in a school, which was a place at most fit for boys—which implies, as Schmidt saw, that there had been no rhetorical schools in Rome before, and this in turn implies that, as mentioned above, until then rhetoric had been taught by Greek house teachers.<sup>29</sup>

Socially, all of these rhetoricians teaching in Rome, Greeks and Romans, were of lowly status, as teachers generally were (*Off.* 1.151: above). More specifically, Seneca the Elder tells his readers that Rubellius Blandus, who was active from *c.* 35 B.C., was the first Roman knight to teach rhetoric in Rome, and that ‘before his time, the teaching of the most splendid of subjects was restricted to freedmen, and by a quite unsatisfactory custom it was accounted disgraceful to teach what it was honorable to learn.’ There may have been just a few exceptions to the claim that all were freedmen, but all were certainly of comparable social status.<sup>30</sup> Rhetoric teachers

<sup>29</sup> For this affair see esp. *De or.* 3.93–94; Suet. *DGR* 25.2 (the latter with the text of the edict). For the date (late in 93 B.C.) see Leeman-Pinkster-Wisse (1996): ad 3.93. That the censors were successful, and that this success was only short-lived, follows from *De or.* 3.93 *sustuleram*. For the main objection in the edict and the implications see P. L. Schmidt, “Die Anfänge der institutionellen Rhetorik in Rom,” in *Monumentum Chiloniense. Festschrift Erich Burck*, hrsg. von E. Lefèvre (Amsterdam 1975): 190–195. Schmidt’s article offers the most penetrating analysis of the whole issue (his overall interpretation of the censors’ motives, however, relies on a faulty use of *De or.*); a brief overview of scholarly interpretations and their problems in Leeman-Pinkster-Wisse (1996): 304–306.

<sup>30</sup> Sen. *Con.* 2.pr.5 *Blandum rhetorem . . . , qui <primus> eques Romanus Romae docuit; ante illum intra libertinos praeceptores pulcherrimae disciplinae continebantur, et minime probabili more turpe erat docere quod honestum erat discere* (transl. after Winterbottom). The claim in Kaster (1995): 292 that Seneca’s generalization is unreliable is based on the notion that he ‘refers to all teachers of *pulcherrimae disciplinae*, not just teachers of rhetoric,’ which is incorrect (the phrase is genitive sing.). Of the four rhetoricians discussed in Suet. *DGR* 26–29, M’. Otacilius Pitholaus is explicitly ranked among the *libertini* (27.2, cf. 27.1), and Seneca’s generalization would be inexplicably odd if Plotius Gallus (26) was not a freedman (*pace* Kaster l.c.); the case of M. Epidius

who were active in the Greek world were also generally of low standing. As Seneca's statement implies, the status of the subject had risen considerably by his own time, a phenomenon connected with the emergence and rise of public declamation, popular also among the nobility. This change, however, belongs to the period immediately after Cicero's death.<sup>31</sup>

Intellectually, Cicero regarded virtually all rhetoricians, Greek and Roman, and wherever they worked, with equal contempt. This is clearest from *De oratore*, the work most concerned with his stance towards standard rhetoric; the hackneyed rules that they taught are constantly criticized, *inter alia*, as being totally divorced from the real life of an orator in the forum. But his approaches to rhetorical matters in his other major 'rhetorical' works (*Brutus*, *Orator*) also differ from the professional teachers' handbooks in crucial ways.

This social and intellectual inferiority of the rhetoricians is reflected by the fact that in Cicero's works, they are mostly anonymous. The only real exceptions are a few very renowned teachers who worked in the intellectual centers of the Greek world. Good examples are Apollonius of Alabanda (respectfully mentioned *De or.* 1.75, 126, 130) and Apollonius Molon, both of whom worked on Rhodes, the first at the end of the 2nd century B.C., the second at least into the 60's B.C. Cicero, on his educational tour of Greece in 79–77, visited and worked with Molon, whom he had previously heard when the latter was on an embassy to Rome in 81 (and perhaps likewise in 87). Given his attitude towards the average impractical rhetorician, it is no surprise that he stresses that Molon was a 'pleader in real-life cases' (*Brut.* 316: *actorem in veris causis*).<sup>32</sup>

---

is unclear (Kaster ad 28.1, p. 301, doubts servile origin), as is that of Sextus Clodius (29). So at most two exceptions are known.

<sup>31</sup> On the rhetoricians' status in Cicero's time see also Rawson (1985): 76–79; on the later rise of the status of rhetoric cf., e.g., Kaster (1995): xlvi f., 275, 278–279.

<sup>32</sup> Cicero mentions Molon's visit(s) to Rome and his own visit to Rhodes in *Brut.* 307 (problematic: see A. E. Douglas [ed.], *M. Tulli Ciceronis Brutus* [Oxford: Clarendon Press 1966]: ad loc.), 312, 316. Other exceptions are Metrodorus of Scepsis, mentioned three times in *De or.* (2.360, 365; 3.75); the only other (near)contemporary rhetorician mentioned by name in this work is Pamphilus, who is singled out in 3.81 for a particularly foolish device. Note that Menedemus (1.85, 88) as well as Meneclides and Hierocles (2.95) are orators; the same is true for the people who, as Cicero informs us in *Brut.* 316, accompanied him on his travels in Asia Minor; Demetrius the Syrian, mentioned *ibid.* 315 as Cicero's teacher in Athens, seems to be named only for the sake of completeness, as Cicero's description of him is not particularly enthusiastic (*veterem et non ignobilem dicendi magistrum*).



Two activities were typically associated with the rhetoricians: in the first place, naturally, teaching, which took place through exercises and through the inculcation of the rules of rhetorical theory; in the second place, the writing of rhetorical handbooks that contained the rules. As to the exercises, many of these, the so-called *progymnasmata*, functioned as a preparation for the teaching of rhetorical theory; but the theory itself was also supposed to be fortified with exercise (cf. *Rhet. Her.* 3.40 *exercitatione confirma*).<sup>33</sup> More important for understanding Cicero are the rhetorical handbooks with their systematic rules. It is these rules that Cicero often censures in *De oratore*, and that seem, to judge by several passages from the same work, to have been the focus of the criticisms of the philosophers in their attacks on the rhetoricians. They were, apparently, generally seen as quite central to the rhetoricians' activities, and were also generally known: in most of his mature rhetorical works Cicero supposes a fairly thorough knowledge of them on the part of his readers.<sup>34</sup>

In line with the dramatic date of *De oratore*, 91 B.C., the references in this work are to Greek rhetoricians and their handbooks (relevant to those working in the Greek world and to those in Rome). But Cicero clearly intended the work to be relevant to the situation of 55 B.C., when it was written, so we must assume that his comments were equally applicable, for instance, to Roman rhetoricians of his own day. This is confirmed by the two earliest surviving Latin handbooks, Cicero's own youthful *De inventione* and the anonymous *Rhetoric for Herennius*, which was probably written in the 80's B.C. For what we find in these conforms exactly to the picture of standard rhetoric in *De oratore*.<sup>35</sup> So at least in the Ciceronian

<sup>33</sup> Cicero comments on (advanced) exercises in *De or.* 1.147–159; cf. 2.96–97; cf. A. D. Leeman, H. Pinkster, *M. Tullius Cicero. De oratore libri III. Kommentar. 1. Band: Buch I, 1–165* (Heidelberg: Universitätsverlag C. Winter 1981): 245–254. Exercises for boys (on 'declamatory' themes) are mentioned in 1.244 and 2.100. On the *progymnasmata* see the convenient overview by Bonner (1977): 250–276 (who on pp. 270–272, however, assumes that *theses* were always part of these, which is problematic—see below, 359–360).

<sup>34</sup> Explicit references to the handbooks in *De oratore* are fairly common (*De or.* 1.85, 86, 105; 2.10, 84; 3.121), to the rules even more so. For Cicero's censures of the latter see, e.g., 2.77–84; 3.54; J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Hakkert 1989): 90–91, 192–199. For the criticisms of the philosophers see esp. 1.84–87, 89–91.

<sup>35</sup> The *rhetores Latini* may not have produced handbooks when they first appeared in 93–92 B.C. (Plotius Gallus did at some time write about gesture: Quint. 11.3.143); such handbooks are not mentioned in our sources for the affair. The view of

period, the teachings of Greek and Roman rhetoricians were basically identical.<sup>36</sup>

The actual rhetorical rules contained in the handbooks will be very briefly discussed below (§ 4). Here, it is relevant to note that the areas with which they were concerned were fairly restricted. Rhetorical theory addressed three recognized genres of speeches: the judicial (speeches in court), the deliberative (mainly, political speeches), and the laudatory. From the beginning, in the 5th century B.C., however, the emphasis had lain heavily on the judicial genre, and this remained the case throughout antiquity. In the *Rhetoric for Herennius*, the rules for the ‘invention’ for this type take up most of the first two books, those for the other two types together just over a third of the third book; similar proportions obtain elsewhere. Moreover, the standard ‘parts of a speech’ that were generally so important (see § 4) were most appropriate for a court speech. More wide-ranging discussions were apparently rare, and restricted to eminent rhetoricians such as Dionysius of Halicarnassus. Claims for such wider interests on the part of the rhetoricians in general have been made (modern and/or ancient), but on closer inspection these mostly prove untenable (see again § 4). For instance, they did not discuss the writ-

---

G. Achard, “Les rhéteurs sous la République: des hommes sous surveillance?,” *Ktema* 14 (1989) [1993]: 181–188, that rhetoricians in Rome were under constraint, and were ‘comme interdits de rédaction de manuels’ (ibid.: 187), is based on numerous misreadings of *De or.*, which is supposed to show that nobles generally taught each other (e.g., on p. 186, Antonius is said seriously to proclaim himself a *magister* in 2.28); and on other misunderstandings (e.g., on p. 181, the praise of the rhetor in *Top.* 2–3 is likewise taken seriously; the claim on p. 187 that grammarians who also taught rhetoric never *wrote* on the latter is contradicted by Suet. *DGR* 4.4). Similar, partly gravely anachronistic misapprehensions are at the basis of the remarks of T. N. Habinek, *The Politics of Latin Literature* (Princeton: Princeton University Press 1998): 108–109.

<sup>36</sup> If this picture is correct, then a number of approaches must be rejected, e.g.: (1) the notion that references to rules and handbooks are irrelevant to rhetoricians in Rome (Achard, see previous note); (2) the interpretation of *De or.* as a ‘Streitschrift gegen die *latini rhetores*,’ as E. Norden took it in his *Die antike Kunstprosa vom VI. Jh. v. Chr. bis in die Zeit der Renaissance* (Leipzig: Teubner 1898): 222–225 (although he later, in the *Nachträge* of 1909/1915, with characteristic frankness admitted that this was one-sided); some recent scholars return to this idea, inadequately deducing the importance of the *rhetores Latini* to *De or.* from the dramatic date of the work (cf. below, 377); this approach, e.g., in T. P. Wiseman, “Practice and Theory in Roman Historiography,” *History* 66 (1981): 380, *à propos* historiography; and in his wake R. W. Cape, “Persuasive History: Roman Rhetoric and Historiography,” in *Roman Eloquence. Rhetoric in Society and Literature*, edited by W. J. Dominik (London – New York: Routledge 1997): 219–221; (3) interpretations of *De oratore* as the Roman answer to the Greek handbooks (e.g., Cape l.c.).

ing of history, and an over-arching 'epideictic' genre covering virtually all prose (or even poetry and prose) did not exist. Also, at least in Cicero's day, the so-called *theses* ('general questions' of a philosophical or semi-philosophical nature), though claimed by the rhetoricians, were not actually discussed by them. Cicero's low intellectual estimate of the rhetoricians' activities was not totally unjustified.

The status, social and intellectual, of the grammarians (*grammatici*, γραμματικοί) is a more complicated matter. Roughly speaking, they operated on two intellectual levels. In the first place, they taught children between the age of, say, seven and their mid-teens. As described above, the level of this teaching ranged from teaching children their ABC's to the explanation of poets, and often some training in rhetoric. In the second place, they engaged in literary and (to some extent) linguistic scholarship of the kind particularly associated with the great centers of learning in the hellenistic period, Alexandria and Pergamum.

Socially, the former activity ranked low, again in line with the general status of teachers (above). No stigma, however, was attached to the latter; on the contrary: scholarship could be a gentleman's pursuit, and was fit for upper class Romans. This can be illustrated by the example of Lucius Aelius of Lanuvium (later known as L. Aelius Stilo Praeconinus), mentioned in *De oratore* by Crassus, who describes grammar as 'the studies made so popular by Aelius' (1.193: *haec Aeliana studia*). Aelius did not teach professionally, but only in the time-honored Roman way of mentoring young friends, such as Cicero and Varro, and at some point he acquired the status of a Roman knight. Even if this was not because of his scholarship, being a scholarly grammarian was obviously not thought incompatible with this status.<sup>37</sup>

Yet the social picture as a whole was complicated, because many Greek grammarians in Rome were active on both fronts, as teachers and (if they managed) as scholars. The former activity tended to place them below the rhetoricians (though above the bread-and-butter teachers of letters), the latter above them. Scholarly distinction

---

<sup>37</sup> On Aelius, see Kaster (1995) on Suet. *DGR* 3.1–2. Kaster (p. 68) points out that Aelius and his son-in-law, Servius Clodius, as Roman knights and 'gentlemen-scholars,' are omitted by Suetonius 'from the catalogue of *professores* properly so called' (Suet. chapters 5–24).

tended to lessen social constraints, as the case of Tyrannio of Amisus illustrates—an extreme case, because he was a very distinguished scholar. He had been taken prisoner in the war in the East against Mithradates around 70 B.C., but had been quickly manumitted. In March 56 B.C. we find him in Cicero's house as the private teacher of Cicero's nephew Quintus, but he was clearly fairly independent, for near the end of 54 Cicero writes to his brother that Tyrannio was reluctant to honor Cicero's request for help with books. He seems to have become rich, so it does seem that he taught for (considerable) fees, but his fame probably allowed him to be selective in accepting pupils. Comparable cases are the scholar Alexander Polyhistor and the learned Parthenius, poet and author of the *Erotika Pathemata*, both also taken prisoner in the Mithradatic wars. If they taught, it was probably as a sideline, their other activities and status making it unnecessary.<sup>38</sup> Because they were not Roman and did not teach publicly, the likes of Tyrannio are not mentioned in Suetonius' *De grammaticis et rhetoribus* ('On grammarians and rhetoricians'), as this work only discusses those who were Roman public teachers. But apart from that Suetonius, despite the dearth of material he had to work with, seems to give a fairly good picture of the great variations in the grammarians' social and intellectual status in the 1st century B.C. (and beyond).<sup>39</sup> From his work we can deduce, for instance, that Lucius Ateius, a freedman who was born in Athens, seems to have ascended the social and intellectual scale. For Suetonius reports that the senator-historian Asinius Pollio wrote that Ateius was first 'a Latin grammarian, thereafter an auditor and teacher of declaimers' (i.e., he taught rhetoric), 'and as the crowning touch,

<sup>38</sup> For the prisoners of the Mithradatic wars, see Rawson (1985): 8–9. For Tyrannio, see esp. J. Christes, *Skaven und Freigelassene als Grammatiker und Philologen im antiken Rom* (Wiesbaden: Steiner 1979): 27–38; also Rawson (1985): 67, 69; for the two episodes mentioned here see Cic. *Q. fr.* 2.4.2 and 3.5.6; there is no real evidence for the nature of his teaching (my suggestion of selectivity draws on Suetonius' report about Caecilius Epirota: *DGR* 16.2). On Alexander, captured in the 80's, see Christes (1979): 38–42. Parthenius was probably captured in 73 B.C. and subsequently brought to Rome by the father of Cinna the poet; on his life see now the (over-cautious) discussion by J. L. Lightfoot (ed., intr., comm.), *Parthenius of Nicaea. The poetical fragments and the Ἐρωτικά Παθήματα* (Oxford: Clarendon Press 1999): 9–16.

<sup>39</sup> See also Kaster's commentary (1995) on the same work; and Christes (1979). Kaster (1995): xl f., xlvi ff. points out how meager the material at Suetonius' disposal was; for his 'Romanocentrism,' which further distorts the picture, see *ibid.*: xlv, 44–45.

gave himself the name of Philologus.<sup>40</sup> The less fortunate Aurelius Opillus started at the top end, teaching philosophy, but then taught rhetoric, and finally had a school where he taught grammar (Suet. *DGR* 6.1)—thus ending up in what was probably the most typical position for a grammarian. The least fortunate or gifted must have only just eked out a living this way, and some will have sunk to the level of a teacher of letters; but all such men are of course anonymous to us, as they were already to Suetonius.

As to the nature of the grammarians' scholarly activity, this stood, as already mentioned, mainly in the tradition of Alexandria and Pergamum. The main focus in these centers in the 3rd and 2nd century was the explanation of poetry and other literature. Systematic study of language was generally ancillary to that, although there is much scholarly debate as to how far the Alexandrians in particular nevertheless took this. However that may be (see below), the literary element certainly loomed large in the scholarship of the grammarians of Cicero's day. Much of this literary scholarship was antiquarian in nature, i.e., it investigated historical (and supposedly historical) *realia* and facts mentioned in the literary texts. In the passage from *De oratore* where Crassus talks about 'the studies made so popular by Aelius' (above), he mentions 'ancient, archaic words' and 'our ancestors' customs and their way of life' as being among the subjects discussed (1.193: *verborum vetustas prisca . . . maiorum consuetudinem vitamque*).<sup>41</sup>

These antiquarian activities are relevant here partly because Cicero's mature rhetorical works frequently betray the feeling of intellectual excitement that the antiquarian discoveries evoked in him and in his contemporaries. Crassus in *De oratore* 3.197, having mentioned the ancestral custom of 'the lyre- and the flute-playing at ritual banquets' and 'the verses of the Sali,' and then briefly ancient Greek musical practice, exclaims: 'I only wish you had preferred a discussion on this topic and other such questions rather than on these

<sup>40</sup> Suet. *DGR* 10.2 *de eodem Asinius Pollio, in libro quo Sallusti scripta reprehendit ut nimia priscorum verborum adfectione oblita, ita tradit: 'in eam rem adiutorium ei fecit maxime quidam Ateius, praetextatis nobis grammaticus Latinus, declamantium deinde auditor atque praeceptor, ad summam Philologus ab semet nominatus.'* In the last clause, *ad summam* must I think be interpreted as indicating a next stage, see the two previous temporal indicators (cf. *OLD* s.v. *summa* 8b; thence my 'as the crowning touch'). Kaster (1995): 15, 142 takes *ad summam* as 'in short' (cf. *OLD* *ibid.* 7c), which fits the context less well.

<sup>41</sup> For antiquarianism and its popularity see Rawson (1985): 233–249.

childish problems of metaphors!' (*quibus utinam similibusque de rebus disputari quam de puerilibus his verborum translationibus maluissetis!*). Antiquarian scholarship is even central to the *Brutus*. Though the main thrust of this work, a history of Roman oratory, is directed against the Atticists, shortly after the beginning (13–20) Cicero also indicates that one of the important factors that inspired him to write it was Atticus' recent *Liber annalis*. This book, in the tradition of the famous Greek scholar Apollodorus of Athens (2nd century B.C.), set out Roman history in a chronological arrangement, dating events, laws, and wars by consular years. (Nepos, somewhat earlier, and Varro, somewhat later, also published chronographical works.) The availability of this information enabled Cicero to present the Roman orators in a (roughly) chronological sequence.<sup>42</sup>

But in addition to the antiquarian aspect, Cicero's time also witnessed a growing interest in the more purely linguistic side of 'grammar,' as is illustrated by Caesar's (mostly lost) *De analogia* of the late fifties, dedicated to Cicero, and, of course, by Varro's 25 books *De lingua Latina*, written in the forties and (except for books 2–4) likewise dedicated to Cicero. The history of this linguistic aspect is difficult and contested. As mentioned above, scholars disagree as to the nature of the Alexandrians' involvement with language for its own sake. It was once customary to ascribe to them the first systematic accounts of (Greek) declension and inflection, but this view is now most often rejected. They probably did have a fairly extensive technical apparatus concerning word classes, as well as criteria for comparing inflected forms, but no independent, full-blown theories of word classes and flexion; such systematization seems to have begun in the 1st century B.C.<sup>43</sup> In the context of flexion (and deriva-

<sup>42</sup> See also *Brut.* 42, 44, 72, 74; *Orat.* 120; *Nepos Att.* 18.1–2; *Hann.* 13.1; F. Münzer, "Atticus als Geschichtsschreiber," *Hermes* 40 (1905): 50–100; Douglas (1966): lii; G. V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology*. Phoenix Suppl. 11 (Toronto: University of Toronto Press 1973), esp. 161–176; Phoenix (1985): 244–246. For Nepos' *Chronica* see esp. Catullus 1; for Varro's *De gente populi Romani* Rawson l.c.; and for Apollodorus R. Pfeiffer, *History of Classical Scholarship from the Beginnings to the End of the Hellenistic Age* (Oxford: Clarendon Press 1968): 254–257.

<sup>43</sup> The predominance of literary scholarship is nowadays generally accepted. As to the role of language study, D. M. Schenkeveld's position (adopted here) seems convincing. See esp. his "Scholarship and Grammar," in *La philologie grecque à l'époque hellénistique et romaine*, ed. F. Montanari (*Entretiens* XL; Genève: Fondation Hardt 1994): 273–292 (with further bibliography). D. J. Taylor, in his valuable survey of 1986, is quite radical, and rejects the ascription to the Alexandrians of 'everything

tion), modern scholarship used to attach much weight to the ancient concept of analogy—roughly speaking, the notion that language is (or should be) regular, and that word formation therefore conforms to regular patterns (for example, in English, plural forms are generally produced by adding an *s* to the singular). A polemic was supposed to have raged between the Alexandrians, as proponents of this doctrine, and Crates and his fellow scholars from Pergamum, as believers in the opposing concept of anomaly (the latter would stress, for example, that the plural of *tooth* is not *tooths* but *teeth*). It has become clear, however, that even if there was such a polemic between analogy and anomaly at all (which some scholars deny), its importance was very restricted. Caesar's *De analogia*, for instance, almost certainly derived its title from its broad subject matter, not from a strong 'analogistic' stance on Caesar's part; he took a moderate middle position, as Cicero later did in *Orator* (152–162).<sup>44</sup>

It is of some importance to note that all this concerns the level of individual words: syntax was barely developed. Grammarians before Apollonius Dyscolus (2nd century A.D.) rarely discussed it at all, and even the latter did not offer a systematic account. The Stoics did pay attention to syntactical questions, but in the context of logic. And the rhetoricians mainly restricted themselves in this respect to discussion of solecisms, i.e., certain syntactical mistakes (concerning grammatical agreement).<sup>45</sup>

If we turn to what Cicero has to say about the linguistic side of grammar, the first thing to note is that in *De oratore*, he treats the training by the grammarian as self-evident. In the matter of word choice, he sets greater store by developing one's proficiency by reading orators and poets. But even that he regards as easy and not worth extensive comment (cf. 3.38, 39, 42, 48). A good case was made by Hendrickson for thinking that this attitude provoked Caesar

---

mentioned about rules for declension, inflection, paradigms, and so forth,' and locates the emergence of a new, autonomous 'language science' in the first half of the 1st century B.C.: "Rethinking the History of Language Science in Classical Antiquity," *Historiographia Linguistica* 13 (1986): 182–188 (quotation p. 186).

<sup>44</sup> For analogy vs. anomaly see again Schenkeveld (1994): 281–291; and Taylor (1986): 180–182. For the not dissimilar positions of Caesar and Cicero see Douglas (1966): 185–186 (although he still accepts the importance of the debate over analogy-anomaly as such).

<sup>45</sup> See the survey in Schenkeveld (1994): 293–298. Note, e.g., that Cicero's discussion of periodic sentence structure in *De or.* 3.173–198 concerns questions of rhythm, not of syntax. Cf. below n. 72.

to write his *De analogia* and dedicate it to Cicero: in it, he insisted that word choice is the foundation of eloquence and that knowledge of normal usage is not at all to be neglected (*Brut.* 253). In writing about it at a theoretical level, Caesar consciously elevated the subject from the lower aspect of grammatical activities, that of teaching, to the higher, that of scholarship.<sup>46</sup> Cicero then returned to such matters in his brief discussion of analogy in *Orator* (152–162).

The nature of the grammarians' activities is especially important for the reconstruction of the debates surrounding Atticism (see below, § 6). As to Cicero himself, the ideas and position of the rhetoricians were obviously more directly relevant; but the contemporary vogue for 'grammar,' in all its forms, did leave very marked traces in his rhetorical works.

#### 4. *Rhetorical theory*

Most upper class Roman males, just like their Greek counterparts, received rhetorical education, and as signalled above (347), the elements of the standard rhetorical theories were therefore widely familiar. This section aims to provide a very brief overview, in particular of those features that are relevant for understanding Cicero's works.<sup>47</sup>

<sup>46</sup> *De analogia* as an answer to Cicero: pp. 110–116 of G. L. Hendrickson, "The *De Analogia* of Julius Caesar; its Occasion, Nature, and Date, with Additional Fragments," *Classical Philology* 1 (1906): 97–120. See further Rawson (1985): 120–123.

<sup>47</sup> For the analyses behind the bald statements of this section see Wisse (1989): 77–104, 323–327. F. Solmsen's studies of the development of the rhetorical systems remain fundamental: "Aristotle and Cicero on the Orator's Playing upon the Feelings," *Classical Philology* 33 (1938): 390–404; "The Aristotelian Tradition in Ancient Rhetoric," *American Journal of Philology* 62 (1941): 35–50; 169–90 (= id., *Kleine Schriften*, vol. 2 [Hildesheim: Olms 1968]: 216–230 and 178–215 respectively). The reconstruction of Hermagoras' influential status theory was put on a new footing by D. Matthes, "Hermagoras von Temnos 1904–1955," *Lustrum* 3 (1958): 58–214; 262–278. Of other accounts, the analysis of the *Rhetoric for Herennius* by H. Caplan, [*Cicero*] *Ad C. Herennium De Ratione Dicendi*. Loeb Classical Library (London: Heinemann; Cambridge, Mass.: Harvard University Press 1954): xlv–lviii, though naturally setting out only one system, is particularly useful. May & Wisse (2001): 26–38 offer a survey geared to explaining Cicero's position (esp. that in *De oratore*). Of the standard handbooks, H. Lausberg, *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft* (2 Bände; München: Hueber 1960; mit Nachträge 1973<sup>2</sup>) = *Handbook of Literary Rhetoric: A Foundation for Literary Study*, transl. by M. T. Bliss et al. (Leiden – New York: Brill 1998) is useful as a reference work, but it neglects historical developments, misleadingly suggesting the existence of a unified 'classical' theory; something similar applies to J. Martin, *Antike Rhetorik. Technik und Methode*.



Standard systems were generally organized according to one of two main available principles.<sup>48</sup> The oldest system, developed by the sophists in the 5th century B.C., was based on the notion that a speech should be made up of a sequence of distinct parts, for each of which rules could be given. This system, that is, focused not so much on the process of constructing a speech, but rather on the question of what the final product ought to look like; in other words, it offered no production rules, but product-centered ones. Variations in the number of parts and in terminology were numerous from the beginning, and we already find Plato making fun of some of the over-subtle technicalities (*Phaedrus* 266D–267D). The basic contours of the system, which remained in existence throughout antiquity, were nevertheless fairly stable. A minimum of four parts was always recognized: (1) the prologue (*principium, exordium*); (2) the narration (*narratio*), in which the (alleged) facts were to be set out, for example, the events surrounding a murder and the movements of the accused (note that the presence of this part shows that the system originally concerned judicial speeches; cf. 348 above); (3) the argumentation (*argumentatio*), usually subdivided into proof of one's own points and refutation of the opponent's; (4) the epilogue (*conclusio, peroratio*). A particularly frequent addition was that of a digression to precede the epilogue.

The detailed rules for some of these parts are (and were) among the best-known features of rhetoric, and likewise continued to be used throughout antiquity. The prologue had to render the audience well-disposed, attentive, and receptive (*benevolos, attentos, dociles facere*). The narration had to be brief, clear, and plausible (*brevis, dilucida, veri similis*). And the epilogue was supposed to sum up the case and arouse the emotions of the audience. Typically, lists of set rules and

---

Handbuch der Altertumswissenschaft II.3 (München: Beck 1974). Both S. F. Porter (ed.), *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400* (Leiden – New York: Brill 1997) and G. Ueding (hrsg.), *Historisches Wörterbuch der Rhetorik* (Tübingen: Niemeyer 1992–. . .) contain useful articles as well as markedly mediocre ones.

<sup>48</sup> Treatises based on other principles did exist, such as Cicero's own *Partitiones oratoriae*; but the evidence suggests that these were isolated cases, rather than representatives of recognizable 'types.' Some scholars have nevertheless elevated them into types, e.g., R. N. Gaines, "On the Rhetorical Significance of *P. Hamb.* 131," *Rhetorica* 7 (1989): 335–337; an essential problem in his account is that he deduces the existence of a so-called 'conjunctive' type from a faulty (because partial) analysis of *Part. or.* and from the equally untypical Martianus Capella. For a discussion of related problems in some older scholarly reconstructions see Wisse (1989): 323–327.

ready-made techniques were then provided for each of these requirements. For instance, the treatment of the brevity of the narration might begin with the statement that we can achieve this 'if we begin it at the place at which we need to begin; if we do not try to recount from the remotest beginning; . . .'<sup>49</sup> For the argumentation, the handbooks usually provided, *inter alia*, lists of ready-made arguments for several types of case.

The other system, which ultimately goes back to Aristotle, was at least notionally based on production rules. It was organized according to what I shall call the 'activities of the orator,' the stages through which an orator was supposed to go in composing and delivering a speech.<sup>50</sup> By Cicero's time, the standard set consisted of five activities: invention (*inventio*; thinking out the material), arrangement (*dispositio*; the subsequent ordering of this material), style (*elocutio*; putting it into words), memory (*memoria*; memorizing the speech), and delivery (*actio*, *pronuntiatio*).

This system of activities had two sub-variants, for it incorporated the older system of the parts of a speech in one of two different ways. The first is found in Aristotle, who may not actually have thought in terms of activities himself, but whose *Rhetoric* does discuss the equivalents of invention (books 1 and 2), style and arrangement (book 3). Under 'invention' he discusses the 'means of persuasion,' viz., rational arguments, persuasion through character ('ethos'), and evoking the audience's emotions ('pathos'). It is under the heading of 'arrangement' that he discusses the parts. This is in line with the notional content of the activities, since a discussion of the parts will involve questions of ordering. Although there are no further extant examples of this subsumption of the parts under arrangement before Cicero, there are indications that it continued in use for some time, and it was probably used by the influential 2nd century B.C. rhetorician Hermagoras. This is not to say that the Aristotelian approach

---

<sup>49</sup> Cf. *Rhetoric for Herennius* 1.14: *rem narrare breviter poterimus si inde incipiemus narrare unde necesse erit; et si non ab ultimo initio repetere volumus; . . .* (translations from this work are taken from Caplan 1954). This work employs the second kind of system, but its prescriptions for the parts of a speech are analogous to those found in the first kind, the one based on the parts (below, 357).

<sup>50</sup> The term 'activities of the orator' is a fairly uncommon one. However, especially in a Ciceronian context it is better to avoid the traditional designation 'parts of rhetoric,' which emphasizes the 'art' of rhetoric (by which Cicero set no great store) at the expense of the orator (who is central to his approach). Cf. May & Wisse (2001): 29 n. 37.

was adopted wholesale: consideration of ethos and pathos was probably omitted, leaving rational argumentation as the main topic of invention.

In the other sub-variant of the activities system, which emerged in the 3rd or 2nd century, the parts were discussed under invention. This change—basically a contamination between the parts system and the activities system—implied that the discussion of that activity at least to an important extent came to be dominated by the old, traditional rules for the parts that were mentioned above. Invention thus essentially lost its function of devising all the material for a speech before (under arrangement) it is ordered, and we are back at product-centered rules. This approach, apparently, gradually ousted the other variant; Cicero's youthful *De inventione* and the anonymous *Rhetoric for Herennius* (both from the 80's B.C.) are the earliest extant examples, and it is this version of the activities system that we also find elsewhere.

The main exception is Cicero himself, who in *De oratore* rejected the rigidity of the rules for the parts of a speech, as well as the contaminated variant of the activities system. He went back to Aristotle, discussing the parts under arrangement, and even organizing invention according to the three Aristotelian means of persuasion arguments, ethos, and pathos. (For a more detailed discussion see Chapter 12, 384–387.)

One way or another, then, the parts of a speech remained one of the staples of standard rhetoric. Another was the so-called status theory, which, developed by Hermagoras in the mid-2nd century B.C., quickly came to dominate the theory of invention (apart from the parts of a speech). It was an elaborate system for determining the central matter at issue in a speech—too elaborate, according to Cicero (see esp. *De or.* 2.132; 3.70), and we can therefore omit it here, even though it continued to play a central role in later rhetorical theory.<sup>51</sup>

---

<sup>51</sup> See Matthes (1958); Caplan (1954): xlvii; G. A. Kennedy, *The Art of Persuasion in Greece* (Princeton: Princeton University Press 1963): 303–321; id. (1994): 97–102; May & Wisse (2001): 32–34; and for later developments M. Heath, "Invention," in Porter (ed. 1997): 89–119, with some further bibliography. It may be noted that the theory was well enough known for Cicero to be able to use it (for his own purposes) in *Pro Milone* 7–11.

Apart from invention and arrangement, the activity most relevant here is style. One of the ways of organizing this was to use the ‘qualities’ or ‘virtues’ of style—features that every speech should have. This is the approach used by Cicero in *De oratore* (cf. 3.37, 53, 91, 144), and it also occurs in the discussion in *Orator* (at 79). Again, there were numerous variants, but Cicero uses Theophrastus’ original foursome: correct use of Latin (in Theophrastus’ version, of course, Greek), clarity, distinction (*ornatus*, κόσμος, κατασκευή—often translated as ‘embellishment’), and appropriateness.

The other main way of treating style, possibly also going back to Theophrastus, was to distinguish a number of acceptable ‘types of style.’ *Rhetoric for Herennius* 4.11–16 offers the well-known and probably original variant with three such types, the plain style, the middle, and the grand (plus three corresponding faulty styles, the meager, the slack, and the swollen). We find Cicero switching to this approach in his *Orator*, a work dominated by his dispute with the Atticists. It enables him to cast this dispute in clear terms: the Atticists are adherents of the plain style, while the ideal orator is a master of all three. In arguing for this ideal (and in thus claiming that his own efforts are superior to those of his opponents), he links the three styles to what he calls the three *officia oratoris* (‘tasks (or functions) of an orator’): *probare* (‘to prove’), *delectare* (‘to charm, please’), and *flectere* (‘to influence’). The plain style is suitable for proving, the middle style for pleasing the audience, and the grand style for (emotionally) influencing them; so all three styles, he argues, are essential to oratory.

These three tasks (which he had already used in the *Brutus*) are often identified with the three Aristotelian means of persuasion employed in *De oratore*, arguments, ethos, and pathos. But although these threefold divisions are similar, they are not identical. The former belongs to the analysis of style or to the evaluation of the performance, as a whole, of individual orators; the latter is primarily concerned with content. The difference between ethos and *delectare* is particularly clear: pleasing the audience may indeed contribute to the positive image of the orator’s character (ethos), but there are many more ways of conjuring up such a positive image—some of which may even require the avoidance of stylistic pleasure, for instance if the orator aims to project himself as an upright, authoritative figure. Nevertheless, the similarity between the two threefold divisions (and the apparent lack of antecedents for the ‘tasks’) makes it

probable that Cicero himself developed the later, stylistic one out of the Aristotelian one.<sup>52</sup>

The doctrine of the three styles, like the whole of ancient rhetoric, had been devised for teaching people how to compose speeches, not for rhetorical criticism. It was nevertheless well suited for the latter, as Cicero's use of it against the Atticists in *Orator* shows. The same is true of the overall system of the activities of the orator, and we find numerous references to them (more or less isolated or as part of a set) in the *Brutus*, where Cicero gives judgments on the orators he discusses.<sup>53</sup> The most conspicuous case is the passage where he discusses his mentor Antonius in terms of the five activities, starting with his three strongest points (139: invention, arrangement, memory) and continuing with the two slightly weaker ones (140–142: style and delivery).

Up to this point, this section has attempted to sketch the main elements of the 'core' of rhetorical theory around Cicero's time. Before setting out this core, however, rhetoricians in their handbooks often discussed preliminary matters. These provide a convenient handle for the question whether the rhetoricians indeed treated some areas that have been claimed for them.

It was customary to begin by dividing rhetorical material into two categories: general and specific questions (*theses* and *hypotheses*). The latter concerned specific events involving specific persons and circumstances. An example is a judicial case about a murder, where it is asked whether X killed Y; that is, the *hypotheses* included the cases typically covered by rhetorical theory. The *theses* were questions of a philosophical or semi-philosophical nature, like 'Should one marry?', 'What is wisdom?', and 'What is the size of the sun?'. By also subsuming these under rhetorical matter, the rhetoricians laid claim to part of the territory of the philosophers (cf. § 5). At least up to

<sup>52</sup> See A. E. Douglas, "A Ciceronian Contribution to Rhetorical Theory," *Eranos* 55 (1957): 18–26, who, however, simply identifies the two divisions. For an analysis of the differences, and the functions of the two, see Wisse (1989): 212–220.

<sup>53</sup> See *Brut.* 110, 139–142, 202, 214, 215, 221, 227, 233–235, 238, 240, 250, 265, 272, 274–276, 301–303, and cf. 158, 203, 225 (there is also a reference to the five in a different—i.e., non-evaluative—context in 25); this list after Douglas (1966): xxxi (who also mentions 176, which must be a misprint).

Cicero's time, however, they did not back up this claim by providing an actual treatment—despite statements in later authors (and, therefore, in modern scholarship) that the *theses* were among the standard exercises.<sup>54</sup>

After this first division, the hypotheses were usually divided into the three well-known genres, the judicial, the deliberative, and the laudatory (above, 348). Now the ancient evidence shows that the third of these, for which 'epideictic' was one of the current Greek terms, was indeed firmly defined as consisting of speeches of praise (and their negative counterparts, speeches of blame). Nevertheless scholars fairly often claim that rhetoricians expanded epideictic into an over-arching genre covering virtually all prose (or even poetry and prose) outside the judicial and deliberative areas. But only in Hermogenes (born *c.* 161 A.D.) do we find such an encompassing genre, called 'panegyric,' and he may well be the inventor. Rhetoricians, apart from a few more distinguished ones such as Dionysius of Halicarnassus, limited their discussions to the accepted three genres, with, as remarked already, an emphasis on the judicial.<sup>55</sup>

<sup>54</sup> See M. L. Clarke, "The Thesis in the Roman Rhetorical Schools of the Republic," *Classical Quarterly* 45 [N.S. 1] (1951): 159–66, who convincingly argues against the (still common) view that the *theses* were a regular part of standard rhetoric (this view, e.g., in Bonner [1977]: 270–272—above n. 33—; it is also implicit in Kaster [1995]: 282). His arguments focus on rhetorical education in Republican Rome, but apply equally to the Greek rhetoricians of the period, as esp. *De or.* makes clear (1.85, 86; 2.65–66, 78; 3.107, 110, 120–121; see also *Q. fr.* 3.3.4). Clarke thus shows that Seneca the Elder (*Contr.* 1.pr.12), Quintilian (2.1.9; 2.4.41–42), and Suetonius (*DGR* 25.4) are mistaken in thinking that in the old days, *theses* were part of the regular exercises. Later rhetoricians did incorporate the *theses*; see the abundant material in H. Throm, *Die Thesis. Ein Beitrag zu ihrer Entstehung und Geschichte. Rhetorische Studien* 17 (Paderborn: Schöningh 1932). Although Throm's book contains much of value, the history of the problem as a whole stands in need of a re-examination.

<sup>55</sup> For the standard approach, with the third genre being the laudatory, see, e.g., Cic. *Inv.* 1.7 and 2.176–177; *Rhet. Her.* 1.2 and 3.10–15; and the remarks *De or.* 2.43. Good discussions in D. A. G. Hinks, "Tria genera causarum," *Classical Quarterly* 30 (1936): 170–176; Solmsen (1941): 42–43, 180–181; A. D. Leeman, H. Pinkster, H. L. W. Nelson, *M. Tullius Cicero. De oratore libri III. Kommentar. 2. Band: Buch I, 166–265; Buch II, 1–98* (Heidelberg: Universitätsverlag C. Winter 1985): 239–240. The claim about epideictic as an over-arching genre, e.g., in Lausberg (1960/1998): § 65; § 242; Kennedy in G. A. Kennedy (ed.), *The Cambridge History of Literary Criticism. Vol. I: Classical Criticism* (Cambridge: Cambridge University Press 1989): 192; Fantham *ibid.*: 235, 238. On Hermogenes (*Id.* 2.10 and 2.12), C. W. Wooten (transl.), *Hermogenes' On Types of Style* (Chapel Hill – London: University of North Carolina Press 1987): 138–140, should be consulted.

This implies that rhetoricians did not cover the important genre of historiography under epideictic. There is actually clear evidence from Cicero that at least in his time, they did not cover it at all—again despite claims in modern scholarship. In the second book of *De oratore*, Cicero makes his interlocutor Antonius explicitly say that ‘I don’t find that the rhetoricians have anywhere furnished it with rules of its own’ (*De or.* 2.62: *neque eam reperio usquam separatim instructam rhetorum praeceptis*; thus 64). Antonius does say that history is a great task for the orator (2.62, cf. 51), but that by no means implies that it is a task for rhetorical theory. On the contrary, his point is that for an orator who is a master of the judicial genre, which he considers the most difficult, no further instruction is necessary, whatever other task he may take up—such as history. Therefore, Antonius is arguing, it is only natural that rhetorical theory does not cater for such other tasks.<sup>56</sup>

### 5. *The quarrel between rhetoricians and philosophers*

One of the problems that occupied Cicero throughout his life was the relationship between oratory and philosophy. He addresses it already in the preface to his early *De inventione* (1.1–5), where he posits an original unity of eloquence and wisdom; the latter is implicitly equated with philosophy, which is seen primarily as a moral force that should keep the powers of eloquence in check. He did not yet envisage a farther-reaching synthesis of the two, however, for not much later in the same work he insists that the activities of the orator and the philosopher ought to be kept apart (1.8).<sup>57</sup> The

---

<sup>56</sup> Antonius, that is, is not ‘complaining’ about the lack of rhetorical instruction for history, as T. P. Wiseman, *Clio’s Cosmetics. Three Studies in Greco-Roman Literature* (Leicester: Leicester University Press 1979): 31, holds (cf. A. J. Woodman, *Rhetoric in Classical Historiography* [London – Sydney: Croom Helm, Portland OR: Areopagitica Press 1988]: 82, 104–105). Neither is he arguing for ‘rhetorical historiography,’ as was claimed, e.g., by Kennedy (1972): 207, 292. The latter point is now often taken for granted on the basis of esp. Woodman’s book; see, e.g., Cape (1997), though he (largely unsuccessfully) modifies some of Woodman’s analysis (cf. also above n. 36). Antonius’ remarks should be analyzed in the context of his whole argument in 2.41–73: see Leeman-Pinkster-Nelson (1985): 248–252; J. Wisse, A. D. Leeman, ‘Rhetoric, Truth and History. A Re-examination of Cicero’s Remarks on Historiography (*De oratore* 2.51–64)’ (in preparation).

<sup>57</sup> See also 1.33, 77, 86. That ‘wisdom’ (*sapientia*) in 1.1 is meant to be equated

vision of such a synthesis belongs to his mature works, and dominates much of *De oratore*. Cicero had particular reasons to be interested in these issues: his enduring fascination with philosophy and his conviction that his philosophical schooling was one of the main factors behind his success as an orator. At the same time, however, his interest reflects the contemporary disciplinary quarrel between the rhetoricians and the philosophers.

Although the germs of this disciplinary conflict can be seen earlier, it was Plato who was generally considered as primarily responsible for launching the main arguments against rhetoric and oratory (*De or.* 1.47; cf. *Orator* 12, 42)—as he often is today. Some scholars have actually interpreted Cicero's views as an answer to Plato's strictures on rhetoric,<sup>58</sup> but such a reduction of the quarrel to the 'great names' is historically inadequate. It is in fact most often recognized that, probably after a period of relative 'peace' in the 3rd and early 2nd century B.C., lively debates between philosophers and rhetoricians ensued around 150 B.C.—perhaps partly because of the appearance of the Romans on the Greek 'educational market.' Hermagoras of Temnos, whose influential status theory apparently brought new vigor to rhetoric, may have played an important part on the rhetorical side; he incorporated certain types of *theses* in his system, thus at the least implicitly claiming philosophical territory (cf. 359–360).

The heads of three of the four leading philosophical schools almost certainly took part in the quarrel at that stage: Carneades the Academic, Critolaus the Peripatetic, and Diogenes the Stoic (the members of the embassy in 156/155 B.C.: above, 338–339). Cicero's own *De oratore* is then our main testimony for the continued involvement of all three schools until *c.* 100 B.C. Especially relevant are the passages where the two chief interlocutors, Crassus and Antonius, are said to have heard debates in Athens, in 110 and 102, in which philosophers attacked rhetoric and oratory (1.45–47, 82–93);<sup>59</sup> among

---

with philosophy partly follows from the topicality of the moral issue in the contemporary disciplinary debate between rhetoricians and philosophers (cf. *De or.* 1.35–40 with 1.45; cf. Leeman-Pinkster-Wisse [1996]: 215–216).

<sup>58</sup> E.g., L. P. Wilkinson, in *The Cambridge History of Classical Literature. II. Latin Literature*, edited by E. J. Kenney, W. V. Clausen (Cambridge: Cambridge University Press 1982): 257–259; B. Vickers, *In Defence of Rhetoric* (Oxford: Clarendon Press 1988): 163–167. Both accounts are actually unsatisfactory as a whole.

<sup>59</sup> About these debates, see 390. See also 1.43, 45, 75, 104–105. Other sources for the period between Carneades and *c.* 100 B.C. are rare, and most of these



these the Academic Charmadas, a pupil of Carneades, is singled out as the most fluent and energetic. Somewhat later even the Epicureans, generally opposed to all forms of culture, debated similar issues within their school, as is shown by Philodemus' work *On Rhetoric*, of uncertain date (between *c.* 70 and 40 B.C.); the latter also attacked the rhetoricians.<sup>60</sup> Some other evidence suggests that the quarrel then ended *c.* 40 B.C. (at least for the time being: a new phase emerged in the 1st and 2nd centuries A.D.). Cicero's mature works, that is, belong to the end of this phase of the quarrel.<sup>61</sup>

An enigmatic position was taken by Philo of Larissa, who was head of the Academy (the last one) from 110/09 B.C. until his death in 84/3. Sometime before 91 B.C., he introduced rhetoric into the Academy (*De or.* 3.110; *Tusc.* 2.9), and since he numbered Cicero among his listeners when he lectured in Rome in 88 B.C., he may well have influenced the synthesis of philosophy and oratory in *De oratore*. The extent to which this may be the case is very briefly discussed below, in the chapter on this work, as are the issues on which the debates in the quarrel concentrated (391–397).

Readers may have noticed that I do not refer to the quarrel as being between rhetoric and philosophy, but as one between rhetoricians and philosophers. The former designation, which is not infrequently found, seems too suggestive of a conflict inherent in the disciplines, which is therefore essentially static. As the interpretation of *De oratore* will illustrate, however, the issues debated in Cicero's day were similar but certainly not identical to those brought up by Plato. In any period, the nature of the quarrel was defined by the rhetoricians and the philosophers of that particular time. I have likewise avoided the fairly common suggestion that Cicero offered a synthesis of 'rhetoric' and philosophy, in view of his attitude towards

---

barely do more than mention names: Quint. 2.15.19, 2.15.23 (perhaps: Athenaeus?), 2.17.15; Sext. Emp., *Adv. Rh.* 20–43, 61; Philodemus (see Ariston the Younger fr. 3–5 Wehrli [vol. X]: *Philod. Rh.* ed. Sudhaus I pp. 328–329 fr. XII; p. 360 col. LXXI; II pp. 197–198 fr. IV).

<sup>60</sup> The prime mover in the debates within the Epicurean school seems to have been Zeno of Sidon (born *c.* 150, died in the 70's), Philodemus' venerated teacher. For the uncertainty about the date of Philodemus' treatise see my article "The Presence of Zeno. The Date of Philodemus' *On Rhetoric* and the Use of the 'Citative' and 'Reproducing' Present in Latin and Greek," in R. Risselada, J. R. de Jong, A. M. Bolkestein (eds.), *On Latin. Linguistic and Literary Studies in Honour of Harm Pinkster* (Amsterdam: Gieben 1996): 173–202.

<sup>61</sup> See (very briefly) Leeman-Pinkster-Wisse (1996): 96.

the discipline of rhetoric and its practitioners (above, 346–347); his synthesis is one of oratory and philosophy.

Although Cicero's views on these matters are set out at most length in *De oratore*, they are also reflected in his other mature works. The case of *Partitiones oratoriae* is complicated in that it represents, on Cicero's own claim, rhetorical theory as it was offered in the Academy, presumably by Philo; the *Topica* is mainly devoted to describing the Aristotelian-type 'topics' that are also central to the invention of rational argumentation in *De oratore*, where this approach is used to underline the connection between oratory and philosophy.<sup>62</sup> The defense of this connection is not, of course, among the polemical purposes of *Brutus* and *Orator*, yet these works contain fairly numerous references to it. A passage not long after the beginning of *Orator* even repeats the lament of *De oratore* about the separation of the disciplines of speaking and thinking (*Orat.* 11–17). Cicero, then, had not changed his mind, and remained convinced of the value of philosophy for the orator.

## 6. Atticism

As is well known, Cicero's main purpose in *Brutus* and *Orator*, written in 46 B.C., is to defend himself against the so-called Atticists, a group of youngish Romans who criticized his style as bombastic, and to establish his own approach to oratory as superior to theirs. *Brutus* and *Orator* themselves are discussed in separate chapters by Professor Narducci; here, I shall briefly treat a number of the much-discussed questions about the 'movement' of Atticism itself, partly in the light of the material of sections 2 and 3 above.<sup>63</sup>

The Atticists' criticisms of Cicero were embedded in a larger view, in that they divided the history of style into three periods: the period

---

<sup>62</sup> For *Part. or.* see R. N. Gaines, "Cicero's *Partitiones oratoriae* and *Topica*: Rhetorical Philosophy and Philosophical Rhetoric," below, 447–466 and 397 n. 33. For the *Topica* see Gaines, below, 466–476, and for the role of the topics in the connection between oratory and philosophy, see below, 394 n. 30.

<sup>63</sup> For a few more details about (my views on) the origin and originators of Atticism (the 'when and who'), I refer to Wisse (1995). The broader question of the antecedents and 'causes' of Atticism has not, I believe, received adequate treatment.

of the classical Attic orators, which they idealized; the 'hellenistic' era, which they regarded as degenerate; and the present, in which they themselves strove to restore the standards of the great past. The 'degenerate' style that they rejected they called, polemically, Asiatic (as allegedly originating from Asia Minor),<sup>64</sup> and to this type, they said, Cicero belonged. Their own ideal was a more simple and elegant style of speaking, modeled on what they saw as the style of the Attic orators of the 5th and 4th centuries. Among these, they seem to have favored the 'slender,' elegant Lysias in particular, although Demosthenes must also have been among their models.<sup>65</sup>

This group of Roman Atticists seems to have emerged around 60 B.C. The leading figure, Calvus, had probably died in 54 or 53, but in 46 his following was obviously still considerable, provoking Cicero to defend himself in writing. The dedicatee of both *Brutus* and *Orator*, Brutus himself, probably did not aspire to the title of Atticist, but his ideas were close to Calvus'.

It is worth noting that Calvus was a Roman aristocrat and an active orator-politician, and that the Atticists in general clearly came from similar backgrounds. As stressed above (§ 3), this sets them apart from the professional rhetoricians. The debate between Cicero and his opponents, that is, did not belong in the context of rhetorical schools or theory, but was one between orators who were also intellectuals.

In the many scholarly discussions of the movement, the main bone of contention is its origin, i.e., the question who started the movement and when. Roman Atticism is most commonly thought to have been descended from a Greek version, even though evidence for such an earlier Greek phase is lacking—the first securely dated Greek version of Atticism being found in Dionysius of Halicarnassus, who worked in Rome from 30/29 B.C. onwards. Broadly speaking, two

---

<sup>64</sup> That the term was polemical, rather than historical, was pointed out by U. von Wilamowitz-Moellendorf, "Asianismus und Atticismus," *Hermes* 35 (1900): 1–8. This is not to deny that there were common characteristics to the styles that were most popular in the period: see C. W. Wooten, "Le développement du style asiatique pendant l'époque hellénistique," *Revue des Études Grecques* 88 (1975): 94–104.

<sup>65</sup> This is an adjustment of my statements in Wisse (1995): 70, 71, where I followed Cicero in underplaying their admiration for Demosthenes (cf. esp. *Brut.* 284–291). The view that the latter must actually have been central to their concerns, however, still seems implausible to me; this view, e.g., in A. Weische, *Ciceros Nachahmung der attischen Redner* (Heidelberg: Carl Winter Universitätsverlag 1972): 179.

types of hypothesis have been influential.<sup>66</sup> Norden, in his great *Kunstprosa* of 1898, held that Atticism rose shortly after 200 B.C. as a reaction against the then dominant bombastic style, and others have likewise favored a date in the 2nd century B.C.<sup>67</sup> Wilamowitz, in 1900, noted the absence of any evidence for such an early phase, and posited that Greeks working in Rome must have been at the basis of the movement around 60 B.C.<sup>68</sup> On the basis of this hypothesis, attempts have even been made to pinpoint the Greek who influenced Calvus and his friends. For example, Dihle has argued that the grammarian Philoxenus was responsible for the Roman variant of Atticism (though not for the Greek variant), and recently O'Sullivan has made a case for the Atticist Caecilius of Caleacte—arguing that although Caecilius is known to have worked in Augustan times, the beginning of his activity could be dated to *c.* 60 B.C.<sup>69</sup> To me, the evidence seems to point not to a Greek origin but to Calvus himself as the originator of Atticism as such, and in that case the movement must have been passed on to Greeks such as Dionysius and Caecilius through a Graeco-Roman intellectual network in Rome; but this stance is bound to remain controversial.

However this may be, there is also the question of antecedents—for Atticism was a fairly complex compound of ideas (the three-period-view of history, the rejection of 'bombastic' styles, the favoring of Lysias, etc.), and it can hardly have come out of the blue. There is, however, no scholarly agreement on this score either, and many

---

<sup>66</sup> Oddly, the debate is sometimes misrepresented, esp. concerning the stance of Wilamowitz: see below n. 68.

<sup>67</sup> Norden (1898), esp. 149–151. A date not long before 150 B.C. is favored, e.g., by F. Preisshofen, "Kunsttheorie und Kunstbetrachtung," in *Le classicisme à Rome aux Iers siècles avant et après J.-C.*, ed. H. Flashar (*Entretiens XXV*; Genève: Fondation Hardt 1979): 263–77.

<sup>68</sup> Wilamowitz (1900): 44–46, whose emphatic view that it was Greeks in Rome who 'invented' Atticism is sometimes distorted. According to A. Dihle, "Analogie und Attizismus," *Hermes* 85 (1957): 170 n. 2, Wilamowitz discussed 'das Aufkommen des Attizismus in Griechenland'; and E. Narducci, *Cicerone e l'eloquenza romana* (Roma-Bari: Laterza 1997): 125, writes that the 'followers' of Wilamowitz see Atticism as 'un fenomeno peculiare della cultura romana,' strongly suggesting that in this view (and in Wilamowitz' own) no Greeks were involved.

<sup>69</sup> A. Dihle, "Der Beginn des Attizismus," *Antike und Abendland* 23 (1977): 170–174; N. O'Sullivan, "Caecilius, the 'Canons' of Writers, and the Origins of Atticism," in Dominik (ed. 1997): 32–49; O'Sullivan's lucid article seems to make the best possible case for an early date of Caecilius, but the arguments remain inconclusive; other considerations still seem to me to favor the rejection of decisive Greek involvement at this stage (Wisse [1995]: 76–77).

candidates have been proposed as being 'forerunners' or otherwise connected with the movement.<sup>70</sup>

Among the relatively undisputed facts is the prior existence of the three-period view in other fields—a view often, usefully, called 'classicism,' as involving a preference for a much earlier, 'classical' period. For instance, as early as 150 B.C., some sculptors seem to have claimed that they, after a period of decline, were restoring the high standards current before 300 B.C. A further factor contributing to the focus on the great period of Athenian history may have been the demise of Athenian intellectual life in our period (above, 340–341). Another fairly clear connection is with the so-called 'neoteric' poets, to whom both Calvus and his friend Catullus belonged; their ideas about poetry, like the Atticists' views on oratory, revolved around notions of elegance and 'slenderness.' That is, these two groups of young Romans partly overlapped, and used similar approaches to distinguish themselves from their predecessors.

Influences of grammar have also been claimed, but this is far from unproblematic. Some scholars, for example, have seen a role for philological study of the classic Attic orators.<sup>71</sup> Such study supposedly made people aware that the Attic style was different from Cicero's, and that Latin, in its vocabulary and syntax, tended to foster a fuller and more redundant style than did Greek. This hypothesis is not supported by evidence, and is based on the scholarly inclination, mentioned above (333), to privilege formal contexts over informal ones such as private reading. Moreover, it presupposes a grammatical apparatus that is more sophisticated than was actually available. As already mentioned, theories of syntax hardly existed (353). Comparisons between the two languages were of course frequent, usually revolving around the question whether Latin was 'poorer' than Greek; but they concerned vocabulary, especially philosophical and other technical vocabulary, and did not (yet) involve syntactical notions.<sup>72</sup>

<sup>70</sup> See the survey in Narducci (1997): 125–126 (with the reservation above n. 68).

<sup>71</sup> Weische (1972): 179 (cf. 183), further developed by Narducci (1997): 126.

<sup>72</sup> On the comparisons see in general J. Kaimio, *The Romans and the Greek Language* (Helsinki: Societas Scientiarum Fennica 1979): 262–266; and now T. Fögen, *Patrii sermonis egestas. Einstellungen lateinischer Autoren zu ihrer Muttersprache* (München – Leipzig: Saur 2000). For the concentration on vocabulary see, e.g., Cic. *Fin.* 3.5 *verborum copia* ('richness of words,' i.e., vocabulary), and the famous lines Lucr. 1.136–139; and Fögen, *passim*, esp. his summary 228–229. Later, Quintilian did to some extent use syntactical notions in his comparison (Fögen 143–151, 229–230).

A more influential hypothesis involving grammar makes the doctrine of analogy central to the Atticists' concerns (cf. above, 352–353).<sup>73</sup> One of the mainstays of this idea is the connection between the Atticist movement and Caesar, who wrote *De analogia*, at least partly in reaction to Cicero (above n. 46). This connection, however, is extremely doubtful, and the positions of Caesar and Cicero were not very far apart on the issue of analogy.<sup>74</sup> More generally, the importance of analogy has been much overstressed (above, 352–353). It seems, then, that Atticism was primarily concerned not with grammar, but with style.

Other suggestions have also been made, but these cannot be discussed here. The debate about Atticism, so central to Cicero's concerns in his later life, is bound to continue.

### 7. *Final remarks*

Although the previous sections have treated a number of areas separately, it will be evident that there are many connections between them. For example, the view of Greeks as impractical, theoretical jabberers (§ 2) is relevant to Cicero's picture of the rhetoricians (§ 3), because many of them were Greeks. There are less obvious connections as well, and by way of illustration, I will end this chapter with a simplified sketch of one of these. In an admittedly somewhat speculative way, it links an element from Cicero's defense against the Atticists with the quarrel between philosophers and rhetoricians.<sup>75</sup>

The fourth book of Philodemus' *On Rhetoric* (above, 363) contains a passage<sup>76</sup> which stresses the diversity of the styles generally in use. This implies, he claims, that the choice of any such style is arbitrary.

<sup>73</sup> The great influence of the hypothesis is at least partly due to Norden (1898): 184–189, although Norden himself, (1898): 185 n., mentions Mommsen as a forerunner. Its most influential modern proponent is Dihle (1957); (1977).

<sup>74</sup> Doubts about the connection were, for example, already voiced by A. E. Douglas, "M. Calidius and the Atticists," *Classical Quarterly* 5 (1955): 245. For Caesar and Cicero on analogy see above n. 44.

<sup>75</sup> The following draws on my reconstruction in "Atticists, Academics and Epicureans. Response to Robert Gaines," in *Cicéron et Philodème. La polémique en philosophie*, éd. par C. Auvray-Assayas et D. Delattre (Paris: Éditions Rue d'Ulm/Presses de l'École normale supérieure 2001): 273–282. The main simplification in the following is the omission of a possible reference to Atticism in *De or.* 3.25–37a; cf. *ibid.*: 280–281; Leeman-Pinkster-Wisse (1996): 149–150.

<sup>76</sup> *On Rhetoric* Book IV, *P. Herc.* 1423,8,6–9,20 Gaines = I pp. 151–152 Sudhaus.

trary, and (in a typically Epicurean turn) that the only logical choice is therefore a simple, naturally beautiful style. One of the other implications of this argument is that the rhetoricians' detailed rules about style are useless. The argument, that is, can also be seen as part of the quarrel between philosophers and rhetoricians, and it is probable (but not certain) that it was one of the Academics' lines of attack on the latter. Philodemus, in that case, adopted it to suit his own purpose. But we also find a different echo of the argument in *De oratore* (3.25–37a), where Cicero, with a view to clearing the way for his own discussion of style, implicitly answers it by describing diversity among orators as legitimate and even welcome. And then in *Brutus* 285 ff. we find an adapted form of this answer, now used to refute the Atticists: if there is so much legitimate diversity, Cicero argues, even between the Attic orators, then the Atticists' concentration on Lysias is too narrow.

In other words, we see one argument traveling, in different guises, not just from one author to another, but also from one context to another. This is only to be expected: Cicero and many of his contemporaries took part in a number of different debates, and they had no reason to compartmentalize them.

This again illustrates the complexities of Roman intellectual life in Cicero's time, a point emphasized throughout this chapter—perhaps too much so in the eyes of some readers. But if this emphasis is justified, we must conclude that what makes the intellectual activities of the period more interesting, makes them at the same time difficult to describe and reconstruct. Yet in some areas firm, positive conclusions can be drawn, as is, I hope, illustrated above. It is likely that renewed, detailed examination of some of the evidence, and especially of Cicero's writings themselves, will take us even further, and deepen our understanding of Cicero's stance and purposes in his 'rhetorical' works.<sup>77</sup>

---

<sup>77</sup> I would like to thank the editor, Jim May, for his help and his patience. Robert Gaines and Bob Kaster helped out with some rare items in the bibliography. Not for the first time, Nancy Laan's feeling for consistency and clarity much improved my writing. Part of the research for this chapter was carried out under the aegis of my research project on the literary 'field' of the first century B.C., on which I worked for part of 1995–1999; thanks are due to the Netherlands Organisation for Scientific Research (NWO) for funding this project.

## BIBLIOGRAPHY

- Achard, G. "Les rhéteurs sous la République: des hommes sous surveillance?" *Ktéma* 14 (1989) [1993]: 181–188
- Astin, A. E. *Scipio Aemilianus*. Oxford: Clarendon Press, 1967.
- Bonner, S. F. *Education in Ancient Rome*. London: Methuen, 1977.
- Booth, A. D. "The Appearance of the *schola grammatici*." *Hermes* 106 (1978): 117–125.
- . "Elementary and Secondary Education in the Roman Empire." *Florilegium* 1 (1979): 1–14.
- . "The Schooling of Slaves in First-Century Rome." *Transactions of the American Philological Association* 109 (1979): 11–19 [= Booth 1979<sup>2</sup>].
- Cape, R. W. "Persuasive History: Roman Rhetoric and Historiography." In *Roman Eloquence. Rhetoric in Society and Literature*, edited by W. J. Dominik (London – New York: Routledge 1997): 212–228.
- Caplan, H. [*Cicero*] *Ad C. Herennium De Ratione Dicendi*. Loeb Classical Library. London: Heinemann; Cambridge, Mass.: Harvard University Press, 1954.
- Christes, J. *Sklaven und Freigelassene als Grammatiker und Philologen im antiken Rom*. Wiesbaden: Steiner, 1979.
- Clarke, M. L. "The Thesis in the Roman Rhetorical Schools of the Republic." *Classical Quarterly* 45 [N.S. 1] (1951): 159–166.
- Dihle, A. "Analogie und Attizismus." *Hermes* 85 (1957): 170–205.
- . "Der Beginn des Attizismus." *Antike und Abendland* 23 (1977): 162–177.
- Dominik, W. J., ed. *Roman Eloquence. Rhetoric in Society and Literature*. London – New York: Routledge, 1997.
- Douglas, A. E. "M. Calidius and the Atticists." *Classical Quarterly* 5 (1955): 241–247.
- . "A Ciceronian Contribution to Rhetorical Theory." *Eranos* 55 (1957): 18–26.
- , ed. *M. Tulli Ciceronis Brutus*. Oxford: Clarendon Press, 1966.
- . "The Intellectual Background of Cicero's Rhetorica: A Study in Method." In *Aufstieg und Niedergang der römischen Welt* I.3 (Berlin – New York: De Gruyter 1973): 95–138.
- Erler, M., et alii. *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4: Die hellenistische Philosophie*. Basel: Schwabe, 1994.
- Fantham, E. *Roman Literary Culture from Cicero to Apuleius*. Baltimore – London: Johns Hopkins University Press, 1996.
- Fögen, T. *Patrii sermonis egestas. Einstellungen lateinischer Autoren zu ihrer Muttersprache, Beiträge zur Altertumskunde* 150. München-Leipzig: Saur, 2000.
- Gaines, R. N. "On the Rhetorical Significance of *P. Hamb.* 131." *Rhetorica* 7 (1989): 329–340.
- Glucker, J. *Antiochus and the Late Academy*. Hypomnemata 56. Göttingen: Vandenhoeck & Ruprecht, 1978.
- Görler, W. "Älterer Pyrrhonismus; Jüngere Akademie; Antiochos aus Askalon." In *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die*



- Philosophie der Antike, Band 4: Die hellenistische Philosophie*, von M. Erler et alii (Basel: Schwabe 1994): 719–989.
- Griffin, M. “The Intellectual Developments of the Ciceronian Age.” In *The Cambridge Ancient History. Second edition. Vol. IX: The Last Age of the Roman Republic, 146–43 B.C.*, edited by J. A. Crook, A. Lintott, E. Rawson (Cambridge: Cambridge University Press 1994): 689–728.
- Gruen, E. S. *Studies in Greek Culture and Roman Policy*. Leiden: Brill, 1990.  
 ——. *Culture and National Identity in Republican Rome*. Ithaca: Cornell University Press, 1992.
- Habinek, T. N. *The Politics of Latin Literature*. Princeton: Princeton University Press, 1998.
- Heath, M. “Invention.” In *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*, edited by S. E. Porter (Leiden etc.: Brill, 1997): 89–119.
- Hemelrijk, E. A. *Matrona docta: Educated Women in the Roman Élite from Cornelia to Julia Domna*. London – New York: Routledge, 1999.
- Hendrickson, G. L. “The *De Analogia* of Julius Caesar; its Occasion, Nature, and Date, with Additional Fragments.” *Classical Philology* 1 (1906): 97–120.
- Hinks, D. A. G. “Tria genera causarum.” *Classical Quarterly* 30 (1936): 170–176.
- Jocelyn, H. D. “The Ruling Class of the Roman Republic and Greek Philosophers.” *Bulletin of the John Rylands University Library* 59 no. 2 (1977): 323–366.
- Kaimio, J. *The Romans and the Greek Language*. Helsinki: Societas Scientiarum Fennica, 1979.
- Kaster, R. A. “Notes on ‘Primary’ and ‘Secondary’ Schools in Late Antiquity.” *Transactions of the American Philological Association* 113 (1983): 323–346.  
 ———, (ed., transl., intr., comm.). *C. Suetonius Tranquillus. De Grammaticis et Rhetoribus*. Oxford: Clarendon Press, 1995.
- Kennedy, G. A. *The Art of Persuasion in Greece*. Princeton: Princeton University Press, 1963.  
 ———. *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300*. Princeton: Princeton University Press, 1972.  
 ———, (ed.). *The Cambridge History of Literary Criticism. Vol. I: Classical Criticism*. Cambridge: Cambridge University Press, 1989.  
 ———. *A New History of Classical Rhetoric*. Princeton: Princeton University Press, 1994.  
 ———. “Historical Survey of Rhetoric.” In *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*, edited by S. E. Porter (Leiden etc.: Brill 1997): 3–41.
- Kenney, E. J., Clausen, W. V. (eds.). *The Cambridge History of Classical Literature. II. Latin Literature*. Cambridge: Cambridge University Press, 1982.
- Kretschmar, M. *Otium, studia litterarum, Philosophie und βίος θεωρητικός im Leben und Denken Ciceros*. Diss., Leipzig, 1938.
- Lausberg, H. *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft*. 2 Bände; München: Hueber, 1960; mit Nachträge 1973<sup>2</sup> = *Handbook*

- of *Literary Rhetoric: A Foundation for Literary Study*, transl. by M. T. Bliss et al. Leiden – New York: Brill, 1998.
- Leeman, A. D., Pinkster, H. M. *Tullius Cicero. De oratore libri III. Kommentar. 1. Band: Buch I, 1–165*. Heidelberg: Universitätsverlag C. Winter, 1981.
- Leeman, A. D., Pinkster, H., Nelson, H. L. W. M. *Tullius Cicero. De oratore libri III. Kommentar. 2. Band: Buch I, 166–265; Buch II, 1–98*. Heidelberg: Universitätsverlag C. Winter, 1985.
- Leeman, A. D., Pinkster, H., Wisse, J. M. *Tullius Cicero. De oratore libri III. Kommentar. 4. Band: Buch II, 291–367; Buch III, 1–95*. Heidelberg: Universitätsverlag C. Winter, 1996.
- Lightfoot, J. L. (ed., intr., comm.). *Parthenius of Nicaea. The poetical fragments and the Ἐρωτικά Παθήματα*. Oxford: Clarendon Press, 1999.
- Lynch, J. P. *Aristotle's School. A Study of a Greek Educational Institution*. Berkeley: University of California Press, 1972.
- Marrou, H.-I. *Histoire de l'éducation dans l'Antiquité*. 2 vols. Paris: Seuil, 1965.
- Marshall, A. J. "Library Resources and Creative Writing at Rome." *Phoenix* 30 (1976): 252–264.
- Martin, J. *Antike Rhetorik. Technik und Methode*. Handbuch der Altertumswissenschaft II.3. München: Beck, 1974.
- Matthes, D. "Hermagoras von Temnos 1904–1955." *Lustrum* 3 (1958): 58–214; 262–278.
- May, J. M. & Wisse, J. (transl., intr., etc.). *Cicero. On the Ideal Orator (De Oratore)*. New York – Oxford: Oxford University Press, 2001.
- Münzer, F. "Atticus als Geschichtsschreiber." *Hermes* 40 (1905): 50–100.
- Narducci, E. *Cicerone e l'eloquenza romana*. Roma-Bari: Laterza, 1997.
- Norden, E. *Die antike Kunstprosa vom VI. Jh. v. Chr. bis in die Zeit der Renaissance*. Leipzig: Teubner 1898; mit Nachträgen, 1909/1915.
- O'Sullivan, N. "Caecilius, the 'Canons' of Writers, and the Origins of Atticism." In *Roman Eloquence. Rhetoric in Society and Literature*, edited by W. J. Dominik (London/New York: Routledge, 1997): 32–49.
- Pfeiffer, R. *History of Classical Scholarship from the Beginnings to the End of the Hellenistic Age*. Oxford: Clarendon Press, 1968.
- Porter, S. F. (ed.). *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*. Leiden – New York: Brill, 1997.
- Preisshofen, F. "Kunsttheorie und Kunstbetrachtung." In *Le classicisme à Rome aux Iers siècles avant et après J.-C.*, ed. H. Flashar (*Entretiens XXV*; Genève: Fondation Hardt 1979): 263–277.
- Ramage, E. S. "Clodia in Cicero's *Pro Caelio*." In *Classical Texts and their Tradition. Studies in Honor of C. R. Trahman*, edited by D. F. Bright and E. S. Ramage (Chico CA: Scholars Press 1984): 201–211.
- Rawson, E. *Intellectual Life in the Late Roman Republic*. London – Baltimore: Johns Hopkins University Press, 1985.
- . *Roman Culture and Society. Collected Papers*. Oxford: Oxford University Press, 1991.
- Schenkeveld, D. M. "Scholarship and Grammar." In *La philologie grecque à l'époque hellénistique et romaine*, ed. F. Montanari (*Entretiens XL*; Genève: Fondation Hardt 1994): 263–301.

- Schmidt, P. L. "Die Anfänge der institutionellen Rhetorik in Rom." In *Monumentum Chiloniense. Festschrift Erich Burck*, hrsg. von E. Lefèvre (Amsterdam 1975): 183–216
- Solmsen, F. "Aristotle and Cicero on the Orator's Playing upon the Feelings." *Classical Philology* 33 (1938): 390–404 = Solmsen (1968): 216–230.
- . "The Aristotelian Tradition in Ancient Rhetoric." *American Journal of Philology* 62 (1941): 35–50; 169–90 = Solmsen (1968): 178–215.
- . *Kleine Schriften*. vol. 2. Hildesheim: Olms, 1968.
- Steinmetz, P. "Die Stoa." In *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4: Die hellenistische Philosophie*, von M. Erler et alii (Basel: Schwabe 1994): 491–716.
- Strasburger, H. "Der Scipionenkreis." *Hermes* 94 (1966): 60–72.
- Taylor, D. J. "Rethinking the History of Language Science in Classical Antiquity." *Historiographia Linguistica* 13 (1986): 175–190.
- Sumner, G. V. *The Orators in Cicero's Brutus: Prosopography and Chronology*. Phoenix Suppl. 11. Toronto: University of Toronto Press, 1973.
- Throm, H. *Die Thesis. Ein Beitrag zu ihrer Entstehung und Geschichte*. Rhetorische Studien 17. Paderborn: Schöningh, 1932.
- Ueding, G. (hrsg.). *Historisches Wörterbuch der Rhetorik*. Tübingen: Niemeyer, 1992–. . .
- Vickers, B. *In Defence of Rhetoric*. Oxford: Clarendon Press, 1988.
- Weische, A. *Ciceros Nachahmung der attischen Redner*. Heidelberg: Carl Winter Universitätsverlag, 1972.
- Wilamowitz-Moellendorff, U. von. "Asianismus und Atticismus," *Hermes* 35 (1900): 1–52.
- Wiseman, T. P. *Clio's Cosmetics. Three Studies in Greco-Roman Literature*. Leicester: Leicester University Press, 1979.
- . "Practice and Theory in Roman Historiography." *History* 66 (1981): 375–393.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Hakkert, 1989.
- . "Greeks, Romans, and the Rise of Atticism." In *Greek Literary Theory after Aristotle: A Collection of Papers in Honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, I. Sluiter (Amsterdam: VU University Press 1995): 65–82.
- . "The Presence of Zeno. The Date of Philodemus' *On Rhetoric* and the Use of the 'Citative' and 'Reproducing' Present in Latin and Greek." In *On Latin. Linguistic and Literary Studies in Honour of Harm Pinkster*, edited by R. Risselada, J. R. de Jong, A. M. Bolkestein (Amsterdam: Gieben 1996): 173–202.
- . "Atticists, Academics and Epicureans. Response to Robert Gaines." In *Cicéron et Philodème. La polémique en philosophie*, éd. par C. Auvray-Assayas et D. Delattre. Études de littérature ancienne 12 (Paris: Éditions Rue d'Ulm/Presses de l'École normale supérieure 2001): 273–282.
- Wisse, J., Leeman, A. D. "Rhetoric, Truth and History. A Re-examination of Cicero's Remarks on Historiography (*De oratore* 2.51–64)" (in preparation).
- Woodman, A. J. *Rhetoric in Classical Historiography*. London – Sydney: Croom Helm, Portland OR: Areopagitica Press, 1988.

- Wooten, C. W. "Le développement du style asiatique pendant l'époque hellénistique." *Revue des Études Grecques* 88 (1975): 94–104.
- . (transl.). *Hermogenes' On Types of Style*. Chapel Hill – London: University of North Carolina Press, 1987.
- Zetzel, J. E. G. "Cicero and the Scipionic Circle." *Harvard Studies in Classical Philology* 76 (1972): 173–179.

## CHAPTER TWELVE

### *DE ORATORE*: RHETORIC, PHILOSOPHY, AND THE MAKING OF THE IDEAL ORATOR

Jakob Wisse

#### 1. *Setting and subject*

When Cicero finished *De oratore* near the end of 55 B.C., he had already been Rome's leading orator for about fifteen years.<sup>1</sup> Aided by hindsight, we may therefore conclude that it is only natural that he would write the ambitious work that we know *De oratore* to be. But at that point there were no clear precedents for a great orator writing about the subject, and his other mature works on oratory such as *Brutus* and *Orator* were still to come. Contemporary readers, therefore, might reasonably compare it to his *De inventione*, written when he was about seventeen. That work, in fact, presented the kind of approach that one would normally expect of a treatise on speech-making. Though written by a young member of the Roman upper class, it was virtually indistinguishable from the products of the professional rhetoricians, as it was no more than (the first part of) a handbook with a version of the standard rhetorical rules.<sup>2</sup> Cicero

---

<sup>1</sup> For a more extensive discussion of the work, see the introduction in J. M. May & J. Wisse (transl., intr., etc.), *Cicero. On the Ideal Orator (De Oratore)* (New York – Oxford: Oxford University Press 2001): 3–48; and for in-depth analyses, the commentary started by Leeman and Pinkster: A. D. Leeman, H. Pinkster (and others), *M. Tullius Cicero. De oratore libri III. Kommentar* (Heidelberg: Universitätsverlag C. Winter 1981 ff.) vol. I: 1981; vol. II (with H. L. W. Nelson): 1985; vol. III (with E. Rabbie): 1989; vol. IV (with J. Wisse): 1996; vol. V (J. Wisse, M. Winterbottom, A. D. Leeman): in preparation (in English) for 2003. The standard text is K. Kumaniecki (Leipzig: Teubner 1969), which is, however, in need of replacement; any significant departures from it in this chapter are signalled in May & Wisse (2001): 307–319. All translations from *De or.* are taken from May & Wisse (2001).

<sup>2</sup> The existence of Antonius' 'little book' (mentioned, e.g., *De or.* 1.94) did little or nothing to mitigate the lack of real precedents. On the date of *Inv.* see G. A. Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300* (Princeton: Princeton University Press 1972): 106–110; above, 338 n. 12. On rhetoricians vs. members of the Roman élite see above, 341, 345–346.

clearly anticipated that some readers would make this comparison and indeed expect *De oratore* to offer something like the standard rules, and he was keen to correct them. For very soon after the beginning of the prologue (1.5), he describes *De oratore* as a replacement for ‘the sketchy and unsophisticated work’ (*incohata ac rudia*) of his youth, and stresses that it will have to be ‘worthy of my present age and of the experience I have acquired from pleading so many momentous cases’ (*hac aetate digna et hoc usu . . . , quem ex causis quas diximus tot tantisque consecuti sumus*).

The rejection of the standard approach to oratory as offered by the rhetoricians is indeed a theme that recurs throughout the work. This is just one of the ways in which it must have surprised its contemporary readership—a surprise that is bound to be absent for most modern readers, who do not share the expectations of Cicero’s contemporaries. The brief sketch of the background in this chapter will, I hope, begin to clarify what these contemporary expectations were, and thus, if not to restore some of the surprise, at least make it understandable.

After the section mentioning his youthful treatise, Cicero continues the prologue by arguing that true eloquence is rare, because oratory is such a difficult enterprise, requiring wide knowledge as well as the numerous other attributes essential for an orator (1.6–20, esp. 17–18). Oratorical excellence, therefore, cannot be achieved by relying on the standard rules and exercises, but only ‘by means that are of a quite different order’ (1.19: *aliis quibusdam*). He does not yet explicitly state what these are, and at the end of the prologue (1.23) he announces that the work will be a dialogue involving great Roman speakers; his views, that is, will be developed through them, in the course of the three separate conversations (corresponding to the three books of the work) that make up the dialogue.

The main interlocutors in the dialogue are the two great examples from Cicero’s youth, Lucius Licinius Crassus and Marcus Antonius (the first a distant relative of the—now—more famous later triumvir; the second the grandfather of Mark Antony). Crassus in particular had taken an interest in young Cicero’s education,<sup>3</sup> and as Cicero himself indicates in the prologues to the second and third books (2.7–9; 3.14–16), the work is a monument to his and Antonius’ mem-

<sup>3</sup> See 2.2; above, 340 n. 19.

ory. This is underlined by the dramatic date: the dialogue is situated some ten days before Crassus' death in September 91 B.C. In the third prologue (3.1–16), Crassus' last, impressive appearance in the Senate as well as his death are emotively recalled. This passage also refers to the violent deaths of most of the other interlocutors, with Antonius dying in a 'purge' in 87 (3.10).

The emphasis in the prologues on the real Crassus and Antonius, however, does not imply that the views expressed in the work are theirs (or, more generally, belong in the context of the 90's B.C.); the correspondences with Cicero's own opinions elsewhere, in *Brutus* and *Orator* in particular, make this clear enough. Also, one of Cicero's letters (*Ad fam.* 7.32.2) implies that he spoke 'through the character' of his interlocutors—in line with the conventions of the dialogue genre, in which such fiction generally played a large part. Actually, it is almost certain that the knowledge of the two men would not have sufficed for formulating some of the ideas that are put into their mouths, despite Cicero's claim in the second prologue that they possessed much more knowledge than was generally believed (2.1–6). This claim is part of the literary game of *De oratore*; the majority of his readers, that is, will have interpreted the work as an expression of Cicero's own ideas.<sup>4</sup>

These ideas, as suggested above, can be usefully compared with the approach of the rhetoricians. The differences can roughly be brought under two main headings, to be discussed in §§ 3 and 4. Both are reflected in the title of the work, *On the Orator*, which implies a focus on the orator himself and his attributes, rather than on rules, which were at the center of the rhetoricians' approach. In the first place, Cicero believes that the rhetoricians' rules are too inflexible to cover the difficulties of the cases facing an orator in real life. Therefore, he chooses an alternative approach to rhetorical theory, which concentrates on (and takes seriously) the stages through which an orator will go in preparing and presenting a speech (the 'activities of the orator'). In the second place, as already indicated in the first

---

<sup>4</sup> On the dialogue, and the interplay of reality and fiction in it, see May & Wisse (2001): 13–18; Leeman-Pinkster (1981): 67–70, 86–96; Leeman-Pinkster-Nelson (1985): 203–206; Leeman-Pinkster-Wisse (1996): 283–285; also J. Hall, "Persuasive Design in Cicero's *De oratore*," *Phoenix* 48 (1994): 210–225, who takes a different view of Cicero's claim in 2.1–6, seeing it as a 'rhetorical' ploy of Cicero's to enhance the credibility of his views.

prologue (1.6–20: above), he also regards rhetorical rules as too narrow. Good and successful oratory requires wide-ranging knowledge, especially of philosophy; ideally speaking, the orator's knowledge should actually be universal. This aspect of Cicero's views is connected with the disciplinary quarrel between rhetoricians and philosophers, but while it clearly sets Cicero apart from the rhetoricians, we will see that it does not align him with the philosophers either.

The notion of universal knowledge points to another implication of the title of the work. For although *De oratore* literally means *On the Orator*, it in fact implies, as a number of passages make clear, that the subject is the ideal orator (e.g., 1.64, 118; 3.83–85). Ideal requirements—such as that of universal knowledge—are of course unrealistic, but Cicero was well aware of that. One of the aims of *De oratore* is to put the orator before the readers' eyes in perfect form (cf. 3.85), and thus to inspire them to strive for oratorical excellence themselves.

## 2. Structure; the dialogue

Before the analysis, in the next two sections, of the polemics of *De oratore*, a few remarks on the function of the dialogue form may be useful, in conjunction with a brief survey of the structure of the work.<sup>5</sup>

The dialogue is among the features of the work whose importance is easily overlooked by the modern reader. After all, we are usually informed about such matters beforehand, by a history of Roman literature or otherwise, and are therefore liable to take them for granted. Many contemporary readers, however, must have been surprised by it. If nothing more, it sets *De oratore* apart from the rhetorical manuals, which were the traditional vehicles for writing about oratory. Instead, it links the work with Plato's dialogues, especially those about rhetoric, the *Gorgias* and the *Phaedrus*—even though this leaves open numerous possibilities for the nature of this link (see § 4).

<sup>5</sup> About the dialogue, see the references in the previous note. An attractive analysis of the setting is given by W. Görler, "From Athens to Tusculum: Gleaning the Background of Cicero's *De oratore*," *Rhetorica* 6 (1988) [1989]: 215–235. For an overview of the structure see the synopsis in May & Wisse (2001): 42–48; summaries of individual books and of all individual passages, and discussions of their structure and function, are available in Leeman-Pinkster et al. (1981 ff.).



The dialogue form is also crucial in that it enabled Cicero to locate the work in the world of Roman politics. It is made clear from the start that his interlocutors had been active politicians and statesmen; the occasion for the dialogue is said to have been a private meeting in Crassus' villa that was called for political reasons (1.24–27). These reasons, moreover, were connected with the grave political crisis that was looming at the dramatic date of September 91 B.C., and which would soon lead to the war with the Italian Allies and to civil wars. Cicero repeatedly emphasizes this crisis and its aftermath, for instance in the emotional third prologue (above). He thus suggests a parallel with the crisis at the time when he was writing the work, when Roman politics was dominated by the triumvirate of Caesar, Pompey, and Crassus, a crisis to which he had already alluded at the very beginning of the prologue (1.1–3). This political dimension of *De oratore* is of a piece with Cicero's view of the (ideal) orator—'the man,' Crassus says in a significantly long sentence, 'whom we are looking for, and whom we want to be an author of public policy, a guide in governing the community, and a leader who employs his eloquence in formulating his thoughts in the Senate, before the people, and in public court cases' (3.63: *eo viro, quem quaerimus et quem auctorem publici consilii et regendae civitatis ducem et sententiae atque eloquentiae principem in senatu, in populo, in causis publicis esse volumus*).

These symbolic functions of the dialogue form, the 'anti-rhetorical' and the political, are clearly important. Yet the dialogue is even more than a meaningful, symbolic form superimposed on what could still be regarded as a regular treatise. It is used by Cicero to present his views in ways that would not have been possible in a manual-like work. In the first place, he employs it to show different sides of a problem, in that he has allocated different views to different interlocutors. Also, it enables him, particularly by exploiting some features of real-life conversation such as repetition, to present his views in a more persuasive way; he could thus try to overcome the hesitations that some of his intended readership must have felt towards the important intellectual aspect of his views (above, 336–337).

The first book is a case in point, both by itself and in its interplay with the other two books. After the prologue, it continues with a brief description of the political crisis of September 91 that had occasioned the gathering in Crassus' villa, and with the names of those present (1.24–25): Crassus and Antonius (born in 140 and 143 B.C. respectively), Crassus' aged father-in-law Scaevola (born 168/160),

and the relatively young orator-politicians Sulpicius and Cotta (born 124/123). Politics is said to have dominated the first day, but on the second day Crassus started a discussion about oratory, as a means 'to relieve the minds of all from the tension of the conversation of the day before' (1.29).

The rest of the book consists of four parts, clearly separated by the insertion of brief, more informal conversations between several of those present. The first part (1.30–95) is dominated by an argument advanced by Crassus: he holds that the orator, however one chooses to define him, will have to possess broad knowledge, especially philosophical knowledge, and he claims that such knowledge is therefore the property not just of the philosophers but also of the orators. Cicero indicates that the context of this claim is the quarrel between philosophers and rhetoricians, because in this passage both Crassus and Antonius report debates that they had in Athens with leading philosophers, most notably the versatile Academic Charmadas. These attacked rhetoric and oratory, and Crassus' view is presented as an answer to them. In the second part (1.96–159) Crassus, sometimes interrupted by the others, discusses matters like the importance in oratory of natural ability and training. In the third part (1.160–203), Crassus is then asked again to talk about the orator's knowledge, and argues for the need to master the technical subject of Roman civil law. Scaevola and Sulpicius seem impressed, but when Antonius then takes the floor in the fourth part (1.209–262), he rejects all of Crassus' highminded claims: one ought not to extend the definition of the orator unduly, and both philosophy and legal knowledge are quite unnecessary.

Antonius' intervention illustrates the use of the dialogue to show different points of view. In the second book, he concedes that he did not mean what he said (2.40), and in the climax of the third it is Crassus who has the last word about the knowledge of the orator. Thus Cicero makes his own view quite clear in the end. Yet the presence of Antonius' counter-arguments gives the discussion a depth that would have been impossible to achieve in a straightforward treatise—even though Cicero chooses not explicitly to resolve the issue himself, but to leave that to the reader.<sup>6</sup> Of course Antonius'

---

<sup>6</sup> A comparable case, in which readers are likewise invited to draw their own conclusions, is the 'contradiction' between Antonius in 2.189–196 and Crassus in

about-face may seem an artificial move, and it has indeed been criticized as such. But Cicero's ideal orator possesses the skill of arguing both sides of any issue (*in utramque partem/sententiam dicere*, e.g. 3.80), and as he indicates (1.263; cf. 2.40), Antonius' approach is meant to show this at work.<sup>7</sup>

The use of the dialogue for a persuasive presentation is illustrated by the way in which Crassus, after the different subjects of the second part of the book, is then asked to return to the theme of the orator's knowledge in 1.160–203; this theme is thus only gradually unfolded. More significant in this respect is the relationship between Crassus' discussion of the same subject in the first part (*viz.*, 1.45–73) and the way that he develops it again in book 3. In book 1, he argues against the philosophers on the basis of several definitions of the orator. While there are certainly serious undertones here, his argument is also meant to be playfully clever in outdoing the philosophers at their own argumentative game.<sup>8</sup> By book 3, however, after the extensive preparation in book 1, the reader is clearly supposed to be more receptive to Cicero's ideas: even though book 3 has its own persuasive strategies, it shows the reader a more serious Crassus.

After the general discussions of book 1, books 2 and 3 are partly more technical, in that they are built around the concrete 'activities of the orator': invention, arrangement, style, memory, and delivery. As Cicero later wrote to Atticus (*Att.* 4.16.3), he thought it unfitting that a dignified old man like Scaevola should be present at such technicalities. Accordingly, he made him leave Crassus' villa at the end of the day described in book 1, on account of another social commitment. In his stead, the morning of the next day sees the arrival of two other friends, the half-brothers Caesar Strabo and Catulus. The first was known for his strikingly individual and witty oratory, and he contributes a long discussion of oratorical humor to the second book. The second was knowledgeable about things Greek,

---

3.215; see J. Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Hakkert 1989): 198, 262–263; May & Wisse (2001): note at 3.215.

<sup>7</sup> About (and against) the criticisms see Leeman-Pinkster (1981): 68, who, however, concentrate only on Cicero's own appreciation of the method of arguing both sides, and neglect that Antonius' approach mirrors that of the ideal orator; they are therefore still forced to 'excuse' Cicero for giving both sides to the same speaker.

<sup>8</sup> E.g., the argument about Plato's *Gorgias* (1.47) is serious, and returns in 3.129. The partly playful character of Crassus' mode of arguing is brought out by Scaevola's reaction in 1.74.

and is used by Cicero to comment on, and thus reinforce, points about Greek culture made by Antonius or Crassus.

The technical character of these books is, of course, relative. For one thing, and even apart from the liveliness imparted by the dialogue, book 3 contains Crassus' long final pronouncements on the relationship between oratory and philosophy. Elsewhere in these two books, the discussions are set apart from those of the handbooks by, for instance, the centrality of the orator, the selective and sometimes idiosyncratic treatment of some subjects such as memory and delivery,<sup>9</sup> and the polemical slant of many passages.

The polemics of book 2 are put into Antonius' mouth, and mainly concern the inadequacy of the standard rhetorical rules. Like the standard manuals, Antonius' treatment concentrates on judicial oratory (above, 348), but unlike them, it offers a rationale for this approach in a discussion of the orator's subject matter (2.41–73; note, again, the centrality of the figure of the orator himself). The key to this rationale is the principle of analogy. The judicial genre, Antonius says, is the most difficult and demanding of all possible tasks involving speech, and anyone who has mastered this genre can therefore easily achieve success elsewhere by proceeding analogously. This applies not just to the other traditional rhetorical genres, the deliberative and the laudatory, but also, for example, to consolation, to the writing of history, and to the exposition of philosophical matters.<sup>10</sup> After this passage, Antonius adds a brief, polemical discussion of the standard rules and some thoughts about the roles of natural ability and imitation (2.74–98). It is only after all these preliminaries that he begins his account of how an orator ought actually to proceed in handling a judicial case, in terms of invention and arrangement (to be discussed in § 3); at the end (2.350–360), he adds a brief account of memory.

Book 3, wholly dominated by Crassus, is devoted to style and delivery, and indeed contains (semi)technical treatments of these matters. The most important passages, however, are about the need for

---

<sup>9</sup> On the treatment of memory (2.350–360) cf. Leeman-Pinkster-Wisse (1996): 65–68; briefly May & Wisse (2001): 37, and notes to the passage. The tone of the treatment of delivery (3.213–227) is fairly light, particularly the discussion of the use of the voice (216–219), which mainly consists of illustrations by quotations from older Latin poets.

<sup>10</sup> This function of 2.41–73 is crucial for the interpretation of Cicero's views on historiography: above, 361.

the orator to escape from the narrowness of rules by acquiring philosophical knowledge. There are three such passages (3.19–24, 52–90, 104–147), and they are inserted into the discussion of style, which may at first sight seem odd; the subject seems more at home under invention, which concerns content. But again the structure exactly fits Cicero's views: at the beginning of book 3 he makes Crassus argue, in an emphatic passage, that words and content should not be separated (3.19–24).

In book 3, then, the theme of the orator's knowledge is discussed in several passages, not in one continuous treatment. This reflects Cicero's remarkable, 'rhetorical' strategy in this book.<sup>11</sup> The climax of the treatment of the theme is Crassus' statement that the orator who possesses full philosophical knowledge surpasses everyone else (3.143), but Cicero works toward this climax only gradually and cautiously. A number of times the discussion of the knowledge theme seems to be brought to a close, only to re-appear later; there are, so to speak, a number of successive 'waves' in which the theme is developed (viz., 3.19–24, 52–90, 104–125, 126–147). And in the course of this development the emphasis, broadly speaking, shifts from a fairly restricted—but already demanding—claim that the orator should master the philosophical department of ethics (which included psychology and political theory), toward the 'maximalistic' claim that the ideal orator possesses universal knowledge. Cicero, we may conclude especially from these features of the third book, felt that some readers would find it hard to accept his view that the consummate orator should master the whole of philosophy, and he chose to employ techniques he also used in speeches to make a persuasive case.

### 3. *The 'rhetorical theory' of De oratore*

The experience that Cicero had acquired 'from pleading so many momentous cases' (1.5) had taught him that rhetorical rules as given

---

<sup>11</sup> Cf. above, 337 with n. 11. For more detailed discussions of this strategy of repetition with variations, see Leeman-Pinkster-Wisse (1996): 93–95; May & Wisse (2001): 18–19. The crucial first step towards the explanation of the repetitions in *De oratore* was taken by A. D. Leeman, "The Structure of Cicero's *De oratore* I," in *Ciceroniana. Hommages à Kazimierz Kumanięcki*, éd. par A. Michel, R. Verdière (Leiden: Brill 1975): 140–149.

by the rhetoricians, and as he had recorded them in *De inventione*, were inadequate. They could at best be useful as a point of reference (1.145), but were generally too rigid to be of any real help in composing an effective speech. (For a brief description of the standard systems, see above, 354–361.)<sup>12</sup>

Among the doctrines that come in for consistent criticism, especially from Antonius in the second book, are the detailed rules for the parts of the speech, which were central to virtually all rhetorical handbooks (above, 355–357). Why, Antonius asks, do they prescribe that in the prologue we should make the hearers ‘well disposed to us, receptive, and attentive’ (2.80: *ut eum qui audiat benivolum nobis faciamus et docilem et attentum*)? Surely, he says (2.81–82), we should do so throughout our speech? These and the other rules for the parts show that these rhetoricians are utterly impractical people—they should ask themselves what it is that they want, whether they are going to take up arms for sport or for battle’ (2.84: *sed videant quid velint, ad ludendumne an ad pugnandum arma sint sumpturi*).

What is perhaps even worse is the implication in the handbooks that the parts should always come in the standard order: prologue, narration, argumentation, epilogue (with some possible additions, such as digressions in between). Antonius begins his discussion of how to approach a case by emphasizing that the orator ‘ought to acquaint himself diligently and thoroughly with each and every case he is going to handle’ (2.99: *quascumque causas erit tractaturus, ut eas diligenter penitusque cognoscat*). Elsewhere too, he stresses that the actual case in hand must be what guides the orator. This makes rigid prescriptions like the standard order of the parts totally inadequate. Every case is different, and a speech can only be effective if it is geared to the needs of the specific case. To achieve this, the orator needs an integrated persuasive strategy based on an overview of the whole of the case, not the rigid and piecemeal approach of the standard rules.

In other words, instead of the usual ‘product-centered’ rules, which focused on listing the features of the product (a speech), what one needed was a procedure for the ‘production’ of a speech—an approach,

---

<sup>12</sup> Among the references given at 354 n. 47, F. Solmsen’s studies must again be singled out: “Aristotle and Cicero on the Orator’s Playing upon the Feelings,” *Classical Philology* 33 (1938): 390–404; “The Aristotelian Tradition in Ancient Rhetoric,” *American Journal of Philology* 62 (1941): 35–50; 169–90 (= id., *Kleine Schriften*, vol. 2 [Hildesheim: Olms 1968]: 216–230 and 178–215 respectively).

that is, focusing on the orator himself. Such a set of 'production rules' was, at least in principle, available in rhetorical theory, in the form of the system of the 'activities of the orator':<sup>13</sup> the first activity, invention, involved devising the material for the speech; the second, arrangement, consisted of ordering the material; etc. (above, 356–357). Yet in most handbooks of Cicero's time even this system had been transformed into a set of 'product-centered' rules, in that invention was organized according to the parts of the speech (above, 357). Cicero, on the contrary, while indeed adopting the system of 'activities,' takes this approach seriously, describing the activities as stages through which an orator ought to go when composing and presenting a speech: getting to know the case and thinking out all the material accordingly (invention), arranging this material (arrangement), putting it into words (style), memorizing the speech (memory), and delivering it (delivery).

This principle of successive stages is most essential when it comes to distinguishing between invention and arrangement; after all, organizing invention according to the parts, as most handbooks did, in a sense amounts to a contamination of these two. And indeed, the account of invention in *De oratore* (2.99–306) avoids this contamination. It shows no trace of the parts, but concerns devising *all* the material for a speech. It is subdivided into three categories: arguments, ethos, and pathos. Ethos and pathos are non-argumentative, the first being concerned with the character of the speaker (or his client or his opponent(s)), the second with playing upon the feelings of the audience.

The division of invention into the three 'means of persuasion' arguments, ethos, and pathos goes back to Aristotle's *Rhetoric*. Unlike some other Aristotelian concepts, however, it left virtually no traces apart from *De oratore*. Cicero, in fact, had probably read the *Rhetoric*, even though this cannot be proved. Among the signs that he did is a passage from the second book (2.160), where he makes Antonius say, among other things, that he read the books in which Aristotle gave his own views on rhetoric, which must refer to the *Rhetoric*—it is hard not to take this as an indication on Cicero's part that he did the same himself.<sup>14</sup>

---

<sup>13</sup> On the use of this term, see above, 356 n. 50.

<sup>14</sup> For a full discussion of Cicero's knowledge of the *Rhetoric*, see Wisse (1989):

This does not imply that the concepts of ethos and pathos as employed by the two authors are identical. In Aristotle, ethos is restricted to those character traits that will suggest to the audience that the speaker is trustworthy; it is not an emotional matter, because the audience can rationally decide whether they think that the speaker is reliable, and whether they can thus rely on what he says. Pathos includes the evocation of all the emotions of the audience, whether mild or violent. In Cicero, ethos is broader, and is concerned with (painting an image of) all the orator's (positive) character traits (and those of his client, etc.), and with securing the goodwill of the audience on that basis (2.182–184). Accordingly, his concept of pathos is narrower, and includes only the arousal of strong emotions in the audience.<sup>15</sup> The reason behind this difference, and whether Cicero was conscious of it, cannot be known, but it is clear Cicero's concepts are easier to match with his own practice. For example, his almost all-pervading use of his own character in his speeches is generally aimed at winning the audience's goodwill, while his ability to evoke violent emotions was one of his great strengths.<sup>16</sup>

However that may be, according to Cicero's approach the orator must first, under invention, devise all the material for his speech, and only then arrange this material. Antonius, moreover, is quite emphatic (cf. 2.315) that he must first do the arranging in general terms (2.307–315), before thinking about the individual parts of the speech (2.315–332). This approach implies maximum flexibility when dealing with a concrete case. This, combined with the total view of

---

105–189 (partly summarized in May & Wisse [2001]: 39). Another recent treatment has concluded that Cicero did not consult the *Rhetoric*, but seems to me to be almost entirely based on anti-Ciceronian prejudice: W. W. Fortenbaugh, "Cicero's Knowledge of the Rhetorical Treatises of Aristotle and Theophrastus," in *Cicero's Knowledge of the Peripatos*, edited by W. W. Fortenbaugh, P. Steinmetz. Rutgers University Studies in Classical Humanities 4 (New Brunswick – London: Transaction Publishers 1989): 39–60.

<sup>15</sup> Note that ethos in neither author includes characters other than the direct participants in a trial (pleaders and clients), a point often neglected in modern analyses of speeches. For the analysis of the two concepts in this paragraph see Wisse (1989): 32–34, 236–248 (summarized in Leeman-Pinkster-Rabbie [1989]: 128 and May & Wisse [2001]: 34–35); it was independently developed by W. W. Fortenbaugh, "Benevolentiam conciliare and animos permovere: Some Remarks on Cicero's *De oratore* 2.178–216," *Rhetorica* 6 (1988) [1989]: 259–273. Cicero, by the way, avoids technicalities, and does not use the terms 'ethos' and 'pathos.'

<sup>16</sup> For his own evaluation of his use of pathos, see esp. *Orator* 129–132. For his use of character in his speeches, see J. M. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill-London: University of North Carolina Press 1988).



the case developed at the stage of invention, enables the orator to compose a coherent speech based on an over-arching strategy for persuading his audience. A telling passage in this respect is 2.310, part of the general considerations about arranging the material for the speech. Here Antonius again refers to the three means of persuasion (arguments, ethos, pathos), and formulates a general principle for their distribution:

*et quoniam, quod saepe iam dixi, tribus rebus homines ad nostram sententiam perducimus, aut docendo aut conciliando aut permovendo, una ex tribus his rebus res prae nobis est ferenda, ut nihil aliud nisi docere velle videamur; reliquae duae, sicuti sanguis in corporibus, sic illae in perpetuis orationibus fusae esse debent. nam et principia et ceterae partes orationis, de quibus paulo post pauca dicemus, habere hanc vim magno opere debent, ut ad eorum mentes, apud quos agetur, permanere possint.*

Also, as I have often said already, we bring people over to our point of view in three ways, either by instructing them or by winning their goodwill or by stirring their emotions. Well, one of these methods we should openly display, and we must appear to aim at nothing but giving instruction, while the other two must, just like blood in the body, flow throughout the whole of the speech. For it is essential that not only the prologues but also the other parts of a speech, about which I shall presently say a few words, should have the power to seep into the minds of the audience.

The implication of all this is that only on the basis of an over-arching rhetorical strategy can the orator see to it that he distributes ethos and pathos throughout his speech; and only in this way can his speech be effective in bringing over the audience to his point of view.

Although the notion of the activities as real stages in an orator's approach to a case is perhaps the most fundamental difference between *De oratore* and standard rhetoric, it is by no means the only one. As to invention, contemporary readers must have been surprised by how little space is given to status theory, which formed the backbone of many of the standard accounts. Details must be omitted here,<sup>17</sup> but the theory, specifically associated with the name of the mid-second century rhetorician Hermagoras, amounted to a system for classifying the possible central issues in a speech. Cicero

<sup>17</sup> For references see above, 357 n. 51.

does make Antonius address it, but with the implication that it is over-elaborate (esp. 2.132; cf. Crassus in 3.70).

The classifications of status theory were typically used as part of a simple strategy to find the arguments for a case: for every category the handbooks usually provided lists of standard arguments ('commonplaces' or 'topics'). The second book of *De inventione* is mainly devoted to such lists; in 2.83, for instance, it is said that in a case of the category of *relatio criminis*, in which the defendant blames someone else for his crime, he will support his argument 'by magnifying the culpability and audacity of the person on whom he lays the blame.' Relying on such lists, of course, again runs counter to Cicero's principle of approaching each individual case on its own merits, and he makes Antonius stress that it is not a good idea (esp. 2.138–142). Instead, Antonius insists on using another, far more flexible method, which, as Cicero signals (2.152, 160), ultimately goes back to Aristotle, although it is unclear by what road it reached Cicero. It is based on 'commonplaces' of a different, more abstract kind. One may, for instance, look for arguments based on similarity, such as 'If wild animals love their young, what tenderness should we humans show toward our children?' (2.168). Such abstract argument patterns will help the orator find all the possible arguments himself—including all the arguments given in the standard lists, but many more that arise out of the material of the specific case.

The most important other deviations from the contemporary rhetorical handbooks are to be found in the treatment of style in the third book. This treatment is organized according to the principle of the 'qualities' (sometimes called 'virtues') of style, i.e., the stylistic features that every speech needs to possess (cf. above, 358). Crassus enumerates four (3.37): correct use of Latin, clarity, 'distinction' (*ornatus*),<sup>18</sup> and appropriateness. The employment of the concept of the qualities is not in itself remarkable, because this was quite widespread. In Cicero's time, however, the number and nature of the qualities may have varied greatly; this at least is what the treatment in the *Rhetoric for Herennius* (4.17–69) suggests. His four clear categories are a return to the original foursome as devised by Aristotle's influential pupil Theophrastus.

<sup>18</sup> On 'distinction' as the translation of *ornatus* (Greek κόσμος, κατασκευή), rather than 'embellishment', 'ornamentation' and the like, see May & Wisse (2001): 326.

Of these qualities, the first two, correct Latin and clarity, receive a remarkably cavalier treatment, with Crassus repeatedly claiming that they are easy (3.37–51). This attitude may well have provoked Caesar to write his *De analogia* (above, 353–354), but we may suppose that its main polemical thrust was again directed at the rhetoricians, whose approach to these matters, it is suggested, was quite unhelpful. Crassus takes an even poorer view of their discussions of the figures of style, normally a substantial part of the teachings about distinction (*ornatus*); his account (3.202–207) is no more than a tedious list, with numerous unclaritys and obscurities, and is obviously a parody of what Cicero regarded as the overprecise, longwinded, but often confusing treatments in the manuals.<sup>19</sup>

On the constructive side, Cicero adds a discussion of prose rhythm (combined with a treatment of periodic sentence structure; 3.173–198). This subject was not discussed in standard rhetoric (3.188), but had been treated by Aristotle and Theophrastus, to whom Cicero refers a number of times (3.182, 184–185, 193); he indeed suggests that he is returning to them (3.148). Part of the passage (viz., 3.176–181) is taken up by arguments showing how useful rhythmical prose is and how easily it can be produced, and it is not impossible that Cicero is here implicitly defending his own practice. Since he emphatically returns to the subject in the anti-Atticist context of *Orator* (168–236), we may here have a sign of an early, still mild polemic against the Atticists.<sup>20</sup>

#### 4. *Eloquence and philosophy*

Cicero's approach as outlined in the previous section, which is presented mainly by Antonius in the second book, may be characterized as rhetorical theory, even though the concentration on 'production rules' makes it fundamentally different from the basically 'product-centered' rules of the rhetoricians. Yet, as Crassus emphasizes in the

<sup>19</sup> See May & Wisse (2001): note at 3.202.

<sup>20</sup> On Atticism, see above, 364–368; on other possible traces of a (still light) polemic in *De oratore* see my "Greeks, Romans, and the Rise of Atticism," in *Greek Literary Theory after Aristotle: A Collection of Papers in Honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, I. Sluiter (Amsterdam: VU University Press 1995): 69; Leeman-Pinkster-Wisse (1996): 149–150.

third book, theory can never be enough—not even Antonius' theory (cf. esp. 3.81). What the orator really needs is knowledge, and the ideal orator possesses universal knowledge. An important area he needs to master, highlighted in the first book, is that of Roman civil law (1.160–203: above, 380), and Antonius' (initial) opposition to this idea near the end of the book (1.234–255) implies that it was fairly controversial. Yet it is the claim that the orator needs philosophy that was most controversial and most important to Cicero, as is shown by the length of the discussions and the 'rhetorical' techniques employed in them (above, 381, 382–383).

Cicero clearly indicates that the context of this claim is the contemporary quarrel between the philosophers and the rhetoricians (the historical outlines of which have been given in the previous chapter: 361–364). He does so, in the first book, by having both Crassus and Antonius take part in debates with philosophers on the matter. This is supposed to have happened when they were passing through Athens on their way to or from their provinces as Roman magistrates (1.45–47 and 57; 1.82–93). That the real Crassus and Antonius visited Athens should not be doubted, but whether they were actually ever present at such debates is uncertain.<sup>21</sup> Yet it can be safely deduced from these passages that there were indeed fierce controversies, and also, for example, that Charmadas, the energetic debater from the Academy so vividly portrayed by Antonius in book 1 (1.82–93), took a prominent part in them. In book 3 the quarrel is likewise central. In a crucial passage (3.56–73), Crassus insists that it goes back to Socrates' hostility towards eloquence, which caused wisdom and eloquence to be split apart, and he presents his plea for a synthesis of oratory and philosophy as a plea for the restoration of the original unity of the two.

The classic anti-rhetorical texts are of course Plato's *Gorgias* and *Phaedrus*. It is therefore tempting to take all later contributions as answers to Plato, and *De oratore* is sometimes interpreted in this way (above, 362). Indeed, Cicero indicates that he regards Plato as the most prominent enemy of oratory, and that philosophers like Charmadas often referred to him (1.47; 3.122, 129; cf. 1.57, 87); the whole discussion in fact begins with a reference to the beginning of

---

<sup>21</sup> See n. 4 (with text) on fiction in the dialogue; on this particular point see May & Wisse (2001): 17–18.

the *Phaedrus*, and ends with an allusion to its end (1.28; 3.228–230). Yet the temptation should be resisted. Plato was obviously a venerated authority, but that does not imply that the debates were conducted on Platonic terms. We may compare the philosophical debates between the sceptics from the Academy and the ‘dogmatists’ from the Stoa in the third and second centuries B.C. The Academics, most famously Arcesilaus and Carneades, claimed that Plato, the founder of their school, was a sceptic like themselves, so they obviously set some store by his authority.<sup>22</sup> Yet their attacks on the Stoics focused almost exclusively on the refutation of the Stoic criterion of truth, and cannot have been regarded, even by themselves, as directly echoing Platonic notions. So while Plato certainly functioned as an important symbol in the second and first century debates between rhetoricians and philosophers, only an analysis of the issues can show whether his actual stance was still important. *De oratore* shows that this was not the case.

Three issues were potentially important: the question whether rhetoric is an ‘art’ (*ars*, τέχνη), the moral problems connected with rhetoric, and the knowledge necessary for an orator. In Plato, these three were connected in a special way.<sup>23</sup> Most sophists who taught rhetoric in his day, as well as most later rhetoricians, claimed that rhetoric as they taught it was an ‘art,’ and this claim is Plato’s starting point. An art in the strict sense was a systematic body of knowledge that provided a reliable guide for attaining certain practical results—in the case of rhetoric, persuasion of the audience. If rhetoric is indeed to be an art and to offer absolutely reliable guidance, Plato argues, then the knowledge on which it is based must necessarily be real, i.e., absolute, ‘philosophical’ knowledge. And because the principal concern of rhetoric is lawsuits, with their questions of right and wrong, this must include real knowledge of right and wrong. The next step in Plato’s reasoning involves the ‘Socratic paradox,’ according to which morality depends on knowledge; someone who has real knowledge of right and wrong will act on the basis of this knowledge, and his or her actions will therefore be morally right; conversely,

<sup>22</sup> J. Glucker, *Antiochus and the Late Academy*. Hypomnemata 56 (Göttingen: Vandenhoeck & Ruprecht 1978): 31–64.

<sup>23</sup> See esp. *Gorgias* 459C–460C; *Phaedrus* 259E–266B. The simplified account of Plato’s view given here is in large part identical to my sketch in May & Wisse (2001): 23–24.

morally right actions are actually impossible without such knowledge. If this notion is applied to rhetoric, it follows that anyone who possesses a true art of rhetoric will never do wrong. In other words, philosophical knowledge should be central to rhetoric. Without it, rhetoric is no art and is morally dangerous—and this is indeed the case both with rhetorical theory as usually taught and with rhetorical practice, i.e., oratory.

In Cicero, there is no trace of this intricate compound of ideas, neither positively nor negatively. Moreover, the same applies to most philosophers of his time, and certainly to the Academics, the most prominent opponents of rhetoric and oratory in *De oratore*: they did not connect the three issues.<sup>24</sup> These must therefore be considered separately, and without the automatic assumption of a Platonic background.

The Academics as well as the other philosophers did attack the rhetoricians' rules as not constituting an 'art' (see, e.g., 1.90–93).<sup>25</sup> Cicero, unsurprisingly in view of his concentration on the orator himself and of his contempt for the rhetoricians' systems, does not come to their rescue. He actually makes a point of stressing how unimportant the issue is to him, by making both Crassus and Antonius say that valuable guidelines based on experience can be given and are quite enough, and that it does not matter at all that there is no rhetorical 'art' in the strict sense (1.102–110; 2.32).

The issue of the immorality of rhetoric is often taken to be central to *De oratore*. In this view, Cicero's reason for demanding that the orator master philosophy is that philosophy will act as a moral force, guaranteeing that the orator will not abuse his rhetorical skills; in this respect, he is supposed to resemble Plato (above).<sup>26</sup> Cicero,

---

<sup>24</sup> The position of the Stoics was akin to Plato's, but significantly, Antonius discards it as useless (*De or.* 1.83), and Crassus alludes to it half-ironically (3.55). Cf. Leeman-Pinkster (1981): 132–133; Leeman-Pinkster-Wisse (1996): 198–200.

<sup>25</sup> For the debates about this issue, see H. M. Hubbell, "The *Rhetorica* of Philodemus. Translation and Commentary," *Transactions of the Connecticut Academy of Arts and Sciences* 23 (1920): 364–382; J. Barnes, "Is Rhetoric an Art?," *darg Newsletter* (Discourse Analysis Research Group of the University of Calgary) vol. 2, no. 2 (1986): 2–22; Leeman-Pinkster (1981): 190–194.

<sup>26</sup> The 'Platonic' interpretation of Cicero, e.g., in W. L. Grant, "Cicero on the Moral Character of the Orator," *Classical Journal* 38 (1943): 472–478; T. M. Conley, *Rhetoric in the European Tradition* (New York – London: Longman 1990; Chicago – London: University of Chicago Press 1994): 37. The view taken here will be fully argued for in J. Wisse, "Not in that Imaginary Republic of Plato's: Cicero on the

however, held no such idealistic views of the effects of philosophy; he did not suppose that it could turn bad people into good ones. This is clear especially from one of the few passages where he addresses the moral issue at all, viz., 3.55. In this section, Crassus first describes the great power of supreme eloquence, which is based on knowledge. He then adds that ‘the greater this power is, the more necessary it is to join it to integrity and the highest measure of good sense’; otherwise, he says, we ‘will put weapons in the hands of madmen’ (*quae quo maior est vis, hoc est magis probitate iungenda summaque prudentia; quarum virtutum expertibus si dicendi copiam tradiderimus, non eos quidem oratores effecerimus, sed furentibus quaedam arma dederimus*). Since he says that it is ‘necessary’ to join moral qualities to eloquence, and therefore to the knowledge on which it is based, they are obviously not, as in Plato, automatically joined to such knowledge. Elsewhere, this matter-of-fact view of the moral issue is confirmed. It is, however, never stressed, and the question of the morality of rhetoric is in fact mostly avoided—perhaps precisely because Cicero felt that there was no way to guarantee the integrity of the orator.

It is the orator’s knowledge as such, then, that is Cicero’s central concern in *De oratore*, and his reasons have nothing to do with morality. They have to do with partly quite pragmatic concerns. Time and again he stresses the importance of pathos, the emotional manipulation of the audience, and for this, he holds, it is essential to master psychology, which was part of ethics. For instance, in 1.60 Crassus asks: ‘can speech be applied to kindle the emotions or to quench them again—precisely the thing most essential for an orator—without having investigated with the utmost care all the theories that the philosophers have developed about human character and behavior?’<sup>27</sup> Moreover, the orator needs to impress his audience and ‘send shivers down their spines,’ and the more he knows, the more successful

---

Ethics of Rhetoric” (in preparation). It corresponds broadly to that of C. J. Classen, “Ciceros orator perfectus: ein *vir bonus dicendi peritus*?” in *Commemoratio. Studi di filologia in ricordo di Riccardo Riboli*, edited by S. Prete (Sassoferrato 1986): 43–55 = *Die Welt der Römer* (Berlin – New York: De Gruyter 1993): 155–67; cf. Leeman-Pinkster-Wisse (1996): 200–201; May & Wisse (2001): 11–12, 25.

<sup>27</sup> *quaero . . . , num admoveri possit oratio ad sensus animorum atque motus vel inflammandos vel etiam extinguendos, quod unum in oratore dominatur, sine diligentissima pervestigazione earum omnium rationum, quae de naturis humani generis ac moribus a philosophis explicantur?* For the demand that the orator master psychology cf. 1.17, 48, 53, 69, 87 (Charmadas), 165; 3.72, 76.

he will be at that. Crassus likens him to an aedile, who has to provide 'elaborate provisions' for his games, because it is impossible to 'satisfy our Roman people with ordinary, homebred material.'<sup>28</sup>

A recurring, less pragmatic consideration is that an orator (and certainly the ideal orator) needs to be able to address every possible topic, and to argue both sides of any issue (cf. above, 381). Therefore he must have encompassing knowledge, for 'what can be more insane than the hollow sound of even the best and most distinguished words, if they are not based upon thought and knowledge?' (1.51: *quid est enim tam furiosum quam verborum vel optimorum atque ornatis-simorum sonitus inanis, nulla subiecta sententia nec scientia?*).<sup>29</sup> Cicero's advocacy of abstract commonplaces in the second book (above, 388) has an important role to play as a practical underpinning of this view. For unlike the normal, specific commonplaces, the abstract ones can indeed be applied to every subject; they thus provide a method for 'converting' every kind of knowledge into (persuasive) speech.<sup>30</sup>

The emphasis on knowledge in *De oratore* corresponds precisely with its importance in the contemporary struggle between the philosophers and the rhetoricians. It was often formulated in terms of the distinction between *theses* and *hypotheses*, i.e., general and specific questions (cf. 359 above). The latter included court cases, which were covered by rhetorical theory, and they were generally considered the 'property' of the rhetoricians. The *theses*, however, included typically philosophical and semi-philosophical questions, such as 'What is wisdom?,' 'Should one marry?,' and others belonging to the realm of ethics, and such as 'What is the size of the sun?' and other issues of physics.

The rhetoricians usually began their treatises by dividing rhetorical matters into *theses* and *hypotheses*, thus claiming that their theories also covered the philosophical material of the former; some restricted themselves to claiming the ethical questions, others seem to have

<sup>28</sup> Cf. 3.52–54, 91–93, 105–107, 120; quotations from 53 (*in quo igitur homines exhorrescunt?*: 'Who is it, then, who sends shivers down your spine?') and 92 (*apparatu nobis opus est . . . ; . . . ut ego in aedilitate laboravi, quod cotidianis et vernaculis rebus satis facere me posse huic populo non putabam*).

<sup>29</sup> See also 1.17, 20, 48, 50–51, 54; 3.19; cf. Leeman-Pinkster-Wisse (1996): 91.

<sup>30</sup> See 2.152, 175; 3.78. This function of the abstract commonplaces was pointed out in H. Merklin's admirable "System und Theorie in Ciceros 'De oratore'," *Würzburger Jahrbücher für die Altertumswissenschaft* NF 13 (1987): 149–161, esp. 158–161.



claimed even the physical ones.<sup>31</sup> They failed, however, to deliver on these claims, as they offered no actual treatment of the *theses* (above, 359–360). The philosophers did not fail to take this opportunity for counterattack, and ridiculed the rhetoricians' claims; matters of ethics and political theory were, they said, clearly their property, not that of the rhetoricians (cf. 1.41–44, 85–86). Moreover, apart from the *theses*, some of them argued, possibly with Plato's *Phaedrus* in hand, that the importance of emotional appeal in oratory necessitated knowledge of psychology, a philosophical subject again not covered by the rhetoricians (cf. 1.87).

Cicero, in a sense, agrees but also disagrees with both camps, and combines what he regards as the valid arguments on both sides in order to support his own position. A significant part of what is said in book 3 about the orator's mastery of all subjects is formulated in terms of the *theses* (3.107–125), which, he makes Crassus say, really belong to the orators, not to the philosophers. That is, he agrees in principle with the rhetoricians' claim on the *theses*, though not in the sense that they should be part of rhetorical theory, but in the sense that they should fall under the orator's competence. On the other hand he subscribes to the philosophers' criticism that the rhetoricians have nothing at all to offer to substantiate their claim; and he also believes that knowledge of philosophy is necessary if the orator is to be able to speak about the *theses*, and (as mentioned above) if he is to be successful in arousing his audiences' emotions.

To these arguments Cicero adds a few others (above, 393–394), but it is these conspicuous borrowings from the two opposing camps that are meant to signal that his view is a synthesis, which should resolve the quarrel. 'If,' Crassus says, 'they [i.e. the philosophers] allow that he [the learned orator] is also a philosopher, the quarrel is over' (3.143: . . . *docto oratori . . . quem si patiuntur eundem esse philosophum, sublata controversia est*). The same emerges from his notion that his synthesis would only restore the original unity that obtained before Socrates, who caused the fateful 'rupture between the tongue and the brain' (3.61: *discidium . . . quasi linguae atque cordis*). Virtually all the passages in book 3 about the orator's knowledge are actually dominated by this (quasi)historical approach, and the appeal to the examples of the great past (such as the Seven Wise Men, Solon, and

<sup>31</sup> Cf. *De or.* 2.65–66; Leeman-Pinkster-Wisse (1996): 96–97.

Pericles in Greece, and Cato and Scipio on the Roman side), and the repeated laments for the loss of the original unity, add a strong emotional element to Cicero's pleas.

In the preceding, it has been argued that Cicero's views were firmly rooted in contemporary debates. Moreover, I have described them as his own reaction to the views of rhetoricians and philosophers. Many earlier analyses, by contrast, have assumed that Cicero's views were for the most part derived from elsewhere; opinions have differed on how closely he followed his 'source(s),' and on who these sources were. Philosophers from, or close to, the Academy have been the most popular candidates: Philo of Larissa, the last head of the Academy (from 110/09 B.C. until his death in 84/3); Charmadas, who figures so prominently in *De oratore* itself; and Philo's pupil Antiochus of Ascalon, who later rebelled and founded his own school, which he called the 'Old Academy.' These hypotheses cannot be discussed at any length here; suffice it to say that none of the 'proofs' generally advanced can stand close scrutiny.<sup>32</sup>

Yet it seems likely that Cicero drew some inspiration from Philo, whose lectures in Rome in 88 B.C. greatly fascinated him and fired him with enthusiasm for philosophy (*Brut.* 306). For, sometime before 91, while still in Athens, Philo had introduced the teaching of rhetoric into the Academy (*De or.* 3.110; *Tusc.* 2.9). Indeed, Philo is a likely candidate for having supplied the list of abstract commonplaces in 2.163–173, and the division of *theses* offered by Crassus in 3.111–118 and ascribed to 'very learned people' (3.117; cf. 114, 116). Yet Philo had no real synthesis to offer, as is clear, for instance, from *De oratore* 3.110, where his inclusion of rhetorical teaching in the Academy is presented as another attack on the orator, not as a reconciliation.

---

<sup>32</sup> The idea of Philo as Cicero's source goes back to the fascinating first chapter "Sophistik, Rhetorik, Philosophie in ihrem Kampf um die Jugendbildung" of H. von Arnim, *Leben und Werke des Dio von Prusa* (Berlin: Weidmann 1898): 97–111; for Antiochus as the source see W. Kroll, "Studien über Ciceros Schrift *De oratore*," *Rheinisches Museum* 58 (1903): 552–597; for essential influence of Charmadas, Kennedy (1972): 214, 218–220, and cf. H. Tarrant, *Scepticism or Platonism? The Philosophy of the Fourth Academy* (Cambridge: Cambridge University Press 1985): 2, 34–40, who takes Charmadas' arguments in *De or.* 1.87 etc. to reflect positive Academic doctrines. See on these issues Leeman-Pinkster-Wisse (1996): 95–96, 97–99. An anonymous rhetorical source was posited by K. Barwick, *Das rednerische Bildungsideal Ciceros*. Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig 54, 3 (Berlin: Akademie-Verlag 1963).

Moreover, the level of his rhetorical teachings must have been slightly disappointing to Cicero, for in the *Tusculan Disputations*, he is said to have taught ‘the rules of the rhetoricians’ (2.9: *rhetorum praecepta*)—hardly a compliment coming from Cicero.<sup>33</sup> The step towards a real synthesis, then, seems to have been Cicero’s own.

In *De oratore*, Cicero draws on the disciplines of rhetoric and philosophy, but he belongs to neither of these two quarreling camps, and offers a synthesis of the two positions. It is his concentration on the personal qualities of his orator that allows him to devise and defend this synthesis. Rhetoric, i.e. rhetorical theory as taught by the rhetoricians, is most severely criticized, in the first place on the technical level. In his view, the concept of the activities of the orator, consistently applied, yields a ‘theory’ that is far better suited to the complexities of real-life oratory than the rigid, ‘product-centered’ rules of the rhetoricians (above, § 3). On the level of the disciplinary quarrel, it has been argued here that Cicero’s views must be interpreted against the contemporary background, and that he agrees as well as disagrees with both camps (§ 4). That is, in a typically Ciceronian, undogmatic spirit he takes what he sees as the good elements from both positions to support his own view of oratory; he also supplements these with other material, such as the unusual interpretation of Socrates as the originator of a split between speaking and thinking. The result is his idiosyncratic and surprising picture of the ideal orator: the Roman statesman who combines eloquence with universal knowledge.

---

<sup>33</sup> For a (slightly) more extensive discussion of (Charmadas and) Philo see Leeman-Pinkster-Wisse (1996): 98–99, also about Cicero’s own *Partitiones oratoriae*. This short work reflects an Academic system (section 139), almost inevitably (very closely related to) Philo’s, and despite important similarities, it shows significant differences with *De oratore*. In my view, T. Reinhardt’s recent attempt at reconstructing Philo’s rhetoric is unhelpful (“Rhetoric in the Fourth Academy,” *Classical Quarterly* 50 (2000): 531–547); I have not been able to use C. Brittain, *Philo of Larissa. The Last of the Academic Sceptics* (Oxford: Oxford University Press 2001) chapter 7: “Rhetoric”; I expect to come back to these issues in the last volume of the Leeman-Pinkster commentary (above n. 1).

## BIBLIOGRAPHY

For further references see May & Wisse (2001): 49–55, ‘Further Reading and Bibliography’; and the bibliographies in Leeman, Pinkster et al. (1981 ff.).

*Accessible modern texts*

Courbaud, E., Bornecque, H. *Cicéron. De l'orateur*. Collection des Universités de France. 3 volumes; Paris: Les belles lettres, 1922–1930.

Kumaniecki, K., ed. *M. Tulli Ciceronis, Scripta quae manserunt omnia, fasc. 3: De oratore*. Bibliotheca Scriptorum Graecorum et Romanorum Teubneriana. Leipzig: Teubner 1969; repr. Stuttgart-Leipzig: Teubner 1995 (the standard text, though in need of replacement; the reprint contains some random, unsignalled changes).

Wilkins, A. S., ed. *M. Tulli Ciceronis Rhetorica tomus I: libros De oratore tres continens*. Oxford Classical Texts. Oxford: Clarendon Press, 1902.

*Commentaries*

Leeman, A. D., Pinkster, H. (and others). *M. Tullius Cicero. De oratore libri III. Kommentar*. Heidelberg: Universitätsverlag C. Winter 1981 ff. Vol. I: 1981; vol. II (with H. L. W. Nelson): 1985; vol. III (with E. Rabbie): 1989; vol. IV (with J. Wisse): 1996; vol. V (J. Wisse, M. Winterbottom, A. D. Leeman): in preparation (in English) for 2003 (meant to replace all earlier commentaries, but as yet incomplete).

Wilkins, A. S. (ed., with introduction and notes). *M. Tulli Ciceronis De oratore libri tres*. Oxford 1892; repr. Amsterdam: Hakkert, 1962; and Hildesheim: Olms, 1965.

Piderit, K. W., Harnecker, O. *Cicero De oratore, für den Schulgebrauch erklärt*. Leipzig: Teubner, 1886–1890<sup>6</sup>; repr. Amsterdam: Hakkert, 1965 (not inferior to Wilkins).

*Translations**English:*

May, J. M. & Wisse, J. (transl., intr., etc.). *Cicero. On the Ideal Orator (De Oratore)*. New York – Oxford: Oxford University Press, 2001.

Sutton, E. W., Rackham, H. *De oratore* (vol. 1: Books I, II; vol. 2: Book III, with *De fato, Paradoxa Stoicorum, De partitione oratoria*). Loeb Classical Library, Cicero vols. III, IV. London: Heinemann; Cambridge, Mass.: Harvard University Press, 1942; often reprinted (very inadequate).

Watson, J. S. *Cicero on Oratory and Orators*. Orig. 1848; repr. Carbondale etc.: Southern Illinois University Press, 1970; 1986 (out of date but better than Sutton-Rackham).

*French:*

Courbaud-Bornecque: see above at texts (of uneven quality).

## German:

Merklin, H. *Marcus Tullius Cicero. De oratore. Über den Redner*. Stuttgart: Reclam, 1997<sup>3</sup> (excellent).

## Studies

- von Arnim, H. "Sophistik, Rhetorik, Philosophie in ihrem Kampf um die Jugendbildung." In *Leben und Werke des Dio von Prusa* (Berlin: Weidmann 1898): 1–114.
- Barnes, J. "Is Rhetoric an Art?" *darg Newsletter* (Discourse Analysis Research Group of the University of Calgary) vol. 2, no. 2 (1986): 2–22.
- Barwick, K. *Das rednerische Bildungsideal Ciceros*. Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig 54, 3. Berlin: Akademie-Verlag, 1963.
- Classen, C. J. "Cicero's *orator perfectus*: ein *vir bonus dicendi peritus*?" In *Commemoratio. Studi di filologia in ricordo di Riccardo Ribuoli*, edited by S. Prete (Sassoferrato 1986): 43–55 = *Die Welt der Römer* (Berlin – New York: De Gruyter 1993): 155–167.
- Conley, T. M. *Rhetoric in the European Tradition*. New York – London: Longman, 1990; Chicago – London: University of Chicago Press, 1994.
- Fortenbaugh, W. W. "Benevolentiam conciliare and animos permovere: Some Remarks on Cicero's *De oratore* 2.178–216." *Rhetorica* 6 (1988) [1989]: 259–273.
- . "Cicero's Knowledge of the Rhetorical Treatises of Aristotle and Theophrastus." In *Cicero's Knowledge of the Peripatos*, edited by W. W. Fortenbaugh, P. Steinmetz. Rutgers University Studies in Classical Humanities 4 (New Brunswick – London: Transaction Publishers 1989): 39–60.
- Glucker, J. *Antiochus and the Late Academy*. Hypomnemata 56. Göttingen: Vandenhoeck & Ruprecht, 1978.
- Görler, W. "From Athens to Tusculum: Gleaning the Background of Cicero's *De oratore*." *Rhetorica* 6 (1988) [1989]: 215–235.
- Grant, W. L. "Cicero on the Moral Character of the Orator." *Classical Journal* 38 (1943): 472–478.
- Hall, J. "Persuasive Design in Cicero's *De oratore*." *Phoenix* 48 (1994): 210–225.
- Hubbell, H. M. "The *Rhetorica* of Philodemus. Translation and Commentary." *Transactions of the Connecticut Academy of Arts and Sciences* 23 (1920): 243–382.
- Kennedy, G. A. *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300*. Princeton: Princeton University Press, 1972.
- Kroll, W. "Studien über Ciceros Schrift *De oratore*." *Rheinisches Museum* 58 (1903): 552–597.
- Leeman, A. D. "The Structure of Cicero's *De oratore* I." In *Ciceroniana. Homnages à Kazimierz Kumanięcki*, éd. par A. Michel, R. Verdière (Leiden: Brill 1975): 140–149.
- Leeman, A. D., Pinkster, H. (and others). *M. Tullius Cicero. De oratore libri III. Kommentar* (Heidelberg: Universitätsverlag C. Winter 1981 ff.) Vol. I: 1981; vol. II (with H. L. W. Nelson): 1985; vol. III (with E. Rabbie):

- 1989; vol. IV (with J. Wisse): 1996; vol. V (J. Wisse, M. Winterbottom, A. D. Leeman): in preparation (in English) for 2003.
- May, J. M. *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill-London: University of North Carolina Press, 1988.
- May, J. M. & Wisse, J. (transl., intr., etc.). *Cicero. On the Ideal Orator (De Oratore)*. New York – Oxford: Oxford University Press, 2001.
- Merklin, H. “System und Theorie in Ciceros ‘De oratore’.” *Würzburger Jahrbücher für die Altertumswissenschaft* NF 13 (1987): 149–161.
- Solmsen, F. “Aristotle and Cicero on the Orator’s Playing upon the Feelings.” *Classical Philology* 33 (1938): 390–404 = Solmsen (1968): 216–230.
- Solmsen, F. “The Aristotelian Tradition in Ancient Rhetoric.” *American Journal of Philology* 62 (1941): 35–50; 169–90 = Solmsen (1968): 178–215.
- Solmsen, F. *Kleine Schriften*, vol. 2. Hildesheim: Olms, 1968.
- Tarrant, H. *Scepticism or Platonism? The Philosophy of the Fourth Academy*. Cambridge: Cambridge University Press, 1985.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Hakkert, 1989.
- . “Greeks, Romans, and the Rise of Atticism.” In *Greek Literary Theory after Aristotle: A Collection of Papers in Honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, I. Sluiter (Amsterdam: VU University Press 1995): 65–82.
- . “‘Not in that Imaginary Republic of Plato’s’: Cicero on the Ethics of Rhetoric.” (In preparation).

## CHAPTER THIRTEEN

### *BRUTUS*: THE HISTORY OF ROMAN ELOQUENCE

Emanuele Narducci

#### *Composition, setting, and dialogue form*

*Brutus* marks Cicero's return to literary activity after the civil war; the composition of the work was probably completed in the spring of 46 B.C., before Cato's suicide in Africa.<sup>1</sup> Cicero proposes to reconstruct the history of Roman eloquence by means of a dialogue set in his Roman house, with himself and his friends Brutus and Atticus acting as interlocutors.

*Brutus*, which opens with a tribute to the great orator Hortensius, now dead a few years, has from its beginning a funereal tone; the history of eloquence is also presented as a sort of 'epitaph' of Republican oratory.<sup>2</sup> Cicero emphasizes that, following the civil war, the forum is practically deserted (6): many of the better orators have disappeared, either as a result of the conflict or because of the inexorable necessity of nature. The few remaining have been reduced to silence, since the dominion of Caesar has meant the extinction of all free political debate; the remaining *patroni* in the field are incompetent parvenus, having emerged thanks to their recent social climbing and self-interested loyalty to the dictator (157). But the 'death of eloquence' that *Brutus* so often laments also has causes less incidental: in recent decades, the crisis of the Republic and the ever more dominant role of the armies of the great potentates had progressively

---

<sup>1</sup> G. L. Hendrickson, "Cicero's Correspondence with Brutus and Calvus on Oratorical Style," *American Journal of Philology* 47 (1926): 249 ff.; A. E. Douglas, ed., *Introduction* to his outstanding commentary on *M. Tulli Ciceronis Brutus* (Oxford: Clarendon Press 1966).

<sup>2</sup> R. Haenni, *Die litterarische Kritik in Cicero's "Brutus"* (Sarnen: Jahresbericht—Sarnen. Kantonale Lehranstalt 1905); E. Narducci, *Cicerone e l'eloquenza Romana: retorica e progetto culturale* (Roma: Laterza 1997): 97 ff.; 109 ff., 157 ff.

relegated to a secondary level the word as an instrument of persuasion and of political mediation.

Unlike *De oratore*, *Brutus* is rather lacking in details of scene-painting; there are only a couple: the portico in which Cicero strolls when he receives the visit of his friends (10) and the garden decorated with a statue of Plato, near which they sit to converse in leisurely fashion (24). In spite of this explicit reference to Plato, *Brutus* proceeds in its development in a manner more akin to the 'Aristotelian' form of dialogue: rather than a close encounter between three characters marked by lively interaction, Cicero prefers a continuous exposition, wherein the treatment that he unfolds is interrupted only rarely by the brief interventions of the other interlocutors. Characterization of the latter, particularly that of Brutus, does not appear especially respectful of historical reality: it is improbable, in particular, that Brutus, whose opinions about eloquence were markedly different from those of Cicero (cf. below, 408, 428), would have accepted him in the role of intellectual guide that Cicero assigns himself in the literary fiction.

Nevertheless, the conversation does not lack vivacity, and the protagonist's interlocutors are not mere puppets devoid of life; the principal value of *Brutus*' literary form consists in its capacity to render, in a manner that is lively and rich in effects, the atmosphere of an intellectual milieu that knows how to preserve the passion for research and debate, while under the oppressive mantle of a dictatorship. One might say, rather, that such a passion has been nourished precisely by the crisis of the Republic. The commemoration of eloquence presented in the dialogue is also that of an entire period of Roman history in which politics and persuasion prevailed over the force of arms. Through their taste for antiquarian research, the characters express a *pietas* that is charged with nostalgia for a tradition that they warn is quickly dying away.

#### *Sources and method*

The genesis of *Brutus* is best understood against the background of the contemporary blossoming of investigations into history and national traditions; but in the dialogue, antiquarian research attains the dignity of a broad historical-literary synthesis. A work like *Brutus* does not easily allow itself to be located in any of the critical genres that



were consolidated in the hellenistic tradition; a novelty probably without precedent is the fact that the historical exposition of the evolution of the art of oratory is conducted in the form of a dialogue.<sup>3</sup>

To provide a suitable characterization of the orators of the past, Cicero was able in part to draw upon his own memory and upon that of the masters of the preceding generations; but for the earlier periods, he himself had to tackle the preliminary work of tracking down the texts of numerous speeches.<sup>4</sup> This undertaking was not easy. At Rome and in the rest of Italy, a popular readership interested in the contents of speeches, whether as sources of information on political life or as products of literary quality, developed rather slowly. By the mid-point of the second century B.C., eloquence was considered above all an oral *performance*; the orators who had the ability of putting their own speeches into writing were not very many; in certain cases, these speeches remained only sketches (*commentarii*), which in part were preserved in the archives of aristocratic families, or were put at the disposal of young orators for their education. Another problem arose from the difficulty of organizing the history of eloquence in accordance with a reliable chronological framework; in that regard, Cicero was able to put trust in the recent *liber annalis* of Atticus, a manual that ordered, according to the succession of magistrates, the internal history of Rome from the origins up to contemporary times.<sup>5</sup> Atticus had probably arranged the careers of individual people in the format of a handy outline.

In *Brutus*, Cicero arranges the orators according to *aetates* that take their names from particularly prominent figures (Cato, Galba, Carbo, the Gracchi, etc.). Up till the age of the Gracchi, "minor" orators are grouped around the principal figures, in an order that is roughly chronological. For the more recent period, Cicero appears to follow a more precise method, employing an order based in the first place on rank (first the consulars, then the non-consulars), and then on the birth date of individual orators or on a chronology that can be

<sup>3</sup> K. Bringmann, *Untersuchungen zum späten Cicero*, Hypomnemata, 29 (Göttingen: Vandenhoeck und Ruprecht 1971): 22–23; Douglas (1966): xxii–xxiii.

<sup>4</sup> W. D. Lebek, *Verba Prisca. Die Anfänge des Archaisierens in der lateinischen Beredsamkeit und Geschichtsschreibung*, Hypomnemata, 25 (Göttingen: Vandenhoeck und Ruprecht 1970): 73.

<sup>5</sup> F. Münzer, "Atticus als Geschichtsschreiber," *Hermes* 40 (1905): 50 ff.

deduced from their careers as magistrates.<sup>6</sup> At any rate, it is a scheme to which Cicero grants ample freedom, and this contributes very much to avoiding monotony and pedantry.

*Two kinds of eloquence*

One of the chief tenets of *Brutus* is that there are, substantially, two kinds of orators. The first is the orator of the 'plain' style, who prefers a calm and concise exposition; in stylistic choices, he allows himself to be guided by the criterion of sober and controlled elegance, and he avoids appeals to the emotions. The second is the orator of the 'grand' style, who aspires to make a very strong emotional impact on the listener, and thus has ample recourse to rhetorical and emotional ornamentation. Cicero's preference is, obviously, for an orator of the latter type, or, to be more precise, for an orator who demonstrates the capacity to master all of the diverse registers of style, and who is aware of the fact that on many occasions, only recourse to the 'grand' register will permit him to win over his listeners victoriously (Cicero himself was convinced that he personified the model of such an orator). On the other hand, eloquence of the first type, that is, measured eloquence in the plain style, was the favorite of Cicero's detractors, the Atticists, who in *Brutus* represent a polemical target not always declared, but rarely out of sight (cf. below, 408 ff.).

Consequently, Cicero accords noteworthy importance to the juxtaposition of these two styles in his reconstruction of the development of Roman eloquence: in this reconstruction, the need for taking up a position against the Atticists is joined to a justification of Cicero's own choices in the field of eloquence.

For this reason, the juxtaposition of the 'plain' oratorical style with one that is able to subjugate the emotions of the listeners by its variety and its power is at the center of some anecdotes about the most distinguished representatives of past eloquence; these Cicero cleverly inserts at a few crucial points in his treatment, and they serve also

---

<sup>6</sup> Douglas, (1966): clii ff. and, by the same author, "Oratorum Aetates," *American Journal of Philology* 87 (1966): 290–306, with corrections and clarifications by G. V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology* (Toronto: University of Toronto Press 1973): 3 ff., 151–152.

to revivify it and make it more attractive for the reader. Let us recall two of the most appealing of these anecdotes: first, a violent and emotional discourse by Servius Sulpicius Galba immediately secures the acquittal of his clients, who were associates in a corporation of *publicani*, something that the lucid and sober Laelius did not achieve in the course of numerous interventions (85–90); secondly, the variety that Crassus' eloquence is capable of achieving allows him to triumph over the legal competence of Scaevola in the celebrated case of Manius Curius (194–199).

Mention of the *causa Curiana* is inserted within the context of a longer digression, which has as its theme the necessity of the orator knowing how to win the approval not only of the experts, but primarily of the common people who constitute the great majority of his listeners (183–200). Cicero insists on the difference between a refined literary product that addresses a small number of demanding readers and a speech that moves a multitude and proposes to manipulate their emotions. Here too the target, more or less implicit, is the Atticists: in fact, Cicero emphasizes that not all share his opinion that the strength of an orator is judged in terms of the effects of persuasion that he knows how to achieve; and that for this reason, the one who is pleasing to the people and who can control their emotions, is also necessarily pleasing to the experts. The latter are superior to laymen only through their greater competence in *ars*, that is, in their ability to analyze and appreciate the rhetorical means by which the orator is able to achieve his effects on the audience. As one sees, though the impulse for the literary elaboration of eloquence is certainly very strong in Cicero, he nevertheless shows himself to be aware of the fact that the art of speaking cannot abandon the peculiar characteristics that make it primarily an instrument of persuasion and of domination over its audience.<sup>7</sup>

A third anecdote is drawn from Cicero's personal experience, and refers to a contemporary orator, Marcus Calpidius. In sections 274–279, his uncommon gifts in regard to style—gifts both as a critic of talent and as a great writer—are recounted. Cicero recalls the smooth

---

<sup>7</sup> On the other hand, there emerge also in *Brutus* (sporadically, but with a certain insistence) elements of a standard of evaluation that is based on different criteria. The political climate of the dictatorship (in which the words of the orator have an already very restricted possibility of being respected in the context of a free debate) induces Cicero at times to associate eloquence with 'artistic' activities, which do not fall within the scope of immediate utility (Narducci [1997]: 117 ff.).

and translucent (*pellucens*) style of Calidius, the fluid and flexible construction of its periods, its unequalled clarity, punctuated by 'figures,' a most capable arrangement of words, a rhythm varied and marked by dissimilar cadences, a studied marshalling of arguments, a dignified and elegant delivery (*actio*). Calidius achieved excellent results as long as he was informing and delighting his audience; he did not, however, have the ability to inflame his listeners. At this point Cicero introduces the episode of a court case in which Calidius accused a certain Quintus Gallius of having attempted to poison him (277–278). Calidius spoke with his accustomed elegance and dignity. And Cicero, who appeared for the defense, obtained an acquittal of the charge of alleged poisoning, by maintaining that Calidius' placid tone was precisely the reason that his denunciation did not seem credible. There was no passion in his words: how could one explain such coolness and nonchalance on the part of a person who claimed to carry irrefutable proof of an attempt on his own life?

It would be erroneous to consider Calidius an 'Atticist,' or even a precursor of that movement. The only thing he had in common with the Atticists was his inability to arouse the emotions of his listeners; on the contrary, the fundamental importance that he, according to Cicero, attributed to oratorical rhythm distanced him from them.<sup>8</sup> Thus, once again this shows that 'plain style' and 'grand style' are extremely general categories to which Cicero assigns the practices of orators who are very diverse among themselves, and who do not belong to any particular 'school.'

Cicero presents these two, diverse tendencies as determined by a contrast of style, of taste, and also of personal temperament; but it has been suggested that they may have their origin in two, more general 'streams' of Roman eloquence, conditioned in their development by a complex intermingling of historical and sociological factors.<sup>9</sup> The important changes in the composition of the courts and in the organization of legal procedures at the beginning of the 2nd century B.C., the success of democratic leaders (such as the Gracchi), and the continuous emergence of accusers from outside of the aristocratic class had fostered the blossoming of an eloquence of 'pathos,'

<sup>8</sup> A. E. Douglas, "M. Calidius and the Atticists," *Classical Quarterly*, new series 5 (1955): 241–247.

<sup>9</sup> J.-M. David, *Le patronat judiciaire au dernier siècle de la république romaine* (Rome: École française de Rome 1992): 446 ff.; 552 ff.; 617 ff.

vehement and emotional, suited for making an impression on the people. This eloquence had ample recourse to fierce aggressiveness, to vehement denunciation of the injustices and abuses of the aristocrats, and to appeals for mercy and compassion toward the victims in question (*miserationes*).

The traditional aristocracy did not like resorting to such appeals, which they considered degrading and harmful to their personal prestige in the presence of the lower classes. Some of their exponents denounced the 'demagoguery' of their adversaries in the name of the general and higher interests of the state, and they offered a kind of coolness and reserve in opposition to it. For this reason, their oratorical style privileged elegance and self-control; it was sparing of words, very measured in delivery; it put aside a forceful voice and emotional display. A style of this kind desired to signify, so to speak, a discrete and efficacious authority, a social 'distance' that derived from long-standing membership in the ruling class and from the innate calling to the exercise of power. This kind of eloquence can be exemplified by what we know of the styles of Scipio Aemilianus and Laelius.

Even if the juxtaposition of the two types of eloquence had its roots in political struggle, in concrete oratorical practice it was not necessarily equivalent to the juxtaposition of different political sides. The tendency to raise the emotions of the public (or the absence of such tendency) corresponds not merely to a choice of political allegiance, but also to different ways of relating to a popular audience, amounting either to a recognition or a denial of the 'sovereignty' of the common people as the source of final judicial authority. In *Brutus* 90, Cicero recounts how Servius Sulpicius Galba, by stooping to supplicate the people, and by stirring their pity, avoided being subjected to a just legal process for the treacherous massacre that he had perpetrated in Spain; and how Cato the Elder, in his *Origines*, had denounced with indignation his recourse to this kind of behavior.

This view, however, had changed remarkably already by the time of Cicero's youth. The courts had, by that time, become one of the principal tools of political struggle, and their verdicts had strong repercussions on the equilibrium of society. All orators, whether speaking for the prosecution or the defense, held in common by this time the necessity of making an impact on the hearts of a vast public, and therefore of resorting to long and elaborate speeches that were emotionally moving and elevated in style. In this new kind of

contest, only a few traces of the old functional ‘bi-polarity’ of oratorical attitudes remain.<sup>10</sup>

Cicero appears to strive (both in practice and in theory) to reconcile and to synthesize those aspects that he considered most valid among the diverse oratorical tendencies of the past; this can help to explain also the kind of ‘reading’ of those tendencies that he provides in *Brutus*—more as individual choices of style and of taste than as positions recorded in two divergent models of eloquence, rooted in the socio-historical contest that we have tried to illustrate.

### *The polemic with the Atticists*

*Brutus*, whom Cicero chose as the addressee of his history of eloquence, could not properly be called an ‘Atticist’;<sup>11</sup> but, as one who professed a type of eloquence that was rigorous, controlled, and pure, he undoubtedly had strong sympathies with the stylistic ideal that Cicero was combating. The author of *Brutus* evidently tried to remove the young man, who seemed to him to be well on his way to an oratorical career, from the influence of the Atticists. Cicero’s increasing hostility toward Atticism in subsequent works (*Orator* and *De optimo genere oratorum*) is probably an indication of the lack of any agreement whatsoever with this position on the part of his chosen interlocutor.

From the beginning of our century,<sup>12</sup> there has been much discussion about whether Atticism constituted a ‘long-term’ phenomenon of hellenistic culture, set in contrast to the prevailing ‘Asianic’ taste,<sup>13</sup> or rather a peculiar phenomenon of Roman culture, perhaps

<sup>10</sup> David (1992): 623.

<sup>11</sup> F. Portalupi, *Bruto e i neo-atticisti* (Torino: Giappichelli 1955); Douglas (1966): xiii; E. Fantham, “The Growth of Literature and Criticism at Rome,” in *The Cambridge History of Literary Criticism: Volume I: Classical Criticism*, edited by G. A. Kennedy (Cambridge, New York: Cambridge University Press 1989): 236.

<sup>12</sup> That is, starting from the opposing positions of E. Norden, *Die Antike Kunstprosa vom VI Jahrhundert v. Chr. bis in die Zeit der Renaissance*. 3rd ed. 2 vols. (Leipzig: B. G. Teubner 1915–1923) and of U. von Wilamowitz-Moellendorf, “Asianismus und Attizismus,” *Hermes* 25 (1900): 1–52 (= *Kleine Schriften*, III [Berlin 1969]: 223–273).

<sup>13</sup> A. D. Leeman, *Orationis Ratio. The Stylistic Theories and Practice of the Roman Orators, Historians and Philosophers* (Amsterdam: A. M. Hakkert 1963): 112 ff.; G. Calboli, “Oratore senza microfono,” in *Ars rhetorica antica e nuova*, edited by C. Gastaldo, Pubblicazioni dell’Istituto di filologia classica e medievale, 83 (Genova: Università di Genova, Facoltà di lettere, Istituto di filologia classica e medievale 1983): 44; G. A. Kennedy, *A New History of Classical Rhetoric* (Princeton, NJ: Princeton University Press 1994): 152.

a fashion little more than ephemeral, developed during the early 50s of the first century B.C.<sup>14</sup> This second interpretation appears, on the whole, more persuasive; all the same, Roman Atticism was not born from nothing; it presupposes the classicizing and archaizing reaction that literary production and the figurative arts experienced in the same period in the hellenistic world.<sup>15</sup> On the other hand, there were at that time in Roman culture some factors that could have come together to shape the tastes of the Atticists: the consolidated tradition of an eloquence marked by a plain and concise style; and the scrupulous attention to purity of language (*latinitas*), which had already been stressed by Scipio and his peers and which continued in the analogist movement,<sup>16</sup> which was, for its part, largely influenced by Greek grammatical studies. One might add that precision and linguistic purity enjoyed particular prestige among the orators who were inspired by Stoic teaching. They granted privilege to a direct manner of expressing themselves, which signified morality without compromise; they made precision the fundamental virtue of style, and

---

<sup>14</sup> This interpretation has been sustained with particular vigor—and not without some polemical straining—by Douglas (1966): xiii, and taken up, for example, by Th. Gelzer, “Klassizismus, Attizismus und Asianismus,” in *Le classicisme à Rome*, edited by H. Flashar, *Entretiens sur l’antiquité classique*, 25 (Vandœuvres-Genève: Fondation Hardt 1979): 16–17; by F. Portalupi, “Atticisti, Oratori,” in *Dizionario degli scrittori greci e latini* (Milano: Marzorati 1988) vol. I: 262; and by N. O’Sullivan, “Caecilius, the ‘Canons’ of Writers, and the Origins of Atticism,” in *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik (London and New York: Routledge 1997): 40. The most persuasive formulation, and the richest in expressing the nuance of the problems, is probably that of A. Weische, *Ciceros Nachahmung der attischen Redner* (Heidelberg: Carl Winter 1972): 180. J. Wisse, “Greeks, Romans, and the Rise of Atticism,” in *Greek Literary Theory after Aristotle: a collection of papers in honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter (Amsterdam: VU University Press 1995): 65–82, ascribes a Roman origin to the movement: “it was in the coterie of Calvus that Atticism took shape ca. 60 B.C.E.; it spread through a Graeco-Roman network, to emerge . . . as a Greek phenomenon in Dionysius of Halicarnassus” (81).

<sup>15</sup> A. Desmouliez, “Sur la polémique de Cicéron et des Atticistes,” *Revue des Études latines* 30 (1952): 175 ff.; G. Kennedy (1972): 242. See also in general the remarks of J. J. Pollitt, *Art in the Hellenistic Age* (Cambridge and New York: Cambridge University Press 1986): 164 ff.

<sup>16</sup> The connection, already supported by Norden, has been stressed again, with a certain excess of one-sidedness, by A. Dihle in his two articles: “Analogie und Attizismus,” *Hermes* 85 (1957): 171 ff.; “Der Beginn des Attizismus,” *Antike und Abendland* 23 (1977): 162 ff. For a balanced evaluation, see G. Calboli, *Nota di aggiornamento*, in E. Norden, *La prosa d’arte antica dal VI secolo a.C. all’età della Rinascita* (Italian translation of *Die Antike Kunstprosa* by B. Heinemann Campana) (Roma: Salerno 1986): vol. 2: 1108, 1133.

for this reason they had developed an elegant sensibility regarding choice of vocabulary.<sup>17</sup>

Still, the most important thing was the fact that contact with the Athenian classics of eloquence had, over time, become closer: Roman students were now in a position to understand that often the syntactic structures of Latin favored an 'amplified' rendering (which could appear to some as turgid and redundant) of original models that were characterized by a style somewhat more brief and incisive.<sup>18</sup> Obviously, Atticism made the most of the acquisition of Greek philological studies aimed at investigating the stylistic peculiarities of diverse writers; but the degree to which it utilized those acquisitions, both to react to the standards that had for a long time been confirmed in the national oratory and to propose a new model for eloquence, constituted an exquisitely Roman phenomenon.

*Brutus* offers a reconstruction of the Atticist movement that is not entirely impartial; this also is a source of the difficulties that modern critics, in their attempt to delineate the characteristics and the aesthetic ideal of the movement, have encountered. Based on what can be extracted from the whole of ancient testimony, the Atticists placed under discussion the fundamental direction of Cicero's eloquence; according to their opinion, he had not distanced himself sufficiently from the most degenerate and corrupt characteristics of Asianic style (cf. below, 416 ff.); to the Atticists Cicero appeared slack and enervated, too redundant in *copia verborum* and in the abuse of figures, too attentive to the effects of rhythm and sonority.

The adversaries of Cicero found in Attic eloquence the model of a concise, sober, and pure style; in the wake of the Greek neoclassical reaction, they privileged Lysias and Thucydides, writers whom Cicero in turn judged (the former) lean and emaciated, in spite of indubitable elegance, and (the latter) knotty and dense, to the point of obscurity.

In *Brutus*, Cicero's response to his critics originates from a different definition of the same conception of 'Attic' style. He insists on a

---

<sup>17</sup> Kennedy (1972): 240.

<sup>18</sup> For example, in rendering his Greek models, Cicero frequently prefers the hypotactic construction to the paratactic; relative clauses or subordinate clauses introduced by *cum*, are substituted for participles, in which Latin, as is well known, is considerably poorer than Greek. Cf. Weische (1972): 183 ff.



variety of tones and stylistic levels:<sup>19</sup> excellence is found not only in the lean style of Lysias or in the disjointed style of Thucydides. Cicero stresses that Attic eloquence defines itself also through *vis*, splendor, and abundance; he therefore asserts that a model must be sought in the greatest and most varied of orators, namely in Demosthenes, the only one who had known how to control fully all of the diverse types and registers of expression (35, 66 ff., 285).

According to Cicero, Atticist taste has, moreover, strong tendencies toward archaism:<sup>20</sup> one who takes Lysias as a model opts for an art that has still not reached the fullness of its development or of its perfection (67); the style of Thucydides in turn is likened to the harsh taste of a wine that is too old (287; cf. *Orator* 31).

The Ciceronian polemic leads one to believe that Gaius Licinius Calvus must have been considered one of the principal figures of the Atticist movement.<sup>21</sup> Cicero's judgment on his young rival, now dead for some time, endeavors to maintain objectivity and equilibrium (283 ff.): the refined elegance of Calvus, for example, is mentioned. But Cicero insists on the fact that Calvus, with his exasperating quest for stylistic leanness, rendered his own eloquence 'bloodless.' Thus his style met with the favor of his listeners, but it was too cold and intellectual to move his audience's emotions.

One of the more thorny problems in interpreting *Brutus* lies in the fact that the portrait of Calvus sketched here does not coincide entirely with that presented by other ancient sources.<sup>22</sup> Numerous passages from diverse authors insist on the huge success that Calvus experienced, and in particular on his violent and excited *actio*, and on his efficacy in inflaming the emotions of the people. We should probably not call into question the personal intellectual honesty of Cicero; it may be possible, however, that in some way, his personal criteria of interpretation, developed by his long experience as an orator, somewhat clouded his judgment.

<sup>19</sup> This aspect of Cicero's argumentation is stressed by J. M. May, "The Monologic Dialogue as a Method of Literary Criticism: Cicero, *Brutus* 285–289 and Horace, *Epistle* 2.1.34–39," *Athenaeum* 78 (1990): 177–178.

<sup>20</sup> Narducci (1997): 128.

<sup>21</sup> On the connections between Cicero and Calvus, cf. E. Gruen, "Cicero and Licinius Calvus," *Harvard Studies in Classical Philology* 72 (1966); Douglas, "The Intellectual Background of Cicero's *Rhetorica*: A Study in Method," in *Aufstieg und Niedergang der römischen Welt* I. 3 (1973): 129.

<sup>22</sup> The relevant passages are collected in Lebek (1970): 84 ff.

It has been presumed with some degree of likelihood that Cicero did not take account in a sufficiently clear manner of the diverse literary directions that were present within the Atticist movement: in it, along with the orators who aimed at imitating Lysias, there might have been others (and first of all Licinius Calvus) who proposed in turn to imitate Demosthenes—precisely the model privileged by Cicero himself.<sup>23</sup> The disagreement perhaps involved the different ways of rendering Demosthenic *vis*: Cicero privileged *copia* and magniloquent *amplitudo*; Calvus, on the other hand (in conformity with his own ‘Callimachean’ tastes as a neoteric poet) might have intended to reinforce emotional intensity through *densitas*, dryness, and concentration. For this reason, the demand for a plain style, the high value assigned to purity of diction, and the refined sensibility in the selection of words in his oratory did not necessarily signal a renunciation of arousing the emotions of the people. The misunderstanding between the two could have arisen from the fact that Calvus saw in Ciceronian *copia* and *amplitudo* factors that were liable to dilute rather than reinforce emotional intensity; while Cicero saw, in the concentrated intensity of Calvus’ expression, only a monotonous *exilitas* and an incapacity of reaching, when necessary, the heights of grandiose *pathos*.

### *The Development of Roman Eloquence*

The anti-Atticist polemic in *Brutus* is not yet the fundamental aim of work, as it will be in *Orator* and *De optimo genere oratorum*; in his outline of the history of Roman eloquence, Cicero naturally tried to delineate the reasons for his own stylistic preferences, but what he intended to write was, first and foremost, a work of history and literary criticism. The development of Roman eloquence is recounted as a difficult ascent through the generations, each of which succeeded in producing at most one or two orators of real talent. The highly wearisome evolution of an art that is also in a position to secure the greatest degree of social prestige explains itself by its extremely difficult and comprehensive character. To confirm this assertion, Cicero recalls

<sup>23</sup> Lebek (1970): 84–95; W. Stroh, “Die Nachahmung des Demosthenes in Ciceros Philippiken,” in *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, *Entretiens sur l’Antiquité Classique*, Vol. 28 (Vandœuvres-Genève: Fondation Hardt 1982): 27.

that oratory developed slowly also in Greece, where it saw the light when the other arts had already reached full maturity.

For the archaic period, Cicero does not have at his disposal any reliable testimony about the eloquence of the orators whom he considers; he refuses to furnish any hint about Roman oratory in the period preceding the expulsion of the monarchy. Instead, in what refers to the beginnings of the *res publica*, he relies on a largely conjectural procedure, very noteworthy from the point of view of historiographical method: the oratorical abilities of individual characters can be deduced from the importance of their role as developed in political life. The first to whom such a procedure is applied is Lucius Junius Brutus. The history of Roman eloquence begins thus with a presumed ancestor of the dedicatee of the dialogue; but this place of honor, reserved for the first consul, serves also to underscore the inseparable bond between oratory and political activity which had characterized the free *res publica* from its beginnings.<sup>24</sup>

After having reviewed the few political men of the archaic age, for whom it is possible to presume a certain fluency of eloquence, Cicero dwells a little more abundantly on Cornelius Cethegus (57–60), the first person known (thanks to some verses of Ennius' *Annales*) to have enjoyed a certain prestige as an orator. Then he comes quickly to Cato, who represents one of the pivotal points in his treatment. The censor is presented as the first orator truly worthy of the name. His qualities of elegance, acuteness, and conciseness come directly into comparison with those of Lysias; but according to the judgment of Cicero, Cato surpasses Lysias by his expressive vigor, and by his capacity to master, together with the *genus subtile*, also the other *genera dicendi*. Cicero employs the example of Cato to reproach the Atticists for a maniacal love of the foreign: according to their own criteria, they would have already in their national tradition a model for their inspiration, but they don't even take Cato into consideration.<sup>25</sup>

<sup>24</sup> K. Heldmann, *Antike Theorien über Entwicklung und Verfall der Redekunst*, *Zetemata* 77 (München: Beck 1982): 205; C. Rathofer, *Ciceros Brutus als literarisches Paradigma eines Auctoritas-Verhältnisses*. *Beiträge zur Klass. Philologie*, 174. (Frankfurt: Hain, 1986): 85 ff.

<sup>25</sup> We can here pass over the difficult question of whether Cato, on the contrary, did not already at this time serve as a model, at least for some of the Atticists: for an exhaustive view and a balanced attempt at a solution, see G. Calboli, "Cicerone, Catone e i neoatticisti," in *Ciceroniana. Hommages à K. Kumaniecki*, edited by A. Michel and R. Verdière (Leiden: Brill 1975) = introduction to G. Calboli, *Marci Porci Catonis oratio pro Rhodiensibus* (Bologna: Pátron 1978): 40 ff.; 55 ff.

On the other hand, Cicero underscores the archaic 'rigidity' of Cato's style, above all in terms of composition and the construction of the period: though he had been an orator of considerable importance for his own time, Cato would have appeared as unsuitable for the present time. Cicero also here intends to demonstrate that eloquence developed through a slow process of historical evolution: for this reason, the search for stylistic models from the remote past would be an error. But despite these considerable reservations, the encomium of Cato's oratory is profound and sincere, in total agreement with the very elevated estimation of his character to which the *De senectute* will give expression not long afterwards.

The reconstruction of the development of eloquence at the end of the 2nd and beginning of the 1st century strongly insists on the acquisition of an artistic form of expression, facilitated moreover by improved practice with Greek models. Marcus Aemilius Lepidus Porcina, a younger contemporary of Galba, is remembered for his stress on the elaboration of the period, a feat that Cicero considered decisive in the development of eloquence and of literary prose in general (95 ff.). Additional important stimuli for perfecting *ars dicendi* were provided in the age of Tiberius Gracchus: the institution of the first permanent tribunals and the introduction of the secret ballot in trials before the people, which reduced the possibility of the aristocracy imposing its decisions on their clientele through various kinds of pressures (106). Through these provisions, the persuasive force of eloquence started to become one of the most efficacious instruments for controlling collective opinions and emotions.

Cicero does not demonstrate any understanding of the motives for the Gracchan social agitation; his frank recognition of the merit of the eloquence of these two figures, whom in political terms he detested so greatly, is, however, a sign of his great critical equilibrium: he affirms that, for grandeur and impressiveness of style, Gaius especially is still recommended reading for the young (126).

In the period of transition from the 2nd to 1st century, Cicero (178–180) registers the emergence of a group of orators, partly municipal in origin, who are characterized by an eloquence that is strongly aggressive toward the aristocratic class. These conduct themselves precisely like accusers, and they find the means of making themselves appreciated through attacks carried out against the exponents of the senatorial class; Cicero stamps them collectively with the disdainful term *rabulae* ('rabid dogs'). In *Brutus*, there is entirely lacking

any allusion to the institution in which these orators will have probably served their apprenticeship: the first school of Latin rhetoric, opened in Rome by Plotius Gallus (a client of Marius) sometime in the late 90s, and quickly forced to close by the censors (Cicero dilated upon this episode in *De oratore* 3.93 ff.). These *rabulae* appeared to join a lack of culture deriving from an overly hasty and rough formation in eloquence to a more general defect that Cicero ascribes to all the orators of non-Roman origin (169–172): the lack, in terms of diction and pronunciation, of that indefinable *color urbanitatis* that is typical of a native of the city. Not by chance does Cicero insist on the importance of linguistic qualities acquired within familiar surroundings (210–213): these constitute one of the criteria that permit a distinction to be made between the parvenus and those people who, merely by the intonation of their voice, prove that they belong to the city aristocracy; their manner of speaking justifies in itself the social role that belonged to their ancestors.<sup>26</sup>

One of the censors who had decreed the closure of the school of Plotius Gallus was Lucius Licinius Crassus; with him and with Marcus Antonius, Latin eloquence had finally reached, in the judgment of Cicero, a mature perfection that allowed it never to fear a comparison with great Greek models (138). After a very gradual preparatory period, the blossoming was unexpected, so to speak: Antonius and Crassus quickly carried oratory to the highest level; further progress will be possible only by one who has in himself all the power of a superior cultural formation in philosophy, in civil law, in history (161). Cicero evidently alludes to that which he judged to be his own contribution to eloquence: already in *De oratore* (1.79, 95; see also, e.g., 3.80, 95) he had several times prefigured, especially through the voices of Antonius and Crassus, the birth of an entirely new type of orator, which he considered himself to represent.

Cicero had already chosen Antonius and Crassus as his protagonists in *De oratore*: in *Brutus* he is careful not to bore his readers with the repetition of themes and episodes of the sort that were already detailed in the preceding work; thus, while he digresses, recalling the stages of Crassus' oratorical career, he does not choose to dwell on the two great trials wherein the eloquence of Antonius had had the

---

<sup>26</sup> E. Narducci, *Modelli etici e società. Un'idea di Cicerone* (Pisa: Giardini 1989): 186 ff.; David (1992): 331.

means to display itself to the maximum degree of its power, namely those of Aquillius and of Norbanus; the preceding dialogue had, through the mouth of Antonius himself, provided a very effective description of these two episodes (*De oratore* 2.194–196, 197–204). This perhaps explains why the characterization of Antonius is maintained in *Brutus* in very general terms, without going into more concrete detail. Antonius' ability in *inventio*, his capacity to arrange his composition, and his insuperable memory are emphasized (139); it is not by chance that these are the same three parts of rhetoric that were assigned to Antonius in *De oratore*. By employing an orator whom he had been able to know personally, Cicero is thus in a position to provide exhaustive information, be it about Antonius' *actio*, overwhelming yet not histrionic, or about his voice, a little hoarse by nature, and hence particularly suitable for passages involving pathos in which he especially excelled (141–142).

Of the two great orators of the time of his youth, Cicero does not at all conceal his own preference for Lucius Licinius Crassus; he will have considered him more akin to himself in terms of a more careful and refined style and a propensity for an abundant use of elegant and jocular wit (143). Also employing an *actio* that was a bit more restrained than that of Antonius, Crassus was impetuous in speech, and when necessary he knew how to invest his voice with a tone of just indignation. The portrait of Crassus drawn by Cicero is that of a supreme equilibrium that knows how to reconcile and blend opposing qualities: he told his jokes with a tone of great seriousness; in terms of style he knew how to be *perornatus* and *perbrevis* at the same time (158); in all of his demeanor he combined the greatest amount of affability with a good dosage of severity (148).

The account of Crassus' career in eloquence (158–165) is interesting also because it shows how such a career constitutes a new model for oratorical practice. Even throughout all of the 2nd century, the most powerful and prominent personalities had frequently taken on the role of the accuser, as did Cato, well into his old age; the attack on a corrupt governor was still inscribed fully among the duties of patronage to which the aristocrats were bound before the subjects and allies of Rome. Crassus, on the other hand, acted as an accuser only when he was an *adulescens* (159: the trial was that against Gaius Carbo), for the purpose of procuring prestige and notoriety, then subsequently specialized in the role of defender. This is

explained by the fact that in this period the practice of accusation, having fallen to the hands of parvenus of doubtful origin, was losing its social esteem. The opening of the privilege of popular indictment had insured for people who did not belong to the aristocracy the means for making a way for themselves; added to this is the fact that the aristocracy felt directly threatened by the alliance between accusers and equestrian jurors. It was Crassus himself, now in his prime, who launched a very violent attack on the *factio iudicum et accusatorum* in his speech supporting the *lex Servilia Caepionis* (163 ff.), which partially returned control of judicial activity to the hands of the senators; his censorial provision that closed the school of the *retiores Latini* probably also had as its aim a similar target.

In a climate that enjoined distancing oneself from the detested accusers, some young aristocrats, among whom was Crassus, had consequently introduced a new rule of conduct—that of serving as an accuser only at the beginning of one's career, and if successful, no more than one time.<sup>27</sup> In the subsequent period, the practice of serving as an accuser only seldom, and preferably in one's younger years, increasingly solidified itself. Cicero himself fell in line with such behavior (his only accusation will be that against Verres, which he likens, not by chance, to a form of patronage on behalf of the Sicilians), and he will present it, in the *De officiis* (2.49 ff.), as an obvious and indisputable norm of conduct.

As to the oration on the *lex Servilia*—one of the very few that Crassus had left in written form—, Cicero asserts that it had served as his 'teacher' from his earliest years of study (164). He leaves to Atticus the task of objecting that the pupil turned out to be far superior to his teacher (292–297); but Cicero confirms (298) that at the time of his adolescence there was no better model to imitate. Cicero's intention is to offer a sincere encomium to the memory of Crassus; but his words also allow us to understand that shortly after him, and precisely because of Cicero's own work, Roman eloquence was quickly to make a new and definite jump in quality.

---

<sup>27</sup> David (1992): 335 ff.

*Cicero and the orators of his own time*

Scholars have noted few, but significant omissions in the great crowd of orators recorded by Cicero: among the orators of the preceding generation, Marius and Sulla are conspicuous for their absence; among Cicero's contemporaries, Clodius and Catiline. Particularly in the case of the latter two, motives of personal aversion would have come into play.

Cicero shows his willingness to abide by his restriction of not mentioning the living; he does, however, entrust to Brutus and to Atticus respectively the task of speaking about the oratory of Marcellus and Caesar (248 ff.). There is here, naturally, a polite meta-literary joke: Cicero wants to attract his reader's attention to the difference between himself as 'character' (who refuses to speak on a stated topic) and himself as 'author' (who speaks on that topic through the mouth of the other characters whom he has placed on the stage).

The direct coupling of the dictator with one of his more intractable opponents is an act not lacking in political courage; on the other hand, in the highly favorable evaluation of Caesar's oratorical style, there is no self-interested flattery, but only the objectivity of a critic who strives to keep the very serious disagreements over the administration of the *res publica* outside of the discussion.

The eloquence of Caesar has frequently—and probably with some degree of inaccuracy—been traced back to Atticist tastes by modern scholars; the point of contact was above all the elegance of language, refined by meticulous literary study. Cicero endeavors, however, to keep Caesar outside of the quarrel, and at the same time to distance his eloquence as much as possible from that of the Atticists; in the remark referring to the quality of linguistic purity, we can probably see an attempt to take account of requirements demanded by Caesar in *De anologia*, in a muted but sustained polemic over the apparent lack of appreciation of this matter in *De oratore*.<sup>28</sup> On the other hand, Atticus explains that linguistic correctness constitutes merely 'the base and foundation' of Caesar's eloquence; it is important that he adds all the ornaments of oratorical language, and an

<sup>28</sup> For details on Caesar's *De anologia*, see G. L. Hendrickson, "The *De anologia* of Julius Caesar; its Occasion, Nature, and Date, with Additional Fragments," *Classical Philology* (1906): 97–120.



*actio* full of magnificence and nobility (261): the detachment from the lean and emaciated manner of the Atticists is thus clearly marked.

Atticus records the high estimation of Ciceronian eloquence contained in the introduction of *De anologia* (253): here the renewal of the Latin oratorical tradition through the introduction of a rich and copious fecundity was celebrated by Caesar as a good service of Cicero's on behalf of the Roman people. This encomium will have been particularly appreciated by the author of *Brutus*: besides underscoring the importance of Ciceronian stylistic choices, since coming from the greatest military leader of Rome, it represented a recognition of oratory's position on the scale of civic values.

A little later, *Brutus*, in one of those 'natural' passages of conversation that are frequent in our dialogue, moves the focus of attention from Caesar's orations to his *commentariū*. The highly celebrated and very felicitous critical characterization of these, which follows shortly thereafter from Cicero's mouth (262), has become a familiar guide for the modern interpretation of Caesar's historiographical style: the Ciceronian judgment places in relief the lean nudity, the naturalness, the genuine pureness of this style. But in antiquity this judgment remained in general substantially isolated; the appreciation of the style of Caesar the writer has been due, above all, to modern scholars. If read in their context, however, the words of Cicero do not appear to be much more than a way of repaying the compliment contained in the dedication of *De anologia*:<sup>29</sup> elsewhere Cicero always showed himself far removed from considering concision—even if it be a luminous concision such as that of Caesar—as a special virtue of the style of history,<sup>30</sup> and in *Brutus* itself he had already explicitly asserted that historiography had not yet attained sufficient splendor in Latin letters (228).

Cicero also dedicates some words to the eloquence of the two other leaders who, in the last decades, had rivaled Caesar for primacy. M. Crassus possessed insufficient natural gifts and a mediocre cultural formation; he spoke with practically no variation in tone, but had success as an advocate because of his great carefulness and

<sup>29</sup> A. La Penna, "Poesia, storiografia e retorica tra repubblica e impero," in *Storia della società italiana* (Milano 1983): 355–356; cf. Hendrickson (1906).

<sup>30</sup> See the digression on historiography in *De oratore* 2.51 ff., or the treatment in *Orator* 66, where the Isocratean model of a middle style, rich in rhetorical ornamentation and in marked poetic coloration, is suggested.

above all because of the considerable influence he exerted in diverse social settings (233); about Pompey on the other hand (239), Cicero stresses his natural disposition for eloquence, from the practice of which he was quickly distracted by a dazzling career as a military leader: another indication of how judicial oratory by this time had become something other than the chief way to political supremacy.

Of particular interest is the importance that Cicero gives to a few young men, all of whom had tragically died during recent years, and who in eloquence were able to be considered his pupils. He renders homage, as impassioned as it is perplexed, to the memory of Marcus Caelius, of Curio *junior*, of Publius Crassus, the son of the triumvir (280–282). These personalities are true and proper emblems of the general crisis over traditional values against the background of the ‘Roman revolution.’ In Cicero’s judgment, the sincere recognition of their talents is linked to a criticism of their boundless ambition, their substantial cynicism, and their will to burn the barriers that ultimately thwarted them. Here also Cicero shows himself a master at varying the hues: the memory of Caelius and of Curio appears poised, as if in opposition, to that of a young man of the same generation, who differed markedly in the quality of his character (272): Gaius Piso, the son-in-law of Cicero, who had troubled himself so much on Cicero’s behalf during his exile, and had died a little before Cicero returned to his homeland. With the warmth of a father, the father-in-law places in relief the elegant oratory of Piso, and still more his feelings of filial devotion and his capacity to control his passions. Piso corresponds in every detail to the ideal of youthful reverence toward the *maiores* (ancestors), which Cicero more than once will outline in his philosophical dialogues.

Among contemporaries, the one whom Cicero wants for the most part to address is, naturally, Hortensius. This man, who was, for example, devoid of almost any philosophical education, represented the type of orator that was most unlike Cicero in his mature years; but still he is the one Roman orator to whom the author of *Brutus* attributes a greatness almost comparable to his own. At the beginning of his career, Cicero had been strongly affected by the Asianic manner of Hortensius, who was greatly in vogue at that time. Parting from that style and working out a new one had been a slow and difficult process for Cicero: he had excellent reasons for not enduring the fact that the Atticists would continue to see a manifestation of Asianism in his eloquence, which had been profoundly renovated,

especially after his trip to the East for further study. It is also his purpose to place in evidence the distance of his own style from the Asianic, which he deals with in a thorough characterization of that tendency (325). On a theoretical plane, Cicero acknowledges the existence of two distinct types of Asianism: the first has a preference for brief, graceful phrases constructed according to a rhythmically sophisticated scheme, and founded on antithesis and concinnity; the second is more 'inflated,' rapid and full of ardor in its language, flowered with 'figures.' Hortensius, according to Cicero, excelled in both kinds: by the year of his consulship in 69 B.C., his natural ability and, even more, his unremitting discipline in exercise assured for him full command over the broadest range of expressive resources (303). From other sources we know that he spoke in a sing-song manner, and he accompanied the hammering of brief, pressing phrases with an *actio* strongly histrionic, which placed great importance on the ceaseless and affected play of the fingers. This *actio* contributed much to the success of Hortensius: his speeches, when simply read, were rather disappointing (*Orator* 132). In the oratory of Hortensius, there was probably reflected something of the lifestyle of the aristocratic *dandy*, about which anecdotes arose.<sup>31</sup>

By offering only a glimpse at these eccentricities, Cicero underscores how the Asianic style was, in general, impoverished in terms of *gravitas*: it was more suited to youth than to the dignity of an elderly senator (326 ff.). In essence, Hortensius did not know how to adapt in the way that his mature years and elevated social rank now acquired would have demanded. Moreover, after his consulship, Hortensius gave in to an inclination toward a sumptuous and relaxed existence. As a result, he progressively relaxed the discipline of rhetorical exercise—all the more in that he was aware of not having strong competitors among the men of his own rank, and he did not even take into consideration those who had not yet gained that status: the *homo novus* Cicero does not miss the opportunity to give due emphasis to the aristocratic arrogance of Hortensius.

In a metaphor of incomparable effectiveness, Hortensius is likened to one of those old paintings faded by age, which slowly lose the vividness of their colors (320): from day to day the orator's eloquence, which at one time had been very swift, became more and

---

<sup>31</sup> Cf. e.g., Aulus Gellius, *Noctes Atticae* 1.5.

more viscous; his periods became increasingly less spontaneous; the frequent play of symmetry of expression no longer possessed the stylistic quality that had been customary. In subsequent years, he desired, above all, not to look shabby next to Cicero—who after the consulship was now his equal in rank; this induced Hortensius to an earnest resumption of activity, yet he never managed a full recovery of his old splendor.

*The 'autobiography' of Cicero*

Cicero skillfully interweaves, with happy artistic effect, the recognition of Hortensius' decline with that of his own ascent in eloquence. When he proceeds to delineate the stages of his own formation and career, he outlines a sort of 'intellectual autobiography.' Cicero begins (304 ff.) by recalling his youthful frequenting of the forum, the orators whom he had been able to hear, his unceasing application to rhetorical exercise and to the study of eloquence and the civil law, his immersion in philosophical studies during the period of Cinnan domination, when judicial normality appeared to have been abolished forever. In possession of an education that was practically already complete, Cicero makes his debut in the forum during the years of the Sullan restoration; among his first cases, he recalls expressly only that on behalf of Sextus Roscius of Ameria, which immediately situated him among advocates of some repute (312).

The Asianic style that Cicero had at that time practiced was forcing him to hold his voice always at its most elevated register, practically without any relief of strain. His health threatened by this consuming practice, Cicero (who describes himself as having a rather weak and sickly constitution in his youth) interrupted an already well-advanced forensic career to take a long study tour to Greece and Asia Minor, for the purpose of learning how to moderate his own eloquence. The trip was an occasion for renewing his philosophical studies and, of course, for visiting the most famous rhetoricians. He found particularly profitable the teaching of Molon of Rhodes, whom he had already met in Rome at an earlier date. The school of Rhodes, whose influence on Roman oratory had been felt since the time of *Rhetorica ad Herennium*, championed, as far as we know, a kind of eloquence that could be defined as a middle road between Atticism and the turgidity of Asianism. Molon in particu-

lar, by combating the excesses of overly exuberant speech, had stressed in his own teaching a cultured and moderate approach, evidently in a polemic with the modes currently dominant in Asia Minor. Cicero insists on the transformation that was worked in him by the teaching of this celebrated rhetor: his own eloquence had ceased to boil; the river, with its flood mastered, had been forced to flow within its banks; the voice had learned to avoid excessive straining. Profoundly changed, he made his return to Rome, in renewed physical condition (316).

The resumption of court cases was quick and very concentrated; Cicero judges having reached full maturity in his eloquence after his year as quaestor in Sicily (75 B.C.); soon thereafter, he offered proof of this in the case against Verres. It is precisely with the *Verrines* that he stops the detailed recounting of his own career (317): from that time on his own eloquence would not have any serious competitors. The glorious moments that it experienced in subsequent years are treated in a very general way, by pointing out in summary fashion especially the salient characteristics of the most original oratorical style that Rome had witnessed: the marvelous variety of tone, the ability to illuminate the general implications of the case at issue, the felicity of wit and humor, the recourse to philosophy and to history, the sovereign ability to steer the emotions of the audience (322). Cicero, however, does not entirely reprise the ideal that he had outlined in *De oratore*: perhaps because he is aware of the decreased emphasis on the social role of eloquence, he omits from consideration some of the leading ideas found in the preceding rhetorical dialogue, such as the universality of the orator's competence and his aspiration to leadership of the community.<sup>32</sup> At the conclusion of *Brutus*, Cicero is especially preoccupied with stressing the exceptional nature of his own services: whatever his Atticist detractors might think of him, he was aware of having developed a kind of eloquence that, by extolling itself above the irritating mannerism of Hortensius, opened new roads for Roman oratory.

---

<sup>32</sup> Rathofer (1986): 244 ff.

## BIBLIOGRAPHY

*Critical Editions and Commentaries of the Brutus*

- Douglas, A. E. ed. *M. Tulli Ciceronis Brutus*. Oxford: Clarendon Press, 1966.
- Jahn, O., and W. Kroll, eds. *Brutus*. 6th ed. Berlin: Weidmann, 1962; 1908 edition revised by B. Kytzler.
- Malcovati, E. ed. *Brutus*. 2nd ed. Leipzig: Teubner, 1970.
- Martha, J., ed. *Cicéron, Brutus*. Budé. 2nd ed. Paris: Les Belles Lettres, 1931.
- Wilkins, A. S., ed. *M. Tulli Ciceronis Rhetorica*. Oxford Classical Texts. Oxford: Clarendon Press, 1903.

*General studies about Roman Eloquence, with particular reference to Cicero and Brutus*

- Bringmann, K. *Untersuchungen zum späten Cicero*. Hypomnemata, 29. Göttingen: Vandenhoeck und Ruprecht, 1971.
- Calboli, G. "Cicerone, Catone e i neoatticisti." In *Ciceroniana: Hommages à K. Kumaniecki*, edited by A. Michel e R. Verdière, 51–103. Leiden: Brill, 1975 = introduction by G. Calboli, *Marci Porci Catonis oratio pro Rhodiensibus*. Bologna: Pátron. 1978.
- . "Oratore senza microfono." In *Ars Rhetorica antica e nuova*, edited by C. Gastaldo. Pubblicazioni dell'Istituto di filologia classica e medievale, 83 (Genova: Università di Genova, Facoltà di lettere, Istituto di filologia classica e medievale, 1983): 23–56.
- . *Nota di aggiornamento*, in E. Norden, *La prosa d' arte antica dal VI secolo a.C. all' età della Rinascita (Italian translation of Die Antike Kunstprosa by B. Heinemann Campana)*. Roma: Salerno, 1986, vol. 2:969–1188.
- David, J.-M. *Le patronat judiciaire au dernier siècle de la république romaine*. Rome: École française de Rome, 1992.
- Dihle, A. "Analogie und Attizismus." *Hermes* 85 (1957): 171–205.
- . "Der Beginn des Attizismus." *Antike und Abendland* 23 (1977): 162–77.
- Dominik, W. J., ed. *Roman Eloquence. Rhetoric in Society and Literature*. London and New York: Routledge, 1997.
- Douglas, A. E. "Marcus Calidius and the Atticists." *Classical Quarterly, new series* 5 (1955): 241–47.
- . "Oratorum Actates." *American Journal of Philology* 87 (1966): 290–306.
- . "The Intellectual Background of Cicero's Rhetorica: A Study in Method." *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 95–138.
- Fantham, E. "The Growth of Literature and Criticism at Rome." In *The Cambridge History of Literary Criticism: Volume I: Classical Criticism*, edited by G. A. Kennedy (Cambridge; New York: Cambridge University Press, 1989): 220–44.
- Gelzer, Th. "Klassizismus, Attizismus und Asianismus." In *Le classicisme à*

- Rome, edited by Th. Gelzer and H. Flashar. *Entretiens sur l'antiquité classique*, 25 (Vandœuvres-Genève: Fondation Hardt, 1979): 1-41.
- Gruen, E. "Cicero and Licinius Calvus." *Harvard Studies in Classical Philology* 72 (1966): 215-233.
- Haenni, R. *Die litterarische Kritik in Cicero's "Brutus."* Sarnen: Jahresbericht—Sarnen. Kantonale Lehranstalt, 1905.
- Heldmann, K. *Antike Theorien über Entwicklung und Verfall der Redekunst.* Zetemata, 77. München: Beck, 1982.
- Hendrickson, G. L. "Cicero's Correspondence with Brutus and Calvus on Oratorical Style." *American Journal of Philology* 47 (1926): 234-258.
- . "The *De analogia* of Julius Caesar; its Occasion, Nature, and Date, with Additional Fragments." *Classical Philology* (1906): 97-120.
- Kennedy, G. *The Art of Rhetoric in the Roman World.* Princeton: Princeton University Press, 1972.
- . *A New History of Classical Rhetoric.* Princeton: Princeton University Press, 1994.
- La Penna, A. "Poesia, storiografia e retorica tra repubblica e impero," in *Storia della società italiana.* Milano, 1983.
- Lebek, W. D. *Verba Prisca. Die Anfänge des Archaisierens in der lateinischen Beredsamkeit und Geschichtsschreibung.* Hypomnemata, 25. Göttingen: Vandenhoeck und Ruprecht, 1970.
- Leeman, A. D. *Orationis Ratio. The Stylistic Theories and Practice of the Roman Orators, Historians and Philosophers.* 2 vols. Amsterdam: A. M. Hakkert, 1963.
- May, J. M. "The Monologistic Dialogue as a Method of Literary Criticism: Cicero, *Brutus* 285-289 and Horace, *Epistle* 2.1.34-39." *Athenaeum* 68 (1990): 177-80.
- Narducci, E. *Modelli etici e società. Un'idea di Cicerone.* Pisa: Giardini, 1989.
- . *Cicerone e l'eloquenza Romana: retorica e progetto culturale.* Roma: Laterza, 1997.
- . *Introduzione a Cicerone.* Gli Scrittori, 36. 3rd ed. Roma & Bari: Laterza, 1997.
- Norden, E. *Die Antike Kunstprosa vom VI. Jh.v. Chr. bis in die Zeit der Renaissance.* 3rd ed., 2 vols. Leipzig: B. G. Teubner, 1915-1923.
- Portalupi, F. *Bruto e i neo-atticisti.* Torino: Giappichelli, 1955.
- Rathofer, C. *Ciceros Brutus als literarisches Paradigma eines Auctoritas-Verhältnisses.* Beiträge zur Klass. Philologie, 174. Frankfurt: Hain, 1986.
- Sumner, G. V. *The Orators in Cicero's Brutus. Prosopography and Chronology.* Phoenix Supplement, 11. Toronto: University of Toronto Press, 1973.
- Weische, A. *Ciceros Nachahmung der attischen Redner.* Heidelberg: Carl Winter, 1972.
- von Wilamowitz-Moellendorff, U. "Asianismus und Attizismus." *Hermes* 25 (1900): 1-52. = *Kleine Schriften III* (Berlin, 1969): 223-273.
- Wisse, J. "Greeks, Romans and the Rise of Atticism." In *Greek Literary Theory after Aristotle: a collection of papers in honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter (Amsterdam: VU University Press, 1995): 65-82.

This page intentionally left blank



## CHAPTER FOURTEEN

### ORATOR AND THE DEFINITION OF THE IDEAL ORATOR

Emanuele Narducci

#### *Circumstances of the composition*

The composition of *Orator* took place in 46 B.C., following upon that of *Brutus*: A letter of Cicero reveals that the work was ready for publication by the end of summer; editing was probably done partly in the villa at Tusculum, partly in Rome.<sup>1</sup>

Cicero expressed a profound confidence in the results of his composition. In the catalogue of his philosophical and rhetorical works that opens the second book of *De divinatione*, he linked *Orator* closely to *De oratore* and *Brutus*, presenting the five 'books' that collectively comprise the three works as the articulation of a single general reflection on eloquence (*Div.* 2.4). And, in the eyes of its author, *Orator* seems to constitute the high point of that reflection. In January of 45, Cicero writes to his friend Lepta about having placed in that book all of the judgment he possessed on the topic of eloquence (*Fam.* 4.18.4), as if intending to leave to posterity a kind of 'aesthetic testament'<sup>2</sup> (on which, however, an openly doctrinaire character is at times bestowed by the urgency of his concentrated polemic against the Atticists). In fact, among Cicero's rhetorical writings, *Orator* is perhaps the one that has exercised the most profound influence on subsequent generations (for example, Quintilian and St. Augustine), and this also owing to its consistent attempt to confer systematic organization on a vast and complex body of material.

---

<sup>1</sup> A. Yon, ed., Introduction to *L'Orateur. Du meilleur genre d'orateurs* (Paris: Les Belles Lettres, 1964): v ff.

<sup>2</sup> The expression is that of E. Fantham, "The Growth of Literature and Criticism at Rome," in *The Cambridge History of Literary Criticism: Volume I: Classical Criticism*, edited by G. A. Kennedy (Cambridge; New York: Cambridge University Press 1989): 237.

Marcus Brutus, the dedicatee of the work, did not, on the contrary, remain convinced of its theses; in a letter to Atticus from May of 44, Cicero laments this fact with obvious bitterness:

indeed, when, at his own entreaty I might almost say, I addressed to him an essay on the best style of oratory, he wrote not only to me but to you too that he could not agree with my preference. So pray let every man write as best suits himself. 'Every man his own bride, mine for me. Every man his own love, mine for me' (*Att.* 14.20.3, trans. by D. R. Shackleton Bailey).

### *The Structure of the work*

A superficial reading immediately reveals that *Orator* is divided into two main sections: the first (1–139) is concerned with the definition of the ideal orator and with the best kind of style; the second (140–238) contains a thorough study of oratorical rhythm (*numerus*); this second section opens with a sort of long 'second introduction' (140–148), which functions as a 'hinge,' so to speak, between the two parts of the work.<sup>3</sup> The stitching together of the two sections is far less than perfect; this—together with the relatively negligent manner of composition, characterized by numerous repetitions and continuous returns to the same arguments—has given support to the idea that we are confronted with a kind of 'assembly' of a series of letters addressed to Brutus, in which Cicero was responding to the objections of his friend and was presenting to him his own conception of the *ars dicendi*. According to this hypothesis, Cicero would have mined the texts of a private literary correspondence to proceed rapidly (with some new interpolation) with the construction of a work destined for publication. To whatever degree such a reconstruction might be within the realm of possibility, it is wise, considering the lack of sufficient documentation, to maintain a certain skepticism toward the possibility of establishing the phases of the editing of *Orator*; to a large degree, repetitions and oversights (of a sort not absent from others of Cicero's works of his final years) might be traced back, more simply, to the haste with which the author was working in that period to escape, by study and literary work, from

<sup>3</sup> We will concern ourselves with the contents of this second introduction below, 437 ff.

the anguish that the political situation and personal vicissitudes were causing him (in the year 46 alone, Cicero composed in a single spurt, one after the other, *Brutus*, *Paradoxa Stoicorum*, the lost eulogy of Cato, and *Orator*).<sup>4</sup> We must also not dismiss the possibility that the frequent return—with slight variations in the point of view—to arguments already placed in consideration could in part comply with a deliberate strategy of persuasion with regard to the reader: the apparently erratic manner of treatment and the lack of systematic rigor appear aimed at avoiding, as much as possible, the aridity characteristic of handbooks (this will seem all the more necessary to Cicero in an exposition that, as we shall soon see, presents a style that in certain respects is much more ‘manualistic’ compared to the conversational freedom of *De oratore*). Cicero might have intended from the beginning to focus upon the goal of inculcating his own vision of eloquence very deeply in the mind of the reader by distributing his own ideas on specific topics here and there throughout the entire work, and by continually amplifying and developing concepts already sketched and determined beforehand.<sup>5</sup>

The material encountered in the first part of *Orator* is, in large part, the same as that of *De oratore*; but the abandonment of the dialogue format and the choice of a didactic, treatise-like form seem to indicate that Cicero is addressing an audience more in need of an intellectually secure guide, even if it be one that is relatively more bound up with the merely technical aspects of eloquence: unlike *De oratore*, specialized terminology is not avoided, and the treatment lacks the aristocratic air that characterized the interlocutors of the great dialogue of several years earlier.<sup>6</sup> On the other hand, *Orator* has, when compared to *De oratore*, a much more markedly polemical character: with a determination even greater than is found in *Brutus*, Cicero aims at rebuffing the criticism coming from the Atticists. He is preoccupied entirely with protecting his own aristocratic ethos, and with not assuming a professorial tone that might offend the dedicatee Brutus. In regard to the latter, even if not to the general reader,

<sup>4</sup> For a reliable picture of the long discussion regarding the composition of *Orator*, I refer to the treatment of Yon (1964): xv–xx.

<sup>5</sup> E. V. D’Arbela, ed., Introduction to the critical edition, with Italian translation of M. Tullius Cicero, *L’oratore* (Milano: Istituto Editoriale Italiano 1958): 38.

<sup>6</sup> E. Narducci, *Introduzione a Cicerone*, *Gli Scrittori*, 36, 3rd ed. (Roma & Bari: Laterza 1997): 159–160.

he maintains more than once the role of speaking as a ‘connoisseur,’ and not as a ‘school master’; his aim is not to furnish precepts, but to show to what sort of orator and to what style he gives his own personal approval.<sup>7</sup>

*The ‘ideal’ orator*

In the course of the work, Cicero confirms several times that he composed *Orator* following a series of urgent requests from Brutus; this isn’t a matter of a simple literary fiction, seeing that Brutus’ requests are documented in a letter to Atticus to which we have already referred (14.20.3). It is possible that Brutus had requested explanations especially about certain aspects of eloquence to which Cicero had dedicated ample space in *De oratore* (perhaps incurring the disapproval of the Atticists), and which nonetheless he did not afterwards revisit in *Brutus*. In short, it seems possible that *Brutus* had not furnished sufficiently exhaustive answers to the objections of the Atticists regarding what they judged to be Cicero’s excessive appeal to ‘figures,’ to rhythm, and to witticisms, and regarding his preference for an oratory capable of employing the diverse devices of ‘amplification,’ whose goal is to win over the hearts of the audience and to move with violence their emotions. Cicero, perhaps by expanding the boundaries of the questions specifically posed by Brutus, presents his request as a way to make a much more general point: ‘you ask me what kind of eloquence I prize the most, what I deem to be the kind of eloquence to which nothing else is able to be added, the kind that I judge to be consummate and perfect’ (3).

In order to define better the nature of this ‘perfect’ kind of eloquence, Cicero refers explicitly to the Platonic theory of ideas (8–10): only after having established the concept itself of ‘perfection’ in *ars dicendi*, will it be possible to find, in the history of Greek and Roman eloquence, one or more ‘empirical’ models of the orator to imitate in preference to the others. The concept of ‘perfect oratory’ can be grasped in the mind; but probably it has not ever found, nor will

---

<sup>7</sup> For the discussion of Cicero’s polemical anti-atticist contest with Brutus, I refer the reader to the preceding chapter on *Brutus*, 408–412; see moreover the insightful treatment by A. Cavarzere, *Oratoria a Roma. Storia di un genere pragmatico* (Roma: Carocci 2000): 181–184.

it ever be able to find, complete realization: the eloquence of various orators, even of the greatest orators, offers only a pale 'copy' of it. It is a question of great importance (but one which we are obligated to leave, as it were, wholly aside) whether, in his very rapid exposition of the doctrine of ideas, Cicero does not contaminate genuinely Platonic thought with teaching marked by an Aristotelian and Academic stamp: as is demonstrated by the comparison with the artist (who, in fashioning his work, holds his gaze fixed not on a real model, but on the forms of beauty present in his mind), the 'ideas' are here considered not as transcendent archetypes, but as immanent in the intellect.<sup>8</sup>

Is it especially important for us to underscore how Cicero, vis-à-vis the reference to Platonic theory, claims, already in the opening of *Orator*, the great originality of his own 'philosophical' approach to eloquence (11); taking up again themes already amply covered in *De oratore*, he acknowledges the debt that his own formation as an orator owes in large part to philosophy; and he confirms that—though the style of philosophical debates is not the most suitable for forensic disputes—the orator who lacks competence in philosophy will not be in a position to speak on questions of the greatest significance with the necessary richness of words and variety of concepts (12–16; cf. 118). One can detect a hint of hostility toward the lack of cultural background that Cicero probably imputed to some of his Atticist detractors: in the course of the work (119 ff.) he refers implicitly to the famous precept of Cato, *rem tene, verba sequentur*, to affirm that the orator will need to express ideas that are worthy of a cultivated audience, before thinking with what words, or in what way he will have to express them; thus, besides philosophy, the orator must not be ignorant of natural science, law, and history.

More than the Platonic doctrine of ideas, there is yet another concept operating in the actual treatment of *Orator*, which Cicero had thoroughly examined in his most recent philosophical studies and

---

<sup>8</sup> This very difficult question has been treated in a sufficiently exhaustive manner in the commentary on *Orator* by O. Jahn and W. Kroll, eds., *M. Tulli Ciceronis Orator* (Berlin: Weidmann, 1913); a reliable outline of the subsequent debate (which involves important problems in the history of ancient aesthetics), together with new and interesting interpretive proposals is found in R. Degl'Innocenti Pierini, "Cicerone 'demiurgo' dell'oratore ideale. Riflessioni in margine a *Orator* 7–10," *Studi italiani di filologia classica* 51 (1979): 84–102.

which, a few years later, he will place at the foundation of his theory of correct behavior as enunciated in *De officiis*, namely the concept of *prépon* (*quid decet; decorum*), probably coming from the lexicon of poetic-rhetorical theory, and more generally from criticism in art and aesthetics, where it was used to designate the many variegated shades of the idea of 'suitability': the appropriateness of a behavior for a particular character, the adaptation of an actor to his role, the harmony of the 'register' of tones with the content of an oration, with the personality of the orator, and with the disposition of the audience, and so forth.<sup>9</sup> The term progressively infiltrated from the sphere of aesthetics into that of ethics. The decisive step in this respect had been accomplished by Panaetius (the Stoic whose treatise on morals was the principal source for *De officiis*), who seems to have intended *prépon* as the exterior translation (in gestures, in posture, and in all behavior) of the interior harmony of the personality. In *Orator* the concept of *decorum* is exploited above all in terms of its more properly 'aesthetic' merits; but the manner in which Cicero treats *decorum* (70 ff.) shows how he already clearly recognizes the connections of those merits with the moral theory concerning *officia*.

Cicero makes use of the theory of *prépon/decorum* in *Orator* in order to establish a base of philosophical aesthetics for one of the leading ideas already enunciated in *Brutus*: the necessity of knowing how to vary and alternate the diverse registers of style. The model of the ideal orator is realized in the perfect adaptation of the style to the particular argument employed on each occasion: 'he is eloquent who is able to speak about humble things in a plain style, matters of moderate significance in a tempered style, and grand things with a vigorous seriousness' (101); in other words, 'he who will be able to regulate his speech in accord with what propriety demands' (123: *qui ad id quodcumque decebit poterit accommodare orationem*). This demand explains why Cicero concedes ample space in *Orator* to the exposition of the doctrine of 'three styles' (*tria genera dicendi*): the plain style, the middle style, and the elevated grand style (this doctrine is attested for the first time in a passage of *Rhetorica ad Herennium* 4.8.11, but probably had peripatetic origins).<sup>10</sup> Cicero more than once makes

<sup>9</sup> The important contribution of M. Pohlenz well explains the concept of *decorum*: "To prepon. Ein Beitrag zur Geschichte des Griechischen Geistes," *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historische Klasse* (1933): 53-92.

<sup>10</sup> Cf. the commentary by G. Calboli on *Rhetorica ad Herennium* (Bologna: Patròn 1969): 287 ff.

the point that he who excels in only one of the three styles will not be able to speak of having approached true greatness, nor will he be able to make the claim of representing the ideal 'type.'

For this ideal 'type,' Cicero turns instead to Demosthenes; as in *Brutus*, his example serves to confute the Atticists and to demonstrate the groundlessness of their conception, which identifies only the *genus tenue* with 'Attic' style *tout court*: 'let them learn from him what is "Attic," and let them measure eloquence on the basis of his strength, and not on the basis of their own weakness' (23). Nevertheless, Cicero clearly allows for the possibility of himself being considered as another, perhaps less illustrious, example approximating the 'type' of the ideal orator. He explains (105 ff.) that the greater loftiness of Demosthenes is due in part to the fact of his having had great models to inspire him, and great competitors whom he could confront and with whom he could compete. When Cicero appeared on the scene of Roman oratory, he found, on the other hand, the ears of his fellow citizens 'fully hungry for this kind of eloquence, varied and blended equally of all styles.' Such a step in this direction had perhaps been taken, in the previous generation, by Antonius and Crassus; but subsequently, neither Cotta nor Sulpicius nor Hortensius succeeded in producing an oratory truly varied and capable of traversing the diverse registers of style.

As one sees, the vehemence of his polemical objective causes Cicero to modify in a substantial way the perspective adopted a very short time before in *Brutus*, which, without refusing to express some well-decided preferences, generally showed respect for the diverse and, at times, contrasting orientations of the orators of the past, and was generously conscious of the slow evolution of Roman eloquence. In *Orator*, Cicero henceforth tends to present himself as the only one, among Romans of the past and the present, able to be called an orator. He confirms having identified, if nothing else, the course which it was necessary to take; and having delivered and published, in the heat of manifold and absorbing political obligations, more orations than those Greeks who were permitted by *otium* (which kept them far from the administration of affairs of state) to dedicate themselves liberally to intellectual activities. Cicero claims for himself the progressive elaboration of an eloquence varied and complex; and he furnishes numerous examples of the multiple registers of this eloquence from his own orations, by offering some of them, in a fully pedagogical manner, as a 'key' for reading. Running through the

chronological evolution of his own oratory, he recalls the youthful exuberance (*iuvenilis redundantia*) of *Pro Roscio Amerino*, and the already mature style of *Pro Cluentio*, in which either passages of a humbler tone or attempts at charmingly entertaining the audience are combined with the residual elements of an 'Asiatic' style (107–109).

Originally distinct from the doctrine of the 'three styles' was that which required three qualities of the perfect orator: knowledge of how to inform his audience in a manner that holds their attention (*docere*), knowledge of how to charm them with expansive, pleasant narratives or with playful wit (*delectare*), and knowledge of how to inflame various emotions (*flectere*). An innovation of *Orator*, perhaps due to an original Ciceronian contribution to rhetorical theory—and certainly based on his own oratorical experience—is the bond of perfect correspondence tied between the three *genera dicendi* and three duties of the orator: *docere* comes to correspond with the plain style, *delectare* with the middle style, and *flectere* with the grand style<sup>11</sup> (this theory survived throughout the entire Middle Ages, and awakened to new life in the culture of Humanism).<sup>12</sup> Even though he continues to insist on the necessity of variety, Cicero relatively privileges the grand style because of the impact that it exercises on the listeners, proving itself decisive in steering their decisions. Within the grand style, particular importance is assigned to the very intense element of 'pathos,' which, more than anything else, is able to stir up in the audience very diverse emotions: indignation or indulgence, aversion or sympathy, hate or love. Cicero again cites Demosthenes as an example of excellence in 'pathos,' which, in a sense, demonstrates how close he comes to the 'type' of the ideal orator; whereas, in the Roman context, Cicero looks once again to his own orations, to the vehement attacks of the *Verrines*, to the appeals to pity (*miserationes*) found in many of his defense speeches (131 ff.). He recalls also the 'theatrical' devices that he did not hesitate to employ in order to move the jurors to pity, such as delivering his peroration while holding in his arms the infant son of the accused. A particularly prominent role is assigned to the *loci communes*, grand develop-

<sup>11</sup> Cf. A. E. Douglas, "A Ciceronian Contribution to Rhetorical Theory," *Eranos* 55 (1957): 18–26; E. Fantham, "Orator 69–74," *Central States Speech Journal* 35 (1984): 123–25, in R. N. Gaines, ed., *Studies in Cicero's opera rhetorica*.

<sup>12</sup> This tradition is extensively discussed by E. Auerbach, *Literatursprache und Publikum in der lateinischen Spätantike und im Mittelalter* (Bern: Francke 1958).



ments on themes of a general character: these, by permitting the tone of debate to be elevated to an emotional level, offer the preferred place for *amplificatio*. Naturally the particular favor accorded the 'grand' style is also grounded in the specific polemical intentions of *Orator*: right or wrong, Cicero identified one of the greatest weaknesses of Atticist eloquence as precisely its inability to excite the emotions of the audience in an efficacious manner.

It is interesting that Cicero, in representing the vigor of his own emotional eloquence, affirms that it issues from a real ardor that burns his own heart when he speaks before the public: 'nor would the listener ever be set on fire unless the speech that reached him were fiery' (*Orator* 132: *nec umquam is qui audiret incenderetur, nisi ardens ad eum perveniret oratio*). This representation corresponds largely with the one that Antonius, another master of *pathos* and its very moving effects, had provided of himself in *De oratore* (2.189 ff.); and it is a representation intended to negate explicitly the possibility that the emotions of the orator might be effective through pure simulation. It is curious, nevertheless, that this is precisely the position Cicero assumes, on the contrary, in a problematic passage from the *Tusculans* (4.55). The context is that of a critique—conducted from the Stoic point of view that informs that work—of the Peripatetic teaching about the usefulness of the emotions: the orator, Cicero here affirms, must confine himself to simulating rage, but it is not at all appropriate for him actually to be angry. The contradiction, which cannot be eluded or minimized, can perhaps be explained in view of the momentary adherence to an almost radical Stoic thesis that characterizes the *Tusculans*: the effort to defend himself from the depression following upon the very serious reversals of fortune that had recently beset both Cicero's public and private life was not inconsistent with the desire to reject entirely all disturbances of the spirit. From this passage of the *Tusculans* there follows a long reflection on the dialectics between truth and fiction in the art of the orator as well as in that of the actor; the concepts expounded there will be reprised by Seneca (*De ira* 2.17.1) and, much later, by Denis Diderot in *Paradoxe sur le comédien*.<sup>13</sup>

<sup>13</sup> A fuller treatment of the problem is found in E. Narducci, *Cicerone e l'eloquenza romana: Retorica e progetto culturale* (Roma: Laterza 1997): 77 ff.

In *Orator*, the strong accentuation on the relationship with the audience causes Cicero to separate markedly the style of 'grand' eloquence from that of the other expressive forms, such as the epideictic genre, philosophy, historiography: these latter two, in so far as they constitute indispensable nourishment for the cultivation of the orator, are little able to teach him in regard to expressive choices. In particular, Cicero is careful in making it clear that some of the authors who are privileged by the Atticists, such as Xenophon and Thucydides, cannot be considered valid models of oratorical style precisely because they belong to an entirely different literary genre.

### *Oratorical rhythm*

The critique of Thucydidean style, with its taste for rambling phrases and a knotty and strained, almost 'alien' *collocatio verborum*, is particularly harsh in the final section of *Orator*, dedicated to the treatment of oratorical rhythm and clausulae. Cicero draws from Greek sources, but enriches them with his own incomparable personal experience; even if all of the passages are not equally lucid, no other previous author seems to have concerned himself with these themes in such a thoroughly examined way.

The most narrowly technical aspects of this part of the work cannot be given the necessary depth of treatment in a *Companion* of this sort; at any rate, it is material that is frequently controversial to modern scholars (a certain element of confusion seems to have been due, as other times in Cicero's writings, to the almost frenetic rapidity of composition).<sup>14</sup> Here we are interested above all in briefly outlining the way in which the treatment of oratorical *numerus* is coupled with the polemic against the Atticists.

Cicero, in fact, reacts to the criticisms and objections of the Atticists, who probably saw in his search for rhythmical effects a sort of Asianic *tumor*. He seems to consider the position of his detractors as archaizing; already earlier (31) he had compared the admirers of Thucydides' knotty style to those who would continue to eat acorns and berries after the invention of agriculture; but in order to refute them more

---

<sup>14</sup> An ample, exhaustive exhaustive exposition of this point can be found in Yon (1964).

effectively, he adopts a theory of the evolution of language that is very closely connected with the theory of the development of the figurative arts, and in particular with the development of sculpture, already expounded in *Brutus* (70). In that dialogue, which is dedicated to the history of eloquence, Cicero takes up again a doctrine of Hellenistic origin, according to which the evolution of all the arts moves in the direction of the progressive acquisition of 'naturalistic' rendering and toward the overcoming of archaic 'harshness' and 'rigidity.' In *Orator* (168 ff.) this thesis is developed by affirming that the acquisition of the 'naturalism' of expression consists in knowing how to modulate the rhythm of the language in a way that comfortably fosters the progression of thought. For this reason, speech that has overcome the harshness of its origins is structured in 'periods,' which spontaneously seek *concininitas*—symmetry of sounds and cadences. In other words, the prose of the orator is made *numerosa* (rhythmical) by not only the rhythm (*numerus*) in the proper, restricted sense of the term, but—in addition to this—by the general symmetry and the manner in which the words are marshaled: the phrase must give to the ear an impression of cohesion without dissonance, of smoothness devoid of harshness. In the name of this 'naturalistic' requirement, Cicero recommends avoiding any forced transposition of words, which smacks of artificiality, but also useless redundancies, the abuse of very short rhythms, which 'enervates' the style, or the excessive repetition of the same *clausula*, which generates monotony. On the other hand, the comparison—introduced through the citation of a few verses by Lucilius—of the period's construction with the art of mosaic (149) demonstrates how this 'naturalism' is in reality the result of meticulous and refined artistic effort. But the artifice must not be evident. Cicero explains that the audience would immediately notice the absence of rhythm if the one who is speaking should not have recourse to it; nevertheless, if rhythm is present without being too obvious, the orator will be able to achieve the desired effect: the audience pays attention to the ideas that he develops, and not to the rhythm in which these ideas are expressed.

*The refusal to dissimulate regarding rhetorical competency*

The passage that (functioning as a sort of 'second prooemium' of *Orator*) introduces the highly specialized treatment of oratorical rhythm

(*numerus*) takes on particular significance (140 ff.). Here, in a decisive and explicit way, Cicero breaks with the tradition that demanded of the orator dissimulation regarding conscious techniques that he had acquired: he confirms never having sought to conceal either his own knowledge or the profit he realized from frequent contact with numerous teachers, both in the homeland and during his long study-tour in Greece and in Asia Minor.<sup>15</sup> By doing so, Cicero responds to the objections of the many who still consider it unseemly for a senator to squander his own time in the composition of rhetorical treatises, and who judge it just as unsuitable for him, during a period of retirement from public life, to have taken up giving instruction in eloquence in his own house. According to his detractors, what Cicero is undertaking is entirely without precedent in Roman tradition, which, instead, has always practiced the private teaching of jurisprudence. In his response, Cicero refuses to consider the *mos maiorum* as carrying absolute authority, and he attempts, on the other hand, to find an ‘historical’ explanation for this discrepancy: in the practice of juriconsults, teaching came to coincide substantially with the same activity of providing *responsa*, while the orators of the past, engaged in the study of cases and in forensic debates, did not usually have time for teaching, and often not even for their own personal examination of the theoretical precepts of an art in which they allowed experience, above all, to be their guide. A second objection regards the *dignitas* of teaching itself. Cicero replies that this argument has validity in reference to one who gives lessons in a school,<sup>16</sup> but not so much for one who places himself at the disposal of young men and enables them to partake in the wealth of his own experience and education by offering them advice and by helping them to correct their own defects.

The refusal to dissimulate about technical-rhetorical competency—traditionally practiced by previous orators—is obviously an essential prerequisite for addressing openly the problem of the teaching of

---

<sup>15</sup> The pivotal problems raised by this passage are not sufficiently placed in focus by the contribution of A. Novara, “La dignité de l’enseignement ou l’enseignement et le dialogue, d’après Cic., *orat.* 144,” *Annales Latini Montium Arverorum* 10 (1983): 35–52.

<sup>16</sup> He must have been thinking primarily of the school of the so-called *rhetores Latini*, opened in the late 90s B.C. by Plotius Gallus, and against which Crassus during his censorship (*De oratore* 3.93 ff.) had issued a decree of condemnation. Despite the decree of the censors, schools of this kind probably continued to prosper.

eloquence (in oral form or through treatises). It is thus indicative that in this passage of *Orator* (146) Cicero tightly links the refusal—rather, the true and actual impracticality—of such a form of dissimulation either with the cultural competence that his own eloquence, profoundly nurtured by the contributions of very diverse teachings, seems by this time to have induced in his audience, or with the wide circulation of the *written* texts of his oratory, already in themselves indisputable proof of the vastness of their author's intellectual interests. We must not conceal the apparent incongruity represented by the fact that this and other acknowledgments of the cultural receptivity of the public often are situated in a context wherein the author finds that he must defend the validity of his own intellectual engagement from a hostility that he presents as largely widespread. These traditionalist-minded readers seem at times reluctant not only to recognize the 'intrinsic' worth of learning, but also to appreciate its function of nourishment and support for the activity of the orator or the *princeps civitatis*. The circle from which this opposition comes will be very probably the same against which Cicero also polemicalizes elsewhere (for example, in the introduction to Book 1 of *De finibus* or to Book 2 of *De officiis*), by defending his own zeal for engaging in philosophy. Oddly, traces of this polemic do not seem to have been left in Cicero's correspondence, which in other cases, on the contrary, informs us of the great success and widespread circulation of his works. On the other hand, our knowledge of the sociological composition of the Roman literary public is too uncertain and approximate to be able to identify the trends of its diverse components; but it is a probable assumption that in the late Republic a vast differentiation existed: at Rome and in Italy the far-seeing intellectual openness of certain sections of the public was matched by the closed, tenacious conservatism of others.

#### *Written and spoken oratory*

We have seen that in *Brutus*, and still more in *Orator*, Cicero often insists that the criterion for measuring the quality of eloquence is based on the force of the impact that it can exercise on the audience (even the employment of rhythm [*numerus*], which affects the ear, has the privilege of exerting this impact); the polemic against the Atticists pushes Cicero to place the experienced taste of competent

*readers*—the only ones capable of appreciating the very carefully monitored style of the Atticists—decisively on a second level. Still, this does not cause Cicero to forget his role of having been, and of continuing to be, the elaborator of a great *literary* style. During his entire life, he had hoped through the publication of his orations either to influence the political direction of public opinion or to consolidate his own reputation as an artist of speech among his contemporaries and among those who would follow him; the experience of watching the words of the orators of the past slip away rapidly from the collective memory had convinced him that the advocate, if he wanted to endure over time, must be transformed into a writer. On the other hand, the intention of conferring upon eloquence full literary dignity was part of the larger Ciceronian project of impressing upon his fellow-citizens the undeniable worth of culture.

Cicero is well aware of the fact that written orations are able to render only in part the powerful breath of *actio* (delivery), wherein truly the greatness of the orator is revealed (and thus in *Orator*, as he had already done in *De oratore*, he dedicates several incisive pages to *actio*—to the movement of the body, to gestures, to physical posture). But Cicero had before him the negative model of highly effective speakers with a particularly stirring delivery (*actio*), such as Servius Sulpicius Galba, who, in committing their orations to writing, were not able to find a form of expression adapted to rousing in the reader the emotions that they had known how to stir up in the listener (*Brutus* 92); and even Hortensius, in his judgment, had spoken much better than he had written (*Orator* 132).

Cicero, on the contrary, with the attentive care of the stylist, took pains to preserve in the written version of his speeches as much of the movement and the vehemence of the spoken oration as possible. In *Orator* (132) he intends to maintain that the simple *reading* of his orations can adequately give an account of his ability to inflame the spirit of his audience. More generally, the reference in *Orator* to *written* oratory assumes a noteworthy importance, if as nothing else but the only possible evidence of what was delivered, for posterity and for a larger audience of contemporaries. In order to exemplify the many varied aspects of the art of speaking (*ars dicendi*), Cicero refers (as we have already seen) to the text of his own orations, widely circulated and accessible to all; he makes explicit reference to the seven books of the *Verrines*, placing the five speeches of the second action, which were never actually delivered, on the same level

as the *divinatio* and the first action (103 ff.). At the conclusion of the work, he explicitly challenges the Atticists to *write* (and not *deliver*) something that really demonstrates the ability to stand in comparison with the great eloquence of the Attic orators (235).

On the other hand, it was not only a matter of bestowing on the texts of the speeches a 'spontaneous' manner, which reflected the quality of the 'spoken' oration. Especially in the most elaborate passages, the oratorical style of Cicero staked much on the rhythmic manner of great, complex periods, on a redundancy (the so-called *copia verborum*) that permitted one to confirm, vary, and amplify ideas and formulations by charging them with resonances ever new. The architecture of the period stood firm on the balance and harmony of the phrases, on their correspondence, on a cadence wherein the preoccupation for symmetry was counterbalanced by a desire not to generate satiety and monotony. These artifices aimed at impressing the words of the orator on the minds of those who were listening to him; at prolonging the effect of those words by overcoming the ephemeral evanescence of orality. It was a style that resolved to reach the heart through the ear, but one that, in order to be put in proper condition, demanded the frequent exercise of writing: an indispensable practice, in Cicero's judgment, for one who intended to make an attempt at eloquence. In *Orator* (200) Cicero explicitly affirms that, for copious breath and architectonic proportions, for the well-calculated employment of rhetorical ornamentation, the phrases of the orator must sound like written phrases; in fact, it is in these that the rhythmic qualities of eloquence are better revealed.

Thus the delivered speech came to rely on procedures analogous to those of literary elaboration. However, the publication of speeches—other than meeting the necessity for political propaganda—responded also to the demand for models of eloquence from orators in formation, who were learning to speak by imitating the speeches that they had read.<sup>17</sup> In this way the procedures of writing resulted in effectively influencing those of oral performance.

In approaching the two, another factor then enters in. Even private reading, often practiced in a loud voice, or at least in a way that made it possible to perceive distinctly the text by ear, involved

---

<sup>17</sup> Cf. C. J. Classen, *Recht—Rhetorik—Politik. Untersuchungen zu Ciceros rhetorischer Strategie* (Darmstadt: Wissenschaftliche Buchgesellschaft 1985): 6.

some aspects of orality; so much so that the task at times was assumed by declaimers who possessed particularly expert voices. On one occasion, for example, Cicero represents one of his correspondents, Marcus Marius, as having had the text of some of his speeches read to him by a slave, who performed the function of a reader (*anagnóstes*; *fam.* 7.1.3). This explains how Cicero, no differently than Isocrates, could write for the ear more than for the eye of the reader. In a certain sense, the considerations that Aristotle had already applied to dramatic poetry have validity for written oratory: ‘tragedy fulfills its function even without acting, just as much as epic, and its quality can be gauged by reading aloud’ (*Poetica* 1462a ff.).<sup>18</sup>

## BIBLIOGRAPHY

### *Critical Editions and Commentaries on Orator*

- D’Arbela, E. V., ed. *L’oratore*. Milano: Istituto Editoriale Italiano, 1958 (with Italian translation and good commentary).
- Jahn, O., and W. Kroll, eds. *M. Tulli Ciceronis Orator*. Berlin: Weidmann, 1913 (with important introduction and commentary).
- Sandys, J. E., ed. *Orator*. Cambridge: Cambridge University Press, 1885; reprinted Hildesheim: Georg Olms, 1973 (out of date in terms of the constitution of the text, but still important for the wealth of its commentary).
- Seel, O., ed. *Orator*. Heidelberg: F. H. Kerle, 1952.
- Wilkins, A. S., ed. *M. Tulli Ciceronis Rhetorica*. Oxford Classical Texts. Vol. 2. Oxford: Clarendon, 1903.
- Yon, A., ed. *L’Orateur. Du meilleur genre d’orateurs*. Paris: “Les Belles Lettres,” 1964 (with a detailed and important introduction).

### *Studies on Orator*

Because the bibliography on rhetorical ideas and concepts contained in *Orator* is largely the same as that for the *Brutus*, please consult the bibliography for the previous chapter. I append here only a few additional works.

- Auerbach, E. *Literatursprache und Publikum in der lateinischen Spätantike und im Mittelalter*. Bern: Francke, 1958.

---

<sup>18</sup> A more detailed treatment of the relationship between written and delivered oratory can be found in E. Narducci (1997): 157 ff.



- Bornecque, H. *Les clausules métriques latines*. Lille: Au siège de l'Université de Lille, 1907.
- Calboli, G., ed. *Cornifici Rhetorica ad C. Herennium*. 1st ed. Bologna: Patròn, 1969.
- Cavarzere, A. *Oratoria a Roma. Storia di un genere pragmatico*. Roma: Carocci, 2000.
- Classen, C. J. *Recht—Rhetorik—Politik*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1985.
- Degl'Innocenti Pierini, R. "Cicerone 'demiurgo' dell'oratore ideale. Riflessioni in margine a Orator 7–10." *Studi italiani di filologia classica* 51 (1979): 84–102.
- Douglas, A. E. "A Ciceronian Contribution to Rhetorical Theory," *Eranos* 55 (1957): 18–26.
- De Groot, W. *De numero oratorio Latino*. Groningae; Hagae: J. B. Wolters, 1919.
- Fantham, E. "Orator 69–74." *Central States Speech Journal* 35 (1984): 123–25.  
In R. N. Gaines, ed., *Studies in Cicero's opera rhetorica*.
- . "The Growth of Literature and Criticism at Rome." In *The Cambridge History of Literary Criticism: Volume I: Classical Criticism*, edited by G. A. Kennedy (Cambridge; New York: Cambridge University Press, 1989): 220–244.
- Laurand, L. *Études sur le Style des Discours de Cicéron*. Vol. II: *Le rythme oratoire*. 4th ed. Paris: Les Belles Lettres, 1936–1938; three volumes, reprinted in one volume, Amsterdam: Hakkert, 1965.
- Narducci, E. *Cicerone e l'eloquenza Romana: retorica e progetto culturale*. Roma: Laterza, 1997.
- . *Introduzione a Cicerone*. Gli Scrittori, 36. 3rd ed. Roma & Bari: Laterza, 1997.
- Novara, A. "La dignité de l'enseignement ou l'enseignement et le dialogue, d'après Cic., *orat.* 144." *Annales Latini Montium Avernorum* 10 (1983): 35–52.
- Pohlenz, M. "To prepon. Ein Beitrag zur Geschichte des Griechischen Geistes." *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historische Klasse* 1933 (1933): 53–92.
- Schmid, W. *Über die klassische Theorie und Praxis des antiken Prosarhythmus*. Wiesbaden: Franz Steiner, 1959.
- Yon, A. "Sur la composition de l'Orator de Cicéron." *Bulletin de l'Association Guillaume Budé* 17 (1958): 70–84.

This page intentionally left blank

## CHAPTER FIFTEEN

# CICERO'S *PARTITIONES ORATORIAE* AND *TOPICA*: RHETORICAL PHILOSOPHY AND PHILOSOPHICAL RHETORIC

Robert N. Gaines

### *Introduction*

Cicero's *Partitiones oratoriae* and *Topica* are frequently characterized as minor works in his rhetorical corpus.<sup>1</sup> There are obvious reasons for this. Both are pedagogical works,<sup>2</sup> and both locate the authority for their contents in some measure apart from Cicero.<sup>3</sup> Nevertheless, I do not believe it is difficult to show that Cicero had serious theoretical intentions for the two treatises, and in the present essay, I shall demonstrate that such intentions fit neatly within Cicero's intellectual program on rhetoric.

In developing this argument, I feature a matter of particular concern to Cicero, namely the relationship between rhetoric and philosophy. Originally, Cicero did not conceive philosophy as especially germane to rhetoric. In *De inventione* (c. 91–89 B.C.E.),<sup>4</sup> for example,

---

<sup>1</sup> See, for example, Jonathan G. F. Powell, "Tullius Cicero, Marcus, Works on Rhetoric," *Oxford Classical Dictionary*, 3rd ed., Simon Hornblower and Antony Spawforth, eds. (Oxford: Oxford University Press 1996): 1561; George Kennedy, *The Art of Rhetoric in the Roman World, 300 B.C.–A.D. 300* (Princeton: Princeton University Press 1972): 258–59; cf. Wilhelm Kroll, "Rhetorik," *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, Supplementband 7, col. 1089.

<sup>2</sup> Pedagogical concerns are apparent in *Partitiones oratoriae* from its structure, which presents the theory of speaking in a catechetical dialog, and from contextualizing comments at the beginning (1–2) and end (139–40) of the work. As regards *Topica*, Cicero makes clear at sections 51 and 72 that he intends for the work to serve as a kind of textbook with a wide readership.

<sup>3</sup> The contents of *Partitiones oratoriae* are attributed to the Academic philosophical school at section 139. Cicero distances himself from the scheme of topics in *Topica* by subsuming it under philosophical logic (6–7); likewise a reliance on sources is suggested by Cicero's insistence that he composed *Topica* from memory, because he had no access to books during the period of its composition (5).

<sup>4</sup> Regarding the date of *De inventione* I follow Kennedy (1972): 110.

he distinguished philosophical from rhetorical subject matters (1.8) and argued that speakers needed to know little philosophy in order to master rhetoric (1.1, 33, 77, 86).<sup>5</sup> Moreover he recognized no debt to philosophy, even when he exploited rhetorical theories of philosophers, because he thought that such theories fell outside the philosophical discipline (2.8).<sup>6</sup> This early conception was profoundly revised in Cicero's subsequent thinking. Specifically, from 55 B.C.E. onwards, we find Cicero arguing that philosophical subject matters necessarily belong to the speaker (*De or.* 1.56–57, 1.67–69, 3.122–124), that the speaker must know philosophy to achieve his rhetorical ends (*De or.* 1.53–54, 1.60; cf. 1.84), and finally, that speakers should turn to philosophy for theoretical principles on rhetoric (*Or.* 7–19; *Part.* 139–40; *Fin.* 4.5–6, 10; *Brut.* 120). In my view, this revision represents Cicero's realization that philosophy could contribute to rhetorical theory in at least two ways: directly, through philosophical inquiry into the nature of rhetoric, and indirectly, through the application to rhetoric of doctrines drawn from strictly philosophical fields. Consistent with this view, I contend that Cicero constructed

---

<sup>5</sup> This account may seem inconsistent with *Inv.* 1.1, where Cicero insists that for eloquence (*eloquentia*) to serve its possessor and the community, it must be combined with wisdom (*sapientia*). Certainly, some scholars have interpreted Cicero's comments as a recommendation for serious study of philosophy (see, e.g., Manfred Fuhrmann, *Cicero und die römische Republik: eine Biographie*. [München: Artemis Verlag 1989]: 42–43). However, I do not believe that such an interpretation is necessary or even warranted, and I say this for two reasons. First, given an obvious opportunity, Cicero does not use the word 'philosophy' (*philosophia*) in discussing the kind of wisdom that should be combined with eloquence; rather he refers to 'the most right and honorable pursuits of reason and duty' (*rectissimis atque honestissimis studiis rationis et officii*, G. Achard, ed., *De l'invention/Cicéron*, Collection des Universités de France, 320 [Paris: Les Belles Lettres 1994]; here and elsewhere, English translations of ancient works are my own). Second, in offering his reflections on wisdom and eloquence, Cicero almost certainly exploits a literary motif which dates from fifth or fourth century BCE and manifests no relation to disciplinary philosophy (see, e.g., Anonymous Iamblich, fr. 3, *Fragmente der Vorsokratiker*, 7th ed., ed. Herman Diels and Walther Kranz [Berlin: Weidmannsche Verlagsbuchhandlung 1954] 2: 401; Isoc. *Antid.* 253–57). Accordingly, in commending the combination of wisdom and eloquence at *Inv.* 1.1, Cicero simply upholds a traditional norm in the theory of speaking—the need for intellectual training and moral uprightness as well as eloquence in the civic speaker. In my view, this norm is perfectly consistent with the general separation of rhetoric from philosophy to which I refer in *De inventione*.

<sup>6</sup> For a similar distinction and isolation of rhetoric from philosophy, see *Rhetorica ad Herennium* 1.1 and 4.69. This work is roughly contemporary with *De inventione*, dating almost certainly from the early to middle 80s B.C.E. (Gualtiero Calboli, ed. and comm., *Cornifici Rhetorica ad C. Herennium*, 2nd ed. [Bologna: Patron 1993]: 12–17).

*Partitiones oratoriae* to represent philosophical inquiry into the nature of rhetoric or—as I shall call it—rhetorical philosophy. Likewise, I maintain that Cicero constructed *Topica* to illustrate the application to rhetoric of philosophical doctrine or—in this instance—philosophical rhetoric. The presentation of my argument will require some attention to the contents of both works, Cicero’s comments in each work about what he is doing and why, and the intellectual context, especially as disclosed in Cicero’s rhetorical and extra-rhetorical works. To make the argument as clear as possible, I shall treat *Partitiones oratoriae* and *Topica* separately.

### *Partitiones oratoriae*

Although the Ciceronian authorship of *Partitiones oratoriae* was once questioned,<sup>7</sup> the work has been regarded as authentic since early in the twentieth century.<sup>8</sup> The date of *Partitiones oratoriae* is more troublesome; for, there are no clear indications of the time of composition. The internal evidence most often noted as bearing upon the date arises at *Partitiones oratoriae* 1. Here Cicero’s son requests to hear in Latin what has been imparted in Greek by his father about the theory of speaking. In reply, Cicero says that he has the time for the discussion, now that he has been able to leave Rome, and expresses keen interest in advancing his son’s education. Most commentators assume the circumstances depicted in these remarks are currently factual and, therefore, indicative of the time of composition.<sup>9</sup> Based on this assumption, two standard proposals on the date of *Partitiones oratoriae* have been put forward, 54–52 and 46–45 B.C.E.<sup>10</sup>

<sup>7</sup> Gaetano Curcio, *Le opere retoriche di M. Tullio Cicerone. Studio critico* (Acireale: Etna 1900): 201–19. Curcio (219) attributes first doubts about the authenticity of *Partitiones oratoriae* to Angelo Decembrio, *De politia literaria libri septem*[m], lib. I, pars X (1462; reprint, Basileae: Ioannem Heruagium 1562): 62.

<sup>8</sup> See, e.g., Henri Bornecque, ed., *Cicéron. Divisions de l’art oratoire. Topiques* (Paris: Société d’édition “Les Belles Lettres” 1924): xi. A recent defense of Cicero’s authorship of *Partitiones oratoriae* may be found in Benedictus Riposati, “Quomodo ‘Partitiones oratoriae’ cum ‘Topicis’ cohaereant,” *Atti del I Congresso internazionale di studi Ciceroniani, Roma, Aprile 1959* (Roma: Centro di Studi Ciceroniani Editore 1961) 1: 253–63.

<sup>9</sup> An exception is Franciscus Ioannes Merchant, *De Ciceronis partitionibus oratoriis commentatio*, Diss., Berlin 1890 (Berolini: Typis expressit Gustavus Schade [Otto Francke] 1890): 85, who suggests 44.

<sup>10</sup> The principal evidence for and against both dates is summarized in Brady B. Gilleland, “The Date of Cicero’s *Partitiones Oratoriae*,” *Classical Philology* 56 (1961):

Both rely on the same basic chronology: (a) Cicero's son, Marcus, was born in 65, (b) Cicero showed interest in Marcus' education during 54–52, (c) Cicero was absent from Rome from 51–47, (d) Cicero was teaching oratory to Pansa and Hirtius during 46–45, and (e) Marcus departed for higher education at Athens in March 45. Consistent with this chronology, both proposals rule out a date between 51–47, because Cicero could not have characterized himself during this period as having recently left the city.

Defenders of 54–52 point out that *Partitiones oratoriae* is elementary and so suited to a student of eleven to thirteen years. Moreover, Cicero's letters, which demonstrate concern about Marcus' education, represent ample motivation for writing such a book (e.g., *Att.* 4.15.10 [54], 6.1.12 [50], 8.4.1 [49]). Finally, *Partitiones oratoriae* exhibits intellectual similarities to *De oratore*, written in 55, just prior to the date proposed (e.g., compare *Part.* 53–54, 72 with *De or.* 3.201, 206–07). Defenders of 46–45 argue that the earlier date is unlikely because the historical Marcus would not have known Greek or studied rhetoric as early as age eleven to thirteen. In favor of 46–45 they argue that at this later date *Partitiones oratoriae* could have served as a textbook for Pansa and Hirtius as well as the younger Cicero. Again, *Partitiones oratoriae* exhibits intellectual similarities to *Orator*, a work written about the same time as the proposed date (e.g., compare *Part.* 53–54, 72 with *Or.* 92, 135). Further, Quintilian writes as if he believes *Partitiones oratoriae* is a late work of Cicero. And finally, 46–45 seems a more appropriate time than 54–52 for Cicero to say that he has now been able to leave Rome.

Within the present essay, I shall adopt neither of the standard proposals regarding the date of *Partitiones oratoriae*. I say this because there is little reason to grant their guiding assumption, that *Partitiones oratoriae* I depicts a currently factual situation. Cicero's dialogue between his son and himself almost certainly represents recourse to a Roman genre of technical prose literature.<sup>11</sup> This genre originated with M. Porcius Cato (234–149 B.C.E.), who addressed his son in one or more compositions, probably concerning medicine, agriculture,

---

29–32, and Karl Bayer and Gertrud Bayer, ed. and trans., *Partitiones oratoriae: Rhetorik in Frage und Antwort. Lateinisch und deutsch*, by M. Tullius Cicero (München: Artemis and Winkler 1994): 121–24.

<sup>11</sup> Cf. Rudolf Hirzel, *Der Dialog. Ein literarhistorischer Versuch* (Leipzig: Verlag von S. Hirzel 1895) 1: 427–94; Eduard Norden, "Die Composition und Litteraturgattung der horazischen Epistula ad Pisones," *Hermes* 40 (1905): 517–21.

and rhetoric;<sup>12</sup> it was later developed by M. Junius Brutus (fl. c. 140 B.C.E.), whose *De iure civili libri tres* evidently comprised three dialogues in which Brutus and his son were the interlocutors.<sup>13</sup> Given this literary context for *Partitiones oratoriae*, it is certainly imaginable that Cicero contrived a dialogue between himself and his son at a time other than the dramatic date of the work. Moreover, it is hardly obvious that Cicero meant for *Partitiones oratoriae* to provide a theoretical initiation to rhetoric for his son. And even if we grant filial pedagogy as an objective for the work, there are ancient precedents for the composition of simple rhetorical treatises to help advanced students review what they have already learned, and such a purpose is at least conceivable for *Partitiones oratoriae*.<sup>14</sup> Likewise, there exists an additional possibility, for which I shall argue shortly, that Cicero

<sup>12</sup> Henricus Jordan, ed., *M. Catonis praeter librum De re rustica quae extant* (Lipsiae: In aedibus B. G. Teubneri 1860): 77–80, contemplates multiple compositions organized as separate books and collected in a larger work entitled *Ad Marcum filium*. Consistent with this conception he tentatively assigns five Catonian fragments to a book *De medicina* (frs. 1–5), eight fragments to a book *De agri cultura* (frs. 6–13), and three fragments to a book *De rhetorica* (frs. 14–16). Alan E. Astin, *Cato the Censor* (Oxford: Clarendon Press 1978), argues that the fragmentary evidence does not support a multi-book work *ad filium*; rather ‘Cato addressed to his son a collection, probably in one book, of precepts, exhortations, instructions, and observations’ (339). Whichever of these theories is closer to the truth, there can be little dispute concerning whether Cato wrote preceptive, technical prose to his son, very likely concerning medicine, agriculture, and rhetoric. Of the sixteen fragments attributed by Jordan to *Ad Marcum filium*, eleven offer explicit evidence that the discourse at stake in the fragment is addressed to Cato’s son (1–9, 12, and 14). Out of these eleven fragments, three make explicit reference to doctors or medical treatment (frs. 1–2, 4), three deal quite unmistakably with farming (frs. 6, 8–9), and one offers a theoretical definition of ‘the orator’ (fr. 14).

<sup>13</sup> The evidence for a set of dialogs involving Brutus and his son arises from the nature of the three surviving fragments of *De iure civili*, each of which comes from a separate book and establishes a different dramatic situation involving the two men (Ph. Eduardo Huschke, ed., *Iurisprudentiae anteiustinianae reliquias in usum maxime academicum*, 6th ed., edited by E. Seckel et B. Kuebler [Lipsiae: In aedibus B. G. Teubneri 1908] 1:7 [= Cic. *De or.* 2.224; cf. *Clu.* 141]). Adherents to the view that *De iure civili libri tres* involved dialog between Brutus and his son include Hirzel, *Dialog*, 1: 428, Norden, “Litteraturgattung,” 520, and Anton D. Leeman, Harm Pinkster, and Edwin Rabbie, *M. Tullius Cicero De oratore libri III: Kommentar*, vol. 3 (Heidelberg: Universitätsverlag Carl Winter 1989): 222; cf. Elizabeth Rawson, *Intellectual Life in the Late Roman Republic* (Baltimore: Johns Hopkins University Press 1985): 203.

<sup>14</sup> The intention to review materials learned from previous instruction is explicit in Julius Severianus’ *Praecepta artis rhetoricae* 1 and very likely figures as the motivation for Rufus of Perinthus’ *Rhetorical Art* (see Robert N. Gaines, “On the Rhetorical Significance of *P. Hamb.* 131,” *Rhetorica* 7 [1989]: 329–40, and “A Note on Rufus’ Τέχνη ῥητορική,” *Rheinisches Museum für Philologie* 129 [1986]: 90–92).

constructed the work to represent rhetorical philosophy. For the present, then, because we need not assume the dramatic circumstances of dialog in *Partitiones oratoriae* are factual, there is no compulsion to accept either of the dates usually offered for the work. Fortunately, my account of Cicero's theoretical aim in *Partitiones oratoriae* does not depend upon a particular date of composition; in fact, for reasons that will become clear, almost any date during Cicero's maturity will serve as well as another. More important are the rhetorical principles communicated in the work and the intellectual orientation that Cicero expresses toward them. I now turn to these matters.<sup>15</sup>

*Partitiones oratoriae* divides the theory of speaking into parts concerned with the power of the speaker, the speech, and the question (3–4).<sup>16</sup> Power of the speaker is discussed mainly with reference to functional activities of speakers: invention, arrangement, expression, delivery, and memory (5–26). Invention (5–8) is characterized as producing conviction and arousing audience emotions (5), but treatment of emotion is postponed until later in the treatise (8). Conviction is described as arising from arguments derived from topics in two categories. One category—testimonies—is extrinsic to the subject of the speech and derived from divine and human sources. Divine testimonies include oracles, auspices, prophecies, and responses of priests, augurs, and diviners, whereas human testimonies are drawn from authority, inclination, and speech, both voluntary and compelled, as well as written documents, agreements, promises, oaths, and inquiries (6). The other category is intrinsic to the subject of the speech; intrinsic

---

<sup>15</sup> I hope I will be forgiven for a lengthy summary of *Partitiones oratoriae*. I am led to provide such a summary because there is currently no account of the work in English that is sufficiently detailed to support a theoretical discussion. See, e.g., George Kennedy, *The Art of Persuasion in Greece* (Princeton: Princeton University Press 1963): 328–30; Kennedy (1972): 229–230; Donovan J. Ochs, "Cicero's Rhetorical Theory: With Synopses of Cicero's Seven Rhetorical Works," *A Synoptic History of Classical Rhetoric*, 2d ed., J. J. Murphy and R. A. Katula, eds. (Davis, CA: Hermagoras Press 1995): 170–72.

<sup>16</sup> Here and elsewhere, citations to the text of this work refer to M. Tullius Cicero, *Partitiones oratoriae*, Academia Latinitati Fovendae Bibliotheca Scriptorum Latinorum, Remus Giomini, ed. (Romae: In aedibus «Herder» 1996). Of the critical editions currently available, Giomini's text most nearly satisfies the desiderata for a new edition established in Eduard Ströbel, *Zur Handschriftenkunde und Kritik von Ciceros Partitiones Oratoriae* (Zweibrücken: Buchdruckerei von August Kranzbühler 1887) and R. H. Rouse, "Cicero: *Partitiones oratoriae*," in *Texts and Transmission: A Survey of the Latin Classics*, L. D. Reynolds, ed. (Oxford: The Clarendon Press 1983): 109–12.



sic topics include definition, contrary, similarity, dissimilarity, consistency, discrepancy, connection, contradiction, causes, effects, divisions, genera of parts, parts of genera, elementary stages, antecedents, and comparisons with greater, equal, and lesser things (7). To conclude the account of invention, Cicero notes that not all topics are relevant to all circumstances (8).

The account of arrangement proposes different principles depending upon whether the subject is general or particular, and when it is particular, depending upon the nature of the audience (9–15). Where speeches involve general or unlimited questions, arrangement of materials is nearly the same as the order of topics in Cicero's exposition under invention (9). However, where speeches involve particular or limited questions, arrangement must employ means of exciting audience emotions (9). Particular questions are divided into three types based on the nature of the audience. Some audiences are mere auditors, while others are judges of the future or the past (10). For mere auditors the speech is concerned with embellishment and aims at pleasure; accordingly Cicero details five pleasant methods of arrangement—chronological, distributive, ascending, descending, and irregular (11–12). Speeches to judges of the future concern deliberation and attempt to create hope or fear; they frequently omit introductions and narrations and focus on confirmation and emotionally affecting perorations (11, 13). Judges of the past are addressed by speeches concerned with judgment and designed to create severity or clemency (11). Prosecutors follow the order of facts in narration, state and confirm their arguments with vehemence and elaboration for emotional effect, then arouse more emotion, especially anger, in the peroration (14). Defenders secure good will with introductions, use narrations sparingly, rebut or obscure the prosecutor's arguments, and arouse pity in the peroration (15).

Expression is conceived as either spontaneous or inverted (16, 23–24). Both forms use single words and combined words as resources. Single words are natural or discovered (16) and otherwise distinguished by their inherent sonority, grandeur, smoothness, and polish, or by their use, whether proper, added, new, old, or altered (17). Combinations of words aim at rhythm, which is judged by the ear, and sequence, which is judged by the rules of grammar (18). Single words and their combinations are described by Cicero as capable of five qualities: lucidity, brevity, credibility, brilliance, and charm (19–22).

Delivery and memory are very briefly treated. Cicero notes that delivery must correspond to the things and words that occupy the speaker in the speech. In particular, the speaker must use variations in voice, gesture, and visage to render the speech lucid, brilliant, credible, and charming (25). Memory is abstractly sketched as a structure that involves 'locations' where mental pictures are stored for use by the speaker (26).

The second part of the theory of speaking—the speech—is organized around four speech parts, introduction, narration, proof, and peroration (27–60). Cicero observes that, generally, introduction and peroration are for arousing emotion, while narration and proof are for securing belief. Nonetheless, he notes that amplification—chief spur of the passions—is useful in all speech parts (27). Introductions, he says, typically treat persons and things connected to the speech in order to secure a friendly, intelligent, and attentive hearing (28–30).

The narration explicates the facts at stake in securing belief, so it must exhibit lucidity, brevity, and credibility as essential features (31). Lucidity and brevity are dispensed with as matters of expression already treated. Credibility is described as arising partly in relation to the matter at issue and partly from the manifest character of the speaker (32). Finally, to lucidity, brevity, and credibility, Cicero encourages the addition of charm by evoking surprise and suspense and by depicting human interaction and emotion (32).

Cicero's main interest in connection with the speech is proof or securing belief, and this he divides into confirmation and refutation. Confirmation always relates to whether something is, what it is, or what is its quality; therefore, he allocates his comments on confirmation to the methods associated with these issues—conjecture, definition, and justification (33). Conjecture is based on probabilities and signs. In regard to probabilities Cicero presents topics derived from what he calls 'parts of the narration,' namely persons, places, times, and actions and occurrences (34). Each part is described as having two sorts of characteristics, one sort determined by nature or deliberation and the other by accident or inadvertence. In the case of persons, there are natural characteristics of body and mind. Physical characteristics include health, figure, powers, age, and gender; mental characteristics include virtues, vices, and affection by emotions. Accidental characteristics of persons are family, friends, children, relatives, in-laws, resources, honors, powers, wealth, independence and their opposites (35). Regarding places, natural characteristics relate

to coastal proximity, slope, ruggedness, healthfulness, and exposure to sun; accidental characteristics relate to cultivation, population, development, notoriety, and religious significance (36). Natural times include present, past, and future as well as season, month, day, night, and hour. Accidental times include sacrifices, feast days, and nuptials (37). Actions and occurrences are deliberate or inadvertent. Deliberate actions and occurrences relate to good and evil, of which there are three kinds, mental, physical, and external. Inadvertent actions and occurrences arise by necessity, by accident, or by stirring of the mind through emotion (38). The handling of signs is less extensive. Cicero appears to distinguish necessary from inconclusive signs, but he only discusses the latter, calling them vestiges of actions, including a weapon, blood, clamor, hesitancy, change of color, agitated speech, tremor, and the like (39–40).

Definition is elucidated by Cicero as a set of topical strategies for arguing that something is of a certain sort. He includes two modes of defining that rely on properties peculiar to the thing defined, namely definition from genus combined with a special property and definition from a special property among common attributes. However, he observes that disagreements frequently arise about special properties of things. Accordingly, he offers six alternative modes of defining: definition from contraries, dissimilarities, similarities, characterizing descriptions, enumerations of consequences, and explanations of a word or name (41).

The treatment of justification offers general topics for arguing about the quality of an act. It can be argued that the deed was rightly done to avert or avenge pain, for the sake of piety, chastity, reverence, or patriotism, or because of necessity, ignorance, or accident (42). All these topics are applicable to legal proceedings as well as free debate. However, in free debate, it may also be argued that an act was performed irrationally from emotion or mental disturbance (43).

Regarding refutation, Cicero raises two main strategies: denial of everything in an opponent's argument, proving it is fictitious or false; or rebuttal of an opponent's assumptions, proving they are doubtful or inconclusive or invalid (44). This leads to discussion of argument itself, and Cicero distinguishes six modes of development. The direct logical mode convinces, while the indirect logical mode excites emotions (46). Four other modes exploit forms of expression—questioning oneself, interrogating, commanding, and wishing (47). At the end

of his discussion of proof, Cicero treats the devices for securing belief that are 'without art' (48). However, he discusses only the evidence of witnesses and, at that, only the topics to be used in argument against voluntary testimony and examination under torture (49–51).

Concerning the final speech part, peroration, Cicero says that it is divided into two elements, amplification and recapitulation (52). Amplification is designed to arouse emotions and is accomplished with regard to words and things (53–58). Recapitulation is used to refresh the audience's memory or strengthen the case. Cicero suggests that recapitulation is required sometimes in laudatory speeches, seldom in deliberation, and more often for prosecutors than defendants in judicial speeches (59–60).

The third part of the theory of speaking is the question or that matter concerning which there is discussion or dispute (61–138). Here Cicero reiterates a distinction made earlier between questions that are limited and those that are unlimited; he also adds two doctrines. The first is that any discussion of an unlimited question is really a part of a dispute concerning a limited question (61). The second is that unlimited questions are of separate kinds which aim either at knowledge or at action (62). Unlimited questions related to knowledge are concerned with reality, definition, and quality (62–66). Unlimited questions related to action pertain to instruction in duties and to calming and arousing emotions (67). Finally, Cicero notes that discourses on unlimited questions are arranged using the same theory exposed in previous divisions of the treatise (68).

Next come limited questions, which Cicero divides into types concerned with embellishment and proof. The embellishing-type is widely differentiated, so Cicero selects one kind as an epitome, that which praises and blames. The proving-type is itself divided into two kinds, envisioning the future or deliberative speaking, and judging the past or judicial speaking (69–70). The remainder of the treatise is devoted to these three kinds of speaking (praise and blame, 70–82; deliberative, 83–97; judicial, 98–138).

Praising and blaming, Cicero explains, generally consist in recounting and amplifying past actions in a style designed gently to influence audience emotions (71–73). The typical speech of praise or blame is organized according to classes of things good and evil, beginning with external properties, continuing with physical properties, and concluding with mental properties, especially insofar as these are related to virtues or vices (74–75). This leads to a treatment of virtues

and vices. Virtues, like general questions, are divided into matters of knowledge and action. In the former class, Cicero places prudence, shrewdness, and wisdom (76, 78–79); in the latter, he places temperance, greatness of mind, justice, reverence, respect, goodness, fidelity, mercy, and friendship (76–78). As a kind of appendix, Cicero adds a set of public and private virtues associated with preparation in proper studies and arts (80). Vices exist in classes that are opposite to virtues; accordingly, they receive no special treatment (81).

Deliberative speaking is described by Cicero as turning upon two issues, advantage and feasibility. Speech on behalf of a proposal, he says, must prove that the proposal is both advantageous and feasible; however, speech against a proposal need only refute the attribution of one or the other property (83–85). Accordingly, Cicero proceeds to a topical analysis of advantage and feasibility. Advantage is loosely associated with goods, and these are classified as necessary or unnecessary (86–92). Concerning feasibility, Cicero notes it is most useful to understand causes—both efficient and indispensable—of the ends in view (93–95). Ultimately Cicero posits that speakers for and against deliberative proposals use identical topics (95), and he offers both sorts of speakers advice about managing audience emotions in introductions and perorations (96–97).

Cicero's account of judicial speaking is driven by the disputes that may logically arise in court cases.<sup>17</sup> He begins by discussing arguments that are possible before, and sometimes during the trial—at either time a defendant may challenge the standing of the prosecutor, the jurisdiction of the court, or the fairness of the proceedings (99–100). Within the trial, the possible arguments are analyzed according to stances available to defendants in combating a charge, namely, disputing the action alleged through conjecture; disputing the name of the action alleged through definition; and disputing the quality of the action alleged through equity (101–02). Cicero explains that these stances relate to the elements of a legal case: the prosecutor's accusation, the defendant's defense and rationale, the prosecutor's bases for opposing the rationale, and the point of contention arising from conflict between the defendant's rationale and the prosecutor's bases

---

<sup>17</sup> This discussion represents one version of the rhetorical theory of *status* (Greek *stasis*), an account of possible argumentative positions, especially in regard to courtroom speaking; for a treatment of the origins of the theory, see Kennedy (1963): 305–14.

(102–06). He also explains that stances on limited cases sometimes lead to arguments of an unlimited nature (106) or based on disputes over documents (107–08). However, he mainly attends to argumentative topics for cases founded on conjecture, definition, or equity.

Conjecture receives the most extensive treatment, and the resources of the prosecutor are presented first. Cicero notes that the principal lines of argument concern cause and effect (110). Under cause or motive, he places all the deliberative topics, because these relate to advantage and feasibility of any action, whether future or past (110–11). To complete the account of motive, he adds that emotions can bear on a case (112):

... if there is recent anger, old hatred, eagerness for vengeance, indignation from injury, desire for honor, glory, power, or wealth, fear of danger, debt, dearth of property; if a man is daring, weak, savage, impetuous, unwary, foolish, amorous, frenzied, intoxicated; has hope of succeeding, has expectation of concealing, or if he is exposed, <has expectation> of repelling accusation or overcoming danger or deferring <danger> for a long time; or if the penalty of the verdict is lighter than the benefit of the act; or if the pleasure of misdeed is greater than the pain of condemnation.

As regards effect or outcome, Cicero discusses signs that provide vestiges of guilty deeds, for example, a weapon, blood, something apparently stolen, hesitation, pallor, tremor, appearance at the crime scene, and written documents (114). He concludes the prosecutor's conjectural case with constructive lines of reasoning about witnesses, both voluntary and involuntary (117–18). The defendant's case is also described with reference to cause and effect. In connection with cause, arguments are designed to show the defendant lacked sufficient motives, means, or opportunity to commit the act (119). Likewise, the defendant attempts to overturn arguments from effect by questioning signs that could arise in the absence of a crime, offering alternative explanations of actions, or asserting that signs attach equally to the prosecutor. Finally, the defendant answers the prosecutor's reasoning about witnesses with opposite reasoning (120). At the end, Cicero reviews how prosecutors and defendants make best use of the four speech parts in the conjectural case (121–22).

Definition is characterized as involving the explanation and scrutiny of a term, and Cicero demonstrates the common resources for prosecutor and defendant (123–24). Among these he recommends the topics of general usage, intention of the law, equity, advantage, inclu-

sion, contrary, original sense, precedent, limited jeopardy, parallel, and example (124–26). He also notes two further approaches: prosecutors can complain that defendants try to escape by interpreting a word, and defendants can complain that prosecutors accuse by distorting a word. In connection with these approaches, Cicero mentions the relevance of ‘most of the topics of invention,’ and he explicitly cites similarities, contraries, and consequents (127). To conclude the account, Cicero recommends amplification in perorations of definitional cases to stir emotions in the judges (128).

Cases founded on equity admit an action that is ordinarily censurable, but claim the actor was right in doing the deed. Cicero conceptualizes equity as concerned with human right by nature and by law, where law is either (a) written and public or private or (b) unwritten and customary or consensual (129–30). Cicero sums up the case founded on equity with a formula: ‘If a man unintentionally or by necessity or by accident has done something, which was not permitted of those who had done it of their own will and voluntarily, he should seek pardon drawn from very many topics of equity in a plea for forgiveness of his act’ (131).

As a final comment on judicial speaking, Cicero returns to the matter of disputes over documents as the foundation for a case. He notes that the principles of documentary dispute are common to both sides of a litigation (132). He then provides distinctive topics for two circumstances, one where a document is ambiguous (132–33), the other where an author’s intended meaning is apparently at odds with the author’s written words (133–37). He also entertains a third circumstance, where two documents are in conflict, but insists that topics for this circumstance are completely supplied by the combination of topics provided for the other two circumstances (137–38).

Cicero concludes *Partitiones oratoriae* with a disclosure and an admonition (139): ‘All the divisions of oratory have been explained to you, at any rate those which sprang from the midst of our Academy, and not without the aid of this <school of philosophy> can they be discovered or understood or practiced.’ The disclosure attributes the origins of Cicero’s discussion to the Academy, while the admonition makes Academic philosophy a prerequisite to its successful application. Cicero explains the reach of his admonition in the materials that immediately follow. Proficiency in oratory requires the ability to divide concepts, define and distinguish meanings, invent and develop arguments, judge inferences, and express the whole as would

a dialectician or an orator (139). It also presupposes knowledge of good and bad, right and wrong, utility and disutility, as well as virtue and vice (140). Thus, according to Cicero's admonition, all these matters must be acquired from the pursuit of Academic philosophy.

Now, in light of the foregoing, I believe there are several signs that Cicero constructed *Partitiones oratoriae* as a representation of rhetorical philosophy. Most obvious is Cicero's assertion that the divisions of oratory explicated in the work arose in the Academy (139). There is good reason to take this assertion very seriously as a kind of source attribution.<sup>18</sup> Throughout his intellectual maturity, Cicero affiliated himself with the Academic School.<sup>19</sup> In this connection, he knew that the Academy had incorporated rhetoric into its philosophical system (*Acad.* 1.30–32; cf. 1.19).<sup>20</sup> He also knew that Academics had offered specific instruction in rhetoric; in fact, he had attended lectures by Philo on rhetoric (*Tusc.* 2.9) and felt qualified to comment on the substance of Philo's instruction (*De or.* 3.110). Perhaps as much as anyone, then, Cicero was in a position to discuss rhetoric as conceived in Academic philosophy. Accordingly, when he asserts that

<sup>18</sup> Cf. Wilhelm Kroll, "M. Tullius Cicero (Rhetorische Schriften)," *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, Neue Bearbeitung, Bd. 7, Teil 1, col. 1102; Manfred Fuhrmann, *Das systematische Lehrbuch. Ein Beitrag zur Geschichte der Wissenschaften in der Antike* (Göttingen: Vandenhoeck and Ruprecht 1960): 161; Jakob Wisse, *Ethos and Pathos from Aristotle to Cicero* (Amsterdam: Adolf M. Hakkert 1989): 172–73.

<sup>19</sup> There is controversy concerning whether Cicero affiliated himself with the skeptical and dogmatic Academies at different times. Recently, John Glucker, "Cicero's Philosophical Affiliations," *The Question of "Eclecticism."* *Studies in Later Greek Philosophy*, John M. Dillon and A. A. Long, eds. (Berkeley, CA: University of California Press 1988): 34–69, and Peter Steinmetz, "Beobachtungen zu Cicero's philosophischen Standpunkt," *Cicero's Knowledge of the Peripatos*, William W. Fortenbaugh and Peter Steinmetz, eds. (New Brunswick: Transaction Publishers 1989): 1–22, have argued that Cicero changed his Academic affiliation twice—from skepticism to dogmatism and back to skepticism. The traditional view is that Cicero was unswerving in his allegiance to skeptical Academic philosophy (bibliography in Steinmetz (1989): 19–21, n. 1); this view is defended against Glucker and Steinmetz by Woldemar Görler, "Silencing the Troublemaker: *De Legibus* 1.39 and the Continuity of Cicero's Scepticism," *Cicero the Philosopher*, J. G. F. Powell, ed. (Oxford: Clarendon Press 1995): 85–113. Whichever view is correct, there is no question that Cicero would have counted himself as an adherent to Academic philosophy throughout his adulthood.

<sup>20</sup> On this point, see Jonathan Barnes, "Logic in *Academica* I and the *Lucullus*," *Assent and Argument. Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum (Utrecht, August 21–25, 1995)*, Philosophia Antiqua: A Series of Studies on Ancient Philosophy, 76, Brad Inwood and Jaap Mansfeld, eds. (Leiden: Brill 1997): 142–43; cf. John Dillon, *The Middle Platonists, 80 B.C. to A.D. 220*, Revised ed. (Ithaca: Cornell University Press 1996): 105.



the materials of *Partitiones oratoriae* 'sprang from the midst of our Academy,' he makes an authoritative claim that the general structure and content of the treatise, if not every detail, derives from the Academic philosophical school as he understands it.<sup>21</sup> Consistent with this claim, *Partitiones oratoriae* must certainly represent Academic philosophical inquiry into the nature of rhetoric, whatever else the treatise might be designed to do.<sup>22</sup>

Of course, as I have already indicated, the standard interpretation is that *Partitiones oratoriae* was otherwise and principally designed

---

<sup>21</sup> Cicero's source attribution at *Part.* 139, *omnes . . . oratoriae partitiones, quae quidem e media illa nostra Academia effloruerunt*, closely parallels a similar attribution in the letter used by Cicero to dedicate the *Academica* to Varro (254.1 SB [*Fam.* 9.8.1]): *mihi autem ad te quattuor admonitores non nimis verecundos; nosti enim profecto os huius adulescentioris Academiae. ex ea igitur media excitatos mihi*; 'But the four reminders I have sent are not very modest; for assuredly you know the countenance of this youthful Academy. So, from the midst of this Academy I have dispatched my prompts;' (here and elsewhere citations of Cicero's *Letters to his Friends* refer to letter number and paragraph number in the text of D. R. Shackleton Bailey, ed. and comm., *Cicero: Epistulae ad familiares*, 2 vols. [Cambridge: Cambridge University Press 1977] [= SB]; for purposes of exposition traditional references to book, letter, and paragraph in *Fam.* are also included). The fact that Cicero uses the same language in these two attributions suggests that he conceives the Academy as a source in roughly the same way for both works. Now, because we know that the books of the *Academica* are drawn from Academic philosophy even in their particulars, it seems reasonable to conclude that much the same is true of *Partitiones oratoriae*. What Cicero means by the 'Academy' in *Part.* 139 is complex for two reasons. First, for Cicero, Academic philosophy includes doctrines from both the Old (dogmatic) Academy and the New (skeptical) Academy (a distinction which Cicero observes and explicates, see, e.g., *Leg.* 1.38–39; *Acad.* 1.13, 1.46, *Fin.* 5.7; *Off.* 3.20; cf. *De or.* 3.67). Second, in Cicero's view, Academic philosophy also incorporates doctrines from the early Peripatos, because—as he says—the early Peripatos and the Old Academy agreed in substance, though they differed in terminology (e.g., *Leg.* 1.38, *Fin.* 4.5; cf. *Luc.* 15). Thus, in citing the Academy as the source for *Partitiones oratoriae*, Cicero allows himself free access to a wide range of intellectual resources, particularly philosophical doctrines from the Old Academy of Plato and Crates, the early Peripatos of Aristotle and Theophrastus, the New Academy of Arcesilaus and Philo, and the regenerate Old Academy of Antiochus; cf. Karl Wilhelm Piderit, comm., *Ciceros Partitiones oratoriae* (Leipzig: B. G. Teubner 1867): 91.

<sup>22</sup> Consistent with Cicero's complex conception of the Academy, I believe this conclusion is coherent with standard proposals regarding the provenance of *Partitiones oratoriae*, at least insofar as such proposals identify sources for elements of the work in the ancient Peripatos, e.g., Robert Philippson, "M. Tullius Cicero (Philosophische Schriften)," *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, Neue Bearbeitung, Reihe 2, Bd. 7, Teil 1, col. 1121 [Aristotle]; the New Academy, e.g., Fredericus Marx, ed., *Incerti auctoris De ratione dicendi ad C. Herennium libri IV* (Lipisae: B. G. Teubner 1894): 81 [Philo], Philippson, "Cicero (Philosophische Schriften)," cols. 1121–22 [Philo]; and the regenerate Old Academy, e.g., Wilhelm Kroll, "Studien über Ciceros Schrift de oratore," *Rheinisches Museum für Philologie* 58 (1903): 584–85 [Antiochus].

to teach Marcus Junior the principles of rhetoric. However, there are three characteristics of the work that would appear to count not only against such a design, but in favor of the work's representing rhetorical philosophy. First, as mentioned above, *Partitiones oratoriae* divides the whole theory of speaking into three parts: power of the speaker, the speech, and the question. This structure is not explicitly employed or fully realized in any other ancient discussion of rhetoric.<sup>23</sup> Hence, Cicero's recourse to this division in *Partitiones oratoriae* constitutes a departure from his own theoretical predilections as well as the standard structures for rhetorical theory established in ancient times.<sup>24</sup> The upshot is that such an eccentric theoretical structure would be an unlikely choice for Cicero to make in the early rhetorical instruction of young Marcus, particularly since Cicero never used the structure in works avowedly his own. At the same time, a theoretical structure out of the mainstream of standard rhetoric would seem almost to be expected if the work represented independent rhetorical thought from a philosophical school.<sup>25</sup>

Second, *Partitiones oratoriae* envisions independent discourses on unlimited matters and furnishes special principles for the construction of such discourses (5–9).<sup>26</sup> This characteristic again places the work at odds with Cicero and the standard tradition. In fact, between Cicero and traditional rhetorical authors, there were four typical approaches to unlimited matters, not one of which featured special

<sup>23</sup> Cf. Wisse (1989): 172.

<sup>24</sup> There were five configurations of ancient manuals that attempted to treat rhetoric systematically: (1) quantitative—organized according to speech parts; (2) generic—organized according to speech kinds; (3) functional—organized according to speaker activities; (4) conjunctive—unintegrated combinations of (1), (2), and (3); and (5) conflative—integrated combinations of (1) and (3) (Gaines [1989]: 335–37). *Partitiones oratoriae* is a conjunctive treatise. Among Cicero's other systematic works, *De inventione* represents the conflative configuration, while *De oratore* and *Orator* represent the functional configuration. Outside of Cicero's works, extant treatises up to late first century B.C.E. may be classified as follows: Aristotle's *Rhetoric* (functional), Anaximenes' *Rhetorica ad Alexandrum* (generic), and Cornificius' *Rhetorica ad Herennium* (conflative). After *Partitiones oratoriae*, the first systematic discussion of rhetoric known to exhibit the conjunctive configuration is *De rhetorica* in Martianus Capella's *De nuptiis Philologiae et Mercurii* (5th century C.E.; cf. Karl Barwick, "Die Gliederung der rhetorischen Τέχνη und die horazische Epistula ad Pisones," *Hermes* 57 [1922]: 2; Friedrich Solmsen, "The Aristotelian Tradition in Ancient Rhetoric," *American Journal of Philology* 62 [1941]: 50).

<sup>25</sup> See Wisse (1989): 172–73.

<sup>26</sup> Cf. Bayer and Bayer (1994): 138; Kroll, "Rhetorik," 1096; Piderit (1867): 28.

principles for composition of independent discourses.<sup>27</sup> One approach explicitly denied the relevance of unlimited matters to rhetorical practice (e.g., Cic. *Inv.* 1.8; Hermagoras [perhaps the student of Theodorus of Gadara]<sup>28</sup> in Quint. *Inst.* 2.21.22, 3.5.14). Another silently ignored the issue and treated only limited matters (e.g., Cornif. *Rhet. Her.* 1.2). A third approach classified unlimited matters as subordinate to limited matters, thus ruling out unlimited matters as subjects for independent speaking (e.g., Cic. *Or.* 45–46, 125–26; *Top.* 80; Athenaeus in Quint. *Inst.* 3.5.5). Finally, a fourth approach embraced independent discourses on unlimited matters, but neglected or refused to offer special precepts for their composition (e.g., Cic. *De or.* 2.65–70).<sup>29</sup> Our evidence, then, is that Cicero and traditional authors generally omitted special precepts on unlimited discourses from their rhetorical works (Cic. *De or.* 2.65; 2.78; 3.110).<sup>30</sup> Accordingly, it seems fair to ask why Cicero would insert such precepts into an introductory textbook. Cicero personally disagreed with the idea, and he would certainly have realized the difficulties posed for the beginning student by a doctrine that was alien to standard instruction in rhetorical theory. My contention is that there is no plausible explanation for the insertion, if we maintain the assumption that Cicero composed *Partitiones oratoriae* to introduce the principles of rhetoric to his son. The situation is quite different if we assume the work was designed to represent philosophical inquiry into rhetoric—particularly from the Academic perspective. I say this because we know—from Cicero himself—that training for composition of independent discourses on unlimited matters was an essential part of advanced

---

<sup>27</sup> I do not mean for this claim to extend beyond rhetorical theory *per se*. The elementary composition exercise known as thesis, or theme on a general matter, was apparently a fixture in the Greek and Roman educational curricula of the late Hellenistic era (see, e.g., Stanley F. Bonner, *Education in Ancient Rome: From the Elder Cato to the Younger Pliny* [Berkeley: University of California Press 1977]: 270–72). However, practice in composition was generally considered a preliminary for technical instruction in rhetoric (Quint. *Inst.* 2.1.1–13; 2.10.1), accordingly, along with other forms of practice in composition, thesis was not treated in books limited to rhetorical theory (Quint. *Inst.* 2.11.1).

<sup>28</sup> This is the suggestion of Dieter Matthes, “Hermagoras von Temnos 1904–1955,” *Lustrum* 3 (1958): 101 n. 7.

<sup>29</sup> Cf. Anton D. Leeman, Harm Pinkster, and H. L. W. Nelson, comm., *M. Tullius Cicero De oratore libri III: Kommentar. 2. Band: Buch I, 166–Buch II, 98* (Heidelberg: Universitätsverlag C. Winter 1985): 271–72.

<sup>30</sup> Cf. A. E. Douglas, “Form and Content in the *Tusculan Disputations*,” in *Cicero the Philosopher*, J. G. F. Powell, ed. (Oxford: Clarendon Press 1995): 200.

speech instruction in the Academic school (*Fin.* 4.6). Therefore, it would be quite natural for an Academic treatise on the theory of speaking to provide precepts for independent speech-making on unlimited matters—it was a routine part of school instruction.

The third characteristic of *Partitiones oratoriae* is that it does not present a single, coherent theory of rhetoric; rather it presents three distinguishable theories. On account of its tripartite structure, there is considerable repetition of theoretical materials within *Partitiones oratoriae* as a whole. This repetition allows comparative analysis of materials in corresponding parts, and even a cursory comparison demonstrates that the three divisions of *Partitiones oratoriae* manifest important theoretical diversities. For instance, the division on the 'power of the orator' diverges from the divisions on 'the speech' and 'the question' in the way that it conceptualizes inherent or artistic topics for producing conviction in discourses on limited matters. Specifically, the division on 'power of the orator' sets down sixteen inherent topics (7) which are evidently logical and very abstract.<sup>31</sup> These topics are quite different from corresponding topics in the divisions on 'the speech' (33–44) and 'the question' (70–138); for the latter are more specific, more numerous, and divided into categories based either on the argumentative functions in a rhetorical case (confirmation, 33–43; refutation, 44) or on the classification of rhetorical cases (demonstrative, 70–82; deliberative, 83–97; judicial, 98–117, 119–38). An example of how the divisions on 'the speech' and 'the question' are theoretically distinct may be seen in the way they conceptualize argumentative topics for the conjectural judicial matter. The division on 'the speech' treats the conjectural matter (34–40) as part of the general discussion of confirmation in speeches, but it is clear from the context of the discussion that the topics treated are meant for judicial application.<sup>32</sup> Within the treatment, conjecture is analyzed with reference to probabilities and signs; topics for probability are subsumed under four 'parts of the narration,' persons, places, times, and actions and occurrences (34–38), while topics for

<sup>31</sup> Cf. Wisse (1989): 138.

<sup>32</sup> At times the discussion of confirmation assumes that a past action is the subject matter of the speech under consideration (*Part.* 39, 43). Moreover, near the end of his comments on 'the speech,' Cicero makes it explicit that the account is meant to guide all three kinds of speaking, laudatory, deliberative, and judicial (58–59).

signs are explicated in large part as vestiges of actions (39). The treatment of conjectural judicial matters in the division on ‘the question’ is rather different; in fact, it accounts for the topics of conjecture under two main concepts—causes and results—and divides the discussion between resources for the prosecutor (causes, 110–13; results, 114) and for the defender (causes, 119; results, 120). In consequence of diversities such as the foregoing (and there are others), the same speaker in identical circumstances could easily produce three quite different speeches by closely following precepts in the respective divisions of *Partitiones oratoriae*. Accordingly, the divisions of *Partitiones oratoriae* provide rhetorical principles with different conditions of satisfaction in practice, and for this reason they present distinct rhetorical theories.<sup>33</sup>

The significance of multiple theories in *Partitiones oratoriae* is that it makes the work unsuitable for early instruction in rhetoric. Surely the beginning student is not prepared to absorb conflicting advice on the same issues and problems—particularly when the conflicts are not highlighted and explicated, as they are in *De oratore*.<sup>34</sup> Thus, it seems unlikely that Cicero conceived *Partitiones oratoriae* as a means of initiating his son into the rhetorical discipline. Of course it is quite reasonable to ask how the presentation of multiple theories in *Partitiones oratoriae* makes it more likely that the work represents rhetorical inquiry in the Academy. The answer, I believe, has to do with Academic epistemology. The Academic school—at least a significant group of its skeptical adherents—conceived that infallible knowledge was impossible and that the conduct of life as well as philosophical inquiry could be regulated by what was plausible (Cic. *Luc.* 32, 99; *N.D.* 1.12; *Off.* 2.7).<sup>35</sup> One consequence of such skepticism was that diverse accounts of the same matter could be entertained as plausible within the school (Cic. *Or.* 237; *Luc.* 99; *Tusc.* 5.11, 5.32–33,

<sup>33</sup> I am proposing non-identical conditions of satisfaction in practice as a sufficient condition, not a necessary condition, for distinguishing rhetorical theories.

<sup>34</sup> On this point, see James M. May and Jakob Wisse, trans., *Cicero On the Ideal Orator (De Oratore)* (Oxford: Oxford University Press 2001): 16.

<sup>35</sup> See, e.g., Jonathan Barnes, “Antiochus of Ascalon,” in *Philosophia Togata: Essays on Philosophy and Roman Society*, Miriam Griffin and Jonathan Barnes, eds. (Oxford: Clarendon Press 1989): 75; G. Striker, “Academics Fighting Academics,” in *Assent and Argument. Studies in Cicero’s Academic Books. Proceedings of the 7th Symposium Hellenisticum (Utrecht, August 21–25, 1995)*, Brad Inwood and Jaap Mansfeld, eds. (Leiden: Brill 1997): 260.

5.82–83; *Off.* 2.7–8, 3.20).<sup>36</sup> In light of this fact, it is perfectly conceivable that different positions on rhetoric arose in the Academy and that Cicero mindfully preserved the differences in *Partitiones oratoriae*. Hence, the presentation of multiple rhetorical theories in *Partitiones oratoriae* coheres with—perhaps even suggests—the idea that Cicero designed the work to represent rhetorical inquiry in the Academic school.<sup>37</sup>

My argument to this point may be summarized as follows. Cicero asserts that *Partitiones oratoriae* derives from the Academic school of philosophy. He also constructs the treatise in ways that indicate his aim is to delineate philosophical inquiry into rhetoric and not to deliver introductory instruction in the rhetorical art. Accordingly, my conclusion is that Cicero's central purpose in composing *Partitiones oratoriae* was to represent rhetorical philosophy in the Academy. To the extent that this conclusion is acceptable, I would suggest that the context which surrounds the dating of *Partitiones oratoriae* is necessarily changed. In fact, understanding the work as a representation of rhetorical philosophy opens up the range of possible dates considerably. I say this in part because Cicero might have conceived such an objective at almost any time after his first encounter with Academic inquiry into rhetoric in the early 80s (*Tusc.* 2.9, *Brut.* 306). Of course, the genre of the work strongly commends a composition date sometime after Marcus's birth in 65; but given a theoretical objective for *Partitiones oratoriae*, the date of the work need not be constrained by practical details in the education Marcus or anyone else. This is not to deny that the work might have been composed during Marcus's childhood, perhaps in anticipation of a time in which it might be useful to him. Neither does it rule out the possibility that the work served as a kind of advanced epitome of rhetoric for young Marcus or Hirtius and Pansa in the early to middle 40's. The

<sup>36</sup> On this point see John Glucker, "Probabile, Veri Simile, and Related Terms," in *Cicero the Philosopher*, J. G. F. Powell, ed. (Oxford: Clarendon Press 1995): 135–36; cf. Klaus Bringmann, *Untersuchungen zum späten Cicero*, Hypomnemata: Untersuchungen zur Antike und zu ihrem Nachleben, 29 (Göttingen: Vandenhoeck and Ruprecht 1971): 88–89.

<sup>37</sup> One advantage of the conjunctive organizational scheme is that it permits representation of diverse theoretical perspectives within the framework of a single treatise. See Solmsen (1941): 50, on Martianus Capella's exploitation of this advantage in *De rhetorica*.

point is that to achieve its theoretical goal, the work need not have served a special instructional purpose of any sort; therefore, such a purpose cannot provide a defensible foundation for the date of the work. Neither—in my view—can the time of composition be limited through recourse to datable doctrines in Cicero's rhetorical thought. For presuming only that Cicero was faithful to the task of representing Academic rhetoric in the work, his project would have been to preserve Academic achievements in the discipline with fidelity. In pursuit of such a project, Cicero would surely have suppressed his own positions in favor of Academic views. Accordingly, when we find in *Partitiones oratoriae* doctrines with parallels in *De oratore*, *Orator*, and *Topica*, we cannot assume that such doctrines represent Ciceronian innovations imported into *Partitiones oratoriae* from these works or their dates of composition. Rather, if we are to make any inference at all, we must count such doctrines as signs of Academic influence on Cicero's mature rhetorical corpus. Likewise, when we do not find in *Partitiones oratoriae* any mention of an issue eventually important to Cicero, for example, Atticism, we cannot assume *Partitiones oratoriae* was written before such matters loomed large in Cicero's thinking. The theoretical object of *Partitiones oratoriae* would surely have precluded inclusion of intellectual issues not addressed in the Academic school. Thus, the omission of such issues has no inherent value as evidence for a composition date of the work. Finally, the view that *Partitiones oratoriae* represents Academic philosophy permits us to extend possible composition dates somewhat later into Cicero's literary career. At *De divinatione* 2.1–4 Cicero discusses his philosophical writings, among which are included three works that he says join rhetoric with philosophy, namely *De oratore*, *Brutus*, and *Orator*. The absence of *Partitiones oratoriae* from this list is conspicuous, and I think that there are at least two conceivable explanations. The first is that Cicero placed in the list only works that both joined rhetoric and philosophy and expressed his personal views. Consistent with this explanation, *Partitiones oratoriae* would not have been a candidate for the list, inasmuch as it reflected rhetorical theory of the Academy, not Cicero. Thus, whether *Partitiones oratoriae* pre-existed *De divinatione* 2 or not, it would in no case have appeared in the list. The second explanation is that Cicero placed in the list simply all of his works that joined rhetoric and philosophy. In line with this explanation, Cicero would have omitted *Partitiones oratoriae* only if it had not been

composed by the date of *De divinatione* 2.<sup>38</sup> Now, I believe there is no decisive way of rejecting either of these explanations. For this reason, I would propose, we cannot rule out a date for *Partitiones oratoriae* that comes later than the completion of *De divinatione* 2, that is, sometime after mid-March 44.<sup>39</sup> Thus, in line with the conclusion that *Partitiones oratoriae* represents rhetorical philosophy, we are confronted with possible dates of the work extending from 65 to at least 44.

### *Topica*

The authenticity and date of *Topica* are not matters of dispute. Cicero mentions *Topica* in a dedicatory letter written to Trebatius from Rhegium, dated 28 July 44 B.C.E. (334.1 SB [*Fam.* 7.19.1]). Moreover, Cicero states in the introduction to *Topica* that the work was composed on a recent sea voyage, which departed from Velia (5). The date of this departure can be estimated with some precision because Cicero also wrote to Trebatius from Velia on 20 July 44 (333 SB [*Fam.* 7.20]). Thus, according to Cicero, *Topica* was composed between 20 and 28 July 44.<sup>40</sup>

What is more troublesome about the *Topica* is the provenance of the work. We learn from Cicero's introduction to *Topica* and his letter of 28 July that the work was composed as a favor. While browsing in Cicero's personal library at Tusculum, Trebatius chanced upon 'certain *Topics* of Aristotle, which were explained by that man in multiple books' (*Top.* 1).<sup>41</sup> At the time Trebatius asked Cicero about

<sup>38</sup> Cf. Merchant (1890): 84.

<sup>39</sup> For the date of *De divinatione*, I generally follow the account provided by Arthur Stanley Pease, ed., *M. Tulli Ciceronis De divinatione, libri duo*, *University of Illinois Studies in Language and Literature* 6 (1920): 13–15.

<sup>40</sup> Doubts exist about the possibility of composition in such a brief period (see Jorma Kaimio, *Cicero's Topica: The Preface and Sources*, Turun yliopiston julkaisu. Sarja B, Humaniora, 141 [Turku, Finland: Turun yliopisto 1976]: 12–13, and literature cited). However, there is no doubt that *Topica* was completed by the date of letter to Trebatius.

<sup>41</sup> Here and elsewhere, citations to the text of this work refer to *Marci Tulli Ciceronis Topica*, *Biblioteca philologica* 1, Georgius Di Maria, ed. (Palermo: L'epos 1994). In selecting this edition, I follow Jakob Wisse, who evaluates Di Maria's text as presently 'the best available by far' (Review of *M. Tulli Ciceronis Topica*, Maria Laetitia Riccio Coletti, ed. [Chieti: Vecchio Faggio 1994], *Gnomon* 72 [2000]: 178).



the substance of the books. Cicero replied that they contained a method for inventing arguments, whereupon Trebatius pleaded with Cicero in order that he might impart 'these things' to him (1–2). Cicero hesitated at first, proposing that Trebatius read the books or learn the whole theory from a rhetorician, but he eventually granted Trebatius' request by composing his book entitled *Topica* (*Top.* 4–5, 334.1 SB [*Fam.* 7.19.1]). Within the circumstances of its composition, however, the contents of this book pose a problem: While Trebatius' request was evidently prompted by the *Topica* of Aristotle, Cicero's *Topica* has almost nothing in common with that work.

Considerable ingenuity has been applied to this problem over the years. Some scholars have argued that despite theoretical disparities, Cicero nonetheless based his *Topica* on books known as Aristotle's *Topica*; in fact, we find positions that Cicero misremembered the standard *Topica* of Aristotle,<sup>42</sup> that Cicero used other books entitled *Topica* by Aristotle,<sup>43</sup> that Cicero used Aristotle's *Rhetoric* understanding that it contained a *Topica*,<sup>44</sup> and that Cicero followed a work spuriously attributed to Aristotle and entitled *Topica*.<sup>45</sup> Others have either argued or assumed that disparities between Cicero's *Topica* and Aristotle's *Topica* are inconsequential; among these we find views that Cicero nowhere says he is explicating the *Topica* of Aristotle<sup>46</sup> and that Cicero's direct source is Aristotle (in the *Rhetoric*),<sup>47</sup> Antiochus,<sup>48</sup> Philo,<sup>49</sup>

<sup>42</sup> Bornecque (1924): 61–62; M. Plezia, "Encore sur la *Vie d'Aristote* de Ptolémé," *Les Études classiques* 54 (1986): 384.

<sup>43</sup> Franciscus Godardus van Lynden, *Specimen juridicum inaugurale, exhibens interpretationem jurisprudentiae tullianae in topicis expositae* (Lugduni Batavorum: Haak 1805), libro c: 16.

<sup>44</sup> Paul Thielscher, "Cicero's Topik und Aristoteles," *Philologus* 67 (1908): 67.

<sup>45</sup> Kaimio (1976): 24; Jonathan Barnes, "Roman Aristotle," in *Philosophia Togata II: Plato and Aristotle at Rome*, Jonathan Barnes and Miriam Griffin, eds. (Oxford: Oxford University Press 1997): 56–57.

<sup>46</sup> G. M. A. Grube, *The Greek and Roman Critics* (London: Methuen & Co., Ltd. 1965): 172–73, n. 2; Eleonore Stump, trans., *Boethius' De topicis differentiis* (Ithaca: Cornell University Press 1978): 21–22; M. Fuhrmann, *Cicero's Topica*, Mededelingen van de Afdeling Letterkunde, Nieuwe Reeks, Deel 62, no. 10 (Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen 2000): 11.

<sup>47</sup> Ioannes Iosephus Klein, *Dissertatio de fontibus topicorum Ciceronis*, Diss., Bonn, 1844 (Bonnae: Formis Caroli et Friderici Krueger 1844): 55–56; Paul MacKendrick, *The Philosophical Books of Cicero* (New York: St. Martin's Press 1989): 231.

<sup>48</sup> Maximilianus Wallies, *De fontibus topicorum Ciceronis*, Diss., Halle, 1878 (Berolini: typis A. Haack 1878): 48; Kroll (1903): 589–93; Otto Immisch, "Wirklichkeit und Literaturform," *Rheinisches Museum für Philologie* 78 (1929): 117.

<sup>49</sup> Robert Philippson, "Cicero (Philosophische Schriften)," col. 1169.

or Diodorus.<sup>50</sup> My inclination in this connection is to follow those who look for Cicero's immediate source (or sources) outside the *Topica* of Aristotle. I say this because, whatever it was that prompted Trebatius to make his request, Cicero makes clear throughout his *Topica* that the work is designed to do something other than summarize Aristotle's *Topica*.<sup>51</sup> In fact, Cicero begins his *Topica* with an explicit reminder of the terms of Trebatius' request and the circumstances of its making. Specifically, when Cicero had explained that Aristotle's *Topica* offered a method of inventing arguments, Trebatius had immediately requested Cicero to impart 'these things' to him (2). On Cicero's interpretation, this request was about the method of inventing arguments, not about Aristotle's books.<sup>52</sup> For, he deliberately fulfills the request by constructing a general account of topics for invention in argumentation. Within this construction, Aristotle is mentioned, to be sure, but only as the founder of dialectical investigations on invention and judgment (6–7). Once Cicero addresses himself to inventional topics *per se*, Aristotle disappears into the background and is mentioned by the way in a single passage (35). Ultimately, at the conclusion of *Topica*, Cicero returns to Trebatius' request and characterizes the manner in which it has been fulfilled. Cicero says that, lest he omit anything pertaining to invention of arguments, he has included even more in the work than Trebatius had requested (100). Given that Trebatius, at least, would have recognized any dissimulation in Cicero's depiction of his request and whether it was fulfilled, I think we must take Cicero at his word: *Topica* responded to a request that Cicero generally explain topical invention of arguments.

Now, some commentators have resisted the foregoing conclusion based on a clause in Cicero's dedicatory letter to Trebatius regarding *Topica*. Specifically, in the third sentence, Cicero writes, *institutui Topica Aristotelea conscribere* (334.1 SB [*Fam.* 7.19.1]). This clause has been interpreted as demonstrating that Cicero's *Topica* summarized a work known as Aristotle's *Topica*. However, I do not believe the

<sup>50</sup> Caspar Hammer, *Commentatio de Ciceronis topicis*, Annalem Gymnasii Landavini Libellum (Landavi: Formis E. Kaussleri 1879): 27.

<sup>51</sup> The question has been raised whether Cicero's library actually held a copy of Aristotle's *Topica*; see, e.g., Barnes (1997): 55–57; Wisse (1989): 136–137. However, the resolution of this question—one way or the other—does not affect my interpretation of Cicero's intentions in composing his own *Topica*.

<sup>52</sup> Cf. Grube (1965): 173, n. 2; Stump (1978): 22.

linguistic evidence supports such a conclusion. My main reason for this view is that *conscribere* without the preposition *de* never means anything like ‘summarize’ or ‘explicate,’ and within the context of the clause at stake, it can only mean ‘write’ or ‘compose.’<sup>53</sup> Thus, the correct interpretation of the clause must be ‘I began to write my Aristotelian *Topica*’ or, as has recently been suggested, ‘I began to write a *Topica* in the manner of Aristotle.’<sup>54</sup> Such an interpretation, I would suggest, hardly supports—much less necessitates—the conclusion that a work known as Aristotle’s *Topica* was the source of Cicero’s work of the same name.

Of course, if we must look outside Aristotle’s *Topica* for the inspiration of Cicero’s work, we are faced with the problem of identifying its alternative source or sources. Because my argument regarding the provenance of *Topica* is dependent upon an analysis of its contents, I would like to postpone my treatment of this problem until I have outlined the nature of the work. Besides, a look at the doctrines in *Topica* and Cicero’s reflections upon them will allow me to address my central concern in the present discussion, namely, the argument that Cicero constructed *Topica* as an illustration of philosophical rhetoric.

*Topica* may be divided into seven segments: prologue (1–5), theoretical introduction (6–7), preliminary discussion of topics (8–24), advanced discussion of topics (25–78), topics and the question (79–96), topics and the parts of a speech (97–99), and conclusion (100).<sup>55</sup> As we have seen, the prologue is addressed to Trebatius and explains what motivated Cicero to write *Topica* (1–4) as well as when and how he completed the work (5).

The theoretical introduction positions the work in the philosophical tradition of logical inquiry. Cicero subsumes his subject under the ‘theory of discussion’ and divides it into two parts, invention and judgment. Aristotle, he says, founded both parts of the theory. The Stoics, he adds, pursued judgment ‘diligently;’ however invention they ‘left completely untouched’ (6). Cicero says that he will pursue invention and promises a future investigation of judgment, should the leisure for such study be permitted to him (7).

<sup>53</sup> See *OLD*, s.v. *conscribo*. No extant manuscript of this letter contains *de* in the clause at stake here (Shackleton Bailey, ed., *Epistulae ad familiares*, 2: 186).

<sup>54</sup> I refer to Fuhrmann (2000): 11, n. 16: ‘De woorden *Topica* Aristotelea in de begeleidende brief aan Trebatius betekenen “een topiek op de manier van Aristoteles.”’

<sup>55</sup> Cf. McKendrick (1989): 223–28.

The preliminary discussion of topics starts with definitions and a distinction. Definitions concern 'topic' as the 'place of an argument' and 'argument' as the 'reasoning which persuades about a thing that is uncertain.' The distinction divides topics into those which are inherent in the subject discussed and those which are external to that subject (8). Cicero observes that internal topics are those which provide arguments from the whole subject (= definition, 8, 9), from its parts (= enumeration 8, 10), from its signifier (= etymology, 8, 10), and from things connected to the subject (8, 11), including linguistic connection, genus, species, similarity, difference, contrary, adjuncts, antecedents, consequents, contradictions, cause, effect, and comparison with greater, equal, and lesser things (11–23). In the case of each inherent topic, Cicero provides an example of legal argument drawn from the topic, usually with no further explication. External topics are described as depending upon authority and generating arguments apart from the expertise of art (what the Greeks call *ἄτεχνον*). To explain extrinsic arguments Cicero proposes a single legal example—the stipulation of a definition taken from a known legal authority (24).

Having concluded his preliminary discussion, Cicero notes that he has set out the topics for the invention of every argument. And he suggests that even this preliminary discussion would be sufficient to meet Trebatius' request (25). Nevertheless, he resolves to offer a more advanced discussion. His stated justification is that each of the topics has its own members or elements (26). In actuality, however, the discussion subdivides only about half of the topics using analytical categories. Among inherent topics, definitions (26–28), enumerations (33–34), similarities (41–45), contraries (47–49), adjuncts (50–52), contradictions (55–57), causes (58–64), and comparisons (68–70) are developed with additional analytical details. External topics receive closer attention. Cicero says that they depend upon testimony and adds that testimony is convincing when it is based on authority. Authority is then divided into sorts related to virtue and to circumstances. Authority derived from circumstances relates to talent, wealth, age, luck, art, experience, physical or mental necessity, and fortuitous events (73–75). Authority drawn from virtue is natural in the case of gods and manifest through divine utterances (e.g., oracles) and divine works (e.g., the heavenly order; 76–77). Authority drawn from virtue is earned in the case of humans and becomes apparent from skill, study, learning, and probity (76, 78).

Apart from his stated justification, however, Cicero's reasons for offering a second, more advanced treatment of inventional topics are not difficult to discover. Although he dedicates and adapts his *Topica* to Trebatius, a jurist, Cicero apparently wishes to expand application of the topics discussed beyond legal argument, and the advanced discussion is a means of achieving this end. For, within the advanced discussion of inherent topics, Cicero is able to observe that similarity, contradiction, and cause are more relevant to orators and philosophers than to jurists (41, 56, 65). Likewise, he can extend the treatment of adjuncts in a way that is useful to orators alone (51). Particularly in this last connection, Cicero's motivation is made explicit. To excuse his turn away from legal argument in extending the treatment of adjuncts, Cicero presumes upon Trebatius' indulgence (51): 'Nevertheless you will permit that no topic be omitted by me from the text-book I have begun, lest, if you believe that nothing should be written unless it pertains to you, you appear to esteem yourself too much.' The upshot is that Cicero intends for his advanced discussion of inherent topics to display their utility for the orator. Much the same may be said about the advanced discussion of external topics. Here Cicero must excuse the entirety of his extension, because external topics have no place in legal argument; accordingly, he bids Trebatius to be patient once more (72):

. . . let us say a few words concerning these <external topics>, although they pertain to your arguments in no respect at all; but just the same let us complete the whole matter, since we have begun. For you are not he whom nothing delights unless it is civil law, and seeing that these things are written to you so as to ensure that they are also going to come into the hands of others, pains are taken so that we can transmit as much as possible to those who delight in proper studies.

Within this comment, the 'others' whom Cicero has in mind must certainly include orators, because his explanations and examples of external topics frequently mention judicial circumstances (73, 75, 76). Thus, the advanced discussion of external topics is clearly designed to make such topics accessible to practitioners of oratory.

Cicero embarks upon his discussion of topics and the question without much explanation. He observes that every discussion involves at least one of the topics he has explained and notes that some topics are better suited to some questions than others. This leads immediately to an exposition of the types of question. And here we get the distinction between unlimited and limited questions as well as a

stipulation that every unlimited question is a part of a limited question (79–80). Unlimited questions, he says, are of two sorts (81). One sort, theoretical questions, concerns reality, definition, and quality, and these are pursued respectively using methods of conjecture, definition, and distinction of right and wrong. Conjecture examines existence or truth, origin, cause, and possible modifications of a thing (82). Definition addresses the concept of a thing, its peculiar property, analysis, enumeration of parts, and characterizing description (83). Distinction of right and wrong pertains to simple and comparative inquiries. Simple inquiries are about choice and avoidance, justice and injustice, and honor and baseness. Comparative inquiries concern identity and difference as well as superiority and inferiority of values (84–85). The other sort of unlimited question, practical questions, pertains to duty and arousing, calming, or removing emotions (86).

With reference to this scheme, Cicero addresses which topics are suitable to which questions, but he discusses only theoretical questions, organizing his comments in relation to their methods. Conjecture, he says, is most assisted by topics of cause, effect, and adjuncts (87). Definition is best helped by definition, similarity, difference, antecedents, consequents, contradictions, cause, and effect (87–88). As regards distinction of right and wrong, Cicero suggests that the topic of comparison is useful for comparative inquiries (89). However, in regard to simple inquiries, he proposes the use of topics apart from the inherent and external topics he has already discussed. Choice and avoidance, he says, may be pursued using advantages and detriments of mind, body, or external things. Honor and baseness may be pursued with recourse to goods and evils of mind (89). Finally, justice and injustice are subject to treatment using topics of equity, particularly those related to natural law (rights to property and revenge) and institutional law (laws, agreements, and customs; 90).

As for limited questions, Cicero divides them into judicial, deliberative, and laudatory types. Regarding these types, he offers two methods for identifying appropriate topics. In the first method, the end of each type is used to indicate which topics are suitable. Thus because the end of the judicial type is justice, it is handled by the topics of equity. For the deliberative type, the end is advantage, so it is treated using advantages and detriments of mind, body, and external things. The laudatory type takes honor as its end, therefore it can be treated using goods and evils of mind (91). In the second

method, the issues of dispute associated with each type are applied to recognize which topics are fitting. Here Cicero insists that judicial, deliberative, and laudatory questions are all subject to inquiry using the same three sources of dispute that applied to theoretical unlimited questions, namely, reality, definition, and quality (92–94). Cicero closes the treatment of limited questions by referring to sources of dispute arising from written documents. He observes that all written documents—including laws, will, and contracts—are subject to dispute because of ambiguity, discrepancy between what is written and what intended, and conflicting documents (95–96).

Just before concluding the *Topica*, Cicero provides a brief segment on topics and the parts of a rhetorical speech. However, his approach is not to set down which topics are appropriate for which speech parts; rather, he specifies what objectives topical selections should be designed to achieve. So, for introductions, topics should make the audience benevolent, docile, and attentive. Topics for narrations should be chosen to make this speech part plain, brief, clear, credible, respectable, and dignified (97). The proof aims at persuasion, so all the topics pertinent to persuasion are relevant (98). In the peroration, topics for amplification are useful, because amplification heightens and calms emotions of the audience (98–99).

Finally, as indicated above, Cicero closes *Topica* with a very short conclusion that addresses the nature of his fulfillment of the entreaty that precipitated its composition. Specifically, he returns to the terms of Trebatius' request, that Cicero impart the means of inventing arguments, and states very clearly that he has provided more than was requested. To amplify his claim of fulfillment, Cicero likens a sale of property to the social and literary transaction that has occurred between Trebatius and himself: 'Thus to that which we were obliged to give to you in full possession, so to speak, we wished to be added certain ornaments that were not owed.' (100).

Consistent with the preceding, it is now possible to address both of the matters previously reserved for this place, namely, the source or sources of *Topica* and Cicero's theoretical intentions for the work. Let me discuss the matter of provenance first.<sup>56</sup> The reader will have noticed that several major elements of *Topica* are similar to corresponding elements in *Partitiones oratoriae*. First, we find in both works

<sup>56</sup> The approach I take here is comparable to that of Riposati (1961): 254–61.

a topical account of argumentative invention that divides topics into inherent and external categories (*Top.* 8, *Part.* 5). Moreover, within these categories the lists of topics are nearly identical. Under the rubric of inherent topics the two works share thirteen of sixteen topics in each list, including definition, enumeration, genus, species, similarity, difference, contrary, adjuncts, antecedents, contradictions, cause, effect, and comparison with greater, equal, and lesser things (*Top.* 8–11, *Part.* 7).<sup>57</sup> As regards external topics both works conceptualize external arguments as testimony, recognize utterances of gods and humans as instances of testimony, contemplate human utterances that are voluntary and involuntary, and posit authority as a crucial factor in the credibility of human utterance (*Top.* 73–78, *Part.* 6). Second, we find in the two works an account of unlimited matters subdivided into theoretical and practical categories (*Top.* 81, *Part.* 62). Moreover, both accounts posit three sorts of issues associated with the theoretical category, namely, questions of reality, definition, and quality (*Top.* 82–85, *Part.* 62), and both represent the practical category as involving two issues, specifically, duty and arousing and calming emotion (*Top.* 86, *Part.* 67). Third, we find in the two works accounts of limited matters which divide such matters into three genera, judicial, deliberative, and laudatory (*Top.* 91, *Part.* 10, 70) and which characterize the issues at stake in all three genera as questions of reality, definition, and quality (*Top.* 93–94, *Part.* 33). Fourth, the two works conceive speeches as a four-part structure and describe the functions of parts in similar fashion. Both works characterize the introduction as making the audience friendly, receptive, and attentive (*Top.* 97, *Part.* 28), and while *Partitiones oratoriae* describes narrations as achieving clarity (including brevity), credibility, and charm (31–32), *Topica* describes narrations as aiming to be plain, brief, clear, credible, restrained, and dignified (97). Both works characterize the

<sup>57</sup> I am identifying the following inherent topic pairs from *Top.* 8–11 and *Part.* 7 respectively: *ex toto—definitio* = *definitio*; *ex partibus—enumeratio partium* = *distributiones*; *ex genere* = *genera partium*; *ex forma* = *generum partes*; *ex similitudine* = *similia*; *ex differentia* = *dissimilia*; *ex contrario* = *contrario*; *ex adiunctis* = *ea quae sunt quasi coniuncta*; *ex antecedentibus* = *praecurrentia*; *ex repugnantibus* = *ea quae sunt quasi pugnantia*, *ex causis* = *causae*; *ex effectis* = *effecta*; *ex comparatione maiorum aut parium aut minorum* = *rerum contentiones, quid maius, quid par, quid minus sit*. The two works differ concerning inherent topics only insofar as *Topica* includes etymology (*ex nota—notatio*; 8, 10), linguistic connection (*coniugata*; 11), and consequents (*ex consequentibus*; 11), where *Partitiones oratoriae* includes consistency (*consentanea*; 7), discrepancy (*dissentanea*; 7), and elementary stages (*primordia rerum*; 7).



proof as persuading (*Top.* 98, *Part.* 33), and both represent the conclusion as achieving multiple goals, especially arousing or calming emotion through amplification (*Top.* 98, *Part.* 52). Now, a few of these similarities might be expected in any pair of rhetorical works from the late Hellenistic period; but to my mind, the number and comprehensive nature of the similarities between *Topica* and *Partitiones oratoriae* strongly commends the view that both works have a common intellectual origin. Accordingly, because we know that *Partitiones oratoriae* was derived from the Academy, at least as Cicero understood that school, I think it is almost inescapable that *Topica* had the same provenance.

Of course, I am not the first to associate *Topica* with the Academy. But inasmuch as Cicero's conception of Academic philosophy was very complex, including directly and indirectly, early Academic doctrine, early Peripatetic doctrine, doctrines from the New Academy, and doctrines from the regenerate Old Academy,<sup>58</sup> I think it is extremely perilous to go farther and identify a single source for the *Topica* in its entirety. In my view, associations of *Topica* with Philo, Antiochus, and early peripatetic philosophers may all have some claim to legitimacy;<sup>59</sup> but precisely for this reason, we should resist the temptation to link the work to such individuals—except in its parts.<sup>60</sup>

Let me now turn to the final issue concerning *Topica*, Cicero's theoretical intention for the work. As we have already seen, what motivated the composition (or at least completion) of *Topica* was a friendly request by Trebatius that Cicero explain a method for topical invention of arguments. Cicero complied with the terms of this request by summarizing part of a philosophical theory of discussion, presumably an Academic account of invention by means of topics. As an adaptation to Trebatius, a jurist, Cicero constructed this summary using legal examples (6–24). However, Cicero did more than

<sup>58</sup> On the complexity of Cicero's conception of the Academic School, see above note 21.

<sup>59</sup> Regarding sources for *Topica* in the early Peripatos, see, e.g., Pamela M. Huby, "Cicero's *Topics* and Its Peripatetic Sources," *Cicero's Knowledge of the Peripatos*, William W. Fortenbaugh and Peter Steinmetz, eds., Rutgers University Studies in Classical Humanities, 4 (New Brunswick: Transaction Publishers 1989): 61–76.

<sup>60</sup> This problem is recognized by Kaimio (1976): 14, n. 45, and Thielscher (1908): 54, who limit their single-source search to the scheme of topics in *Topica*; it is contemplated to a lesser extent by Wallies (1878): 48, who proposes a single source for the first 78 sections.

comply with Trebatius' request, and with reference to much of *Topica*, he asks for Trebatius' indulgence while he completes a kind of textbook for a larger audience (51, 72). This audience undoubtedly includes orators, whose particular interests frequently arise in the advanced discussion of topics and completely dominate the discussions of topics related to the question and the oration. Accordingly, one explicit objective of the *Topica* was to explain to orators how they might employ a topical theory originally conceived as an element of philosophical logic.<sup>61</sup> Consistent with this objective, Cicero clearly intended *Topica* to illustrate the application to rhetoric of doctrines drawn from a field in philosophy; the work therefore represents what I would call philosophical rhetoric.

#### BIBLIOGRAPHY

- Achard, G., ed. *De l'invention/Cicéron*. Collection des Universités de France. Série Latine, 320. Paris: "Les Belles Lettres," 1994.
- Astin, Alan E. *Cato the Censor*. Oxford: Clarendon Press, 1978.
- Bailey, D. R. Shackleton., ed. *Cicero: Epistulae ad familiares*. 2 vols. Cambridge: Cambridge University Press, 1977.
- Barnes, Jonathan. "Logic in *Academica* I and the *Lucullus*." In *Assent and Argument: Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum (Utrecht, August 21-25, 1995)*. Philosophia Antiqua: A Series of Studies on Ancient Philosophy, 76, edited by Brad Inwood and Jaap Mansfeld, (Leiden: Brill 1997): 141-60.
- . "Antiochus of Ascalon." In *Philosophia Togata: Essays on Philosophy and Roman Society*, edited by Miriam Griffin and Jonathan Barnes (Oxford: Clarendon Press 1989): 51-96.
- . "Roman Aristotle." In *Philosophia Togata II: Plato and Aristotle in Rome*, edited by Jonathan Barnes and Miriam Griffin (Oxford: Clarendon Press 1997): 1-69.
- Barwick, Karl. "Die Gliederung der rhetorischen Τέχνη und die horazische Epistula ad Pisones." *Hermes* 57 (1922): 1-62.
- Bayer, K. and G. Bayer, eds. and trans. *Partitiones oratoriae. Rhetorik in Frage und Antwort. Lateinisch-deutsch*, by M. Tullius Cicero. Sammlung Tusculum. Zürich: Artemis & Winkler, 1994.
- Bonner, Stanley F. *Education in Ancient Rome: From the Elder Cato to the Younger Pliny*. Berkeley and London: University of California Press, 1977.

<sup>61</sup> Cf. Michael C. Leff, "The Topics of Argumentative Invention in Latin Rhetorical Theory from Cicero to Boethius," *Rhetorica* 1 (1983): 31.

- Bornecque, H., ed. *Cicéron: Divisions de L'art oratoire. Topiques*. Paris: Société d'Édition "Les Belles Lettres," 1924.
- Bringmann, Klaus. *Untersuchungen zum späten Cicero*. Hypomnemata: Untersuchungen zur Antike und zu ihrem Nachleben, 29. Göttingen: Vandenhoeck and Ruprecht, 1971.
- Calboli, Gualtiero, ed. *Cornifici Rhetorica ad C. Herennium*. Edizioni e saggi universitari di filologia classica, 11. 2nd ed. Bologna: Pàtron, 1993.
- Curcio, Gaetano. *Le opere retoriche di M. Tullio Cicerone. Studio critico*. Acireale: Etna, 1900.
- Decembrio, Angelo. *De Politia Literaria Libri Septe[m]*. 1462. Reprint, Basileae: Per Ioannem Heruagium, 1562.
- Diels, Herman, and Walter Kranz, eds. *Fragmente der Vorsokratiker*. 7th ed. 2 vols. Berlin: Weidmannsche Verlagsbuchhandlung, 1954.
- Dillon, John. *The Middle Platonists 80 B.C. to A.D. 220*. Revised ed. Ithaca, NY: Cornell University Press, 1996.
- Di Maria, G., ed. *Marci Tulli Ciceronis Topica, edidit, commentario critico instruxit Georgius Di Maria*. Bibliotheca philologica, 1. Palermo: L'Epos, 1994.
- Douglas, A. E. "Form and Content in the *Tusculan Disputations*." In *Cicero the Philosopher*, edited by J. G. F. Powell (Oxford: Clarendon Press 1995): 197–218.
- Fuhrmann, Manfred. *Das systematische Lehrbuch. Ein Beitrag zur Geschichte der Wissenschaften in Der Antike*. Göttingen: Vandenhoeck and Ruprecht, 1960.
- . *Cicero und die römische Republik: eine Biographie*. München: Artemis Verlag, 1989.
- . *Cicero's Topica*. Mededelingen Van De Afdeling Letterkunde, Nieuwe Reeks, Deel 62, No. 10. Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen, 2000.
- Gaines, Robert N. "A Note on Rufus' Τέχνη ῥητορικῆ." *Rheinisches Museum für Philologie* 129 (1986): 90–92.
- . "On the Rhetorical Significance of *P. Hamb.* 131." *Rhetorica* 7 (1989): 329–40.
- Gilleland, Brady B. "The Date of Cicero's *Partitiones Oratoriae*." *Classical Philology* 56 (1961): 29–32.
- Giomini, R., ed. *Partitiones oratoriae*. Academia Latinitati Fovendae Bibliotheca Scriptorum Latinorum. Romae: Herder, 1996.
- Glucker, John. "Cicero's Philosophical Affiliations." In *The Question of "Eclecticism"*. *Studies in Later Greek Philosophy*, edited by John M. Dillon and A. A. Long (Berkeley, CA: University of California Press 1988): 34–69.
- . "Probabile, Veri Simile, and Related Terms." In *Cicero the Philosopher*, edited by J. G. F. Powell (Oxford: Clarendon Press 1995): 115–43.
- Görler, Woldemar. "Silencing the Troublemaker: *De Legibus* I. 39 and the Continuity of Cicero's Scepticism." In *Cicero the Philosopher*, edited by J. G. F. Powell (Oxford: Clarendon Press 1995): 85–113.
- Grube, G. M. A. *The Greek and Roman Critics*. London: Methuen & Co., Ltd., 1965.

- Hammer, Caspar. *Commentatio de Ciceronis Topicis*. Annalem Gymnasii Landavini Libellum. Landavi: Formis E. Kaussleri, 1879.
- Hirzel, Rudolf. *Der Dialog. Ein Literaturhistorischer Versuch*. 2 vols. Leipzig: Verlag von S. Hirzel, 1895.
- Huby, Pamela M. "Cicero's *Topics* and Its Peripatetic Sources." In *Cicero's Knowledge of the Peripatos*, edited by William W. Fortenbaugh and Peter Steinmetz (New Brunswick, NJ: Transaction Publishers 1989): 61–76.
- Huschke, Ph. Eduardo, ed. *Iurisprudentiae anteiustinianae reliquias in usum maxime academicum*. 6th ed. 2 vols., edited by E. Seckel and B. Kuebler. Lipsiae: In aedibus B. G. Teubneri, 1908.
- Immisch, Otto. "Wirklichkeit und Literaturform." *Rheinisches Museum für Philologie* 78 (1929): 113–23.
- Jordan, Henricus., ed. *M. Catonis praeter librum De re rustica quae exstant*. Leipzig: Teubner, 1860.
- Kaimio, Jorma. *Cicero's Topica: The Preface and Sources*. Turun Yliopiston Julkaisuja, Sarja B/Annales Universitatis Turkuensis, Ser. B, 141. Turku, Finland: Turun yliopisto, 1976.
- Kennedy, George. *The Art of Persuasion in Greece*. Princeton: Princeton University Press, 1963.
- . *The Art of Rhetoric in the Roman World 300 B.C.–A.D. 300*. Princeton, NJ: Princeton University Press, 1972.
- Klein, Johannes Iosephus. *Dissertatio De Fontibus Topicorum Ciceronis*. Diss., Bonn, 1844. Bonnae: Formis Caroli et Friderici Krueger, 1844.
- Kroll, Wilhelm. "Studien über Ciceros Schrift de oratore." *Rheinisches Museum für Philologie* 58 (1903): 552–97.
- . "M. Tullius Cicero (Rhetorische Schriften)." *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, Neue Bearbeitung, Bd. 7, Teil 1, cols. 1091–1103.
- . "Rhetorik." *Paulys Real-Encyclopädie Der Classischen Altertumswissenschaft*, Supplementband 7, cols. 1039–1138.
- Leeman, Anton D., Harm Pinkster, and H. L. W. Nelson. *M. Tullius Cicero De Oratore Libri III: Kommentar. 2. Band: Buch I, 166–Buch II, 98*. Heidelberg: Universitätsverlag C. Winter, 1985.
- Leeman, Anton D., Harm Pinkster, and Edwin Rabbie. *M. Tullius Cicero De Oratore Libri III: Kommentar. 3. Band: Buch II, 99–290*. Heidelberg: Carl Winter Universitätsverlag, 1989.
- Leeman, Anton D., Harm Pinkster, and Jakob Wisse. *M. Tullius Cicero. De Oratore Libri III. Kommentar. 4. Band: Buch II, 291–367; Buch III, 1–95*. Heidelberg: Universitätsverlag C. Winter, 1996.
- Leff, Michael C. "The Topics of Argumentative Invention in Latin Rhetorical Theory from Cicero to Boethius." *Rhetorica* 1 (1983): 23–44.
- Lynden, Franciscus Godardus van. *Specimen juridicum inaugurale, exhibens interpretationem iurisprudentiae tullianae in topicis exposita*. Lugduni Batavorum: Haak, 1805.
- MacKendrick, Paul. *The Philosophical Works of Cicero*. New York: St. Martin's Press, 1989.

- Marx, Fredericus. *Incerti auctoris De ratione dicendi ad C. Herennium libri IV*. Lipsiae: B. G. Teubner, 1894.
- Matthes, Dieter. "Hermagoras von Temnos 1904–1955." *Lustrum* 3 (1958): 58–214.
- May, James M. and Jakob Wisse. *Cicero: On the Ideal Orator (De Oratore)*. Oxford: Oxford University Press, 2001.
- Merchant, Franciscus Ioannes. *De Ciceronis Partitionibus Oratoriis Commentatio*. Diss., Berlin, 1890. Berolini: Typis expressit Gustavus Schade (Otto Francke), 1890.
- Norden, Eduard. "Die Composition und Litteraturgattung der horazischen Epistula ad Pisones." *Hermes* 40 (1905): 481–528.
- Ochs, Donovan J. "Cicero's Rhetorical Theory: With Synopses of Cicero's Seven Rhetorical Works." In *A Synoptic History of Classical Rhetoric*, 2nd ed., edited by J. J. Murphy and R. A. Katula (Davis, CA: Hermagoras Press 1995): 129–76.
- Pease, Arthur Stanley, ed. *M. Tulli Ciceronis De divinatione, libri duo*. *University of Illinois Studies in Language and Literature* 6 (1920): 161–500; 8 (1923): 153–474.
- Philippson, Robert. "M. Tullius Cicero (Philosophische Schriften)." *Paulys Real-Encyclopädie der classischen Altertumswissenschaft*, Neue Bearbeitung, Reihe 2, Bd. 7, Teil 1, cols. 1104–1192.
- Piderit, K. W., comm. *Ciceros Partitiones oratoriae. Für die Schulgebrauch erklärt*. Liepzig: Teubner, 1867.
- Plezia, Marian. "Encore sur la *Vie D'Aristote* de Ptolémé." *Les Études Classiques* 54 (1986): 383–85.
- Powell, Jonathan G. F. "Tullius Cicero, Marcus, Works on Rhetoric." *Oxford Classical Dictionary*. 3d ed. Edited by Simon Hornblower and Antony Spawforth (Oxford: Oxford University Press 1996): 1561.
- Rawson, Elizabeth. *Intellectual Life in the Late Roman Republic*. Baltimore: Johns Hopkins University Press, 1985.
- Reeve, M. D. "Cicero: *Topica*." In *Texts and Transmission. A Survey of the Latin Classics*, edited by L. D. Reynolds (Oxford: Clarendon Press 1983): 128–30.
- Riposati, Benedictus. "Quomodo 'Partitiones oratoriae' cum 'Topicis' cohaerant." In *Atti Del I Congresso Internazionale Di Studi Ciceroniani*. 2 vols. Roma: Centro di studi Ciceroniani Editore, 1961, 1: 253–63.
- Rouse, R. H. "Cicero: *Partitiones oratoriae*." In *Texts and Transmission. A Survey of the Latin Classics*, edited by L. D. Reynolds (Oxford: Clarendon Press 1983): 109–12.
- Solmsen, Friedrich. "The Aristotelian Tradition in Ancient Rhetoric." *American Journal of Philology* 62 (1941): 35–50; 169–190.
- Steinmetz, Peter. "Beobachtungen zu Ciceros philosophischen Standpunkt." In *Cicero's Knowledge of the Peripatos*, edited by William W. Fortenbaugh and Peter Steinmetz (New Brunswick, NJ: Transaction Publishers 1989): 1–22.
- Striker, Gisela. "Academics Fighting Academics." *Assent and Argument. Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum*

- (*Utrecht, August 21–25, 1995*). *Philosophia Antiqua: A Series of Studies on Ancient Philosophy*, 76, edited by Brad Inwood and Jaap Mansfeld (Leiden: Brill 1997): 257–76.
- Ströbel, Eduard. *Zur Handschriftenkunde und Kritik von Ciceros Partitiones oratoriae*. Zweibrücken: Buchdruckerei von August Kranzbühler, 1887.
- Stump, Eleonore, trans. *Boethius' De Topicis Differentiis*. Ithaca: Cornell University Press, 1978.
- Thielscher, Paul. "Ciceros Topik und Aristoteles." *Philologus* 67 (1908): 52–67.
- Wallies, Maximilianus. *De fontibus topicorum Ciceronis*. Diss., Hale, 1878 (Berolini: Typis A. Haack, 1878).
- Wisse, Jakob. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Adolf M. Hakkert, 1989.
- . "Review of *M. Tulli Ciceronis Topica* by Maria Laetitia Riccio Coletti, ed." *Gnomon* 72 (2000): 175–78.

## CHAPTER SIXTEEN

### CICERO'S ORATORICAL AND RHETORICAL LEGACY

George A. Kennedy

Even when Cicero's writings and political role have been studied only by the few—a situation found again today in the waning of the Renaissance—his name has often been widely recognized as that of a great orator. The noun *Cicero*, *-onis*, was defined in Lewis and Short's *New Latin Dictionary* of 1879 as 'the greatest of the Roman orators and writers,' a lexicographer's dictum that can be made more acceptable by introduction of the word 'prose' before 'writers.' Cicero occupies a unique role in history. He is the only Roman writer mentioned by Greek critics;<sup>1</sup> medieval manuscripts of his works outnumber those of any other classical Latin writer; incunabula editions of his works number over three hundred, about twice those of Virgil; his orations have been school texts continually for two thousand years; and though statistics are lacking, it is likely that citations of Cicero have outnumbered those from any other Roman source, at least until the nineteenth century.

Cicero has perhaps also been the most controversial of major Roman writers. Some of this controversy originated with his political enemies; it was probably encouraged by Tiro's publication of Cicero's sometimes-too-candid letters,<sup>2</sup> and was perpetuated in the historical writings of Asinius Pollio, Cassius Dio, and others. Though he was often accused of vanity, and sometimes of other weaknesses

---

<sup>1</sup> The earliest Greek known to have commented on Cicero's eloquence was Caecilius of Caleacte, a rhetorician of the Augustan period; his writings (all in Greek) included a comparison of Demosthenes and Cicero that is criticized as inept by Plutarch, *Demosthenes*, ch. 3; cf. also Plutarch's *Comparison of Demosthenes and Cicero*, the fine syncrisis of the two in the 'Longinian' treatise *On Sublimity* 12.4, and the unexpected mention of Cicero in Sopatros' *Hypomnena* (ed. by Christian Walz, *Rhetores Graeci* [Stuttgartiae et Tubingae: J. G. Cotta 1832–1836] vol. 5: 7–8).

<sup>2</sup> Tiro also wrote a biography of Cicero in four books, which was doubtless laudatory and was one of Plutarch's sources for his life of Cicero (89.2). For what is known of Tiro's work, see *Historicorum Romanorum Reliquiae*, ed. by H. Peter, vol. 2 (Leipzig: Teubner 1906) no. ii: 5–6.

of character, Cicero's historical role, especially at the time of the Catilinarian conspiracy and in the final confrontation with Mark Antony, has generally been admired. He found influential defenders in high places at an early time. The emperor Augustus, who had had a hand in Cicero's proscription, later described him as 'a learned man and lover of his country' (Plutarch, *Cicero* 49.3), a pronouncement consistent with Augustan propaganda of 'the restoration of the republic'; and the emperor Claudius wrote a defense of Cicero in response to a work by Asinius Gallus in which the orator had been unfavorably compared to Gallus' father, Pollio (Suetonius, *Claudius* 41). In modern times, the effort of the great German historian, Theodor Mommsen, to discredit and dishonor Cicero in his *Römische Geschichte* of 1856, while exalting Julius Caesar to heroic status, has not, in the long run, succeeded.<sup>3</sup> Over the course of the centuries, however, the controversy more frequently concerned 'Ciceronianism,' a matter of rhetorical, stylistic, and linguistic imitation rather than ideology and politics.

The first modern account of Cicero's legacy was Rafael Sabbadini's *La Storia del Ciceronianismo* of 1885; better known has been Tadeusz Zielinski's *Cicero im Wandel der Jahrhunderte* (1897; 1908).<sup>4</sup> About the same time J. E. Sandys was publishing his splendid *History of Classical Scholarship* in three volumes, containing hundreds of references to Cicero from throughout western history.<sup>5</sup> Among older discussions in English is that by John C. Rolfe, whose short book, *Cicero and His Influence*, appeared in the series 'Our Debt to Greece and Rome' in 1923.<sup>6</sup> Rolfe cites numerous striking statements in praise of Cicero

---

<sup>3</sup> In the translation of William P. Dickson, Mommsen's statement reads "... Marcus Cicero, a notorious political trimmer accustomed to flirt at times with the democrats, at times with Pompey, at times (from a somewhat greater distance) with the aristocracy, and to lend his services as an advocate to every influential man under impeachment without distinction of person or party..." Cf. the abridged edition of Mommsen's *History of Rome*, ed. by D. A. Saunders and J. H. Collins (New York: Meridian Books 1956): 278-79.

<sup>4</sup> Leipzig and Berlin: B. G. Teubner 1897; 2nd, revised ed., 1908. Zielinski's book, which remains an important authority, is divided into two parts: a general assessment and (pp. 341-448) *Anmerkungen und Exkurse*, which provide quotations, references, and bibliographies on which the main text depends. Zielinski was professor of Latin at the University of St Petersburg in Russia and is known also for an important study of Ciceronian prose rhythm.

<sup>5</sup> Originally published by Cambridge University Press, 1903-1908; reprinted New York: Hafner Publishing Co. 1964.

<sup>6</sup> Originally published in 1923; the commonly available 1963 edition (New York:



by important figures of the renaissance and modern periods, but without identifying the sources of his quotations. There are good accounts of Cicero and Ciceronianism in both *The Classical Tradition* by Gilbert Highet and *The Classical Heritage* by R. R. Bolgar,<sup>7</sup> and an appreciative chapter on Cicero's influence by M. L. Clarke in *Cicero*, ed. by T. A. Dorey.<sup>8</sup> Although the main outlines of the reception of Cicero throughout the ages have changed little in the last century, much research has been published in recent decades that casts new light on the subject. In what follows I shall sketch the history of Ciceronianism as generally understood, adding references to important recent scholarship that sometimes modifies the detailed picture. Consistent with the objective of this book, this account of Cicero's legacy will focus on his rhetoric and oratory. A reasonable argument could be made, however, that Cicero's greatest legacy to western civilization was for long from his philosophical works, which are a major source for knowledge of Hellenistic philosophy and in which he created a Latin philosophical vocabulary that continued in use as long as philosophy was written in Latin. Among the philosophical works, *De Amicitia*, *Disputationes Tusculanae*, and *De Officiis* were probably the most studied. *De Officiis*, known in Britain and America as 'Tully's Offices,' was easily adapted to Christianity<sup>9</sup> and became a cornerstone of medieval, renaissance, and early modern ethical theory.

How Cicero was remembered in the two generations after his death emerges from the account of declamation in the Augustan period written by Seneca the Elder. Two of the seven *suasoriae* described by Seneca develop their imaginary themes from the circumstances of Cicero's death: 'Cicero deliberates whether to beg Antony for his life' (*Suas.* 6) and 'Cicero deliberates whether to burn his writings, Antony promising him safety if he does' (*Suas.* 7). Seneca says (*Suas.* 6.12) that few declaimers urged Cicero to beg for his life and (7.10) that he knew of none who recommended burning his

---

Cooper Square Publishers) contains no hint that it is a reprint of a book published forty years before and unrevised.

<sup>7</sup> Gilbert Highet, *The Classical Tradition: Greek and Roman Influences on Western Literature* (New York: Oxford University Press 1949), and R. R. Bolgar, *The Classical Heritage and its Beneficiaries* (Cambridge: Cambridge University Press 1963).

<sup>8</sup> T. A. Dorey, ed., *Cicero* (London: Routledge 1963): 81–107.

<sup>9</sup> As in Ambrose's treatise, *De Officiis Ministrorum*, written in the late fourth century.

writings.<sup>10</sup> In discussing the first of these themes Seneca digresses to review the accounts of Cicero's death and evaluations of him by major Roman historians. He quotes (6.22) Livy's balanced encomium from a part of his *History of Rome* that is otherwise lost. It ended with the statement, 'To weigh his vices against his virtues, he was a great and memorable man, and to praise him fully would require a Cicero as encomiast.' There is perhaps some irony in the concluding *sententia* in that what many remembered most about Cicero was his tendency toward self-praise. Asinius Pollio had also included an evaluation of Cicero in his history of the times; Seneca says (6.14) that Pollio 'remained the most hostile to Cicero's fame,' and (6.24) that he alone described Cicero's death with malice, 'but nevertheless, against his will, he offered him full testimony,' adding later (6.25), 'Nothing in his histories was more eloquent than this.' The sharpest extant attack on Cicero is found in the *Invectiva in M. Tullium Ciceronem*, which pretends to be the work of the historian Sallust and forms a counterpart to an invective against Sallust attributed to Cicero. These two short speeches are rhetorical exercises, probably by the same author and written in the Augustan period. That against Cicero utilizes some of the things, both true and false, that had been said by his enemies during his lifetime.<sup>11</sup>

Already toward the end of his life, as seen in *Brutus* (e.g., 283–91) and *Orator* (28–32; 75–90), Cicero felt it necessary to defend his oratorical style against the criticisms of Calvus, Brutus, and others who preferred a plainer style and called themselves 'Atticists' in contrast to the 'Asianism' they attributed to him.<sup>12</sup> Controversies over Ciceronian prose were to become the most characteristic feature of Cicero's legacy in the Renaissance. Largely under the influence of declamation as practiced in the schools of rhetoric and described by Seneca the Elder, fashions in prose style changed significantly in the century

<sup>10</sup> The *Philippics*, in which Cicero had attacked Antony, were understood to be the primary cause of his anger. In addition to the two *suasoriae* there is a *controversia* (7.2) on the indictment of Cicero's assassin, whom he is said to have defended earlier (cf. Seneca's comment in 7.2.8).

<sup>11</sup> Zielinski (1908): 347–57, provides an extended analysis of the charges.

<sup>12</sup> Cf. also Tacitus, *Dialogus de Oratoribus* 18. On Roman Atticism see A. D. Leeman, *Orationis Ratio: The Stylistic Theory and Practice of the Roman Orators, Historians, and Philosophers*, 2 vols. (Amsterdam: Hakkert 1963): 136–67; J. Wisse, "Greeks, Romans and the Rise of Atticism," in *Greek Literary Theory after Aristotle: a collection of papers in honour of D.M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter (Amsterdam: VU University Press 1995): 65–82.

after Cicero's death. His works were studied for their philosophical, historical, and legal contents—witness the learned commentaries on some of his orations by Q. Asconius Pedianus dating from the middle of the first century after Christ—but to many his prose had come to seem verbose, pompous, and outdated. What teachers and students preferred was the abrupt, pregnant, epigrammatic style, associated especially with Seneca the Younger. Aulus Gellius (12.2.3–9) quotes part of a lost epistle in which Seneca disparaged the writings not only of Cicero, but of the venerable Ennius and the sainted Virgil,<sup>13</sup> and Seneca's references to Cicero in his extant works are consistent with this; in *Epistles* 40.1, for example, he says 'Our Cicero, from whom Roman eloquence took its start, was a plodder (*gradarius*),' and in *Epistles* 114.16, one of his major discussions of prose style, he makes the following comment: 'What shall I say about that style in which words are postponed and after being long expected, hardly even come in the last clause? What about that slowness in ending (sentences), which is characteristic of Cicero, a deflected and gentle holding back and ending, in its usual way, with the same rhythm?' The charge is that Cicero's long periods, with the main verb often postponed, tend to end again and again with the same prose rhythm, notoriously exemplified by the (admittedly Ciceronian) clausula, *esse videatur*.<sup>14</sup> A more sustained criticism of Ciceronian rhetoric is found in Tacitus' *Dialogue On Orators* (22–23), where it is attributed to the modernist Aper. Cicero, he says, had the same battle with his contemporaries as the modernists are now having, for Cicero's contemporaries admired the ancients. He was the first to polish his speeches, to exercise careful word choice, and to compose artistically. Toward the end of his life his style improved and he used more of those *sententiae* which characterize modern eloquence. 'His earlier speeches do not lack the vices of antiquity: he is slow in his introductions, long in narrations, tiresome in digressions; he is slowly moved, rarely excited; only a few sentences end aptly and with some brilliance.'

At the dramatic date of the dialogue, A.D. 75, Quintilian had begun his tenure of the chair of rhetoric in Rome funded by the emperor Vespasian. His appointment can be seen as a part of

<sup>13</sup> Seneca seems here to have been primarily interested in Cicero's use of Ennius.

<sup>14</sup> Cf. Quintilian 9.4.73 and 10.2.18; Tacitus, *Dialogus de Oratoribus* 23.

Vespasian's desire to reform the excesses of the Neronian period, including its literary license. Quintilian says (10.1.126) that at the time Seneca's works were in the hands of almost all young men. 'I did not want to exclude him (from being read), but my aim was not to allow him to be preferred to better writers, whom he had never ceased to disparage.' It was a major feature of Quintilian's program to install Cicero and Cicero's writings as the prime model for study and imitation by students, an objective in which he seems to have had some success in the next generation<sup>15</sup> and considerable influence in later centuries. Of Cicero Quintilian says (10.1.112),

Not unjustly it was said by men of his own age that he reigned in the lawcourts, and for posterity the name of Cicero has come to be regarded not as the name of a man but of eloquence. Let us, therefore, look to him, take him as our model, and let a student know that he has made progress when he becomes an admirer of Cicero.

These passages occur in Quintilian's survey of Greek and Latin literature as a source of *copia*, or abundance of subjects and words, the subject of the long first chapter of Book Ten of his *Education of the Orator*, published in A.D. 95. Slightly earlier in the chapter he provides a comparison of the rhetorical style of Demosthenes and Cicero, where he says that Demosthenes' style is denser, Cicero's more copious; Demosthenes fights with a rapier, Cicero with that and the bludgeon as well, 'nothing can be taken from the former, nothing added to the latter' (10.1.106). Throughout the work it is clear that Cicero is to Quintilian the closest to the perfect orator that can be found, though not perhaps the greatest that may yet come (cf. 12.11.25-30). One of the few concessions Quintilian is willing to make to the corrupted taste of his time is the use of more *sententiae* than employed by Cicero. Quintilian's concept of the ideal orator is derived directly from Cicero (cf., e.g., 12.pr.4) and he quotes extensively from Cicero's *De Oratore* and *Orator*, as well as from *Brutus* and other parts of Cicero's *Rhetorica*. He constantly illustrates rhetorical teaching from Cicero's speeches; *Pro Cluentio*, *Pro Ligario*, *Pro Milone*, and the speeches against Verres are those most frequently cited. He expected his students to have read and to continue to read

---

<sup>15</sup> As seen especially in the style of Pliny the Younger, who had studied with Quintilian.

Cicero's works, and it can be assumed that many other teachers of rhetoric did so as well.

Early Christian writers show an ambivalent attitude toward secular learning. The most famous anecdote relating to this is told by Saint Jerome (*Epistles* 22.29–30), writing in the late fourth century. He says he tried to cut himself off from pagan learning but could not forego his library. He fasted and tried to read the Old Testament but became disgusted with the style and then would read Cicero. He became ill and preparations were made for his funeral. Suddenly he had a vision in which he was brought before the judgment seat. He threw himself on the ground and averted his eyes from the heavenly judge, who asked him to state his 'condition.' Jerome replied that he was a Christian. 'You lie,' came the answer. 'You are a Ciceronian, not a Christian'; 'For where your treasure is, there will your heart be also' [Matthew 6:21]. The bystanders prayed for his forgiveness and Jerome promised to mend his ways.

Several of the Latin fathers had been teachers of rhetoric before their conversion and they often wrote better Latin than did secular writers. Tertullian (*ca.* A.D. 160–225), the most important of the earlier Latin Fathers, wrote a vigorous, highly rhetorical but very non-Ciceronian prose and often seems scornful of pagan learning, but he expresses respect for Demosthenes and Cicero (*Apologeticus* 11 and 15–16), and a more Ciceronian prose style is characteristic of other Fathers. *Octavius*, for example, by Minucius Felix, is an elegant philosophical dialogue in Ciceronian style written early in the third century, defending Christianity against pagan criticisms. It is not only Ciceronian in genre and prose style but draws on the content of Cicero's philosophical works. Lactantius (*ca.* 250–320) taught rhetoric in North Africa and at the court of Diocletian in Asia Minor and was later the tutor of Crispus, the son of Constantine. He was master of a beautiful Ciceronian prose style, and his *Divine Institutes* aimed to win respect for Christianity from discriminating readers with arguments based on evidence from secular writers, including Cicero. In the Renaissance he came to be known as 'the Christian Cicero.' The most important Christian writer who was indebted to Cicero was certainly Augustine (A.D. 354–430). The subject is too complex to describe here in any depth.<sup>16</sup> Augustine claims that the first stage in

<sup>16</sup> Among many discussions, see Henri-Irénée Marrou, *Saint Augustin et la fin de la*

what was his eventual conversion to Christianity originated with reading Cicero:

In the usual order of study I came to a book of a certain Cicero, whose tongue almost all admire, but not his heart to the same extent. But there is a book of his containing an exhortation to philosophy and called *Hortensius*. That book changed my perception and changed my prayers, O Lord, to you. (*Confessions* 3.4.7)

In the period immediately following his conversion in 386 he wrote a series of Christianizing philosophical dialogues in Ciceronian style.<sup>17</sup> His great work *De Doctrina Christiana* was begun in 397, not long after he became bishop of Hippo in North Africa, but not completed until about 426.<sup>18</sup> It is a Christian hermeneutics and rhetoric, intended to help teachers and preachers to understand and expound the Bible. In Book 4, sections 27–58, Augustine explicitly draws on Cicero's discussion of the duties of the orator—to teach, to delight, and to move—and their relation to the three kinds of style, plain, middle, and grand as described in Cicero's *Orator*. Through Augustine's mediation, Cicero made a contribution to preaching, especially in the Carolingian Age and again in the seventeenth century.

*Rhetores Latini Minores* is the name given to a collection of treatises on rhetoric, primarily dating from later antiquity and the early Middle Ages.<sup>19</sup> Included are works on figures of speech, general rhetorical handbooks, sections on rhetoric from encyclopedias of the liberal arts, commentaries, and other material. The dominant influence is that of Cicero, whose rhetorical writings provided much of the theory and whose orations are the source of most of the examples used in the comprehensive rhetorical handbooks of Fortunatianus, Sulpitius Victor, Julius Severianus, and Julius Victor. These works, dating from the fourth and fifth centuries, found some limited use in the Middle Ages, but the encyclopedias were to be found in most medieval libraries and it was through them that students could acquire some elementary understanding of the system of Ciceronian rhetoric. The

---

*culture antique* (Paris: de Boccard 1938; reissued with *Retractatio* 1949); George A. Kennedy, *Classical Rhetoric and Its Christian and Secular Tradition*, 2nd ed. (Chapel Hill: University of North Carolina Press 1999): 170–82.

<sup>17</sup> These include *Adversus Academicos*, *De Vita Beata*, *De Ordine*, and *De Magistro*.

<sup>18</sup> There is a good translation, entitled *On Christian Doctrine*, by D. W. Robertson, Jr. in the Library of Liberal Arts (Indianapolis: Bobbs-Merrill 1958).

<sup>19</sup> The standard edition is that of Carolus Halm (Leipzig: Teubner 1863).

encyclopedias contain sections on each of the seven liberal arts that came to be regarded as basic educational disciplines: grammar, rhetoric, dialectic, arithmetic, geometry, astronomy, and music. The earliest is that by Martianus Capella, probably writing in the fifth century when the major rhetorical treatises of the past were still widely available; his section on rhetoric is largely derived from Cicero but with some material from other sources.<sup>20</sup> The second encyclopedist, providing only a barren account of rhetoric, is Cassiodorus, writing in the mid-sixth century, and the third is Isidore of Seville, writing about A.D. 600 and relying heavily on Cassiodorus.

Zielinski in 1908 found little to say about the influence of Cicero in the Middle Ages; Eduard Norden noted this in the fourth edition of his history of Greek and Latin prose style and added some information about the presence of Cicero's works in medieval libraries.<sup>21</sup> Later twentieth century scholars have, however, made extensive contributions to knowledge of medieval rhetoric.<sup>22</sup> Among the works in Halm's collection of minor Latin rhetoricians is a commentary by Victorinus on Cicero's *De Inventione*, and the most important source for most other works in the collection is *De Inventione*. When still a teenager Cicero began an ambitious treatise on rhetoric but he only completed the first two books, which deal with rhetorical invention. It is this work, together with a handbook from about the same time by an unknown writer covering all five parts of rhetoric known as *Rhetorica ad Herennium*, that came to dominate the western rhetorical tradition well into the Renaissance. *Rhetorica ad Herennium* was commonly referred to as Cicero's *Rhetorica Secunda*. Apparently these works were preferred by teachers or students for their systematic, even pedantic account of rhetoric in a way that could be memorized, for their relative brevity compared to *De Oratore* or Quintilian's treatise, both of which began to be neglected, and of course for the authority

<sup>20</sup> For a translation and discussion, see William H. Stahl, Richard Johnson, and E. L. Burge, *Martianus Capella and the Seven Liberal Arts*, 2 vols. (New York: Columbia University Press 1971), esp. vol. 1: 115–21 and 2: 155–214.

<sup>21</sup> Eduard Norden, *Antike Kunstprosa* (Leipzig: Teubner 1923) vol. 2: 708–710.

<sup>22</sup> See especially James J. Murphy, *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance* (Berkeley: University of California Press 1974); *Rhetoric Revalued*, ed. by Brian Vickers (Binghamton, NY: Center for Medieval & Early Renaissance Studies 1982); John O. Ward, *Ciceronian Rhetoric in Treatise, Scholion, and Commentary*, *Typologie des sources du moyen âge occidental*, fascicule 58 (Turnhout, Belgium: Brepols 1995). An updated survey in Kennedy (1999): 196–225.

of Cicero's name that each bore. The Preface of Cicero's *De Inventione* was especially well known—some readers probably got no further—and was often imitated. This is the passage in which young Cicero reflects on the history of rhetoric, with the conclusion that 'Wisdom without eloquence does too little to benefit states, but eloquence without wisdom does too much harm and is never advantageous.'

A commentary on *De Inventione* had been written in the second or third century after Christ by a rhetorician named Marcomannus; this does not survive and is known from references in Victorinus' commentary, written in the fourth century. Another commentary was composed by Grillius in the sixth century. These, together with the sections on rhetoric in the encyclopedias, were the major source of knowledge of classical rhetorical theory in the early western Middle Ages. Surprisingly little was done to adapt the theory to medieval conditions until the eleventh century, when handbooks of letter-writing, called *ars dictaminis*, begin to appear.<sup>23</sup> These draw heavily on *De Inventione* and *Rhetorica ad Herennium*.<sup>24</sup> To judge by the number of manuscripts, until the middle of the twelfth century *De Inventione* was the acknowledged authority; but thereafter commentaries on *Rhetorica ad Herennium*, with its account of arrangement, style, memory, and delivery as well as invention, indicate preference for this fuller work. A large number of commentaries on both works were composed from the twelfth to the sixteenth centuries, originating in the lectures of teachers in Italy, France, and elsewhere, and translations were made of *De Inventione* into the vernacular languages, for example into Italian and French by Brunetto Latini (1220–94), the teacher of Dante.<sup>25</sup> He also made Italian translations of Cicero's speeches for Marcellus, Ligarius, and King Deiotarus, the first translations of Ciceronian oratory into any language.

The development of civic communes in Italy in the thirteenth century created opportunities for public address that had hardly existed

---

<sup>23</sup> Writings of Alcuin and Hrabanus Maurus in the Carolingian period show awareness of contemporary conditions; Notker of St Gall reorganized classical rhetorical theory in a form useful to German monks around A.D. 1000; cf. Kennedy (1999): 207–211.

<sup>24</sup> Dictaminal teaching is usually thought to have begun with the handbooks by Alberic of Monte Cassino; cf. Kennedy (1999): 212–216.

<sup>25</sup> For an example of a twelfth-century commentary on *De Inventione* and *Rhetorica ad Herennium*, see *The Latin Rhetorical Commentaries of Thierry of Chartres*, ed. by Karin M. Fredborg (Toronto: Pontifical Institute of Medieval Studies 1988).



since Cicero's time and that led to a revival of study of Ciceronian rhetoric on the basis of *De Inventione* and *Ad Herennium* as a supplement to the *ars dictaminis* to meet the needs of an increasingly complex society.<sup>26</sup> A second work by Cicero studied in the Middle Ages was his *Topica*; together with Boethius' commentary,<sup>27</sup> it became a fundamental text for instruction in dialectic in schools and universities and was thus important in the development of Scholasticism.

The beginning of the Renaissance in Italy might arguably be dated from Petrarch's discovery at Verona in 1345 of a manuscript of Cicero's letters to Atticus, to his brother Quintus, and to Brutus, all of which were virtually unknown. Petrarch was already a great admirer of Cicero, and he announced his exciting discovery in the form of a letter addressed to Cicero himself.<sup>28</sup> In Cicero's letters Petrarch and others rediscovered what was to be a major feature of renaissance thought, the existence and possibilities of personality and individuality. Thus began the series of discoveries which, together with the recovery of a knowledge of Greek and Greek literature, was the foundation of humanistic learning. Although *De Inventione* and *Topica* were well known throughout the Middle Ages, Cicero's major rhetorical writings had not been easily available.<sup>29</sup> *De Oratore* and *Orator* were known in a mutilated form and *Brutus* was quite unknown from late antiquity until 1422, when Gerardo Landriani discovered a manuscript at Lodi containing the complete text of all three works. That manuscript has been lost and its texts are known today from copies made in the fifteenth century. The minor rhetorical works, *Partitiones Oratoriae* and *De Optimo Genere Oratorum*, could be found in a few medieval libraries. Some of Cicero's orations, including the *Verrines*, *Pro Archia*, and the *Catilinarians*, were to be found in some medieval libraries; some others, including *Pro Sextio Roscio* and *Pro Murena*, were virtually unknown until Poggio Bracciolini acquired the

<sup>26</sup> See Virginia Cox, "Ciceronian Rhetoric in Italy, 1260–1350," *Rhetorica* 17 (1999): 239–88.

<sup>27</sup> See *Boethius's In Ciceronis Topica*, translated with Notes and Introduction by Eleonore Stump (Ithaca: Cornell University Press 1988).

<sup>28</sup> Petrarch, *Epistulae ad Familiares* 24.3; cf. Rudolf Pfeiffer, *History of Classical Scholarship, 1300–1850* (Oxford: Clarendon Press 1976): 9.

<sup>29</sup> The history of the Ciceronian texts is a complex subject, different for each work. For additional information see the prefaces to the Budé, Oxford, and Teubner editions; F. E. Hall's *Companion to Classical Texts* (Oxford: Clarendon Press 1913): 219–28; L. D. Reynolds and N. G. Wilson, *Scribes & Scholars: A Guide to the Transmission of Greek & Latin Literature* (Oxford: Clarendon Press 1974): 86–105.

texts in 1413. In 1415, at Saint Gall, Poggio also discovered a complete manuscript of Quintilian, whose treatise, like *De Oratore* had been known largely from a mutilated text, and he made discoveries of additional Ciceronian speeches in 1417. The dissemination of these works among the humanists sparked a renaissance of Ciceronian and rhetorical studies, first in Italy and then through western Europe generally. In 1465, *De Oratore* was the first book to be printed in Italy on the introduction there of the new technology, and the other rhetorical works and speeches followed soon thereafter. R. R. Bolgar's words about the wider impact of Cicero in early renaissance Italy are probably only slightly exaggerated:

The writings of Cicero with their idealisation of the Roman Republic began to exercise an influence which would have occasioned their author the keenest pleasure. The public spirit, the profound good sense, the urbanity, which Cicero attributed to those he chooses to praise, but above all the picture he paints by almost imperceptible touches—that famous Roman picture—of a life dignified by practical activity and rendered delightful by beauty and learning, opened men's eyes to the possibilities of a culture based on the city-state. Very gradually and hesitantly—for after all Rome had been pagan—there developed first in Italy and then elsewhere a cult of the past radically different from any that had gone before. With immense reservations, and without daring as yet to confess the fact, men were coming to admire antiquity for its own sake.<sup>30</sup>

In Italy, republicanism was doomed to disappointment by the return of autocratic government in the sixteenth century, but this enthusiasm was to be reawakened in America and France in the eighteenth century.

Latin was the universal language of scholarship and education in Europe throughout the Middle Ages and Renaissance. The Latin in common use in the Middle Ages, however, had departed significantly from classical Latin standards. Italian humanists of the fourteenth and fifteenth centuries, with their increasing familiarity with and enthusiasm for the writings of Cicero, Quintilian, and other classical authors, reacted strongly against what they regarded as the barbarism of medieval Latin. As in Roman times, so in the Renaissance imitation of classic models was a basic tool in teaching written and oral composition. Humanists of the early fifteenth century, includ-

<sup>30</sup> Bolgar (1963): 138.

ing Leonardo Bruni, Poggio Bracciolini, George Trebizond, and Guarino of Verona encouraged imitation of classical Latin prose models generally without insisting on some one standard. The late fifteenth and early sixteenth centuries, however, became the time of doctrinaire Ciceronians, of whom Pietro Bembo, Christopher Langolius, and Paolo Cortesi are the best examples. They insisted on using no Latin word, or sentence construction, that could not be found in Cicero's writings. Cardinal Bembo used his influential position in Rome to make Ciceronian Latin the standard for the administration of the Catholic Church: dates were given by Kalends, Nones, and Ides, nuns were called *virgines vestales*, the saints were *divi*, and cardinals became *senatores*. Mario Nizzoli published a *Lexicon Ciceronianum* in 1535, providing a reference work, in which, though it was somewhat incomplete, pure Ciceronian diction could be checked.

Right from the start, however, this doctrine was controversial. Among other things, it led to strange adaptations of Latin words to contemporary meanings and to cumbersome circumlocutions. Prominent opponents in Italy included Politian and Lorenzo Valla, who preferred Quintilian as a model of style. The most celebrated opponent, however, proved to be Erasmus. His *Ciceronianus* of 1528 is a witty dialogue in which characters named Bulephorus and Hypologus are out walking and encounter their acquaintance, Neoponus, who is suffering from a new disease they call 'Ciceronianism.'<sup>31</sup> For seven years he has read no author except Cicero; a true Ciceronian, he feels, cannot be troubled with wife or children; he reads and writes in a special, sound-proofed room in his house; a six-line letter takes him six nights to write and ten days to revise, to be sure that it is purely Ciceronian. Bulephorus has little difficulty ridiculing extreme Ciceronianism, and proceeds to a discussion of the history of Latin prose down to contemporary times and the practical problems of exclusive Ciceronianism in discussing subjects not found in Cicero's writings: Christian doctrine, modern history, scientific discoveries, contemporary legal institutions, and the like. Bulephorus sums up his position thus:

---

<sup>31</sup> Translation by Izora Scott, *Ciceronianus, or A Dialogue on the Best Style of Speaking*, by Desiderius Erasmus (New York: Columbia University Teachers College, 1908; reprinted AMS Press 1972; translated again, with annotations, by Betty I. Knott, *The Ciceronian: A Dialogue on the Ideal Latin Style*, in vol. 28 of the *Collected Works of Erasmus* (Toronto: University of Toronto Press 1986).

What conclusion then, except that we may learn from Cicero himself how to imitate Cicero? Let us imitate him as he imitated others. If he settled down to the reading of one author, if he devoted himself to the copying of one, if he cared more for words than for ideas, if he did not write except in bed at night, if he worried himself a whole month over one letter, if he thought something eloquent which was irrelevant, let us do the same thing that we may be Ciceronians. But if Cicero did not do these things, which we must grant, let us, after his example, fill our hearts with a store of general knowledge; let us care first for thoughts, then for words; let us adapt the words to the subjects, not subjects to words; and while speaking let us never move our eyes from what is seemly.<sup>32</sup>

Although Erasmus' views were attacked by purists, the best teachers came to understand Cicero's own view, found throughout *Brutus*, that style was and should be an individual matter, reflecting the character of the writer, the time, the circumstances, and the subject being discussed.

Renaissance and early modern Ciceronianism and anti-Ciceronianism is the second phase of Cicero's heritage extensively studied by twentieth-century scholars. A great deal of this research, as well as a vast amount of related material, has recently been brought together by the twenty-five contributors to a large volume entitled *Histoire de la rhétorique dans l'Europe moderne, 1450–1950*, published under the direction of Marc Fumaroli.<sup>33</sup> A general reaction to Ciceronianism in style appeared in the mid-sixteenth century, especially in the writings of Justus Lipsius. He and others of the time disliked the fullness of Cicero's prose and were attracted to the clipped epigrammatic style of Seneca and Tacitus. Their influence extended into the baroque prose of the vernacular languages.<sup>34</sup> An example of the reaction against Ciceronianism can be seen in Montaigne's essay, 'Of Books,' dating from the mid-sixteenth century:

As for Cicero, the works of his that can best serve my purpose are those that treat of philosophy, especially moral. But to confess the truth boldly (for once you have crossed over the barriers of impudence there is no more curb), his way of writing, and every other similar way,

<sup>32</sup> Quoted from Izora Scott's translation, 81.

<sup>33</sup> Paris: Presses Universitaires de France, 1999. This is a volume of 1359 pages, with hundreds of references to Cicero and extensive bibliography. Some additional information can be found in Pfeiffer (1976).

<sup>34</sup> There is a good discussion of imitation of and reaction against the Ciceronian style by Highet (1949): 322–35.

seems to me boring. For his prefaces, definitions, partitions, etymologies, consume the greater part of his work; what life and marrow there is, is smothered by his long-winded preparations. If I have spent an hour in reading him, which is a lot for me, and I remember what juice and substance I have derived, most of the time I find nothing but wind; for he has not yet come to the arguments that serve his purpose and the reasons that properly touch on the crux, which I am looking for. . . . As for Cicero, I am of the common opinion, that except for learning there was not much excellence in his soul. He was a good citizen, of an affable nature, as all fat jesting men, such as he was, are apt to be; but of softness and ambitious vanity he had in truth a great deal. . . . As for his eloquence, it is entirely beyond comparison; I believe that no man will ever equal him.<sup>35</sup>

About the same time Peter Ramus was initiating his educational reforms in Paris that transferred the study of rhetorical invention, arrangement, and memory to the course in dialectic, leaving the formal study of rhetoric with nothing but style and delivery. This involved a direct challenge to the tradition of Ciceronian rhetorical theory, although Ramus admired Cicero's speeches.<sup>36</sup> Ramism spread to England, where it is embraced in Gabriel Harvey's *Ciceronianus* of 1548, was taken up vigorously by the Puritans, who introduced it into the curriculum at Harvard College after its founding in 1636, and remained strong for about hundred and fifty years.<sup>37</sup>

The seventeenth century is the beginning of the modern period and with it the factors leading to a partial decline in Cicero's influence on thought and style begin to emerge. The humanists of the Renaissance had searched for knowledge in classical texts and often found truth as well as eloquence in Cicero's writings. The New Science of the seventeenth century, in contrast, found truth primarily in observation of nature and of the phenomena of human life. The *loci*, or commonplaces, as discussed in Cicero's *Topica*, were rejected as invalid sources of logical argument. Appeals to authority

---

<sup>35</sup> Translated by Donald M. Frame, *The Complete Works of Montaigne* (Stanford CA: Stanford University Press 1948 and later reprints): 301–2.

<sup>36</sup> Ramus attacked Ciceronian theory in his *Brutinae Quaestiones in Oratorem Ciceronis* (Paris 1547) and praised his oratory in *Ciceronianus* (Paris 1557) and elsewhere. On continued study of Cicero, see Joseph S. Freedman, "Cicero in Sixteenth- and Seventeenth-Century Rhetoric Instruction," *Rhetorica* 4 (1986): 227–54.

<sup>37</sup> On Ramism, see Walter J. Ong, S.J., *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason* (Cambridge: Harvard University Press 1958); Wilbur S. Howell, *Logic and Rhetoric in England, 1500–1700* (Princeton: Princeton University Press 1951); Kennedy (1999): 249–52.

were questioned, and even the use of illustrative passages from literature was denounced.<sup>38</sup> Cicero and Ciceronianism was an issue in the Quarrel of the Ancients and Moderns, or 'Battle of the Books' as it became known in England. More insidious, perhaps, was the spread of the knowledge of Greek and appreciation of Greek literature, increasingly available in the vernacular languages, as a greater achievement, more worthy of imitation than Latin. In *The Advancement of Learning* (1.2.9) in 1605 Francis Bacon referred to Cicero as 'the best, or second orator,' correcting himself at the thought of Demosthenes.

The eighteenth century, however, witnessed some revival of Cicero's heritage. His philosophical works were important sources for deists and philosophical sceptics, including Voltaire and Hume, and the increased role of parliamentary government in Britain increased the need for skills in political debate. The lectures of John Ward at Gresham College in London, published in 1759 under the title *A System of Oratory*, set forth Ciceronian rhetoric in a thorough way, and were used as a textbook in Britain and America. The rhetorical treatises and lectures of John Lawson, Joseph Priestly, George Campbell, Hugh Blair, Richard Whately, and others in eighteenth and early nineteenth-century England, Scotland, and Ireland, and in America lectures by Richard Witherspoon at Princeton and John Quincy Adams at Harvard, fall within the Ciceronian tradition while drawing ideas from Plato, Aristotle, Quintilian, and the philosophy and psychology of the time.<sup>39</sup> A variety of prose and oratorical styles was cultivated, including styles in the vernacular reminiscent of Cicero, as in the works of Edmund Burke and Edward Gibbon. Selected orations of Cicero remained canonical texts in schools, colleges, and universities and naturally became models of oratory for a new generation of political activists in Britain, America, and France.<sup>40</sup> The revolutionary period in America and in France involved appeal to ancient republicanism, citations of Cicero, and extensive use of Roman slogans and Roman names as pseudonyms.

---

<sup>38</sup> See Volker Kapp, "L'Apogée de l'atticism français ou l'éloquence qui se moque de la rhétorique," in *Histoire de la rhétorique moderne*, ed. by Marc Fumaroli (Paris: Presses Universitaires de France 1999): 731–36.

<sup>39</sup> For discussion, see Kennedy (1999): 277–88.

<sup>40</sup> On Cicero's influence in revolutionary America, see Meyer Reinhold, *Classica Americana: The Greek and Roman Heritage in the United States* (Detroit: Wayne State University Press 1984), esp. 24–28 and 94–100. On revolutionary France, see Zielinski (1908): 315–36 and 442–47; Highet (1949): 393–99.

The earliest known translation of a work of Cicero into English is Richard Sherry's version of the speech *For Marcellus*, published in 1553. By the end of the eighteenth century translations of all Ciceronian works were easily available in Britain and America. For long the best known version of the orations and rhetorical works was that by William Guthrie, made between 1744 and 1758 and preserving much of the effect of Cicero's style.<sup>41</sup> *The Life of Cicero*, published in 1741 by Conyers Middleton, Professor of Natural History at Cambridge University, was a highly encomiastic treatment, found in many libraries. Classical philology as a discipline was born in the eighteenth century, developed during the nineteenth, and came to maturity in the twentieth, producing numerous critical editions, commentaries, school texts, concordances, translations, monographs, and articles devoted to Cicero's life and works.<sup>42</sup>

Although awareness in the general public of our heritage from Cicero has somewhat faded with changes in the curriculum, without him and his writings modern languages, modern literatures, modern history, and the modern mind would not have developed in quite the way they have. Cicero's ideal orator and his own oratorical practice deeply affected the history of education, and Cicero and Ciceronian republicanism have been valuable counterbalances to Julio-Claudian imperialism and autocracy as models for the modern world. Of all the figures of the distant past Cicero is perhaps the one we can know most intimately,<sup>43</sup> resulting from the extent of his surviving writings, including fifty-eight orations and over nine hundred letters, and the personality they reveal. Cicero is a wonderfully human figure, who has become a companion, mentor, and friend to many readers, a distinction rivaled perhaps only by the poet Horace from among ancient Romans. Although Cicero incurred the dislike of Montaigne and Mommsen, he has also inspired unexpected defenders. Augustus Caesar was one, as noted at the beginning of the essay; another unexpected defender was the nineteenth-century

---

<sup>41</sup> For samples of Guthrie's translations, see Meyer Reinhold, *The Classic Pages: Classical Reading of Eighteenth-Century Americans* (University Park, PA: American Philological Association 1975): 49–51.

<sup>42</sup> Among recent scholarly works, one of special importance is the extensive German commentary on *De Oratore* by Anton D. Leeman, Harm Pinkster, and other Dutch scholars (5 vols. in progress, Heidelberg: Carl Winter, 1981–).

<sup>43</sup> Other persons about whom a comparable amount of information is available, including letters, are Saint Augustine and the Greek sophist Libanius of Antioch.

novelist Anthony Trollope, best known for his Barsetshire novels. Trollope had a miserable youth and poor education, but he overcame the latter by his own studies and developed a special love for Cicero. In 1880 he published a two-volume biography of Cicero, and in the Introduction he explains why:

I may say with truth that my book has sprung from love of the man, and from a heartfelt admiration of his virtues and his conduct as well as of his gifts. I must acknowledge that in discussing his character with men of letters, as I have been prone to do, I have found none quite to agree with me. His intellect they have admitted and his industry; but his patriotism they have doubted, his sincerity they have disputed, and his courage they have denied. It might have become me to be silenced by this verdict, but I have rather been instigated to appeal to the public and to ask them to agree with me against my friends. It is not, only, that Cicero has touched all matters of interest to men and has given a new grace to all that he has touched, that as an orator, a rhetorician, an essayist, and a correspondent he was supreme, that as a statesman he was honest, as an advocate fearless, and as a governor pure—that he was a man whose intellectual part always dominated that of the body, that in taste he was excellent, in thought correct and enterprising, and that in language he was perfect. All this has been already said of him by other biographers. Plutarch, who is as familiar to us as though he had been English, and Middleton, who thoroughly loved his subject, and latterly Mr. Forsyth, who has struggled to be honest to him, might have sufficed as telling us so much as that. But there was a humanity in Cicero, a something almost of Christianity, a stepping forward out of the dead intellectualities of Roman life into moral perceptions, into natural affections, into domesticity, philanthropy and conscious discharge of duty, which do not seem to have been as yet fully appreciated. To have loved his neighbor as himself before the teaching of Christ was much for a man to achieve; and that he did this is what I claim for Cicero and hope to bring home to the minds of those who can find time for reading yet another added to the constantly increasing volumes about Roman times.<sup>44</sup>

#### BIBLIOGRAPHY

- Bolgar, R. R. *The Classical Heritage and its Beneficiaries*. Cambridge: Cambridge University Press, 1963.
- Clarke, M. L. “‘*Non Hominis Nomen sed Eloquentiae*’.” In *Cicero*, edited by T. A. Dorey (London: Routledge & Kegan Paul 1964): 81–107.

<sup>44</sup> Anthony Trollope, *Life of Cicero* (London: Chapman and Hall 1880; reprinted New York: Arno Press 1981): 2–3.



- Cox, V. "Ciceronian Rhetoric in Italy, 1260–1350." *Rhetorica* 17 (1999): 239–88.
- Dorey, T. A., ed. *Cicero. Studies in Latin Literature and Its Influence*. London: Routledge & Kegan Paul, 1964.
- Dolet, E. *De Imitatione Ciceroniana* (1535); introduction and facsimile edition by Emile V. Telle. Geneva: Droz, 1974.
- Frame, D. M., ed. *The Complete Works of Montaigne*. Stanford, CA: Stanford University Press, 1958.
- Fredborg, K. M., ed. *The Latin Rhetorical Commentaries of Thierry of Chartres*. Toronto: Pontifical Institute of Medieval Studies, 1988.
- Freedman, J. "Cicero in Sixteenth- and Seventeenth-Century Rhetoric Instruction." *Rhetorica* 4 (1986): 227–54.
- Fumaroli, M. "Rhetoric, Politics, and Society: From Italian Ciceronianism to French Classicism." In *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, edited by J. J. Murphy (Berkeley: University of California Press 1983): 253–273.
- , ed. *Histoire de la rhétorique dans l'Europe moderne, 1450–1950*. Paris: Presses Universitaires de France, 1999.
- Hall, F. E. *Companion to Classical Texts*. Oxford: Clarendon Press, 1913.
- Halm, C., ed. *Rhetores Latini Minores*. Leipzig: Teubner, 1863; reprint, William Brown: Dubuque, IA, 1964.
- Henderson, J. R. "Erasmian Ciceronians: Reformation Teachers of Letter-Writing." *Rhetorica* 10 (1992): 273–302.
- Hight, G. *The Classical Tradition: Greece and Roman Influences in Western Literature*. New York: Oxford University Press, 1949.
- Howell, W. S. *Logic and Rhetoric in England, 1500–1700*. Princeton: Princeton University Press, 1951.
- Kapp, V. "L'Apogée de L'atticism français ou l'éloquence qui se moque de la rhétorique." In *Histoire de la rhétorique moderne*, edited by Marc Fumaroli (Paris: Presses Universitaires de France 1999): 731–736.
- Kennedy, G. *Classical Rhetoric in its Christian and Secular Tradition from Ancient to Modern Times*. 2nd ed. Chapel Hill: University of North Carolina Press, 1999.
- Knott, B. I. *The Ciceronian: A Dialogue on the Ideal Latin Style*. Collected Works of Erasmus, edited by A. H. T. Levi, vol. 28. Toronto, Buffalo, London: University of Toronto Press, 1986.
- Leeman, A. D. *Orationis Ratio: The Stylistic Theories and Practice of the Roman Orators, Historians, and Philosophers*. 2 volumes. Amsterdam: A. M. Hakkert, 1963.
- Leeman, A. D., and H. Pinkster. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 1. Heidelberg: Carl Winter, 1981; on I.1–165.
- Leeman, A. D., H. Pinkster, and H. L. W. Nelson. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 2. Heidelberg: Carl Winter, 1985; on I.166–265; 2.1–98.
- Leeman, A. D., H. Pinkster, and E. Rabbie. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 3. Heidelberg: Carl Winter, 1989; on 2.99–290.
- Leeman, A. D., H. Pinkster, and J. Wisse. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 4. Heidelberg: Carl Winter, 1996; on 2.291–367; 3.1–95.

- Marrou, H. *Saint Augustin et la fin de la culture antique*. Paris: de Boccard, 1938; reprint with *Retractatio*, 1949.
- May, J. M. and Wisse, J. (transl., intr., etc.). *Cicero: On the Ideal Orator (De Oratore)*. New York – Oxford: Oxford University Press, 2001.
- Mesnard, P. “Le Pseudo-Cicéron de Henri II Estienne et l’avènement du cicéronianisme critique.” *Bulletin du Association Guillaume Budé*, series 4 (1967): 283–292.
- Mommsen, T. H. *History of Rome*, abridged ed. New York: Meridian Books, 1956. Dickson translation, ed. by D. A. Saunders and J. H. Collins.
- Mommsen, Th. *Römische Geschichte*. 2nd ed. 4 vols. Berlin: Weidmann, 1856–1885; 4th volume not published.
- Mouchel, C. *Cicéron et Sénèque dans la rhétorique de la Renaissance*. *Ars rhetorica* 3. Marburg: Hitzeroth, 1990.
- Murphy, J. J. *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance*. Berkeley: University of California Press, 1974.
- Norden, E. *Die Antike Kunstprosa vom VI Jahrhundert v. Chr. bis in die Zeit der Renaissance*. 3rd ed. 2 vols. Leipzig: B. G. Teubner, 1915–1923.
- Ong, W. J. *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason*. Cambridge: Harvard University Press, 1958.
- Peter, H., ed. *Historicum Romanorum Reliquiae*. Vol. 2. Leipzig: Teubner, 1906.
- Pfeiffer, R. *History of Classical Scholarship, 1300–1850*. Oxford: Clarendon Press, 1976.
- Ramus, P. *Brutinae Quaestiones in Oratorem Ciceronis*. Paris, 1547.
- . *Ciceronianus*. Paris, 1557.
- Reinhold, M. *The Classicist Pages: Classical Reading of Eighteenth-Century Americans*. University Park, PA: American Philological Association, 1975.
- . *Classica Americana: The Greek and Roman Heritage in the United States*. Detroit: Wayne State University Press, 1984.
- Reynolds, L. D. and Wilson, N. G. *Scribes & Scholars: A Guide to the Transmission of Greek & Latin Literature*. Oxford: Clarendon, 1974; 3rd ed. 1991.
- Robertson, D. W., Jr., ed. *Augustine—On Christian Doctrine*. Library of the Liberal Arts. Indianapolis: Bobbs-Merrill, 1958.
- Rolle, J. *Cicero and His Influence*. Our Debt to Greece and Rome. New York: Cooper Square Publishers, 1963.
- Sabbadini, R. *La Storia del ciceronianismo e di altre questioni letterarie nell’età della rinascenza*. Torino: E. Loescher, 1885.
- Sandys, J. E. *History of Classical Scholarship*. 3 vols. Cambridge: Cambridge University Press, 1903–1908; reprinted New York: Hafner, 1964.
- Scott, I., ed. *Ciceronianus, or a Dialogue on the Best Style of Speaking, by Desiderius Erasmus*. New York: Columbia University Teachers College, 1908; reprinted AMS Press, 1972.
- Stahl, W. H., R. Johnson, and R. L. Burge, eds. *Martianus Capella and the Seven Liberal Arts*. 2 vols. New York: Columbia University Press, 1971.
- Stump, E., ed. *Boethius’s in Ciceronis Topica*. Ithaca: Cornell University Press, 1988.

- Trollope, A. *Life of Cicero*. London: Chapman and Hall, 1880; reprinted New York: Arno Press, 1981.
- Vickers, B. *Rhetoric Revalued*. Binghamton, NY: Center of Medieval & Early Renaissance Studies, 1982.
- Vos, A. "Good Matter and Good Literature: The Character of English Ciceronianism." *Studies in English Literature, 1500–1900*, 19 (1979): 3–18.
- Walz, C., ed. *Rhetores Graeci*. 9 vols in 10. Stuttgartiae et Tubingae: J. G. Cotta, 1832–1836; photographic reproduction Osnäbruck: Zeller, 1968.
- Ward, J. O. "Renaissance Commentators on Ciceronian Rhetoric." In *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, edited by J. J. Murphy (Berkeley: University of California Press 1983): 126–173.
- . *Ciceronian Rhetoric in Treatise, Scholion, and Commentary*. Typologie des sources du Moyen Age occidental, 58. Turnhout: Brepols, 1995.
- Wisse, J. "Greeks, Romans and the Rise of Atticism." In *Greek Literary Theory after Aristotle: a collection of papers in honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter (Amsterdam: VU University Press, 1995): 65–82.
- Zielinski, T. *Cicero im Wandel der Jahrhunderte*. 1st ed. Leipzig and Berlin: Teubner, 1897; 2nd, revised edition, 1908.

This page intentionally left blank

## CHAPTER SEVENTEEN

### A SURVEY OF SELECTED RECENT WORK ON CICERO'S RHETORICA AND SPEECHES

Christopher P. Craig

#### *Introduction*

This is a very selective survey of recent work in two related areas of Cicero's literary production, his speeches and his rhetorical works. It is beyond my scope, and my knowledge, to annotate in a meaningful way the more than twelve hundred contributions in these areas which have appeared over the last twenty-five years. After dutifully cataloguing texts and translations, this survey instead focuses upon works which have defined, advanced, or exemplified principal directions in the scholarship over the last quarter century, and attempts to extrapolate promising directions for work on Ciceronian oratory and rhetoric in the coming decade. One area specifically neglected is that of Cicero's *Nachleben*, which George Kennedy's chapter in this volume covers with typical thoroughness and conciseness.

As a convenient starting point, the present survey begins roughly where the more comprehensive selected survey of R. J. Rowland, Jr. (1978) left off, in 1975. For our period, the invaluable bibliographical resource is of course *l'Année philologique*, with the concomitant second edition of the *Database of Classical Bibliography* covering the years 1974–1989. Volume 69 covering the year 1998 was the most recent available while this survey was being compiled. Other freestanding bibliographies on Cicero's speeches and rhetorica in our period include R. Valenti (1975) on *De Oratore*, S. M. Cerutti (1993) on "James May's 'Trials of Character' and Current Trends in the Scholarship of Ciceronian Persuasion," and H. Pinkster (1993) on Cicero's language and style. The bibliography on the Catilinarians by Criniti (1971), which slightly pre-dates our period, was updated with typical thoroughness and precision by Classen (1985: 120 n. 1). Malaspina (1997) reviews work on the fragmentary speeches from

1984–1995. *L'Année philologique*, supplemented by these bibliographies, by bibliographies in the books and articles reviewed, by publishers' lists, by the *Beilagen* of *Gnomon* online (<http://www.gnomon.ku-eichstaett.de/Gnomon>), and by the generous communications of some authors, yields a collection of more than twelve hundred items on the speeches and the rhetorica in our period. All of these, along with the other works cited in the previous chapters, are listed in the bibliography.

The survey is organized in this way:

## I. TEXTS, TRANSLATIONS, AND COMMENTARIES

I.A. Texts

I.B. Translations

I.C. Commentaries

I.C.i. Speeches

I.C.ii. Rhetorica

## II. INDIVIDUAL WORKS

II.A. Rhetorica

II.B. Speeches

II.B.i. Spoken and Published Speeches

II.B.ii. Persuasive-Process Criticism and Argument from Character

II.B.iii. Cultural and Social History

II.B.iv. Alternate Critical Models

1. The Reader's Experience of the Speech

2. The Case of the *First Catilinarian*

II.B.v. The Historical Context of Persuasion

II.B.vi. Cicero's Oratorical Styles

Looking to this survey chapter and to the accompanying bibliography for this volume, some of my fellow Ciceronians will inevitably feel that the selective topical treatment here employed (and the limitations of the author) distort the shape of our field or the value of their contributions. *Eorum humanitate fretus*, I can only hope that these colleagues will find more good in the collection of material than harm in my exposition of it.

## TEXTS, TRANSLATIONS, AND COMMENTARIES

I.A. *Texts*

The reader is referred to the treatments of Cicero's orations and rhetorica in L. D. Reynolds, ed., *Texts and Transmission* (1983) for a clear understanding of the state of the various texts. Among the desiderata noted by Rouse and Reeve in their treatment of Cicero's speeches in that volume one stands out. Since publication of the Barcelona papyrus containing part of the first and all of the second *Catilinarian* (Roca-Puig [1977]), all editions of those speeches have been out of date. This lack has yet to be made good. Our period has seen nine volumes in the new series *M. Tulli Ciceronis scripta quae manserunt omnia* of the *Bibliotheca scriptorum Graecorum et Romanorum Teubneriana*, as well as the reissue of Marx's 1923 text of the *Rhetorica ad Herennium* and of Kumaniecki's 1969 text of *De Oratore*:

Axer, J., ed. 1976. *Fasc. 9. Oratio pro Q. Roscio Comoedo*; Westman, R., ed. 1980. *Fasc. 5. Orator*; Maslowski, T., ed. 1981. *Fasc. 21: Orationes: Cum senatui gratias egit. Cum populo gratias egit. De domo sua. De haruspicum responsis*; Olechowska, E., ed. 1981. *Fasc. 25: Orationes: Pro Cn. Plancio. Pro C. Rabirio Postumo*; Fedeli, P., ed. 1982. *Fasc. 28. In M. Antonium Orationes Philippicae XIV*; Marek, V., ed. 1983. *Fasc. 16: Orationes de lege agraria. Oratio pro C. Rabirio perduellionis reo*; Maslowski, T., ed. 1986. *Fasc. 22: Oratio pro P. Sestio*; Reeve, M. D., ed. 1992. *Fasc. 7: Oratio Pro P. Quinctio*. Leipzig: Teubner; Marx, F., ed. 1993. *Fasc. 1: Incerti auctoris De ratione dicendi ad C. Herennium lib. IV*. 2nd ed. (re-issue of the 1923 edition); Kumaniecki, K. F., ed. *Fasc. II, 3. De oratore* (re-issue of the 1969 edition); Maslowski, T., ed. 1995. *Fasc. 23; Orationes in P. Vatinius testem, pro M. Caelio*.

In Italy, G. Bellardi (1975–1981) has produced a four-volume UTET critical edition of all the speeches and the fragments, with facing-page Italian translation, notes and bibliography. Calboli (1993a) did a second edition of his text of the *Rhetorica ad Herennium* for Patron. Meanwhile, the continuing Mondadori series *M. Tulli Ciceronis opera omnia quae exstant* has added seven fascicles:

Puccioni, G., ed. 1972. *Cicero. Orationum deperditarum fragmenta*. 2nd ed.; Guardí, T., ed. *Pro Rabirio perduellionis reo*; Reggiani, R., ed. 1990. *Pro P. Sestio oratio*; De Marco, M., ed. 1991. *Orationes spuriae, I: Oratio pridie quam in exilium iret; Quinta Catilinaria; Responsio Catilinae*; Rizzo, S., ed. 1991. *Pro A. Cluentio Habito oratio*; Lopez, G., ed. 1993. *M. Tulli*

*Ciceronis Actionis secundae in C. Verrem liber 2*; Pugliarello, M., ed. 1995. *M. Tulli Ciceronis Pro M. Marcello oratio*.

The Budé series has produced five titles representing Wuilleumier's work on the *Philippics*, Grimal's on *Pro Plancio* and *Pro Scauro*, and G. Achard's new editions of the *Rhetorica ad Herennium* and of *De Inventione*:

Boulanger, A., and P. Wuilleumier, eds. 1972. *Cicéron, Discours*. 4th ed. XIX: *Philippiques I à IV*; Wuilleumier, P., ed. 1973. *Cicéron, Discours*. Budé. 3rd ed. XX: *Philippiques V à XIV*; Grimal, P., ed. 1976. *Cicéron, Discours, XVI,2: Pour Cn. Plancius; Pour M. Aemilius Scaurus*; Achard, G., ed. 1989. *Rhétorique à Herennius*; Achard, G., ed. *De l'invention/Cicéron*.

The *Topica* have been the object of two almost contemporaneous critical editions by G. Di Maria (1994) and M. L. Riccio Colletti (1995), and a third by M. Fuhrmann (2000). *Partitiones Oratoriae* have been edited R. Giomini (1996), who also did a text of *De Optimo Genere Oratorum* (1995). *De Oratore's* text has been re-examined by Th. Hastrup in a volume with M. Leisner-Jensen's accompanying Danish translation (1981). The fragments of Cicero's speeches are now more accessible than ever before thanks to J. W. Crawford's second edition with commentary (1994). More generally, commentaries have been especially valuable for textual criticism. D. H. Berry's commentary on *Pro Sulla* (see below), includes the most thorough recension of the text of that speech yet achieved. Another commentary, that of Klodt on *Pro Rabirio Postumo* (1992), while based upon Olechowska's Teubner edition, offers important textcritical discussion (as well as printing a facsimile of Poggio's autograph of the speech). Similarly, the Amsterdam commentary on *De Oratore* by A. D. Leeman, H. Pinkster and others (1981, 1985c, 1989, 1996), while not offering a text, offers many emendations. May and Wisse, in a valuable appendix to their new English translation of *De Oratore* (2001: 307–319), take into account the work of Renting (1996), and systematically catalogue the translators' disagreements with the Teubner text of Kumaniecki (1969) and with Leeman and Pinkster.

Among the many freestanding articles on textual matters that our period has produced, perhaps the most important are Shackleton Bailey's collections of readings in the speeches in *HSCP* (1979, 1985).



I.B. *Translations*

Our period has seen various Ciceronian speeches and rhetorica translated into German more than into any other language. Especially noteworthy in this German production is Manfred Fuhrmann's seven-volume translation of all the speeches (1970–1982), and his republication of many of these translations in smaller collections of the *Verrines* (1995), of political and judicial speeches (1993, 1997) and of select masterpieces (1983). The *Sammlung Tusculum* has also issued translations of several of the rhetorica, including K. Bayer's translations of *Topica* (1993) and *Partitiones Oratoriae* (1994), B. Kytzler's of *Orator* (1975 and subsequent editions), and Nüsslein's of the *Rhetorica ad Herennium* (1994). L. Huchthausen et al. (1989) have included German translations of many of the speeches as well as *De Oratore* in their anthology. These are noted under individual works in the bibliography, as are the contributions by the various translators in the *Reclam Universal-Bibliothek*. In English, Shackleton Bailey felicitously turned his attention from the letters to the *Philippics* (1986) and the *post reditum* speeches (1991), in each case basing his translation upon his fruitful work on the Latin text. In 1986, T. N. Mitchell translated *Verrines* 2.1 and W. K. Lacey the *Second Philippic* for Aris and Phillips. MacDonald's *Loeb* edition of the *Catilinarians*, *Pro Murena*, *Pro Sulla*, and *Pro Flacco* (1977) replaced the earlier *Loeb* volume of Lord. Michael Grant (1975) offered a Penguin volume of 'Murder Trials' including *Pro Roscio Amerino*, *Pro Cluentio*, *Pro C. Rabirio*, *Pro Caelio*, *Pro Milone*, and *Pro Rege Deiotaro*. In the *Oxford World Classics* series, D. H. Berry (2000) has published his translations of *Pro Roscio Amerino*, *Pro Murena*, *Pro Archia*, *Pro Caelio*, and *Pro Milone*. M. Siani-Davies (2001) has done a translation of *Pro Rabirio Postumo* with extensive introduction and commentary. At this writing, the new translation of *De Oratore* by J. May and J. Wisse (2001) has recently appeared, and this first English translation of that work in more than a generation, along with its thorough notes reflecting the current state of the scholarship, is especially welcome. The most notable French translations are in the *Budé* series: the third edition of the first two *Philippics* by Boulanger and Wuilleumier (1972), the editions of *Pro Plancio* and *Pro Scauro* by Grimal (1976) and of *De Inventione* by G. Achard (1994), as well as his edition of the *Rhetorica ad Herennium* (1989). Among the Italian translations notable are Bellardi's of all the speeches (1975–1981),

the Marsilio *Convivio* editions of *Pro Milone* by Fedeli (1990), of *Pro Rege Deiotaro* by DiMundo (1997), and of *Pro Flacco* by Masilli (2000), Giuffrè's translation of *Pro Cluentio* (1993), and E. Narducci's new translation of the *Brutus* (1995). Other translations in the *Biblioteca Universale Rizzoli* are noted in the bibliography. Spanish translations have burgeoned over the last fifteen years. The *First Verrine* was translated with an extensive introduction by Salinas (1987) in the *Bibliotheca scriptorum Graecorum et Romanorum Mexicana*. The *Biblioteca Clásica Gredos* has in this time frame published seven volumes of Ciceroniana, including Nuñez' translation of *De Inventione* (1997), the translations by Requejo Prieto (1990) of all seven Verrine speeches in two volumes, Aspa Cereza's translations and notes on *Pro Roscio Comoedo*, *Pro Caecina*, *De Lege Agraria I-III*, *Pro Flacco*, and *Pro Caelio* (1991), and on *Pro Roscio Amerino*, *De Imperio Cn. Pompei*, *Pro Cluentio*, the *Catilinarians*, and *Pro Murena* (1995), and Baños Baños' of the six *post reditum* speeches and *Pro Milone* (1994). The same scholar has translated the *Caesarians* as well (1991). Other Spanish translations are of *Partitiones Oratoriae* by Reyes Coria (1987), *Pro Caelio* by Gaos Schmidt (1976), and *Pro Marcello* by Caballero de del Sastre (1999).

### I.C. Commentaries

#### I.C.i. *The Speeches*

'But what scholars now need above all are good, detailed, up-to-date commentaries covering all the relevant fields, history, text, and syntax as well as rhetoric and style. There is a danger that without such commentaries to refer to, the quality of the more general interpretative works which are being produced may suffer.' (D. H. Berry [1996a], p. x.)

Since Cicero's speeches invite study as persuasive exemplars, rhetorical and stylistic models, and primary texts for the understanding of Roman political, social, cultural, and legal history, as well as for the study of Cicero the man, scholarship about the speeches serves both as a measure and an instrument of progress in a variety of related fields.

The presentation of the text of a Ciceronian speech with a commentary that concurrently informs the reader of the current state of the scholarship in most or all of these fields is a formidable task,

and perhaps the greatest desideratum of the next decade. As D. H. Berry has pointed out in his model commentary on *Pro Sulla* (1996a: ix–x), there have been only four other full commentaries on individual speeches in English in this century, those of R. G. Nisbet on *De Domo Sua* (1939), of R. G. M. Nisbet on *In Pisonem* (1961), of R. G. Austin on *Pro Caelio* (1960), and of T. E. Kinsey on *Pro Quinctio* (1971). To these Berry adds three works produced in our period: the German commentaries of J. Adamietz on *Pro Murena* (1989), of Klodt on *Pro Rabirio Postumo* (1992), and the fine, unpretentious and explicitly pedagogical commentary of H. and K. Vretska on *Pro Archia* (1979). This is a very sparse field indeed. A full text and commentary for any Ciceronian speech would be a project of enduring value for any scholar with the training to assay it.

The commentary as a genre has become more protean in the last twenty-five years. Very different from Berry, and from each other, are the two stylistic commentaries of H. C. Gotoff (1979, 1993), which will be treated under ‘Style’ below. W. B. Tyrell’s legal and historical commentary on *Pro C. Rabirio* (1978) takes the speech as a primary source for the legal and historical problems of the nature of the court and the political context that gives rise to the trial. It is then really a historical treatment of *quaestiones selectae* in commentary format.<sup>1</sup> As Professor Cape notes above (131 n. 52) Primmer’s 1985 commentary on this speech, while ostensibly concerned with persuasive strategy, instead focuses upon the historical circumstances, Cicero’s manipulation, and the subsequent revisions of the speech for publication. Siani-Davies’ commentary on her translation of *Pro Rabirio Postumo*, with an extensive introduction, is also aimed largely at historical questions. A commentary on a section of one speech, with German translation, is A. Bürge’s treatment of *Die Juristenkomik in Ciceros Rede Pro Murena* (1974). Commentaries on more elusive texts are those of Crawford on the lost and unpublished orations known from testimonia (1981) and on the fragmentary speeches (2nd. ed., 1994). We may note as well an historical commentary on an historical commentary, the fine work of Marshall on Asconius (1985). In a broad sense, translations with commentaries might be construed to include the Budé and Gredos volumes noted under translations

<sup>1</sup> On its success in this regard, see M. C. Alexander in *Phoenix* 33 (1979): 179–180.

above. One must certainly include the Italian translation of *Pro Cluentio* with commentary geared to students of Roman criminal law by Giuffrè (1993), the Marsilio *Convivio* Italian translations and commentaries noted under translations above, and the Aris and Phillips English translations and commentaries on *Verrines* 2.1 by Mitchell (1986) and on the *second Philippic* by Lacey (1986). The latter, while ostensibly keying the commentary to the translation, is also the best stylistic commentary on that speech.

The pedagogical commentaries, primarily on *Pro Archia*, *Pro Caelio*, and the *Verrines*, are listed under the individual speeches in the bibliography below.

### I.C.ii. *The Rhetorica*

Our period has seen the beginning, and almost the completion, of one of the great resources of modern Ciceronian scholarship, the German-language commentary on *De Oratore* by Leeman, Pinkster, and others (1981, 1985c, 1989, 1996, all with full lit.). The 1989 Amsterdam dissertation of Rabbie on *De Oratore* 2.216–290 is largely included in the third volume. The fourth volume of the ‘Amsterdam *De Oratore*’ goes through *De Oratore* 3.95, and the fifth and final volume is targeted for completion in 2003. Meanwhile, the venerable 1892 Wilkins commentary on *De Oratore* has been reprinted by Olms (1990). The other rhetorica have received some notation in the translations mentioned above, but have passed a generation or more without full commentaries. This is certainly a worthwhile direction for the decade ahead.

## II. INDIVIDUAL STUDIES

### II.A. *The Rhetorica*

*Texts, translations and commentaries are noted in the appropriate sections above.*

While ‘rhetorica’ has proven a convenient label for Cicero’s seven works dealing in a conscious way with the theory and practice of public speaking and with its Roman practitioners, these works vary remarkably in genre, purpose, and content. Cicero’s youthful *De Inventione*, like the *Rhetorica ad Herennium*, an anonymous work which

is contemporary and more comprehensive, is a how-to manual in the Hellenistic rhetorical tradition. The *Partitiones Oratoriae*, while cast in the form of a dialogue between Cicero and his son, was seen, before the work of Gaines in this volume, as a more concise treatment in the same technical tradition. *Topica* focuses more upon *loci* of form than of content, and so may be thought more 'philosophical.' *De Optimo Genere Oratorum* and *Orator* are part of a polemical defense of Cicero's style, as is the very different *Brutus*, which provides a history of Roman oratory. *De Oratore*, Cicero's rhetorical masterpiece, lays out in dialogue form a vision of the ideal orator that provides a model of effective public leadership flowing from a comprehensive education in the liberal arts. Only in the area of source-criticism can a single method be applied to all of these works. Already at the beginning of our period, A. E. Douglas (1973) had pointed out that, while scholars continued to search out Cicero's Greek sources, the primacy of *Quellensforschung* had ended, and nothing had yet taken its place. More than twenty-five years later, that observation is still valid. Even as source criticism has continued, scholarship has also proceeded on the rhetorica in directions suited to the general character of each of these works.

*De Inventione* continues a natural field for source criticism, and especially for attempts to understand the hodge-podge of Stoic and Peripatetic elements coloring the tradition on which Cicero and the author of the *Rhetorica ad Herennium* draw for their understandings of argument. Thus Calboli Montefusco (1998) and Fortenbaugh (1998) on the sources of Cicero's discussion of syllogistic reasoning. Heath (1994) makes sense of the mutations of Hermagorean stasis theory. *De Inventione's* proems give a starting point for discussion of the development of Cicero's ideas about oratory and society, so Gennaro (1989), Lévy (1995), Grilli (1997). They also provide a focus for the orator's aesthetics, so Staffhorst (1992). The reflection of Cicero's youthful rhetorical theory in his later practice is a special focus of von Albrecht (1984) and Schmitz (1995). The resemblances between *De Inventione* and the *Rhetorica ad Herennium* in the treatment of exordia led Christes (1978) to posit that the anonymous author had read Cicero. The *Nachleben* of *De Inventione* and the *Rhetorica ad Herennium* has seen a signal contribution by Ward (1995).

The *Rhetorica ad Herennium* is still generally held anonymous, despite a minority insistence on calling the author Cornificius (so Calboli, 1969, 1993). Other nominees for authorship are Cornutus (Herrmann

[1980]) and Hirtuleius (Achard [1985]). Because it is the first extant Hellenistic rhetoric preserving the treatment of all five *officia oratoris*, the *Rhetorica ad Herennium* remains a natural way station for discussions of the history of the theory of style, so Adamik on the periodic sentence (1984) and on the three kinds of style (1995), Bertreau on *similitudo* (1977), Boccotti on asyndeton and tricolon (1975), Pennacini (1974) on archaism and neologism. Studies of mnemotechnics must also rely on the account in *ad Herennium*, so den Hengst (1986), Lohmann (1991). Cicero's 'second rhetoric' attracts students of its subsequent influence, including in our period work on Fichet by Beltran (1985), and even on Bach, by Ambrose (1980). Finally, noteworthy is Sinclair (1993), who sees *ad Herennium* as a manual to teach behavior acceptable to the ruling elite. A textbook of rhetoric is a natural object for such sociological readings, and we may expect to see more work in this area. *De Oratore*, Cicero's rhetorical masterpiece, will always be the touchstone for meditations on *humanitas*, on the Ciceronian educational ideal and on its influence. Thus the essays of A. Michel (1977, 1982, 1986), F. Wehrli (1978), F. Quadlbauer (1984), M. von Albrecht (1991), V. Pöschl (1995). More unique to our period, the groundbreaking work by Leeman on the structure of *De Oratore I* (1975), the subsequent work noted above under 'Commentaries' by A. D. Leeman, H. Pinkster, and company on the Amsterdam commentary on *De Oratore* (1981, 1985c, 1989, 1996, all with full lit.), as well as the work of J. Hall (1992, 1994) and others, and now the thorough analytical synopsis produced by May and Wisse in their new English translation (2001: 42–48) have led to a better understanding of the organization, patterns of argumentation, and literary coherence of the work. G. Achard (1987) has even argued for the primacy of its political intentions. Narducci (1997) has seen its educational ideal in the context of a broader Ciceronian cultural project. These more comprehensive, literary approaches have thoroughly dispelled the judgment of the work as otiose, ill organized, or even flawed in its choice of the dialogue form (crystallized by B. Vickers, 1988: 29–36).

Work on the relationship of *De Oratore* to Greek antecedents continues strong, and is showcased, for example, in the contributions to a special issue of *Rhetorica* (6.3 [1988]) of Fantham on Theophrastan antecedents to Cicero's discussion of the three styles, Fortenbaugh on the importance of the handbook tradition to Cicero's concept of winning goodwill, and of Görler and Schütrumpf on Platonic allu-

sions and influence. Fortenbaugh (1989), as part of his work on Theophrastus and the peripatetic tradition, systematically dismisses the evidence of *De Oratore* that Cicero had studied Aristotle's *Rhetoric* or the *Synagoge Technon* with any care.

The use of *De Oratore* for the understanding of the originality of Cicero's thought and arguments has progressed, not only in the strictly rhetorical arena, e.g. diLorenzo (1978) on *ornatus* as unifying style and content, Fantham (1973) on 'conciliare' and Aristotelian ethos and (1979) on genus-terminology in articulating arguments, but also in the arena of law and society, focussing especially on the *Causa Curiana*, so Tellegen (1983), Vaughn (1985), on the attention paid to Cicero's principles for historiography, so Sinkovitch (1974), Leeman (1984, 1985b), Marchal (1987), Wiseman (1979, 1981), Woodman (1988), Cape (1997), and on the relationship between what we would perceive as character and persuasion, so Classen (1986), Schottlaender (1988).

The most obvious direction for research on *De Oratore* in the next ten years will be a continued evaluation of the sources to which Cicero responds, the arguments he makes, the educational model he espouses, and the persuasive mechanisms he demonstrates, all undertaken with a much greater sensitivity to the detailed literary structure of the work.

*Partitiones Oratoriae* had attracted virtually no attention in our period outside the realm of texts and translations. Three exceptions are Brožek (1983), who argues that while the first two parts of the book were written around 54, the third part came after 46, Grilli (1996) who uses this text towards a Ciceronian theory of political and ethical education, and especially Gaines' radical reinterpretation of the work as a representation of Academic philosophical inquiry into the nature of rhetoric rather than as simply a textbook for the orator's son (chapter 15 above).

*De Optimo Genere Oratorum* receives a vote for authenticity as an example in the elaborate and painstaking discussion of prose rhythm by Berry (1996b). Riggsby (1995) uses it to find Cicero's attack on the Atticists as part of an effort to maintain the central position of oratorical persuasion in Roman culture.

Over the last twenty-five years, work on the *Brutus*, already well served by the commentary of Douglas (1966), has largely turned from the prosopographical direction so masterfully pursued by Sumner (1973), to consideration of how this history of Roman oratory argues

for the role of the orator in Caesar's new order (esp. Rathofer [1986]), and most interestingly about the shift from spoken to written expression as the chief medium for expressing elite cultural values at the end of the Republic (Narducci [1997]). The problems of the *Brutus* as a history of oratory as they relate to Cicero's criteria for the judgment, or even inclusion, of earlier speakers have recently been highlighted by Suerbaum (1996–1997; 1997). More generally, *Brutus* and *Orator* have provided evidence for Cicero's relationship with his audience (Lucas [1975]) and his view of the primary role of the lay audience in judging oratorical success (Iodice di Martino [1987]; esp. Shenkeveld [1988]).

More specific stylistic issues, especially questions of the three styles, their character, and their relationship to the earlier tradition, have been principal foci of work on the *Orator*, so on the middle style Fantham (1988), Winterbottom (1989), Adamik (1995). While the *Orator* contains the fullest discussion of prose rhythm, this discussion *per se* has drawn little recent attention since it has long been known that Cicero's theory diverges sharply from his practice. Even his theory shows a lack of attention to the peripatetic tradition, according to Fortenbaugh (1989). Inevitably, the notion of the ideal orator held up at the beginning of the *Orator* has prompted a revisiting of the Platonic grounding of that ideal, so Wimmel (1974a), Degli Innocenti Pierini (1979).

Although *Brutus* and *Orator* are very different in form, the truism that both are polemical defenses of Cicero's own style against the criticisms of the so-called Atticists binds them together as central texts in discussions of the history and nature of Roman Atticism and its relationship to Greek Atticism. (For the application of concepts of Atticism to Cicero's style, see on style below.) Already at the beginning of our period, A. E. Douglas (1973) had stressed the lack of monolithic coherence among Atticists. In our period, Th. Gelzer (1979) in the Fondation Hardt volume on *Le classicisme à Rome* pegs the origins in the classicizing milieu of the second century. More recently, J. Wisse (1995, with lit.) has reexamined the evidence, argued for a Roman origin for Atticism, redated that origin to around 60 B.C.E., explained Atticism as a movement only in the sense of a group of self-identifying people of similar tastes, and explored the mechanisms whereby Roman Atticism becomes Hellenized. E. Narducci (1997) similarly sees the Atticists as a heterogeneous group, and spec-



ulates that Licinius Calvus himself advanced Demosthenes as a model, but did so in a way that ran afoul of Cicero's judgment and oratorical strengths.

In the course of his argument that *Topica* complements *Partitiones Oratoriae* by illustrating the application of philosophical doctrine to rhetoric, Gaines (chapter 15 above) also gives an excellent summary of the current state of scholarship on this work, and marks out the ground for further debate.

## II.B. *Orations*

### II.B.i. *Spoken and Published Orations*

Real progress has been made in the last twenty-five years on the question of the extent to which Cicero's published orations reflect speeches actually delivered. While this question cannot be definitively resolved, prudent speculation about this question is nonetheless valuable for scholars with a range of interests, primarily: 1) students of persuasion who try to understand the arguments that Romans would find persuasive in an oral context and 2) historians who would use the published speeches as evidence for fine analysis of Roman civic discourse or shifting political circumstances. 3) Students of Cicero and of Roman political and literary practice who are concerned with the motives that impel Cicero to publish a given speech at all.

The evidence for diversion between spoken and written orations, whether through addition, abbreviation, changes of detail, or the publication of speeches which were never delivered orally (the *Actio Secunda in Verrem* and the *Second Philippic*), had been collected long before our period (So, e.g., Laurand [1936–1938]: 1–23), and continues to be presented again (most recently, Ledentu [2000]). For speeches that correspond to actual oral performances, the exact extent of correspondence between oral and spoken versions is necessarily speculative. The question remains whether, in the absence of specific evidence to the contrary, there is any general reason to assume that a speech text that we have differs substantially in content or organization from the spoken oration which it purports to represent.

Before our period began, there seemed to be a compelling argument that our texts of judicial speeches could not correspond with spoken orations. Jules Humbert (1925) had argued that the procedure

in a Roman criminal trial did not allow continuous speeches, but only ‘tours de parole,’ which Cicero will have later synthesized and published in the form of the texts we have. At the beginning of our period, Humbert’s thesis, long regularly ignored, was successfully rebutted by Stroh (1975: 31–54). The possibility of general correspondence between spoken and published orations would now be argued based upon a sense of Cicero’s motives for publication. But those discussions of motives would have to take into account the fact that Cicero published speeches embracing mutually contradictory views (on the Gracchi, for example), as well as speeches that apparently demonstrate a successful deception of the audience. (Thus Cicero’s boast that he had deceived the jury of Cluentius, Quintilian, *IO*. 2.17.21). Stroh, basing his arguments on Cicero’s own statements, especially in the *Brutus*, argued that the primary motive for publication was to provide exemplars of how the orator might persuade specific audiences within specific contexts. Published speeches might also serve to espouse political positions, promote the speaker, etc., but these other motives were subordinate to the pedagogical. While Stroh explicitly rejected the claim that the published speeches must reflect what Cicero had actually said, he maintained that they must represent the sorts of arguments and arrangement that Cicero would view as effective for persuading an original listening audience. Stroh’s emphasis on the pedagogical motive, recently taken up without reference to Stroh by Achard (2000), has been seen as excessive. Crawford (1984, and above, pp. §§) contributed the first consideration of Cicero’s publication activity based a comprehensive picture of his forensic and political speaking. She concluded that Cicero seems to have published only about half of his speeches, and that he published unless there was a reason not to do so. This selection principle gives much more weight to non-pedagogical motives. Classen (1985: 2–11) provides a concise and balanced overview that gives due weight to pedagogical motives of providing an example of a successful oration in given circumstances, and so accounts for contradictory passages in different speeches, while properly emphasizing the political and self-fashioning motives for publication. Riggsby (1999: 178–184; v. et. Riggsby [1995b]), cited by May above (chapter 3, n. 2), upon reconsidering the evidence similarly concludes that, although details may be changed, absent specific evidence to the contrary there is no positive reason to assume substantive differences

between the argumentation of the spoken and the published version of a speech. A complementary but independent argument is that of Alexander (2000) in his discussion of the handling of legal technicalities. He maintains that these detailed technical discussions would not be later insertions in the published speeches since they would be less important for Cicero's desired effects on a reading audience than for his desired effect on initial listeners.

Among individual speeches or groups of speeches, consideration of motives for publication of the *Verrines* is well discussed by Professor Vasaly above (90–92). The speeches of the consular corpus mentioned in *Att.* 2.1.3 were treated by Helm (1979) in an attempt to isolate post-delivery changes and additions based primarily upon his judgment of the appropriateness of various remarks to 63 or a later date. Professor Cape's discussion (above, 113–120) thoroughly treats the questions raised by the consular orations. Moreau (1980) argued on the basis of internal evidence (*Mur.* 62) that the published *Pro Murena* as we have it must be a production of 61 or 60 as well, and that the reduction of arguments to a rubric at section 57 reflects Cicero's relationship to Clodius at that time. The other oration that most vigorously raises the question of spoken vs. published is *Pro Milone*, for which Marshall (1987a) gives insights about the nature of the other version that circulated in antiquity, and Stone (1980) provides the most judicious speculation about the relationship of the text we have to what Cicero might have said, and to the political circumstances that will have influenced the later additions.

While the work on spoken vs. published orations over the last twenty-five years has had value for detailed political history and for the understanding of Cicero's public self-fashioning, its most important consequence may be that it allows us, even as we acknowledge that the written text we have is the analysand (so Dyck [1998]) to engage in the imaginative exercise, essential for students of persuasive process, of treating the speeches as plausible transcripts of oral acts of persuasion before a specific (even if fictive) listening audience.

## II.B.ii. *Persuasive-Process Criticism and Argument from Character*

The dominant approach to Cicero's speeches in our period has been that signaled by the appearance of Chr. Neumeister's *Grundsätze der forensischen Rhetorik gezeigt an Gerichtsreden Ciceros* (1964). Arguing from the descriptions of persuasion in *De Oratore*, Neumeister advanced a

notion of persuasive-process criticism that treats a text of a Ciceronian speech as a record of an oral persuasive process before a given listening audience in specific circumstances. The speech represents an act of progressive manipulation in which every argument, word, and nuance moves towards the orator's persuasive goal. The fact that the orator must speak at all, that the audience is not already persuaded, indicates that there is some impediment to getting the audience to act or feel as he wants. This is the rhetorical challenge. The greater the rhetorical challenge overcome, the greater the success of the speech.

This approach focuses upon the psychology of the audience, renders the speaker an amoral agent, and requires the critic to take a clear stand about the circumstances that define the context of the speech and the rhetorical challenge. It is concerned with the rhetorical theory of the handbooks and with traditional Roman oratorical practice only insofar as they can give information about the expectations for a speech that the listening audience might bring to the event. Likewise the legal grounding of the case and any political considerations must be weighed, but only as a means to the end of establishing the context for the orator's attempt to persuade.

Among the landmark uses of this approach, W. Stroh, in *Taxis und Taktik* (1975), analyzed the structure and argumentation of *Pro Caecina*, *Pro Roscio Comoedo*, *Pro Tullio*, *Divinatio in Caecilium*, *Pro Cluentio* and *Pro Caelio*. In the 1982 Fondation Hardt volume *Éloquence et Rhétorique chez Cicéron*, A. D. Leeman showcased this approach through an analysis of *Pro Murena*. In that same volume, C. J. Classen made a unique and important synthesis identifying Ciceronian persuasive techniques from empirical observations about his argumentation strategies gathered from the entire corpus of the speeches. In 1985, Classen's *Recht—Rhetorik—Politik* returned to the focus on the complete analysis of the persuasive process in whole speeches, focusing upon *Pro Cluentio*, *Pro Murena*, *Pro Flacco*, *De domo sua*, *De imperio Cn. Pompei*, and the speeches *De lege agraria*.

After a generation in which the dominant critical approach has seen the speaker as amoral and manipulative, the impact of such assumptions on inferences about Roman society is still being negotiated. While there has been little exploration of the tensions in Cicero's own theorizing of his sincerity (Narducci [1994–1995] is a signal exception), there have been several celebrations of the orator's lack of veracity, of which the best developed is that of H. C.

Gotoff (1993 b). The assumption that Cicero regularly dupes his juries, then publishes his speeches for a readership including those juries, led J. E. G. Zetzel (1994) to argue that the juries could not have cared about the guilt or innocence of the accused, but simply rewarded performance with acquittal. This remarkable conclusion has been refuted by A. Riggsby (1997). But Riggsby's refutation leaves unclear how we are to comprehend the acceptance of Cicero's deceitfulness by his juries/readers. The nature of the jury's endorsement of Cicero's veracity thus remains an essential area for further study both for students of persuasion and for cultural and social historians.

Primarily, if not exclusively, within the context of persuasive-process criticism, the most studied single type of persuasive tool in our period has been Cicero's character depiction of himself, his clients, his adversaries and his allies in ways that go far beyond the prescriptions of the rhetorical handbooks (cf. *Inv.* 2.32–37; 1.34–36). Borrowing from Aristotle's *ethike pistis*, the credibility that comes from the speaker's self-presentation in the course of the speech, we designate this much broader range of persuasive characterizations as ethical argument. Before our period began, G. A. Kennedy (1968) had built upon the fact that Roman courts employed advocates far more regularly than did Athenian courts to identify a 'rhetoric of advocacy,' a series of techniques whereby Cicero separates himself from or identifies himself with his client in order to make stronger ethical appeals and to introduce potentially offensive arguments. The way in which Cicero's theoretical writings, especially *De Oratore*, diverge from the Aristotelian notion of *ethike pistis* has been particularly well explored by E. Fantham (1973), by J. Wisse in a magisterial study (1989), and by M. Calboli Montefusco (1990, 1992). The influence of the pre-Aristotelian handbook tradition on Cicero's views has been argued by Fortenbaugh (1988). Looking to Cicero's actual oratorical practice, the rhetoric of advocacy has been further explored by J. May in an article (1981) and in a book-length account (1988) of the diachronic development of Cicero's persuasive self-presentation using *Pro Quintio*, *Pro Roscio Amerino*, *Divinatio in Caecilium*, *The First Verrine*, *The Second Catilinarian*, *Pro Murena*, *Pro Sulla*, *Pro Flacco*, *Pro Sestio*, *Pro Caelio*, *Pro Plancio*, *Pro Milone*, *Pro Ligario*, and *Philippics 3 and 12*. Refining this picture, Cape (1995) on the *Fourth Catilinarian*, illustrates the way in which the ethos of the orator's role actually constrains his ability to advance arguments.

May's work extends only incidentally to Cicero's persuasive characterization of other principal figures in a speech. Cicero's integration

of his characterizations of the principal figures in a case into his persuasive strategy is well treated by Kirby on *Pro Cluentio* (1990), who labels it 'the web of ethos.' Other emphases include Buchheit (1975b) on Chrysogonus as tyrant in *Pro Roscio Amerino*, Favory (1981) on the use of slaves in the *Verrines* and *Philippics*, Craig (1986) on Cato in *Pro Murena*, Gotoff (1986) on the prosecutors in *Pro Caelio*, Schmitz (1985, 1989) on the treatment of witnesses, and Dyer (1990), who offers a complex argument that the appeal to Caesar in *Pro Marcello* is also a portrait of Caesar that invites the audience to tyrannicide.

An especially fruitful subset of persuasive characterization has been the study of Cicero's use of stereotypes to distract the orator's audiences or simply to play upon their prejudices. K. Geffcken (1973) had shown how Cicero used comic stereotypes for persuasive ends in *Pro Caelio*. In our period, Axer (1980) noted the persuasive use of a comedic stereotype in *Pro Roscio Comoedo*, and further used that appropriate comedic tone to account for the stylistic anomalies in the speech. Salzman (1982), responding to Geffcken, saw Caelius as Attis to Clodia's Cybele. Vasaly (1985) used urban and rustic stereotypes of Roman comedy to illumine Cicero's persuasive strategy in *Pro Roscio Amerino*. Axer (1989), arguing for Cicero's use of alternative 'communication situations' beyond those of comic performance, noted the use of a positive gladiator stereotype in *Pro Milone*. Sussman (1994b, 1998) used Roman comedic stereotypes to explain the invective of the *Second Philippic*. In a different vein, the latter part of Vasaly's (1993) book-length study of Cicero's persuasive uses of place demonstrates the orator's use of geographic/ethnically based prejudices to discredit his opponents or their witnesses in *Pro Fonteio*, *Pro Flacco*, *Pro Scauro*, and *De lege agraria II*.<sup>2</sup>

### II.B.iii. *Cultural and Social History*

The analysis of arguments from stereotypes creates a convergence of persuasive-process criticism and cultural history by adducing the culture-specific Roman presuppositions, biases, and prejudices that the orator harnesses in order to persuade. In the arena of invective, our period has seen a comprehensive general treatment by Koster (1980), and two works which exemplify different ways to analyse the

<sup>2</sup> This last published earlier in *Hermes* 116 (1988): 409–427.

materials of Cicero's arguments as a means to understand Roman conceptualizations of societal power structures. G. Achard (1981) uses Cicero's speeches to describe exhaustively an 'optimate rhetoric' that embodies the views of the conservative element of the ruling class. A. Corbeill (1996) uses Ciceronian invective texts to describe the ways in which invective is a tool in the competition for prestige and the ways in which its operation crystallizes the values of the ruling elite.

More generally, the balance of persuasive-process analysis with social history is best exemplified by B. Frier (1985), who marries and leverages persuasive analysis of *Pro Caecina* and a discussion of the birth of the 'profession' of juriconsult. Most recently, A. Riggsby (1999), in an analysis of equal value to persuasive-process critics and social and cultural historians, has used the argumentation of all of Cicero's extant speeches before the standing criminal courts to explicate both Roman conceptions of the nature of crime and the grounds that those conceptions provide for persuasive arguments.

#### II.B.iv. *Alternate Critical Models*

##### 1. *The Reader's Experience of the Speech*

Given the predisposition to see a published speech as an imaginative recreation of a (fictive) persuasive performance before a specific listening audience, discussions of Cicero's purposes with his primary reading audiences, such as those of Crawford and others noted under 'Spoken v. Published Orations' above, leave scope for further work. What is the relationship of form to purpose of a speech text focused primarily upon readers? The *Actio Secunda in Verrem*, as a text that does not correspond to a speech actually delivered, has been the primary focus of approaches to this question. Berger (1978), while denying that the forensic and literary aims of the text can be separated, provides analyses that focus upon the text as a literary experience. The treatment of the *Verrines* by Enos (1988), who does not know Berger, at least attempts to address the relationship of form to purpose for the reading audience. Vasaly's treatment of the *Verrines* (above, 87–103), and Cape's treatment of the *Catilinarians* as a politically purposeful literary ensemble (1991), as well as his discussion of the consular orations in this volume (above, 113–158), exemplify other possible approaches. Regarding the more specific understanding of the persuasive manipulation of the initial reading audience,

Berger's work is complemented by Fuhrmann (1990b) who briefly illustrates the mechanics of 'fictive Mundlichkeit,' and especially by Nisbet (1992), who offers a close reading of a single page from the *Verrines* (*Verr.* 5.92–95) focused upon the processes by which the reader, guided by the author, creates the effects of a fictive oral performance. These works presage and invite a more systematic attempt to understand in detail the purposes and dynamics of Cicero's speeches as literary texts.

## 2. *The Case of the First Catilinarian*

In the last ten years, a fruitful expansion of the criticism of the speeches both as models of persuasion and as a window on social values has come especially, if not exclusively, in work on Cicero's *First Catilinarian*. Perhaps because this speech is notoriously difficult to classify in terms of formal rhetoric and notoriously slippery in terms of defining a rhetorical challenge, it has invited scholars either to expand or to break free from the persuasive-process model while maintaining a concern with the historical circumstances of the speech. W. W. Batstone (1994), consciously measuring the speech against the criteria of persuasive-process criticism, argued that the speech has no more concrete persuasive goal than affirming Cicero's consular authority. Ethical argument thus becomes the end as well as the means of persuasion. In a clearer divorce from persuasive-process criticism, D. Konstan (1993) focused upon Ciceronian persuasion in terms of assuming what is to be proven, in this case upon Cicero's speech as both an assumption and a demonstration of his side's monopoly on political virtue. Konstan's analysis is founded in a critique of assumptions about values and in showing how those assumptions are reinforced and manipulated. The relationship of persuasion to the assertion of values, rather than the overcoming of a rhetorical challenge through progressive manipulation of the audience, is his principal focus. Similarly, T. Habinek (1998) shows how Cicero appropriates an array of broader cultural themes to reinforce the assumed position that he represents true Roman values, and that his opponent is literally an icon of an evil counter-culture. These analyses differ from a pure deconstruction of implicit values, such as P. Rose's (1995) penetrating Marxist reading of *De imperio Cn. Pompei*, in that they focus upon the dynamics of persuasion as well as upon a critique of the values of speaker and audience. They point the way to a promising direction for future criticism of the orations.



## II.B.v. *The Historical Context of Persuasion*

Because oratory is historically situated, the work of Roman historians is essential for our understanding of Cicero's persuasive achievement in the speeches. From this admittedly narrow oratorical perspective, several works are especially noteworthy. At the beginning of our period, Erich Gruen's *Last Generation of the Roman Republic* (1974) gives special scrutiny to criminal trials as a source for political history. In doing so, Gruen provides important background for understanding the rhetorical challenges of many of Cicero's speeches. The sources and outcomes of all the trials in this period have been usefully collected by Alexander (1990), and David (1992) has used a prosopography of speakers to construct a sociological analysis of *Le patronat judiciaire*, of which Cicero is of course the signal example.

While it is beyond our present scope to review the current landscape of scholarship on late republican history, the single most important general development for understanding the context of Cicero's oratory is the paradigm shift effected by P. A. Brunt (1988, with lit.) and others away from understanding Roman politics as determined by a strict network of obligations founded in *amicitiae*, family connections, and patron-client relationships. This 'frozen waste theory of Roman politics,' as North (1990) styles it, has given way to a much more fluid understanding of the obligations which constrain both political leaders and the participants in the popular assemblies. The most radical expression of this view, argued vigorously by Fergus Millar (esp. 1998, with lit.) is that the Roman popular assemblies are much less oligarchically constrained and centered than has been believed, and that the Roman assemblies are in a real sense democratic bodies. The Roman crowd is thus a direct target of persuasion, and the rhetoric of the *contio* an important field of study. The dimensions and dynamics of this field are still being negotiated (see esp. Pina Polo [1996]). If consensus can be reached, the resultant new understanding of Cicero's eight preserved speeches in *contiones* (*De Imperio Cn. Pompei*, *De lege agraria* II and III, *in Catilinam* II and III, *Post Reditum ad Quirites*, *Philippics* IV and VI), should be a rich field in the coming decade.

Several studies of oratorical style, and of the pronouncements on style in rhetorical works, have in our period taken a sociological and political slant. Style is here not only a means to achieve persuasion in a specific contest, but a marker of class status or of political

posture that reveals the status or the aspirations of the speaker. The work of Sinclair (1993, 1995) illustrates both these directions. Very recently, Krostenko (2001), in explicating the 'language of social performance,' has traced the interrelation of linguistic usage, views of Greek culture, and strategies for maintaining social and political dominance in the formation of the Latin rhetorical vocabulary and in the arguments in Cicero's speeches. While this broadly synthetic work is stimulating and important, it is not clear whether it will invite others to follow.

From a different perspective, Narducci (1997), who locates Cicero's rhetorical and oratorical achievement within a program to legitimize the value of Hellenistic culture and increase the capital of its most voluble exponent, sees style and theme of *Pro Archia* united to this end.

#### II.B.vi. *Cicero's Oratorical Styles*

Works on Cicero's style may be located on a spectrum defined at one extreme by the purely formal focus upon the elements of expression (whether general and normative or uniquely Ciceronian, whether concerned with vocabulary counts or with grandeur), and at the other extreme by the analysis of style as a means of persuasion. Works that move towards this second extreme conceive of style as inseparable from content, and thus virtually impossible to study in a way that can produce useful generalizations. The approach is no less important for that. Works that conceive of style primarily as a class marker or instantiation of ideology, and thus as evidence for political or cultural history, are noted in the preceding section.

On the eve of our period, Michael von Albrecht's *RE Supplementband* article on 'Sprache und Stil' (1973) set forth in a compendious way the gains of a century in attending to Cicero's style *per se*. His careful attention to Cicero's changing use of vocabulary and syntax went hand in hand with a judicious, traditional treatment of Cicero's style in terms of the three levels of style, and thus showed Cicero's own development, both as a unique trajectory based on empirical observations about his vocabulary and syntax and in correspondence with the normative and somewhat subjective values of the three styles.

Von Albrecht also touched upon the two other common normative critical terms for analyzing Cicero's style, Asianist and Atticist. Work focused upon these norms, which are based upon the descriptions offered in the *Brutus* and *Orator*, mostly antedates our period,

and is judiciously treated by G. Calboli in his 1986 'Nota di Aggiornamento' to the Italian translation of Norden's seminal *Die Antike Kunstprosa*.<sup>3</sup> In our period, the focus upon Cicero's relative Asianism or Atticism in the wake of *Brutus* and *Orator* is treated by Castorina (1975), who analyzes *Pro Marcello*, *Pro Ligario*, and the *Philippics* without offering any summary conclusions. A student of Castorina, Cipriani (1975) is concerned to trace through the analysis of 10 speeches Cicero's Asianist or Atticist development as measured by relative frequency of subordinate clauses, selected clausulae he defines as Atticist or Asianist (e.g. double cretic vs. dichoree), and frequency of 10 arbitrarily selected figures of speech and thought. His mixed results lead him to conclude that Cicero does not move from Asianism to Atticism, but to an asianized Atticism in the manner of Hegesias.

A broader concept of normative traits of style linked to the contents of arguments emerges in the work of Stroh (1982) and Wooten (1983) on the 'Demosthenic' elements in Cicero's *Philippics*. Stroh addresses the much debated question of the extent to which Demosthenes exercises a greater stylistic influence upon Cicero at the end of his career. Why should the speeches against Antony be labelled *Philippics*, even in jest? Unlike the standard work of Weische (1972) showing Cicero's direct imitation of phrasing and arguments of the Attic orators, Stroh demonstrates Demosthenic influence through adducing thematic as well as verbal parallels between *Philippics* 3–14 and speeches in the Demosthenic corpus, especially speeches III–XII. These thematic parallels include war against an enemy who is absent, divinely offered opportunity, and the choice of freedom or death. Stroh locates the Demosthenic phrasing and themes of the speeches in the confluence of the political circumstances after Antonius began the siege of Mutina with Cicero's prevenient interest in Demosthenes as a justifying figure in his disagreements with the 'Atticist' critics of his style. Wooten (1983), who had no opportunity to read Stroh, uses Hermogenes' analysis and classification of qualities of style keyed to Demosthenes as a touchstone to show what is Demosthenic in Cicero's style. The key to the Demosthenic qualities of Cicero's style that Wooten demonstrates in this way is in the similar structure and,

---

<sup>3</sup> Scholarship on Atticism as an historical phenomenon is noted in the discussion of work on Cicero's rhetorica above.

more importantly, the parallel intentions of the two orators' arguments. Thus his study, while grounded in a tradition that focuses upon style *per se* and upon subjective descriptions about the qualities of style, is based upon observations of concrete phenomena of sentence structure and keyed to the role of style in argumentative context. Wooten also introduced the idea of the 'rhetoric of crisis' to describe the polarized situation of Demosthenes against Philip or of Cicero against Antony or, in his modern example, of Churchill against the Axis powers. Although the 'rhetoric of crisis' proves so ubiquitous that it has little analytical power, Wooten's study is, in its specifics, a sensitive and useful contribution to the role of style in persuasive process.

Most of the work of the last twenty-five years focused upon style has been more concerned with what is unique about Cicero's style without reference to broader norms. And most of this work, whether concerned with style *per se* or with the role of style in argumentative context, has attempted to base judgments of level and tone squarely upon objectively observable phenomena. Just before our period, W. R. Johnson's *Luxuriance and Economy: Cicero and the Alien Style* (1971) was showing the way to treatment of Latin style that would ignore the subjective ancient tripartite scheme of grand, middle, and plain defined by vocabulary, use of figures, tone, and in a general way, sentence construction, in favor of observations focused upon the sentence as the primary unit of analysis and supported by objective and statistically quantifiable features of sentence structure. Gotoff (1979), in his stylistic analysis of *Pro Archia*, rejected as vague and unhelpful the traditional normative classifications of style, and instead undertook to characterize what is unique about one of Cicero's styles, the elaborately periodic, through a sentence-by-sentence analysis of *Pro Archia* in which he accounts for the syntactic and logical expectations aroused and satisfied by virtually every individual sentence component. The general results were to demonstrate Cicero's ability to sustain the expectations of concinnity and balance even as he deviates from them and to offer a pedagogically influential method of experiencing the expectations in a Ciceronian sentence that deepens appreciation for Cicero's choices.

Another objectively descriptive approach, debatable in its details but exceptionally promising, has been the continued interest in cola, the smaller units of which longer sentences are comprised. Once identified, these units signal at their junctures what could be natural

pauses in the spoken sentence, and so allow the reader or listener to experience the Latin sentence in a linear way, with a better appreciation of the emphases, parallels, and contrasts that the grouping of these units and the effects of the pauses between them can achieve. The study of the rhythmical cadences at the ends of these units and their relationship to the cadences at the end of Cicero's sentences, which have long been identified and appreciated, opens another area for the aesthetic appreciation and practical differentiation of various styles. Finally, if these smaller units can be acceptably defined, then their clausulae can be used, as the clausulae at sentence ends have long been used, as a significant aid to textual criticism.

The problem is in the identification of cola and of their boundaries. The ancient discussions, especially that of Cicero on *membra* and *incisa* in the *Orator*, provide some guidance but leave much to the prudential judgment of the individual reader. So A. Primmer (1968), who used the *post Reditum* speeches to generate the fullest analysis of the cadences of cola, and attempted to differentiate the clausulae of the weaker and stronger pauses within the sentence in contradistinction to the clausula at sentence end, relies on syntactic structures to identify cola, but finally uses the criterion of his own judgement of the sense of the utterance.<sup>4</sup>

A more objectively descriptive approach that was poised for use at the beginning of our period was that articulated by Eduard Fraenkel in a series of 'Kolon und Satz' studies spanning more than 30 years, and leading to *Leseproben aus Reden Ciceros und Catos* (1968).<sup>5</sup> In the three 'Kolon und Satz' studies, Fraenkel had found largely objective grammatical and syntactic criteria for identifying cola. Once cola are identified on these grounds, Fraenkel (1968) concedes the importance of clausulae for confirming results. Habinek (1985), builds upon these studies and confirms colon divisions through citations from ancient grammarians. These cola are in turn comprised of sentence constituents, and in that sense are syntactical rather than simply rhetorical. In fact, every rhetorical colon is composed of one or more of these grammatical or syntactic cola. While Habinek calls these 'rhythmical cola,' he takes pains not to characterize them by their prose rhythms, since, like Fraenkel, he wants to demonstrate that they can

<sup>4</sup> Whatever the value of Primmer's data, his conclusions were shown to be statistically unsound by Aili (1979), esp. 25–32.

<sup>5</sup> See also the review by E. Laughton in *JRS* 60 (1970): 188–194.

be identified on other, clearer grounds. Unlike Fraenkel, who emphasizes that cola are a general and basic feature of language, Habinek is concerned to see differing patterns in the use of cola as an analytic tool for a better understanding both of types of style (as he shows with the examples of the *tria genera dicendi* at *ad Her.* 4.12–16), and of the stylistic effects achieved by individual authors. R. G. M. Nisbet (1990), in a brief but important article, underscores against Habinek the importance of prose rhythms in defining rhythmical cola. While Nisbet is concerned with colometry, that is finding natural sense pauses, rather than simply with prose rhythms, he insists that prose rhythms are the most important of the several elements that identify those sense pauses. He further points to features, especially Cicero's use of antecolonic 'atque' to give a better clausula, as a legitimate way in which prose rhythm has a visible effect on our ability to recognize colon boundaries. The notion that an author puts word choice at the service of rhythms at colon boundaries as well as at the end of a sentence inevitably will affect the work of textual critics. D. H. Berry (1996a: 49–54; v. et. 1996b) for his edition of *Pro Sulla*, has not only reworked Zielinski's mass of data on clausulae at sentence ends, but has used Nisbet's work, especially on antecolonic 'atque,' in establishing his text of the speech. Meanwhile, the only attempt so far explicitly to describe an entire Ciceronian speech on Fraenkel's principles of colon-division and to analyze the clausulae of the various cola is Sträterhoff's 1995 analysis of *De Imperio Cn. Pompei*.<sup>6</sup> Hutchinson (1995), who also builds upon Nisbet's observation about antecolonic 'atque,' adds further observations, especially about the presence of rhythmic closes emphasizing important ideas immediately before a final verb. At least as important, Hutchinson gives a selective and important demonstration of the ways in which rhythmic closes at colon boundaries can increase our awareness of the emphases in the close reading of specific passages.

The methodology of the study of prose rhythm focused upon the final clausula in the period, well schematized by Dangel (1984), has also seen progress in the last twenty-five years, notably the statistical method of Aili (1979), the consideration of what constitutes a rhythmic close by Hutchinson (1995), and the important treatment

---

<sup>6</sup> See Nisbet's review in *CR* 47.2 (1997): 311–313.

by Berry (1996b) of the uniqueness or genre-dependence of an author's prose rhythms and the proper interpretation of clausula preferences in authenticity studies.

Next under the heading of style we must mention those various observations about the ways in which students of persuasive process note that choices about expression reinforce argument. In general, some commentary on stylistic reinforcement of arguments, whether at the level of choice of vocabulary, sentence construction, or larger mechanisms for establishing nuances and so manipulating audience response, is a standard feature of persuasive-process criticism, as it was already in Neumeister's stylistic analysis of *Pro Milone* (1964: 156–200).

The most dramatic conclusion in this arena is that of Axer (1980) who argues that the stylistic features of *Pro Roscio Comoedo* need not be explained by some notion of Cicero's diachronic stylistic development, and certainly cannot be used to date the work, because they are in fact stylistic features borrowed from the Roman Comedy of which Cicero's client was the age's most famous performer.

From a different focal level, the brief observations of Classen in his attempt to generalize Cicero's persuasive tactics (1982: 177–183) are especially valuable. As he observes, a book could be written on the subject of the relationship of style to persuasion. As Classen also notes, and later exemplifies in his discussion of *Pro Murena* (1985: 120–179), the key to discussion of style as a means of persuasion is exactly the interrelation of stylistic phenomena with a unique persuasive context. As a result, any synthesis runs an immediate risk of seeming reductive and dubious.

Gotoff's *Cicero's Caesarian Speeches: A Stylistic Commentary* (1993) avoids those pitfalls. An avowedly pedagogical work for students of Cicero's style, it is concerned to explicate through a close reading the ways in which Cicero's choice of words and expressions, the structure of his sentences, and occasionally his choice of prose rhythms, serve his persuasive goals before an exceptionally bright and rhetorically sophisticated audience—Julius Caesar. To the extent that the work sustains this focus, it is a felicitous extension of work on the importance of style for persuasive argument. That said, Gotoff's stylistic observations more often form an empirical characterization of Ciceronian usage as style *per se*, rather in the manner of a (very useful) philological commentary. It should also be noted that this work, to the extent that it is explicitly keyed to a notion of persuasive process,

must rest on assumptions about the relationship of Cicero and Caesar, and upon an understanding of the political situation at the time of each speech, that are open to disagreement. This underscores again the need for basic, comprehensive commentaries on individual speeches as a foundation for further work.

S. Cerutti's book-length examination of the *exordia* of *Pro Quintio*, *Pro Roscio Amerino*, *Pro Murena*, *Pro Milone*, *Pro Rege Deiotaro* and the *Second Philippic* claims to identify an 'accretive style' mandated by the rhetorical expectations for the exordium, and consisting in the establishment of fundamental oppositions attached to certain 'concept words' which, through their repetition, allow the bundling of global judgments about good and bad character to be attached to the stances of the opposing sides. The use of specific figures of thought, which are usually conceived of as formal elements of style, to advance Cicero's persuasive goals informs the work of Kirby (1990). As part of a critical approach to *Pro Cluentio* based upon the five *officia oratoris* and upon Aristotle's *entechnoi pisteis*, he treats the figures of antithesis, metaphor, and *praeteritio* in that speech in a way that shows how they help to achieve Cicero's persuasive goals. Craig (1993) establishes the audience expectations for one figure of thought, the dilemma, demonstrates the ways in which Cicero exploits those expectations to persuade in individual persuasive contexts in several speeches, and ends with generalizations about the persuasive functions of the device.

Since all of Cicero's speeches, and in fact all of classical Latin literature to 200 C.E., has been accessible since 1991 on the Packard Humanities Institute CD-ROM 5.3, questions about Ciceronian vocabulary usage and word collocation can now find exhaustive answers issuing from a scholar's desk-top computer. Citation of this resource has now become commonplace in any article touching upon Ciceronian word usage. Perhaps because the ease of retrieval of these data makes conclusions drawn from them less prized, publication of specifically computer-based work on Ciceronian vocabulary and usage is still in the future. One exception of questionable value is the collection of metaphors (dead and alive) that form the bulk of the treatment of 'rhetoric' in P. MacKendrick's selective and idiosyncratic handbook, *The Speeches of Cicero* (1995). Similarly in the future, as scholars learn more about the sorts of questions that machine-readable texts can be made to answer, may come stylistic analyses based upon length of cola and internal sentence rhythms. Certainly figures of speech, if not figures of thought, will be exhaustively catalogued. Other poten-



tial lines of research must await better software and a more computer-literate generation of scholars.

In summary, the most important contributions to the study of Cicero's style in our period have come in 1) the empirically grounded study of sentence structure divorced from larger normative schemes, 2) the attention devoted to the colon and to the rhythmic closes of the subunits of a sentence, 3) progress on the method of analyzing rhythmic closes at sentence ends, and 4) detailed accounts of the relationship between style and argument in specific passages. All of these directions, some supported by a more sophisticated use of the computer-assisted analytical tools now available, show promise for future research.

This page intentionally left blank

## BIBLIOGRAPHY

compiled by Christopher P. Craig

INCLUDING ITEMS ON CICERO'S SPEECHES AND RHETORICAL WORKS FROM  
1974–1999, WITH SOME EARLIER AND LATER ITEMS, AND WITH ALL ITEMS  
CITED IN THE CHAPTER BIBLIOGRAPHIES IN THIS VOLUME.

- Achard, G. *Pratique rhétorique et idéologie politique dans les discours de Cicéron*. Mnemosyne Supplement, 68. Leiden: Brill, 1981.
- . “L’auteur de la Rhétorique à Herennius?” *Revue des Études Latines* 63 (1985): 56–68.
- . “Pourquoi Cicéron a-t-il écrit le *De Oratore*?” *Latomus* 46 (1987): 318–29.
- , ed. Budé. *Rhétorique à Herennius*. Paris: “Les Belles Lettres,” 1989.
- , ed. Budé. *De l’invention/Cicéron*. Paris: “Les Belles Lettres,” 1994.
- . “L’influence des jeunes lecteurs sur la rédaction des discours cicéroniens.” In *Orateur, auditeurs, lecteurs: à propos de l’éloquence romaine à la fin de la République et au début du Principat*, edited by G. Achard and M. Ledentu, 75–90. Paris: Diffusion De Boccard, 2000. (Includes discussion).
- . “Les rhéteurs sous la République: des hommes sous surveillance?” *Ktêma* 14 (1989 [1993]): 181–88.
- Achard, G., and M. Ledentu, eds. *Orateur, auditeurs, lecteurs: à propos de l’éloquence romaine à la fin de la République et au début du Principat. Actes de la table-ronde du 31 janvier 2000*. Centre d’Études et de Recherches sur l’Occident Romain de l’Université Lyon 3: Collection du Centre d’Études et de Recherches sur l’Occident Romain, Nouvelle série, 21. Paris: Diffusion De Boccard, 2000.
- Adamietz, J. “Ciceros de inventione und die Rhetorik ad Herennium.” Ph.D. diss., Marburg, 1960.
- . “Ciceros Verfahren in den Ambitus-Prozessen gegen Murena und Plancius.” *Gymnasium* 93 (1986): 102–17.
- , ed. *Pro Murena*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1989.
- Adamik, T. “Textlinguistics and Rhetorical Tradition in the *Rhetorica ad Herennium*.” *Annales Universitatis Budapestinensis de Rolando Eötvös nominatae, Sectio classica* 8 (1980): 21–31.
- . “Aristotle’s theory of the period.” *Philologus* 128 (1984): 184–201.
- . “Catullo e Cicerone: il carme 49.” *Acta Classica Universitatis Scientiarum Debreceniensis* 25 (1989): 67–72.
- . “Cicero’s Theory of Three Kinds of Style.” *Acta Classica Universitatis Scientiarum Debreceniensis* 31 (1995): 3–10.
- . “Griechen und Römer in der Rhetorik an Herennius.” In *Griechenland und Rom: vergleichende Untersuchungen zu Entwicklungstendenzen und -höhepunkten der antiken Geschichte, Kunst und Literatur*, edited by E. G. Schmidt, et al., 459–65. Tbilissi: Universitätsverlag (Tbilissi); Erlangen, Jena: Palm und Enke, 1996. (Kongress Jena, 1988.)
- . “Basic Problems of the *Ad Herennium*: Author, Date, its Relation to the *De Inventione*.” *Acta antiqua Academiae Scientiarum Hungaricae* 38 (1998): 267–85.
- Adkin, N. “Cicero, Catilinarians 2, 11: intus insidiae sunt.” *L’Antiquité Classique* 62 (1992): 213–17.

- . "Cicero, Pro Marcello 12 and Jerome." *Philologus* 141 (1997a): 137–40.
- . "Cicero's 'Orator' and Jerome." *Vigiliae Christianae* 51 (1997b): 25–39.
- . "Two Texts of Cicero in Augustine (Pro Caelio 22 and Academica 2, 80)." *Koinonia* 21 (1997c): 135–39.
- Adomeit, K. "'Rechts' und 'links' bei Cicero." In *De iustitia et iure. Festgabe für Ulrich von Lübtow zum 80 Geburtstag*, edited by M. Harder and G. Thilmann, 81–91. Berlin: Duncker & Humblot, 1980.
- Afzelius, A. "Zwei Episoden aus dem Leben Ciceros." *Classica et Medievalia* 5 (1942): 209–17.
- Aguilar Guillén, M. A., and T. Ñaco del Hoyo. "Fiscalidad romana y la aparición del la mondea ibérica: apuntes para un discusión. 2, 195–171 a.C.: algunos textos polémicos." *Habis* 28 (1997): 71–86.
- Aili, H. *The Prose Rhythm of Sallust and Livy*. Studia Latina Stockholmiensia, 24. Stockholm: Almqvist & Wiksell International, 1979.
- Albanese, B. "Brevi studi di diritto Romano." *Annali del Seminario Giuridico dell' Università di Palermo* 42 (1992): 5–180.
- Alberte, A. "Coincidencias estético-literarias en la obra de Cicerón y Horacio." *Emerita* 57 (1989): 37–88.
- Alberte González, A. "Cicerón y Quintiliano ante la retórica. Distintas actitudes adoptadas." *Helmantica* 34 (1983): 249–66.
- . "Idealismo y pragmatismo en el tratado ciceroniano De oratore." *Estudios clásicos* 26 (1984): 303–10.
- . *Cicerón ante retórica. La auctoritas platónica en los criterios retóricos de Cicerón*. Col. Linguística & filológica, III. Valladolid: Universidad de Valladolid. Secretariado de Publicaciones, 1987a.
- . "Cicerón y Quintiliano ante los principios analogistas y anomalistas." *Minerva* 1 (1987b): 117–27.
- von Albrecht, M. "M. T. Cicero, Sprache und Stil." In *Paulys Real-Encyclopädie Der Classischen Altertumswissenschaft*. Neue Bearbeitung ed., edited by K. Ziegler, cols. 1237–1347. Supplementband 13. München: Alfred Druckmüller, 1973.
- . "Cicero und die Götter Siziliens." *Ciceroniana, Nuova Serie* 4 (1980): 53–62.
- . "Cicéron; théorie rhétorique et pratique oratoire." *Les Études Classiques* 52 (1984): 19–24.
- . "Ciceros Rede für Marcellus. Epideiktische und nichtepideiktische Elemente in Die Antike." In *Die Antike in litterarischen Zeugnisse*, edited by P. Neukam, 7–16. München, 1988.
- . "Ciceros Bildungsideal in De Oratore mit besonderer Berücksichtigung des Sokrates." In *Die Antike im Brennpunkt*, edited by P. Neukam, 7–25. Dialog Schule-Wiss., Klass. Sprachen & Lit, 25. München: Bayerischer Schulbuch-Verlag, 1991.
- Aldrete, G. S. *Gestures and Acclamations in Ancient Rome*. Baltimore and London: Johns Hopkins University Press, 1999.
- Alexander, M. C. "Hortensius' Speech in Defense of Verres." *Phoenix* 30 (1976): 46–53.
- . "Repetition of Prosecution, and the Scope of Prosecutions, in the Standing Criminal Courts of the Late Republic." *Classical Antiquity* 1 (1982): 141–66.
- . "Praemia in the Quaestiones of the Late Republic." *Classical Philology* 80 (1985): 20–32.
- . *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.* Toronto, Buffalo, London: University of Toronto Press, 1990.
- . "How Many Roman Senators Were Ever Prosecuted? The Evidence from the Late Republic." *Phoenix* 47 (1993): 238–55.
- . "The Repudiated Technicality in Roman Forensic Oratory." In *Lex et Romanitas: Essays for Alan Watson*, edited by M. Hoefflich, 59–72. Berkeley: Robbins Collection Publications, School of Law, University of California, Berkeley, 2000.

- Alfonsi, L. "Dal proemio del De inventione alle virtutes del De officiis." *Ciceroniana, Nuova Serie* 2 (1975): 111–20.
- Amarelli, F., and F. Lucrezi. *I processi contro Archia e contro Apuleio*. Quaestiones, 1. Napoli: Jovene, 1997.
- Ambrose, Z. P. "Weinen, Klagen, Sorgen, Zagen' und die antike Redekunst." *Bach Jahrbuch* 1980 (1980): 35–41.
- Amiotti, G. "Una guerra senza perdono: il concetto di inexpiabile bellum." In *Amnistia, perdono e vendetta nel mondo antico*, edited by M. Sordi, 217–22. Milano: Vita e Pensiero, 1997.
- Angelini, V. "Riflessioni sull'orazione Pro L. Cornelio Balbo." *Athenaeum* 58 (1980): 360–70.
- Anliker, K., and K. Mayer. "Cicero Cat. i.5. Zu H. Vesters Beitrag." *Gymnasium* 96 (1989): 110–12.
- d'Anna, G. "Il problema delle origini della poesia latina nel Brutus di Cicerone." *Ciceroniana, Nuova Serie* 5 (1984): 81–90.
- Aricò, G. "Iuvenalis redundantia: per l'esegesi di Cicerone, Brut. 313–316 e Orat. 107s." In *Studi di filologia classica in onore di Giusto Monaco*, edited by A. Buttitta et al., 817–28. Vol. 2. Palermo: Università di Palermo Facoltà di Lettere e Filosofia, 1991. (4 vols. paginated continuously).
- Aricò Anselmo, G. "Partes iuris." *Annali del Seminario Giuridico dell' Università di Palermo* 39 (1987): 45–156.
- von Arnim, H. "Sophistik, Rhetorik, Philosophie in ihrem Kampf um die Jugendbildung." In *Leben und Werke des Dio von Prusa*, edited by H. von Arnim, 1–114. Berlin: Weidmann, 1898.
- Artigas, E. "Recipio: 'recibir' o 'rechazar'?" (Cic. opt. gen. 6,18)." In *Actes del IXè simposi de la Secció Catalana de la SEEC, St. Feliu de Guixols, 13–16 abril de 1988: treballs en honor de Virgilio Bejarano, I–II*, edited by L. Ferreres, 45–48. Aurea Saecula, 1. Vol. I. Barcelona: S.E.E.C. Secció Catalana & Publ. Universitat de Barcelona, 1991.
- Aspa Cereza, J., ed. *M. Tullio Cicerón, Discursos, III: En defensa de P. Quincio; En defensa de Q. Roscio, el Cómico; En defensa de A. Cecina; Acerca de la Ley Agraria; En defensa de L. Flaco; En defensa de M. Celio*. Biblioteca clásica Gredos, 152. Madrid: Gredos, 1991. (Spanish translation, introduction, and notes).
- , ed. *Discursos. 5. En defensa de Sexto Roscio Amerino; En defensa de la ley Manilia; En defensa de Aulo Cluentio; Catilinarias; En defensa de Lucio Murena/Cicerón*. Biblioteca clásica Gredos, 211. Madrid: Gredos, 1995. (Spanish translation, introduction and notes).
- Astin, A. E. "Leges Aelia et Fufia." *Latomus* 23 (1964): 421–45.
- . *Scipio Aemilianus*. Oxford: Clarendon Press, 1967.
- . *Cato the Censor*. Oxford: Clarendon Press, 1978.
- Atkinson, J. E. "Cicero and the Trial of Verres." *Akroterion* 37 (1992): 91–97.
- Auerbach, E. *Literatursprache und Publikum in der lateinischen Spätantike und im Mittelalter*. Bern: Francke, 1958.
- Austin, R. G., ed. *M. Tulli Ciceronis Pro M. Caelio Oratio*. 3rd ed. Oxford: Oxford University Press, 1960.
- Auverlot, D. "Cicéron et le livre I du De Oratore. Une structure complexe." *L'Information littéraire* 38 (1986): 76–81.
- Axer, J., ed. *Oratio pro Q. Roscio Comoedo*. M. Tulli Ciceronis scripta quae manserunt omnia, 9. Leipzig: Teubner, 1976.
- . "Notes on Cicero's Pro Q. Roscio Comoedo." *Eos* 65 (1977a): 231–44.
- . "Selected Notes on Cicero's Pro Roscio Comoedo." *Philologus* 121 (1977b): 226–40.
- . "Condemnatio Postumi. A Comment on M.T. Cicero's Pro C. Rabirio Postumo 46." *Eos* 66 (1978): 227–30.
- . "Three Critical Notes to Cicero's De Oratore." *Eos* 67 (1979): 287–91.

- . *The Style and Composition of Cicero's Speech Pro Roscio Comoedo, Origin and Function*. *Studia Antiqua*, 3. Warsaw: Wydawnictwa Uniwersytetu Warszawskiego, 1980.
- . "Reedition of the Viennese fragments of Cicero, in Catilinam I." In *Festschrift zum 100-Jährigen Bestehen der Papyrussammlung der Österreichischen Nationalbibliothek. Papyrus Erzherzog Rainer (P. Rainer Cent.)*, edited by H. Loebenstein, 468–82. Wien: Brüder Hollinek, 1981. (Introduction, text and commentary on the sparse fragments of a 4th–6th century Latin-Greek edition of Cat. 1, P. Vindob. G 30885 a+e).
- . "Ad Ciceronis De oratore I 15 observatio." *Eos* 70 (1982): 263.
- . "Cicerone e la Società alla Luce delle Orazioni Guidiziarie." *Ciceroniana, Nuova Serie* 7 (1989a): 175–82.
- . "Le Forum Romanum dans le plaidoyer de Cicéron 'Pro Milone.'" *Travaux du Centre d'Archéologie Méditerranéenne de l'Académie Polonaise des Sciences* 30 (1989b): 31–36. *Études et Travaux XV*.
- . "Gladiator's Death: Some Aspects of the Rhetorical Technique in Cicero's speech pro Milone." *Eos* 77 (1989c): 31–43. (In Polish, with summary in English).
- . "Remarks on the 'Historical Reading' of Cicero's Legal Speeches." *Index: Quaderni comerti di studi romanistici* 17 (1989d): 205–15.
- . "Tribunal-Stage-Arena: Modelling of the Communications Situation in M. Tullius Cicero's Judicial Speeches." *Rhetorica* 7 (1989e): 299–311.
- . "Spettatori e Spettacoli nella Roma Antica." *Dioniso* 61 (1991): 221–29.
- . "Un'edizione bilingue di In Catilinam I di Cicerone della fine del IV secolo: problemi paleografici." In *Papiri letterari greci e latini*, edited by M. Capasso, 253–64. Galatina: Congedo, 1992.
- Badian, E. "Three Non-Trials in Cicero: Notes on the Text, Prosopography and Chronology of Divinatio in Caecilium 63." *Klio* 66 (1984): 291–309.
- . "The Legend of the Legate Who Lost his Luggage." *Historia* 42 (1993): 203–10.
- Bailey, D. R. Shackleton, ed. *Cicero's Letters to Atticus*. Cambridge University Press: Cambridge, 1965–1970. 7 vols.
- . *Cicero*. New York: Scribner, 1971.
- . "Mumpsimus-Sumpsimus." *Ciceroniana, Nuova Serie* 1 (1973): 23–29.
- , ed. *Cicero, Epistulae ad Familiares*. Cambridge: Cambridge University Press, 1977. 2 vols.
- . "On Cicero's Speeches." *Harvard Studies in Classical Philology* 83 (1979): 237–86.
- , ed. *Cicero: Epistulae ad Quintum Fratrem et M. Brutum*. Cambridge, London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, 1980.
- . "Notes on Cicero's Philippics." *Philologus* 126 (1982): 217–26.
- . "More on Cicero's Speeches (post reditum)." *Harvard Studies in Classical Philology* 89 (1985): 141–51.
- , ed. *Cicero: Philippics*. Chapel Hill and London: University of North Carolina Press, 1986a.
- . "Nobiles and novi Reconsidered." *American Journal of Philology* 107 (1986b): 255–60.
- . "On Cicero's Speeches (Post Reditum)." *Transactions of the American Philological Association* 117 (1987): 271–80.
- . *Onomasticon to Cicero's Speeches*. Norman and London: University of Oklahoma Press, 1988a.
- . *Onomasticon to Cicero's Speeches*. Stuttgart: Teubner, 1988b.
- , ed. *Cicero, Back from Exile: Six Speeches on His Return*. American Philological Association Classical Resources Series, 4. Atlanta: Scholars Press, 1991.
- , ed. *Onomasticon to Cicero's Speeches*. 2nd ed. Stuttgart: Teubner, 1992. Revised edition.
- , ed. *Cicero: Letters to Atticus*. Loeb Classical Library. Cambridge, MA, and London: Harvard University Press, 1999. 4 vols.

- Balbo, A. "Alcuni considerazioni sul'VIII Colloquium Tullianum 'Cicerone in America'." *Bollettino di studi latini* 21 (1991): 327–31.
- Balconi, C. "Rabirio Postumo dioiketes d'Egitto in P. Med. inv. 68.53?" *Aegyptus* 73 (1993): 3–20.
- . "Rabirio Postumo dioiketes d'Egitto: Prima testimonianza papiracea." In *Proceedings of the 20th International Congress of Papyrologists, Copenhagen, 23–29 August, 1992*, edited by A. Bülow-Jacobsen, 219–22. Copenhagen: Museum Tusculum, 1994.
- Baltensweiler, H. "Wer nicht gegen uns (euch) ist, ist für uns (euch)." *Theologische Zeitschrift* 40 (1984): 130–36.
- Bannon, C. J. "Self-help and Social Status in Cicero's Pro Quintio." *Ancient Society* 30 (2000): 71–94.
- Baños Baños, J. M., ed. *Cicerón. Discursos cesarianos*. Madrid: Alianza, 1991.
- , ed. *Discursos 4. En agradecimiento al Senado; En agradecimiento al pueblo; Sobre la casa; Sobre la respuesta de los arúspices; En defensa de P. Sestio; Contra P. Vatinius; En defensa de T. Anio Milón/M. Tulio Cicerón*. Biblioteca clásica Gredos, 195. Madrid: Gredos, 1994. (Spanish translation, introduction and notes).
- Barber, K. A. "Rhetoric in Cicero's Pro Balbo." Ph.D. diss., University of Texas at Austin, 1997. University Microfilms International number AAT 9802824.
- Barbieri. *Cicerone e i neoattici*. Quaderni di RCCM, 14. Roma: Edizioni dell'Ateneo & Bizzarri, 1974.
- Barilli, R. *Rhetoric*. Minnesota Series on the Theory and History of Literature. Minneapolis: University of Minnesota Press, 1989. (English trans. by G. Menozzi).
- Barnes, J. "Is Rhetoric an Art?" *d.a.r.g. Newsletter (newsletter of the Discourse Analysis Research Group of the University of Calgary)* 2, no. 2 (Fall 1986): 2–22.
- . "Antiochus of Ascalon." In *Philosophia Togata: Essays on Philosophy and Roman Society*, edited by M. Griffin and J. Barnes, 51–96. Oxford: Clarendon Press, 1989.
- . "Logic in *Academica* I and the *Lucullus*." In *Assent and Argument: Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum (Utrecht, August 21–25, 1995)*, edited by B. Inwood and J. Mansfield, 141–60. *Philosophia Antiqua: A Series of Studies on Ancient Philosophy*, 76. Leiden: Brill, 1997a.
- . "Roman Aristotle." In *Philosophia Togata II: Plato and Aristotle in Rome*, edited by J. Barnes and M. Griffin, 1–69. Clarendon: Oxford, 1997b.
- Barrett, D. S. "Cicero, Philippic 13.11.24." *Liverpool Classical Monthly* 7 (1982): 41–42.
- Barwick, K. "Die Gliederung der rhetorischen Τέχνη und die horazische Epistula ad Pisonem." *Hermes* 57 (1922): 1–62.
- . "Die Vorrede zum zweiten Buch der rhetorischen Jugendschrift Ciceros und zum vierten Buch des Auctor ad Herennium." *Philologus* 105 (1961): 307–14.
- . *Das rednerische Bildungsideal Ciceros*. Abhandlungen der Sächsischen Akademie der Wissenschaften zu Leipzig, Philologisch-Historische Klasse, 54.3. Berlin: Akademie-Verlag, 1963.
- Bassole, J. Y. "Le concept de valeur dans le plaidoyer Pro Q. Roscio comoedo de Cicerón." 'Επιστημονική 'Επετηρίδα τῆς Φιλοσοφικῆς Σχολῆς τοῦ Ἀριστοτελείου Πανεπιστημίου Θεσσαλονίκης 21 (1983): 41–53.
- Batstone, W. W. "Cicero's Construction of Consular *Ethos* in the *First Catilinarian*." *Transactions of the American Philological Association* 124 (1994): 211–66.
- Bauman, R. A. *The "Crimen Maiestatis" in the Roman Republic and Augustan Principate*. Johannesburg: Witwatersrand University Press, 1967.
- . *Crime and Punishment in Ancient Rome*. London, New York: Routledge, 1996.
- . "Did Cicero Want to Abolish the Jury-Courts." *Latomus* 59 (2000): 842–49.
- Bayer, K. "Wider die permanente Revolution: zur Interpretation von Ciceros Rede pro Sex. Roscio Amerino." In *Festschrift Karl Bayer. Das Angebot der Antike: humanistische Aufsätze zum altsprachlichen Unterricht: zu seinem 70. Geburtstag*, edited by F. Maier and K. Westphalen, 172–80. Bamberg: Buchner, 1990. (Volume includes bibliography of the author).

- , ed. *Topica = Die Kunst, richtig zu argumentieren: lateinisch und deutsch*. Sammlung Tusculum. Zürich: Artemis & Winkler, 1993. (Latin with facing-page German translation and notes).
- . “In contrariis contraria: zu Ciceros Partitiones oratoriae.” In *Vertrautes in neuem Licht*, edited by P. Neukam, 52–68. Dialog Schule-Wissenschaft Klassische Sprachen und Literatur, 28. München: Bayerischer Schulbuch-Verlag, 1994.
- Bayer, K., and G. Bayer, eds. *Partitiones oratoriae = Rhetorik in Frage und Antwort: lateinisch-deutsch*. Sammlung Tusculum. Zürich: Artemis & Winkler, 1994. (Introduction, German translation and notes).
- Beard, M. “Priesthood in the Roman Republic.” In *Pagan Priests*, edited by M. Beard and J. North, 17–48. Ithaca: Cornell University Press, 1990.
- Beard, M., J. North, and S. Price. *Religions of Rome. Vol. 1. A History*. Cambridge: Cambridge University Press, 1998.
- Becker, M. W. “Greek Culture and the Ideology of Roman Empire in Cicero’s Verrine Orations.” Ph.D. diss., Princeton University, 1996.
- Bell, A. J. E. “Cicero and the Spectacle of Power.” *Journal of Roman Studies* 87 (1997): 1–22.
- Bellardi, G., ed. *Le Orazioni di M. Tullio Cicerone*. Classici UTET: Classici Latini, edited by I. Lana. Torino: Unione Tipografico-Editrice Torinese, 1975–1981. 4 vols.
- Bellincioni, M. *Cicerone politico nell’ultimo anno di vita*. antichità classica e christiana, 12. Brescia: Paedeia, 1974.
- Belloni, A. “Tristano Calco e gli scritti inediti di Giorgio Merula.” *Italia Medioevale e Umanistica* 15 (1972): 283–328.
- Beltran, E. “Les sources de la Rhétorique de Fichet.” *Bibliothèque d’Humanisme et Renaissance* 47 (1985): 7–25.
- Bengston, H. *Marcus Antonius—Triumvir und Herrscher des Orients*. München: Beck, 1977.
- Benner, H. *Die Politik des P. Clodius Pulcher*. Historia Einzelschriften, 50. Stuttgart: Franz Steiner, 1987.
- Beretta, D. G. “Promoting the Public Image: Cicero and his Consulship.” Ph.D. diss., Johns Hopkins University, 1996.
- Berg, B. “Cicero’s Palatine Home and Clodius’ Shrine of Liberty. Alternative Emblems of the Republic in Cicero’s *De Domo Sua*.” *Studies in Latin Literature and Roman History* 8 (1997): 122–43. (Collection Latomus, #239).
- Berger, D. *Cicero als Erzähler—Forensische und literarische Strategien in den Gerichtsreden*. Europäische Hochschulschriften, Reihe XV, Klassische Philologie und Literatur, 12. Frankfurt/M.—Bern-Las Vegas: Peter Lang, 1978.
- Bernardo, Y. “SEVERITAS: A Study of a Roman Virtue in Cicero.” Ph.D. diss., University of North Carolina at Chapel Hill, 2000.
- Berry, D. H. “Guilielmus and the Erfurtensis of Cicero. New Readings for Pro Sulla.” *Classical Quarterly, new series* 39 (1989): 400–407.
- . “Pompey’s Legal Knowledge—or Lack of It: Cic. Mil. 70 and the Date of Pro Milone.” *Historia* 42 (1993): 502–4.
- , ed. *Cicero: Pro P. Sulla Oratio*. Cambridge Classical Texts and Commentaries, 30. Cambridge: Cambridge University Press, 1996a.
- . “The Value of Prose Rhythm in Questions of Authenticity: The Case of *De Optimo Genere Oratorum* attributed to Cicero.” *Papers of the Leeds International Latin Seminar* 9 (1996b): 47–74.
- . *Cicero: Defense Speeches*. Oxford: Oxford University Press, 2000. (English translation, introduction and notes).
- Berthet, J.-F. “L’orateur cicéronien.” In *La puissance de la parole: actes du colloque organisé par la MAFPEN et l’ARELAD*, 21–32. Dijon: Université de Bourgogne, 1987.
- . “Archias le poète.” In *Le regard des Anciens sur l’étranger: actes du colloque organisé par la MAFPEN et l’ARELAD*, 87–96. Dijon: Université de Bourgogne, 1988.



- Bertini, F. "Nonio, un passo dell'Orator e due del De Oratore." *Studi Noniani* 4 (1977): 15–26.
- Bertonati, G., ed. *Il poeta Archia*. Classici della BUR, L 874. Milano: Rizzoli, 1992. (Introduction by E. Narducci, translation and notes by G. Bertonati).
- Bertreau, R. "A propos des variétés de similitudo dans la Rhétorique à Herennius." *Latomus* 36 (1977): 471–74.
- Birt, T. *Das antike Buchwesen in seinem Verhältniss zur Literatur*. Berlin: W. Hertz, 1882.
- Biscardi, A., ed. *M. Tulli Ciceronis orationes Divinatio in Q. Caecilium, In C. Verrem actio i, In C. Verrem actio ii. Corpus Iuris Romani Publici, I,B,2, 1–3*. Milano: Istituto editoriale Cisalpino—La Goliardica, 1984.
- Bittner, S. *Ciceros Rhetorik—eine Bildungstheorie; Von der Redetechnik zur humanitären Eloquenz*. Frechen: Bodem, 1999.
- Blänsdorf, J. "Griechische und römische Elemente in Ciceros Rechtstheorie." *Würzburger Jahrbücher für die Altertumswissenschaft* 2 (1976): 135–47.
- . "Erzählende, argumentierende, und diskursive Prosa." *Würzburger Jahrbücher für die Altertumswissenschaft* 4 (1978): 107–19.
- Bloomer, W. M. *Valerius Maximus and the Rhetoric of the New Nobility*. Chapel Hill and London: University of North Carolina Press, 1992.
- Boccotti, G. "L'asindeto e il trikolon nella retorica classica." *Bollettino del Istituto di Filologia greca dell'Università di Padova* 2 (1975): 34–59.
- Bolgar, R. R. *The Classical Heritage and its Beneficiaries*. Cambridge: Cambridge University Press, 1963.
- Bolonyai, G. "Iudicium docti indoctique." *Acta antiqua Academiae Scientiarum Hungaricae* 34 (1993): 103–37.
- Bona, F. "Sulla fonte di Cicero, De oratore I,56,239–240 e sulla cronologia dei Decem libelli di P. Mucio Scevola." *Studia et Documenta Historiae et Iuris* 39 (1973): 425–80.
- Bonmatí Sanchez, V. "Hermetes en la traducción del Ad Herennium de Marcelino Menéndez y Pelayo." *Cuadernos de filología clásica* 20 (1986–1987): 105–8.
- Bonner, S. *Roman Declamation*. Liverpool: Liverpool University Press, 1949.
- . *Education in Ancient Rome from the Elder Cato to the Younger Pliny*. Berkeley and London: University of California Press, 1977.
- Booth, A. D. "The Appearance of the *schola grammaticus*." *Hermes* 106 (1978): 117–25.
- . "Elementary and Secondary Education in the Roman Empire." *Florilegium* 1 (1979a): 1–14.
- . "The Schooling of Slaves in First-Century Rome." *Transactions of the American Philological Association* 109 (1979b): 11–19.
- Bornecque, H. *Les clausules métriques latines*. Lille: Au siège de l'Université de Lille, 1907.
- , ed. Budé. *Cicéron: Divisions de L'art oratoire. Topiques*. Paris: "Les Belles Lettres," 1924.
- Boscherini, S. "Il riso di Democrito (A proposito di Cicerone, De oratore II, 235)." *Prometheus* 1 (1975): 117–23.
- Botermann, H. "Die Generalabrechnung mit dem Tyrannen: Ciceros Rede für den König Deiotarus." *Gymnasium* 99 (1992): 320–44.
- Boulanger, A., and P. Willeumier, eds. Budé. *Cicéron, Discours*. 4th ed. Vol. 19. Paris: "Les Belles Lettres," 1972. *Philippiques I à IV*.
- Boyancé, P. "Cicéron et l'empire Romain en Sicile." *Kokalos* 10–11 (1964–1965): 333–53.
- Boyd, T. "Libri Confusi." *Classical Journal* 91 (1995): 35–45.
- Braet, A. C. "Variationen zur Statuslehre von Hermagoras bei Cicero." *Rhetorica* 7 (1989): 239–59.
- . "een analyse van de argumentatie in Pro Milone." *Lampas* 26 (1993): 119–30.
- Bretone, M. "Cicerone e i giuristi del suo tempo." *Quaderni di Storia* 5 (1979): 243–72.

- Bringmann, K. *Untersuchungen zum späten Cicero*. Hypomnemata, 29. Göttingen: Vandenhoeck und Ruprecht, 1971.
- . “Der Diktator Caesar als Richter? Zu Ciceros Reden ‘Pro Ligario’ und ‘Pro Rege Deiotaro.’” *Hermes* 141 (1986): 72–88.
- Brink, C. O. “Cicero’s Orator and Horace’s *Ars poetica*.” *Ciceroniana, Nuova Serie* 2 (1975): 96–106. New series.
- Brinton, A. “Cicero’s Use of Historical Examples in Moral Argument.” *Philosophy and Rhetoric* 21 (1988): 169–84.
- Brittain, C. *Philo of Larissa, the Last of the Academic Sceptics*. Oxford: Oxford University Press, 2001.
- Broughton, T. R. S. *Magistrates of the Roman Republic*. American Philological Association Monographs. Revised ed. 3 vols. Chico, CA: Scholars Press, 1984–1986.
- Brożek, M. “De vitarum descriptionibus in Ciceronis orationibus obviis.” *Meander* 36 (1981): 113–21. (In Polish).
- . “Quo tempore Ciceronis Partitiones oratoriae conscriptae sint.” *Eos* 71 (1983): 11–19.
- Brunt, P. A. “Amicitia in the Late Roman Republic.” *Proceedings of the Cambridge Philological Society* 191 (1965): 1–20.
- . *Social Conflicts in the Roman Republic*. London: Chatto & Windus, 1971.
- . “Laus Imperii.” In *Imperialism in The Ancient World*, edited by P. D. A. Garnsey and C. R. Whittaker, 159–91. Cambridge: Cambridge University Press, 1978.
- . “Patronage and Politics in the Verrines.” *Chiron* 10 (1980): 273–89.
- . “The Legal Issue in Cicero’s *Pro Balbo*.” *Classical Quarterly, new series* 32 (1982a): 136–47.
- . “Nobilitas and Novitas.” *Journal of Roman Studies* 72 (1982b): 1–18.
- . *The Fall of The Roman Republic and Related Essays*. Oxford: Clarendon Press, 1988.
- Bruun, C. F. M. “Water for Roman Brothels: Cicero Cael. 34.” *Phoenix* 51 (1997): 364–73.
- van den Bruwaene, M. “Les valeurs de justice dans le parler cicéronien.” *Acta Classica Universitatis Scientiarum Debreceniensis* 19 (1983): 41–48.
- Buchheit, V. “Ciceros Triumph des Geistes.” *Gymnasium* 76 (1969): 232–53. Reprinted in B. Kytzler, ed., *Ciceros literarische Leistung*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1973, pp. 489–514.
- . “Chrysogonus als Tyrann in Ciceros Rede für Roscius aus Ameria.” *Chiron* 5 (1975a): 193–211.
- . “Ciceros Kritik an Sulla in der Rede für Roscius aus Ameria.” *Historia* 24 (1975b): 570–91.
- Büchner, K., ed. *M. Tullius Cicero ‘De Re Publica’*. Wissenschaftliche Kommentare zu griechischen und lateinischen Schriftstellern. Heidelberg: Carl Winter, 1984.
- Bürge, A., ed. *Die Juristenkomik in Ciceros Rede Pro Murena*. Zürich: Juris-Verlag, 1974.
- Bush, A. “A Use of the Term *Frater* in the *Pro Caelio*.” *Classical Journal* 82 (1986): 37–39.
- Butler, M. S. “*Litterae Manent*: Ciceronian Oratory and the Written Word.” Ph.D. diss., Columbia University, 2000.
- Butrica, J. L. “Using Water ‘Unchastely’: Cicero *Pro Caelio* 34 again—Addendum.” *Phoenix* 53 (1999a): 336.
- . “Using Water ‘Unchastely’: Cicero *Pro Caelio* 34 again.” *Phoenix* 53 (1999b): 136–39.
- Caballero de del Sastre, E. “*Laudatio y suasio en el Pro Marcello*.” In *Anais da VI reunião anual da SBEC 1991*, 101–8. Classica (Brasil) Suplemento, 1. Belo Horizonte: Soc. Brasileira de Estudos Clássicos, 1992.
- Caballero de del Sastre, E., D. Maiorana, B. Rabaza, and A. Schiebs, eds. *Pro Marcello = Discurso de agradecimiento por el perdón de Marcelo/Marco Tulio Cicerón*.

- Rosario: Universidad Nacional de Rosario, Facultad de Humanidades y Artes, 1999. (Introduction, facing-page Spanish translation and notes).
- Caballero de del Sastre, E., A. Schniebs, D. Maiorana, and B. Rabaza. "La 'Clementia Caesaris' y el 'Pro Marcello'." *Florentia Iliberritana* 9 (1998): 97–110.
- Calboli, G., ed. *Cornifici Rhetorica ad C. Herennium*. 1st ed. Bologna: Patròn, 1969.
- . "Cicerone, Catone e i neoatticisti." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdère, 51–103. Leiden: Brill, 1975. = Introduction to G. Calboli, *Marci Porci Catonis oratio pro Rhodiensibus*. Bologna: Patròn, 1978.
- . "La retorica preciceroniana a Roma." In *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, 41–99. Entretiens sur l'Antiquité Classique, 28. Vandœuvres-Genève: Fondation Hardt, 1982. (Discussion, 101–108).
- . "Oratore senza microfono." In *Ars Rhetorica antica e nuova*, edited by Gastaldo Ceresa A, 23–56. Pubblicazioni dell'Istituto di filologia classica e medievale, 83. Genova: Università di Genova, Facoltà di lettere, Istituto di filologia classica e medievale, 1983.
- . *Nota di aggiornamento, in E. Norden, La prosa d' arte antica dal VI secolo a.C. all'età della Rinascita (Italian translation of Die Antike Kunstprosa by B. Heinemann Campana)*. Roma: Salerno, 1986. Vol. 2. pp. 969–1188.
- . *Cornifici Rhetorica ad Herennium*. Edizioni e saggi universitari di filologia classica, 11. 2nd ed. Bologna: Patròn, 1993a.
- . "Zur Textüberlieferung der Rhetorica ad Herennium." In *Papers on Rhetoric, I*, edited by L. Calboli Montefusco, 1–18. Bologna: Università degli studi di Bologna Dipartimento di filologia classica e medioevale #3 CLUEB, 1993b.
- Calboli Montefusco, L. *La dottrina degli "status" nella retorica greca e romana*. Hildesheim: Olms, 1986.
- . "L'auctoritas nella dottrina retorica." *Vichiana, 3a ser.* 1 (1990): 41–60.
- . "Die Topik in der Argumentation." In *Rhetorik zwischen den Wissenschaften: Geschichte, System, Praxis als Probleme des "Historischen Wörterbuchs der Rhetorik,"* edited by G. Ueding, 21–34. Rhetorik-Forschungen, 1. Tübingen: Niemeyer, 1991.
- . "Cicerone, De oratore: la doppia funzione dell'ethos dell'oratore." *Rhetorica* 10 (1992): 245–59.
- . "Der Einfluss der peripatetisch-akademischen Lehre auf Ciceros rhetorische Schriften." *Wiener Studien* 106 (1993): 103–9.
- . "omnis autem agumentatio . . . aut probabilis aut necessaria esse debebit." *Rhetorica* 16 (1998): 24.
- Camastra, P. "Il proemio del discorso giudiziale. Dai manuali greci a Cicerone." *Annali della Facoltà di Lettere e Filosofia di Bari* 19–20 (1976–1977): 105–15.
- Canfora, L. "Cicerone e l'amnistia." *Ciceroniana, Nuova Serie* 7 (1990): 161–63.
- Cantegrit-Moatti, C. "Droit et politique dans le Pro Murena de Cicéron." *Revue Historique du Droit français et étranger* 61 (1983): 515–30.
- Cantó, M. J., C. Chaparo, and A. Ramos. "Oratoria latina. M. Tulio Cicerón, Pro A. Cluentio 1–8." In *El comentario de textos griegos y latinos*, edited by C. Codoñer, 279–99. Salamanca: Cátedra, 1979.
- Cape, R. W. "On Reading Cicero's Catilinarian Orations." Ph.D. diss., University of California, Los Angeles, 1991.
- . "The Rhetoric of Politics in Cicero's Fourth Catilinarian." *American Journal of Philology* 116 (1995): 255–77.
- . "Persuasive history: Roman rhetoric and historiography." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 212–28. London and New York: Routledge, 1997.
- Capesso, M. "Una pretesa allusione di Filodemo a Cicerone: (PHerc. 986, fr. 19)." *Bollettino del Centro Internazionale per lo Studio dei Papiri ercolanesi (Cronache ercolanesi)* 22 (1992): 169–71.

- Caplan, H. "The Decay of Eloquence at Rome in the First Century." In *Studies in Speech and Drama in Honor of Alexander M. Drummond*, edited by D. C. Bryant, B. Hewitt, K. R. Wallace, and H. A. Wichelns, 295–325. Ithaca: Cornell University Press, 1944.
- , [*Cicero*] *ad C. Herennium de Ratione Dicendi (Rhetorica ad Herennium)*. Cambridge, MA: Harvard University Press, 1954. *Loeb Classical Library*.
- Carbonero, O. "Analogie e rapporti fra la difesa ciceroniana del poeta Archia ed il processo per magia di Lucio Apuleio." *Sileno* 3 (1977): 245–54.
- Carilli, M. G. "L'orazione Pro Ligario in Quintiliano." *Studi e Ricerche dell' Istituto di Civiltà Classica Cristiana Medievale* 6 (1984): 15–33.
- . "Nota alla tradizione manoscritta della Pro Ligario: il codice Vossianus Latinus 0.26." *Studi e Ricerche dell' Istituto di Civiltà Classica Cristiana Medievale* 8 (1991): 37–43.
- Cartwright, D. "Cicero and Catiline." *Classicum* 10 (1984): 34–37.
- Castorina, E. *L'ultima oratoria di Cicerone*. Catania: Giannotta, 1975.
- Cavallo, G., ed. *Libri, editori e pubblico nel mondo antico*. Rome: Laterza, 1975.
- Cavarzere, A. "De teste Fufio (Cicerone e il trattamento dei testimoni nella Pro Caelio)." In *Idee vecchi e nuove sul diritto criminale romano*, edited by A. Burdese, 117–36. Pubblicazioni della Facoltà di giurisprudenza dell' Università di Padova, 108. Padova: CEDAM, 1988a.
- . "La Lex Plautia de vi nello specchio deformante del Pro Caelio di Cicerone." In *Atti del III seminario romanistico gadesano, 22–25 ottobre, 1985*, 233–50. Milano: Giuffrè, 1988b.
- . *Oratoria a Roma. Storia di un genere pragmatico*. Roma: Carocci, 2000.
- Cerutti, S. M. "Cicero's Accretive Style and Rhetorical Strategies in the Exordia of Select Judicial Speeches." Ph.D. diss., Duke University, 1992.
- . "James May's "Trials of Character" and Current Trends in the Scholarship of Ciceronian Persuasion." *Classical Bulletin* 69 (1993): 83–88.
- . "Further discussion on the Delivery and Publication of Cicero's *Second Philippic*." *Classical Bulletin* 70 (1994): 23–28.
- . *Cicero's Accretive Style: Rhetorical Strategies in the Exordia of the Judicial Speeches*. Lanham, New York, London: University Press of America, 1996.
- . *Cicero Pro Archia Poeta Oratio*. Wauconda, IL: Bolchazy-Carducci, 1998. (With a foreword by L. Richardson, jr.).
- Chapman, C. M. "Cicero and P. Sulpicius Rufus (tr. pl. 88 B.C.)." *Acta Classica: Proceedings of the Classical Association of South Africa* 22 (1979): 61–72.
- Charpin, F. "A propos de Pro Cluentio I,1." In *Ciceroniana: Hommages à Kazimierz Kumanięcki*, edited by A. Michel and R. Verdère, 104–6. Leiden: Brill, 1975.
- Chastagnol, A. "Rencontres entre l'Histoire Auguste et Cicéron. A propos d'Alex. Sev. 6,2." *Mélanges d'Archéologie et d'Histoire de l'École Française de Rome, Antiquité* 99 (1987): 905–19.
- Chevallier, R., ed. *Présence de Cicéron: Hommage au R.P. M. Testard*. Caesarodunum, XIX bis. Paris: "Les Belles Lettres," 1984.
- Christes, J. "Realitätsnähe und Formale Systematic in der Lehre vom Exordium der Rede (Cic. inv. I, 10–26, Rhet. Her. I, 5–11)." *Hermes* 106 (1978): 556–73.
- . *Sklaven und Freigelassene als Grammatiker und Philologen im antiken Rom*. Wiesbaden: Steiner, 1979.
- . "Cum dignitate otium (Cic. Sest. 98) eine Nachbereitung." *Gymnasium* 95 (1988): 303–15.
- . *Cicero und der römische Humanismus: Antrittsvorlesung, 24 Januar 1995, Humboldt-Universität zu Berlin, Philosophische Fakultät II, Institut für Klassische Philologie*. Öffentliche Vorlesungen/Humboldt-Universität, 59. Berlin: Humboldt-Universität zu Berlin, 1995.
- Ciaceri, E. *Cicerone e i suoi tempi*. 2nd ed. 2 vols. Genova, Roma, Napoli: Società Anonima Editrice Dante Alighieri, 1939–1941.

- Cipriani, G. *Struttura retorica di dieci orazioni ciceroniane*. Catania: Niccolo Giannotta, 1975.
- . "La *Pro Marcello* e il suo significato come orazione politica." *Atene e Roma, serie 5* 22 (1977): 113–25.
- Ciraolo, Stephen, ed. *Cicero's Pro Caelio, Advanced Placement Edition*. Wauconda, IL: Bolchazy-Carducci, 1997.
- Claasen, J.-M. "An Introduction to Cicero's *Pro Lege Manilia*." *Akroterion* 20 (1975): 14–21.
- . "Cicero's Banishment: Tempora et Mores." *Acta Classica: Proceedings of the Classical Association of South Africa* 35 (1992): 19–47.
- . "Documents of a Crumbling Marriage: the Case of Cicero and Terentia." *Phoenix* 50 (1996a): 208–32.
- . "Exile, Death, and Immortality: Voices from the Grave." *Latomus* 55 (1996b): 571–90.
- Clark, A. C., ed. *M. Tulli Ciceronis pro T. Annio Milone ad iudices oratio*. Oxford: Clarendon Press, 1895. (Reprint Amsterdam: Hakkert, 1967).
- Clark, M. E., and J. S. Ruel. "Philosophy and Rhetoric in Cicero's *Pro Milone*." *Rheinisches Museum für Philologie* 128 (1985): 57–72.
- Clark, P. A. "Tullia and Crassipes." *Phoenix* 45 (1991): 28–38.
- Clarke, M. L. "The *Thesis* in the Roman Rhetorical Schools of the Republic." *Classical Quarterly, new series* 45 (1951): 159–66.
- . *Rhetoric at Rome: A Historical Survey*. London: Cohen & West, 1953. (Reprinted with corrections, 1966).
- . "'*Non Hominis Nomen sed Eloquentiae*.'" In *Cicero*, edited by T. A. Dorey, 81–107. London: Routledge & Kegan Paul, 1964.
- . "Cicero at School." *Greece & Rome* 15 (1968): 18–22.
- . review of W. R. Johnson, *Luxuriance and Economy: Cicero and the Alien Style* (Berkeley: University of California Press, 1971) in *Greece and Rome* 19 (1972): 100.
- . *Rhetoric at Rome: A Historical Survey*. 3rd ed. London: Routledge, 1996. (Revised and with a new introduction by D. H. Berry).
- Classen, C. J. "Cicero, *Pro Cluentio* 1–11 im Licht der rhetorischen Theorie und Praxis." *Rheinisches Museum für Philologie* 108 (1965): 104–42.
- . "Die Anklage gegen A. Cluentius Habitus." *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* 89 (1972): 1–17. (Updated in *Zur Literatur und Gesellschaft der Römer*. Stuttgart: Steiner, 1998: 87–102).
- . "Ciceros Rede für Caelius." *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 60–94.
- . "Cicero, the Laws and the Law-Courts." *Latomus* 37 (1978): 597–619.
- . "Bemerkungen zu Ciceros Äusserungen über die Gesetze." *Rheinisches Museum für Philologie* 122 (1979): 278–302.
- . "Verres' Gehilfen in Sizilien (nach Ciceros Darstellung)." *Ciceroniana, Nuova Serie* 4 (1980): 93–111. Updated in *Zur Literatur und Gesellschaft der Römer*. Stuttgart: Steiner, 1998: 123–137.
- . "Ciceros Kunst der Ueberredung." Chap. 4 In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, 149–84. *Entretiens sur l'Antiquité Classique*. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982. (Discussion, 185–192).
- . "Le pouvoir de la parole. La stratégie rhétorique de Cicéron." *Bulletin de l'Association Guillaume Budé* (1985a): 187–201.
- . *Recht—Rhetorik—Politik*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1985b.
- . "Ciceros *Orator Perfectus*: ein *vir bonus dicendi peritus*?" In *Commemoratio: Studi di filologia in ricordo di Riccardo Ribuoli*, edited by S. Prete, 43–55. Sassoferrato: Istituto internazionale di studi piceni, 1986. = *Die Welt der Römer*. Berlin & New York. De Gruyter, 1993. 155–167.
- . "Virtutes Romanorum: Römische Tradition und griechischer Einfluss." *Gymnasium* 95 (1988): 289–302.

- . *Diritto, retorica, politica. La strategia retorica di Cicerone*. Bologna: Il Mulino, 1998a. (Italian translation of *Recht-Rhetorik-Politik* [1985]. P. Landi, trans.; L. Calboli-Montefusco, ed.).
- . *Zur Literatur und Gesellschaft der Römer*. Stuttgart: Steiner, 1998b.
- Clauss, J. J. "The Ignoble Inconsistency of M. Caelius Rufus." *Athenaeum* 68 (1990): 531–40.
- Clemente, G. *I Romani nella Gallia meridionale (II-I sec. a.C.)*. Bologna: Pátron, 1974.
- Clift, D. K. "A Prosopography to the Speeches of Cicero. Historical figures before 80 B.C." Ph.D. diss., Harvard University, 1975.
- Coarelli, F. *Il foro romano*. Roma: Edizioni Quasar, 1983–1985. 2 vols. Vol. 1, *Periodo arcaico*, Vol. 2, *Periodo repubblicano e augusteo*.
- Codóñer Merino, C. "Eloquencia y orator." *Estudios clásicos* 26 (1984): 297–302.
- Condom, D., ed. *Discursos/M. Tullii Ciceró*. Vol. XI. Barcelona: Fundació Bernat Metge, 1995. (Introduction, text, notes, and Catalan translation).
- Condom i Gratacòs, D. "La levitas testium en el Pro Flacco de Ciceró." In *Homenage a Josep Alsina: actes del Xè simposi de la Secció catalana de la SEEC, 28 a 30 de novembre de 1990*, edited by E. Artigas, 175–79. Vol. 2. Tarragona: Diputació de Tarragona, 1992.
- Conley, T. M. *Rhetoric in the European Tradition*. New York, London: Longman, 1990. (Reprinted by University of Chicago Press, 1994).
- Connors, Catherine. "Field and forum: culture and agriculture in Roman rhetoric." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 71–89. London and New York: Routledge, 1997.
- Coraluppi, L. F. "Sul codice Cusano delle orazioni di Cicerone." *Scripta Philologica* 2 (1980): 17–49.
- . "I manoscritti della famiglia germanica delle De lege agraria di Cicerone." *Acme* 36 (1983): 147–59.
- . "Alcune notazioni Ciceroniane (leg. agr. 2, 44, 25 e leg. agr. 2, 96, 111)." *Acme* 41 (1988): 9–15.
- Corbeill, A. *Controlling Laughter: Political Humor in the Late Roman Republic*. Princeton, NJ: Princeton University Press, 1996.
- . "Education in the Roman Republic: Creating Traditions." In *Education in Greek and Roman Antiquity*, edited by Y. L. Too. Leiden: Brill, 2001.
- della Corte, F. "Conflitto di culti in Sicilia." *Ciceroniana, Nuova Serie* 4 (1980): 205–9.
- . "Cicerone contro la "cosca" di Erice." In *Cicerone Oratore: rendiconti del corso di aggiornamento per docenti di latino e greco del Canton Ticino, Lugano 22–23 settembre 1987*, edited by G. Reggi, 65–78. Collezione Attualità e studi. Lugano: Casagrande & Edizioni universitari della Svizzera italiana, 1990.
- . "Il carteggio Cicerone-Varrone." *Cultura e Scuola* 30 (1991): 9–18.
- Cox, V. "Ciceronian Rhetoric in Italy, 1260–1350." *Rhetorica* 17 (1999): 239–88.
- Craig, C. P. "The Role of Rational Argumentation in Selected Judicial Speeches of Cicero." Ph.D. diss., University of North Carolina, 1979.
- . "The Accusator as Amicus: An Original Roman Tactic of Ethical Argumentation." *Transactions of the American Philological Association* 111 (1981): 31–37.
- . "The Central Argument of Cicero's Speech for Ligarius." *Classical Journal* 79 (1984): 193–99.
- . "Dilemma in Cicero's *Divinatio in Caecilium*." *American Journal of Philology* 106 (1985a): 442–46.
- . "The Structural Pedigree of Cicero's Speeches *Pro Archia*, *Pro Milone* and *Pro Quinctio*." *Classical Philology* 80 (1985b): 136–37.
- . "Cato's Stoicism and the Understanding of Cicero's Speech for Murena." *Transactions of the American Philological Association* 116 (1986): 229–39.
- . "Reason, Resonance, and Dilemma in Cicero's Speech for Caelius." *Rhetorica* 7 (1989): 313–28.

- . "Cicero's Strategy of Embarrassment in the Speech for Plancius." *American Journal of Philology* 111 (1990): 75–81.
- . *Form as Argument in Cicero's Speeches: A Study of Dilemma*. American Classical Studies, 31. Atlanta: Scholars Press, 1993a.
- . "Three Simple Questions for Teaching Cicero's *First Catilinarian*." *Classical Journal* 88 (1993b): 255–67.
- . "Teaching Cicero's Speech for Caelius: What Enquiring Minds Want to Know." *Classical Journal* 90 (1995): 407–22.
- . "Shifting Charge and Shifty Argument in Cicero's Speech for Sestius." In *The Orator in Action and Theory in Greece and Rome (Studies in Honor of George A. Kennedy)*, edited by C. W. Wooten, 111–22. Mnemosyne Supplement, 225. Leiden: Brill, 2001.
- Crawford, J. W. "A Study with Commentary of Cicero's Orations Vel Deperditae Vel Ineditae ex Testimoniis Cognitae." Ph.D. diss., University of California – Los Angeles, 1981.
- . *M. Tullius Cicero: The Lost and Unpublished Orations*. Göttingen: Vandenhoeck & Ruprecht, 1984.
- . *M. Tullius Cicero: The Fragmentary Speeches*. American Classical Studies, 33. 2nd ed. Atlanta: Scholars Press, 1994.
- Crifò, G. "Cicerone, top. 3.17 e il quasi-usufrutto." *Revue Internationale des Droits de l'Antiquité* 24 (1977): 177–88.
- Crinìti, N. *Bibliografia catilinaria*. Pubblicazioni dell'Università cattolica del S. Cuore. Saggi e ricerche. serie 3: Scienze storiche, 6. Milano: Vita e pensiero, 1971.
- . "Catilina e catilinario." *Contributi dell'Istituto di Storia antica dell'Università del Sacro Cuore* 3 (1975): 121–35.
- Crook, J. *Law and Life at Rome*. Ithaca: Cornell University Press, 1967. Corrected edition, 1984.
- Crook, J. A., A. Lintott, and E. Rawson, eds. *The Cambridge Ancient History, Vol. IX, The Last Age of the Roman Republic, 146–43 B.C.* 2nd ed. Cambridge: Cambridge University Press, 1994.
- Cucchiarelli, A. "La definizione di studium in Cic. inv. 1, 36 e 2, 31." *Rivista di Filologia e di Istruzione Classica* 125 (1997): 286–94.
- Cugusi, Paolo. "Catone oratore e Cicerone oratore." *Maia (nuova serie)* 38 (1986): 207–16.
- Curcio, G. *Le opere retoriche di M. Tullio Cicerone. Studio critico*. Acireale: Etna, 1900.
- Cuyás de Torres, M. E. "Los suplementos al Pro Cluentio de Cicerón en el Scor. V III 14." *Cuadernos de filología clásica* L 2 (1992): 9–17.
- Damon, C. *The Mask of the Parasite*. Ann Arbor: University of Michigan Press, 1997. (For pro Quinctio, v. pp. 195–206, for the Verrines, 206–222).
- Dangel, J. "Le mot, support de lecture des clausules cicéroniennes et liviennes." *Revue des Études Latines* 62 (1984): 386–415.
- D'Arbela, E. V., ed. *L'oratore*. Milano: Istituto Editoriale Italiano, 1958. (With facing-page Italian translation and commentary).
- David, J.-M. "Le 'Commentariolum Petitionis' de Quintus Cicéron. État de la question et étude prosopographique." *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 239–77.
- . "Maiorum exempla sequi. L'exemplum historique dans les discours judiciaires de Cicéron." *MEFR (Moyen Age)* 92 (1980): 67–86.
- . *Le patronat judiciaire au dernier siècle del la République romaine*. Rome: École française de Rome, 1992.
- . "Die rolle des Verteidigers in Justiz, Gesellschaft und Politik: Die Gerichtspatronat in der späten römischen Republik." In *Grosse Prozesse der römischen Antike*, edited by U. Manthe and J. von Ungern-Sternberg, 28–47. München: C. H. Beck, 1997.
- Davies, J. C. "Molon's Influence on Cicero." *Classical Quarterly, new series* 62 (1968): 303–14.

- . “*REDITUS AD REM*: Observations on Cicero’s use of *Digressio*.” *Rheinisches Museum für Philologie* 131 (1988): 305–15.
- Decembrio, A. *De Politia Literaria Libri Septem*, 1462. (Reprint, Baseleae: Ioannem Heruagium, 1562).
- Degl’Innocenti Pierini, R. “Cicerone ‘demiurgo’ dell’oratore ideale. Riflessioni in margine a Orator 7–10.” *Studi italiani di filologia classica* 51 (1979): 84–102.
- De Groot, W. *De numero oratorio Latino*. Groningae; Hagae: J. B. Wolters, 1919.
- Delaunois, M. “Statistiques des Idées dans le Cadre du Plan Oratoire des *Philippiques* de Cicéron.” *Les Études Classiques* 34 (1966): 3–34.
- Delbey, Évrard. “La problématique des mots et des choses chez Cicéron et chez Michel Foucault.” In *Nomina rerum: hommage à Jacqueline Manessy-Guitton*, edited by C. Kircher-Durand and D. Pastor Lloret, 151–74. Centre de recherches comparatives sur les langues de la Méditerranée ancienne (L.A.M.A.), 13. Nice: Université de Nice Sophia-Antipolis, 1994.
- D’Elia, S. “Corruzione e corruzione nella Pro Cluentio di Cicero.” In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, edited by N. Stelluti, 31–43. Larino: a cura dell’Amministrazione Comunale di Larino, 1997 [1998].
- De Marco, M., ed. *Orationes spuriae, I: Oratio pridie quam in exilium iret; Quinta Catilina; Responso Catilinae*. M. Tulli Ciceronis opera omnia quae exstant. Milano: Mondadori, 1991.
- Denniston, J., ed. *M. Tulli Ciceronis in M. Antonium orationes philippicae prima et secunda*. Oxford: Clarendon Press, 1926.
- Desbordes, F. “L’argumentation dans la rhétorique antique: une introduction.” In *LALIES: actes des sessions de linguistique et de littérature*, 81–110. Publications de la Sorbonne Nouvelle-Paris, 3. Vol. VIII. Paris: la Sorbonne, 1990. Aussois, 26–31 août 1986.
- Desmouliéz, A. “Sur la polémique de Cicéron et des Atticistes.” *Revue des Études Latines* 30 (1952): 168–85.
- Dickison, S. K., ed. *Cicero’s Verrine Oration II.4: with notes and vocabulary*. Classical Studies Pedagogy Series. Detroit: Wayne State University Press, 1992.
- Diels, H., and W. Kranz, eds. *Die Fragmente der Vorsokratiker*. 7th ed. Berlin: Weidmann, 1954. 2 vols.
- Dihle, A. “Analogie und Attizismus.” *Hermes* 85 (1957): 171–205.
- . “Der Beginn des Attizismus.” *Antike und Abendland* 23 (1977): 162–77.
- Dilke, O. A. W. “Cicero’s Attitude to the Allocation of Land in the De Lege Agraria.” *Ciceroniana, Nuova Serie* 3 (1978): 183–87.
- Dillon, J. *The Middle Platonists 80 B.C. to A.D. 220*. Revised edition ed. Ithaca: Cornell University Press, 1996.
- DiLorenzo, R. “The Critique of Socrates in Cicero’s *De Oratore*. *Oratus* and the Nature of Wisdom.” *Philosophy and Rhetoric* 11 (1978): 247–61.
- Di Maria, G. “Site ‘scripsisses’ an ‘cavisses’ in Ciceronis Topici (I, 4) legendum.” In *Studi di filologia classica in onore di Giusto Monaco*, 843–48. Vol. 2. Palermo: Università di Palermo Facoltà di Lettere e Filosofia, 1991. (Collection in 4 continuously paginated volumes).
- . *Topica/Marcus Tullius Cicero, editio, commentario critico instruit Georgius Di Maria*. Bibliotheca philologica, 1. Palermo: L’Epos, 1994.
- Dimundo, R., ed. *Processo a un re: Pro Rege Deiotaro*. Venezia: Marsilio, 1997. (Text based upon Clark’s Oxford text, with facing Italian translation, and with introduction and commentary).
- Dixon, J. “Violence and Politics in the Age of Cicero.” *Pegasus* 40 (1997): 12–15.
- Dobesch, G. “Bemerkungen zu Ciceros Rede pro Marcello.” In *Römische Geschichte, Altertumskunde und Epigraphik: Festschrift für Artur Betz zur Vollendung seines 80. Lebensjahres*, edited by E. Weber and G. Dobesch, 153–231. Wien: Österreichischen Gesellschaft für Archäologie, 1985.



- Doepf, S. "Cicero-Rezeption bei Quintilian am Beispiel von inst. orat. 12,2,23–26." *Wiener Studien* 19 (1985): 159–71. N.F.
- Dognini, C. "Cicerone, Cesare e Sallustio: tre diversi modelli di "libertas" nella tarda repubblica." *Inwigilata lucernis: rivista dell'Istituto di Latino, Bari Università* 20 (1998): 85–101.
- Doignon, J. "Pivots et tensions de l'éthique cicéronienne dans la Cité de Dieu de saint Augustin." *Latomus* 43 (1984): 813–26.
- Dominik, W. J., ed. *Roman Eloquence: Rhetoric in Society and Literature*. London and New York: Routledge, 1997.
- Dondin-Payne, M. "Homo Novus: Un slogan de Caton à Cesar?" *Historia* 31 (1981): 22–81.
- Dopico Cainzos, M. D. "Aeternitas rei publicae como programa politico en Cicerón: el ejemplo del pro Marcello." *Athenaeum* 85 (1997): 391–408.
- Dorey, T. A., ed. *Cicero. Studies in Latin Literature and Its Influence*. London: Routledge & Kegan Paul, 1964.
- Douglas, A. E. "M. Calidius and the Atticists." *Classical Quarterly, new series* 5 (1955): 241–47.
- . "A Ciceronian Contribution to Rhetorical Theory." *Eranos* 55 (1957): 18–26.
- . "Clausulae in the Rhetorica ad Herennium as Evidence of its Date." *Classical Quarterly, new series* 10 (1960): 65–78.
- . *M. Tulli Ciceronis Brutus*. Oxford: Clarendon Press, 1966a.
- . "Oratorum Aetates." *American Journal of Philology* 87 (1966b): 290–306.
- . "The Intellectual Background of Cicero's Rhetorica: A Study in Method." *Aufstieg und Niedergang der römischen Welt* 1, no. 3 (1973): 95–138.
- . "Form and Content in the *Tusculan Disputations*." In *Cicero the Philosopher*, edited by J. G. F. Powell, 197–218. Oxford: Oxford University Press, 1995.
- Drexler, H. *Die catilinarische Verschwörung: Ein Quellenheft*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1976.
- Drumann, W. K. A. *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung, oder Pompeius, Caesar, Cicero und ihre Zeitgenossen*. 2nd ed. 6 vols. Berlin: Gebrüder Bornträger, 1899–1929. (Original edition 1834–1844. 2nd ed. revised by P. Groebe. Reprint Hildesheim: Olms, 1964).
- Drummond, A. *Law, Politics and Power: Sallust and the Execution of the Catilinarian Conspirators*. Historia Einzelschriften, 93. Stuttgart: Franz Steiner, 1995.
- . "Furorem incredibilem biennio ante conceptum (Cicero, pro Sulla 67)." *Rheinisches Museum für Philologie* 142 (1999): 296–308.
- . "Rullus and the Sullan Possessores." *Klio* 82 (2000): 126–53.
- Ducos, M. "Cicéron et les tribunaux." In *Culture antique et fanatisme*, edited by J. Dion, 39–46. Études anciennes, 13. Nancy; Paris: Association pour la Diffusion de la Recherche sur l'Antiquité; de Boccard, 1996. (Preface by F. Arrabal).
- Dufallo, B. "Appius' Indignation: Gossip, Tradition, and Performance in Republican Rome." *Transactions of the American Philological Association* 131 (2001): 119–42.
- Dugan, J. "How to Make (and Break) a Cicero: *Epidexis*, Textuality, and Self-fashioning in the *Pro Archia* and *In Pisonem*." *Classical Antiquity* 20 (2001): 35–77.
- Dumont, M. J.-C. "Cicéron et le théâtre." In *Actes du IXe Congrès de l'Association Guillaume Budé, Rome 13–18 avril, 1973*, 424–30. Paris: "Les Belles Lettres," 1975.
- Dunkle, J. R. "The Greek Tyrant and Roman Political Invective of the Late Republic." *Transactions of the American Philological Association* 98 (1967): 151–71.
- . "The Rhetorical Tyrant in Roman Historiography: Sallust, Livy and Tacitus." *Classical Weekly* 65 (1971–1972): 12–20.
- Dyck, A. R. "Cicero De Oratore II, 100." *Classical Philology* 73 (1978): 232–33.
- . *A Commentary on Cicero, De Officiis*. Ann Arbor: University of Michigan Press, 1996.
- . "Narrative Obfuscation, Philosophical *Topoi*, and Tragic Patterning in Cicero's *Pro Milone*." *Harvard Studies in Classical Philology* 98 (1998): 219–41.

- . "Dressed to Kill: Attire as a Proof and Means of Characterization in Cicero's Speeches." *Arethusa* 34 (2001): 119–30.
- Dyer, R. R. "Rhetoric and Intention in Cicero's Pro Marcello." *Journal of Roman Studies* 80 (1990): 17–30.
- Eisenberger, H. "Die Funktion des zweiten Hauptteils von Ciceros Rede für den Dichter Archias." *Wiener Studien* 13 (1979): 88–98.
- Englert, W. C., ed. *Cicero, Pro Caelio*. Bryn Mawr, PA: Bryn Mawr College/Thomas Library, 1990.
- Enos, R. L. "Cicero's Forensic Oratory: The Manifestation of Power in the Roman Republic." *Southern Speech Communication Journal* 40 (1975a): 377–94.
- . "The Epistemological Foundation of Cicero's Litigation Strategies." *Central States Speech Journal* 26 (1975b): 207–14.
- . "Audience and Image in Ciceronian Rome: Creation and Constraints of the *Vir Bonus* Personality." *Central States Speech Journal* 29 (1978): 98–106.
- . *The Literate Mode of Cicero's Legal Rhetoric*. Carbondale: Southern Illinois University Press, 1988.
- Epstein, D. F. *Personal Enmity in Roman Politics, 218–43 B.C.* London, New York, Sydney: Croom Helm, 1987.
- Erkelenz, D. "Cicero, pro Flacco 55–59. Zur Finanzierung von Statthalterfesten in der Frühphase des Koignon von Asia." *Chiron* 29 (1999): 43–57.
- Erlr, M., et alii, eds. *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4. Die hellenistische Philosophie*. Basel: Schwabe, 1994.
- Evans, R. J. "The Gellius of Cicero's Pro Sestio." *Liverpool Classical Monthly* 8 (1983): 124–26.
- . "Popillia, mater vestra: a Note on Cicero, de Orat. 2.11.44." *Liverpool Classical Monthly* 17 (1992): 35.
- Évrard, E. "Cicéron, pro Sestio, 15 et 17; interprétation et critique textuelle." *Latomus* 38 (1979): 464–68.
- . "Le *Pro Sestio* de Cicéron: un leurre." In *Filologia e forme letterarie: studi offerti a Francesco Della Corta*, edited by S. Boldrini, 223–34. Vol. 2. Urbino: Università degli Studi di Urbino, 1987.
- . "L'environnement syntactique du verbe 'imperare' chez Césaire et Cicéron." In *De Usu: études de syntaxe latine offertes en hommage à Marius Lavency*, edited by D. Longrée, 115–30. Bibliothèque des Cahiers de l'Institut de linguistique de Louvain, 70. Leuven: Peeters, 1995. (Preface by G. Serbat).
- Falco, A. "Alcune osservazioni sulla iuvenalis redundantia di Cicerone." *Bollettino di studi latini* 12 (1982): 223–28.
- Fantham, E. *Comparative Studies in Republican Latin Imagery*. Toronto: University of Toronto Press, 1972.
- . "Ciceronian Conciliare and Aristotelian Ethos." *Phoenix* 27 (1973): 262–75.
- . "Cicero, Varro, and M. Claudius Marcellus." *Phoenix* 31 (1977): 208–13.
- . "Imitation and Evolution: The Discussion of Rhetorical Imitation in Cicero De Oratore II, 87–97 and some related problems of Ciceronian theory." *Classical Philology* 73 (1978): 1–16.
- . "On the Use of Genus-Terminology in Cicero's Rhetorical Works." *Hermes* 107 (1979): 441–59.
- . "Quintilian on Performance. Traditional and personal elements in Institutio 11.3." *Phoenix* 36 (1982): 243–63.
- . "Orator 69–74." *Central States Speech Journal* 35 (1984): 123–25. In R. N. Gaines, ed., *Studies in Cicero's opera rhetorica*.
- . "*Varietas and Satietas*. De oratore 3.96–103 and the Limits of *Ornatus*." *Rhetorica* 6 (1988): 275–90.
- . "The Growth of Literature and Criticism at Rome." In *The Cambridge History*

- of *Literary Criticism: Volume I: Classical Criticism*, edited by G. A. Kennedy, 220–44. Cambridge; New York: Cambridge University Press, 1989.
- . *Roman Literary Culture: From Cicero to Apuleius*. Baltimore and London: Johns Hopkins University Press, 1996.
- . “The contexts and occasions of Roman public rhetoric.” In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 111–28. London and New York: Routledge, 1997.
- . *Literarisches Leben Im antiken Rom. Sozialgeschichte der römischen Literatur von Cicero bis Apuleius*. Stuttgart, Weimar: Metzler, 1998. (German translation of *Roman Literary Culture* [1996]).
- Farrell, J. “The Phenomenology of Memory in Roman Culture.” *Classical Journal* 92 (1997–1998): 373–83.
- Fascione, L. “Riflessioni sull’orazione per Rabirio Postumo.” *Studi Senesi* 86 (1974): 335–76.
- Fausset, W. Y., ed. *Orationes Caesarianae*. Oxford: Clarendon, 1893.
- Favory, F. “Classes dangereuses et crise de l’État dans le discours Cicéronien, d’après les écrits de Cicéron de 57 à 52.” In *Texte, politique, idéologie: Cicéron*, 109–233. Annales littéraires de l’Université de Besançon, 187. Besançon: Université de Besançon, 1974.
- . “Clodius et le péril servile; fonction du thème servile dans le discours polémique cicéronien.” *Index: Quaderni comerti di studi romanistici* 8 (1978–1979): 173–205.
- . “L’Intervention de l’esclave dans le discours polémique cicéronien. Étude du corpus des Philippiques.” *Index: Quaderni comerti di studi romanistici* 10 (1981): 86–172.
- Fedeli, P., ed. *In M. Antonium Orationes Philippicae XIV. M. Tulli Ciceronis scripta quae manserunt omnia*, 28. Leipzig: Teubner, 1982.
- . *In difesa di Milone (pro Milone)*. Il Convivio Marsilio. Venezia: Marsilio, 1990. (Text, Italian translation and notes).
- . “Estrategias Retóricas en el *Pro Milone* de Cicerón.” *Auster* 4 (1999): 95–109.
- Fëdorov, N. “La spécificité sémantique du term *venustus* dans les textes de Cicéron.” In *L’Antiquité dans le contexte de l’actualité*, edited by A. A. Taho-Godi and I. M. Nahov, 113–27. *Voprosy klassiceskoj Filologii*, Moskva Univ, 10. Moscow: Moscow University, 1990.
- Feeney, D. *Literature and Religion at Rome: Cultures, Contexts, and Beliefs*. Cambridge: Cambridge University Press, 1998.
- Feix, J., ed. *In Catilinam orationes quattuor*. Paderborn: Schöningh, 1952.
- Feldmann, E. “Das ‘Grösste Geschenk der Götter’: Beobachtungen zu einer Sentenz Ciceros bei Augustinus (civ. 22,22).” In *Vir bonus dicendi peritus: Festschrift für Alfons Weische zum 65. Geburtstag*, edited by B. Czapla, T. Lehrmann, and S. Liell, 85–95. Wiesbaden: Reichert, 1997.
- Fereres, L. “Tulliana: Catil. 4, 18 et 4, 20.” *Revue des Études Latines* 70 (1992): 35–36.
- Fernández, D., ed. *En Defensa de la Ley Manilia*. Mexico City: Universidad Nacional Autónoma de México, 1984. (Introduction, Spanish translation and notes).
- Ferrara, G., C. Guissani, and S. Rizzo, eds. *Due scandali politici: Pro Murena, Pro Sestio*. Biblioteca Universale Rizzoli, L664. Milano: Rizzoli, 1988. (Text with facing-page Italian translation. Introduction by G. Ferrara, translation by C. Guissani, foreword to the next and notes by S. Rizzo).
- Ferrary, J.-L. “Rogatio Servilia agraria.” *Athenaeum* 66 (1988): 141–64.
- . “Lex Cornelia de Veneficiis et Sicariis.” *Athenaeum* 79 (1991): 417–34.
- Feuvrier-Prévotat, C. “L’argent dans les Topiques de Cicéron.” In *Hommage à Henri Joly*, 213–24. *Recherches sur la philosophie e le langage*, 12. Grenoble: Groupe de recherches sur la philosophie e le langage, 1990.
- Finch, C. E. “The Two Texts of Cicero Philippics 11.20.1—11.21.5 in arch. S. Pietro 25.” *Manuscripta* 21 (1977): 27–33.

- Fink, G. "Geld und Gloria. Interpretationsgesichtspunkte bei der Lektüre von Ciceros Rede De imperio Cn. Pompei." *Der Altsprachliche Unterricht* 29 (1986): 30–36.
- Flashar, H., ed. *Le classicisme à Rome. Entretiens sur l'antiquité classique*, 25. Vandœuvres-Geneva: Fondation Hardt, 1979.
- Fögen, T. *Patrii sermonis egestas. Einstellungen lateinischer Autoren zu ihre Muttersprache. Beiträge zur Altertumskunde*, 150. München, Leipzig: Saur, 2000.
- Fogel, J. "Cicero and the "Ancestral Constitution": A Study of Cicero's Contio Speeches." Ph.D. diss., Columbia University, 1994.
- Forsythe, G. "The Municipal Origo of the Catilinarian T. Volturcius." *American Journal of Philology* 113 (1992): 407–12.
- Fortenbaugh, W. W. "Benevolentiam conciliare and animos permoveere: Some remarks on Cicero's De Oratore 2.178–216." *Rhetorica* 6 (1988): 259–73.
- . "Cicero's Knowledge of the Rhetorical Treatises of Aristotle and Theophrastus." In *Cicero's Knowledge of the Peripatos*, edited by W. W. Fortenbaugh and P. Steinmetz, 39–60. Rutgers University Studies in Classical Humanities, 4. New Brunswick and London: Transaction Publishers, 1989.
- . "Cicero, On Invention 1.51–77: Hypothetical Syllogistic and the Early Peripatetics." *Rhetorica* 16 (1998): 25–46.
- Fortenbaugh, W. W., and P. Steinmetz, eds. *Cicero's Knowledge of the Peripatos*. Rutgers University Studies in Classical Humanities, 4. New Brunswick, NJ: Transaction Publishers, 1989.
- Fotheringham, L. S. "Repetition and Unity in Four of Cicero's Judicial Speeches." D. Phil. diss., Oxford, 1999.
- Fraenkel, E. "Kolon und Satz: Beobachtung zur Gliederung des antiken Satzes." *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historische Klasse* (1932): 197–213.
- . "Kolon und Satz: Beobachtung zur Gliederung des antiken Satzes, II." *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historische Klasse* (1933): 319–54. (Reprinted in *Kleine Beiträge* 1.93–119, with addenda).
- . *Noch einmal Kolon und Satz*. Munich: Sitzungsberichte der Bayerischen Akademie der Wissenschaften, Phil-Hist. Klasse, 1965. Heft 2.
- . *Leseproben aus Reden Ciceros und Catos*. Sussidi eruditi, 22. Rome: Storia e Letteratura, 1968.
- Frame, D. M., ed. *The Complete Works of Montaigne*. Stanford, CA: Stanford University Press, 1958. (English translation).
- Fredborg, K. M. "The Commentaries on Cicero's De Inventione and Rhetorica ad Herennium by William of Champeaux." *Cahiers de l'Institut du moyen âge grec et latin* 17 (1976): 1–39.
- . *The Latin Rhetorical Commentaries of Thierry of Chartres*. Toronto: Pontifical Institute of Medieval Studies, 1988. (Critical edition with English introduction).
- Freedman, J. S. "Cicero in Sixteenth- and Seventeenth-Century Rhetoric Instruction." *Rhetorica* 4 (1986): 227–54.
- Fréneaux, R. "Recherches de sémantique. Reliquum tempus dans les discours de Cicéron." In *Aiôn. Le temps chez les Romains*, 71–82. Caesarodunum, 10 bis. Paris: A. & J. Picard, 1976.
- Frerichs, K., ed. *Cicero's First Catilinarian Oration, with Introduction, Running Vocabularies, and Notes*. Wauconda, IL: Bolchazy-Carducci, 1997.
- Freyburger, G. "Le mot 'Barbarus' dans l'oeuvre de Cicéron." In *Mélanges offerts à Léopold Sédar Senghor. Langues—Littérature—Histoire Anciennes*, edited by Abd'el Kader Fall et al., 141–52. Dakar: Les Nouvelles Editions Africaines, 1977.
- Frier, B. "Urban Praetors and Rural Violence: The Legal Background of Cicero's Pro Caecina." *Transactions of the American Philological Association* 113 (1983): 221–41.
- . *The Rise of the Roman Jurists: Studies in Cicero's Pro Caecina*. Princeton: Princeton University Press, 1985.

- Frisch, H. *Cicero's Fight for the Republic: The Historical Background of Cicero's Philippics*. Copenhagen: Glyndendal, 1946.
- Frisch, P. "Cicero, Brutus 218–219, eine Episode mit Widerhaken." *Zeitschrift für Papyrologie und Epigraphik* 58 (1985): 297–99.
- Frischer, B. "How To Do Things with Words per Strong Stop: Two Studies on the Historia Augusta and Cicero." In *Aspects of Latin: Papers from the Seventh International Colloquium on Latin Linguistics, Jerusalem, April 1993*, edited by H. Rosén, 585–99. Innsbrucker Beiträge zur Sprachwissenschaft, 86. Innsbruck: Institut für Sprachwissenschaft der Universität, 1996.
- Fuhrmann, M. *Das systematische Lehrbuch. Ein Beitrag zur Geschichte der Wissenschaften in Der Antike*. Göttingen: Vandenhoeck und Ruprecht, 1960.
- . *Marcus Tullius Cicero. Sämtliche Reden (7 vols.)*. Zürich and Stuttgart (vols 1–4), Zürich and München (vols. 5–7): Artemis Verlag, 1970–1982. (In seven volumes).
- . "Narrative Techniken in Ciceros Zweiter Rede gegen Verres." *Der Altsprachliche Unterricht* 23 (1980a): 5–17.
- . "Tecniche narrative nella seconda orazione contro Verre." *Ciceroniana, Nuova Serie* 4 (1980b): 27–42.
- . *Marcus Tullius Cicero. Meisterreden*. Die Bibliothek der alten Welt, edited by C. Andresen, M. Fuhrmann, O. Gigon, E. Hornung, and W. Rüegg. Zürich und München: Artemis Verlag, 1983.
- . *Cicero und die römische Republik*. 1st ed. München: Artemis, 1989.
- . *Cicero und die römische Republik: eine Biographie*. 2nd ed. München & Zürich: Artemis, 1990a.
- . "Mündlichkeit und fictive Mündlichkeit in den von Cicero veröffentlichten Reden." In *Strukturen der Mündlichkeit in der römischen Literatur*, edited by G. Vogt-Spira, 53–62. ScriptOralia, 19 R.A. #4. Tübingen: Narr, 1990b.
- . *Cicero und die römische Republik: eine Biographie*. 3rd ed. München & Zürich: Artemis, 1991.
- . *Cicero and the Roman Republic*. Oxford & Cambridge: Blackwell, 1992. (Translated by W. E. Yuill).
- . *Die politischen Reden: lateinisch-deutsch*. Sammlung Tusculum. München: Artemis & Winkler, 1993. 3 Vols. (Latin with facing-page German translation and notes).
- . *In Verrem = Die Reden gegen Verres: lateinisch-deutsch. M. Tullius Cicero*. Sammlung Tusculum. München & Zürich: Artemis & Winkler, 1995. 2 vols. (Latin with facing-page German translation and notes).
- . *Cicero und die römische Republik: eine Biographie*. 4th ed. Düsseldorf: Artemis, 1997a. (Revised, with expanded bibliography).
- . *Die Prozessreden: lateinisch-deutsch/Marcus Tullius Cicero*. Sammlung Tusculum. Düsseldorf & Zürich: Artemis und Winkler, 1997b. 2 vols. (Latin with facing-page German translation and notes).
- . "Zur Prozesstaktik Ciceros: die Mordanklage gegen Sextus Roscius von Ameria und Cluentius Habitus." In *Grosse Prozesse der römischen Antike*, edited by U. Manthe and J. von Ungern-Sternberg, 48–61. München: Beck, 1997c.
- . *Cicero's Topica*. Amsterdam: Koninklijke Nederlands Akademie van Wetenschappen, 2000a.
- . "Die zivilrechtlichen Beispiele in Ciceros "Topik". In *Topik und Rhetorik: Ein interdisziplinäres Symposium*, edited by T. Schirren and G. Ueding, 51–66. Rhetorik-Forschungen, 13. Tübingen: Niemeyer, 2000b.
- Fulgheri, A. D. "Eloquenza e arte oratoria nei discorsi del 'Libro xiii dell'Eneide' di Maffeo Vegio." *Res Publica Litterarum* 11 (1988): 111–24.
- Fumaroli, M. "Rhetoric, Politics, and Society: From Italian Ciceronianism to French Classicism." In *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, edited by J. J. Murphy, 253–73. Berkeley: University of California Press, 1983.

- , *Histoire de la rhétorique dans l'Europe moderne*. Paris: Presses Universitaires de France, 1999.
- Fusco, M. "From Auditor to Actor: Cicero's Dramatic Use of Personae in the Exordium." Ph.D. diss., University of Chicago, 1988.
- Gaffney, G. E. "Severitati respondere: Character Drawing in *Pro Caelio* and in Catullus' *Carmina*." *Classical Journal* 90 (1995): 423–31.
- Gagliardi, P. *Il dissenso e l'ironia: per una rilettura delle orazioni "cesariane" di Cicerone*. Napoli: D'Auria, 1997.
- Gaines, R. N. "A Note on Rufus' Τέχνη ῥητορική." *Rheinisches Museum für Philologie* 129 (1986): 90–92.
- . "On the Rhetorical Significance of *P. Hamb.* 131." *Rhetorica* 7 (1989): 329–40.
- Gamberale, L. "Dal falso al vero Cicerone: note critiche all'orazione *Pridie quam in exilio iret e alla Pro Rabirio perduellionis reo*." In *MOUSA: scritti in onore di Giuseppe Morelli*, edited by P. D'Allessandro, 331–43. Bologna: Pàtron, 1997.
- Gaos Schmidt, A., ed. *En defensa de Celio. Epistolas con Marco Celio Rufo*. Mexico City: Universidad Nacional Autónoma de México, 1976. (Latin texts based on Loeb editions, facing-page Spanish translations, introduction, and notes for students).
- . *Cicerón y la elocuencia*. Mexico City: Universidad Nacional Autónoma de México, 1993, esp. pp. 128–237.
- Gasti, F. "Cicerone, Cesare e 'certi altri' (Pro Marcello, 16)." *Aufidus* 11 (1997a): 23–99.
- . *Marco Tullio Cicerone Orazioni Cesarianae*. Biblioteca Universale Rizzoli, L1162. Milano: Rizzoli, 1997b. (Text, facing page Italian translation, commentary and introductions).
- Geffcken, K. *Comedy in the Pro Caelio (with an appendix on the in Clodium et Curionem)*. Leiden: Brill, 1973.
- Gelzer, M. *Caesar: Politician and Statesman*. Cambridge, MA: Harvard University Press, 1968. Trans. P. Needham.
- . *Cicero: ein Biographischer Versuch*. Wiesbaden: Steiner, 1969.
- Gelzer, T. "Klassizismus, Attizismus und Asianismus." In *Le classicisme à Rome*, edited by H. Flashar, 1–41. Entretiens sur l'antiquité classique, 25. Vandœuvres-Geneva: Fondation Hardt, 1979. (With discussion, 42–55).
- Gennaro, S. "Animadversiones quaedam de Ciceronis arte rhetorica." *Orpheus* 10 (1989): 121–26.
- Giacomelli, R. "Ancora su af in Cicerone, Orator 158, e nel latino epigrafico." *Acme* 41 (1988): 129–37.
- Giaro, T. "La "pro Roscio" interpretata." *Index: Quaderni comerti di studi romanistici* 12 (1983–1984): 566–69.
- Giebel, M., ed. *Rede fuer T. Amius Milo*. Reclams Universal-Bibliothek. Stuttgart: Reclam, 1972.
- . *Cicero. Philippische Reden gegen M. Antonius: Erste und zweite Rede*. Reclams Universal-Bibliothek, 2233. Stuttgart: Reclam, 1983.
- . *Pro M. Caelio = Rede für M. Caelius: lateinisch-deutsch/M. Tullius Cicero*. Reclams Universal-Bibliothek, 1237. Stuttgart: Reclam, 1994. (With an appendix including selected letters of Caelius to Cicero).
- . *Drei Reden vor Caesar. lateinisch-deutsch. M. Tullius Cicero*. Reclams Universal-Bibliothek, 7907. Stuttgart: Reclam, 1999.
- Gilleland, B. B. "The Date of Cicero's *Partitiones Oratoriae*." *Classical Philology* 56 (1961): 29–32.
- Giomini, R. "Su alcuni frammenti di orazioni tramandati da G. Vittore e dal grammatico Pompeo." *Rivista di Cultura classica e medioevale* 20 (1979): 947–52.
- . *De optimo genere oratorum M. Tulli Ciceronis*. Bibliotheca Scriptorum Latinorum, 4. Roma: Herder, 1995.
- . *Partitiones oratoriae*. Academia Latinitati Fovendae Bibliotheca Scriptorum Latino-romae: Herder, 1996.

- Girardet, K. M. "Politische Verantwortung im Ernstfall: Cicero, die Diktatur und der Diktator Caesar." In *LENAIKA: Festschrift für Carl Werner Müller zum 65 Geburtstag am 28 Januar 1996*, edited by C. Mueller-Goldingen and K. Sier, 217–51. Stuttgart: Teubner, 1996. (unter Mitw. von H. Becker).
- Giuffrè, V. *Imputati, avvocati e giudici nella "pro Cluentio" Ciceroniana*. Napoli: Jovene, 1993. (Latin text based on Clark, facing-page Italian translation, introduction, and notes keyed to students of Roman criminal law).
- . "'Nominis Delatio' e 'Nominis Receptio'." *Labeo* 40 (1994): 359–64. Reprinted in Stelluti (1997[1998]): 205–208.
- . "Il senato interprete del diritto." *Index: Quaderni comerti di studi romanistici* 23 (1995): 413–17. Reprinted in Stelluti (1997 [1998]): 209–212.
- . "Notazioni storico-giuridiche sulla *Pro Cluentio* ciceroniana." In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, edited by N. Stelluti, 83–95. Larino: a cura dell' Amministrazione Comunale di Larino, 1997 [1998].
- Glucker, J. "Some passages in Cicero's *Orator*." *Giornale Italiano di Filologia* 26 (1974): 170–79.
- . *Antiochus and the Late Academy*. Hypomnemata, 56. Göttingen: Vandenhoeck & Ruprecht, 1978.
- . "Cicero's Philosophical Affiliations." In *The Question of "Eclecticism."* *Studies in Later Greek Philosophy*, edited by J. M. Dillon and A. A. Long, 34–69. Berkeley: University of California Press, 1988.
- Görler, W. "From Athens to Tusculum: Gleaning the Background of Cicero's *De oratore*." *Rhetorica* 6 (1988): 215–35.
- . "Älterer Pyrrhonismus, Jüngere Akademie; Antiochus aus Askalon." In *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4: Die hellenistische Philosophie*, edited by M. Erler et alii, 719–989. Basel: Schwabe, 1994.
- . "Silencing the Troublemaker: *De Legibus* I.39 and the Continuity of Cicero's Scepticism." In *Cicero the Philosopher*, edited by J. G. F. Powell, 85–113. Oxford: Oxford University Press, 1995.
- Gonin, H. L. "Potentia by Cicero. 'N woordondersoek.'" *Acta Classica: Proceedings of the Classical Association of South Africa* 17 (1974): 49–57.
- González Forster, J. "De studiis humanitatis ac litterarum (Cicerón, Pro Archia, II). Acerca del entusiasmo por el humanismo y las belles letras." In *Semanas de estudios romanos, III & IV: 1986. Homenaje a Carlos A. Disandro*, 119–34. Valparaiso: Universitá Católica Valparaiso, 1986.
- Goodwin, J. E. "Dignity and Civic Persuasion in Cicero's Republic." Ph.D. diss., University of Wisconsin-Madison, 1996.
- . "Cicero's Authority." *Philosophy and Rhetoric* 34 (2001): 38–60.
- Gotoff, H. C. *Cicero's Elegant Style: An Analysis of the Pro Archia*. Urbana: University of Illinois Press, 1979.
- . "Cicero's Analysis of the Prosecution Speeches in the *Pro Caelio*: An Exercise in Practical Criticism." *Classical Philology* 81 (1986): 122–32.
- . *Cicero's Caesarian Speeches: A Stylistic Commentary*. Chapel Hill and London: University of North Carolina Press, 1993a.
- . "Oratory: The Art of Illusion." *Harvard Studies in Classical Philology* 95 (1993b): 288–313.
- Gozzoli, S. "La In Pisonem di Cicerone: un esempio di polemica politica." *Athenaeum* 68 (1990): 451–63.
- Granrud, J. E. "Was Cicero Successful in the Art Rhetorical?" *Classical Journal* 8 (1912–1913): 234–43.
- . "A preliminary List of Cicero's Orations." *Transactions of the American Philological Association* 44 (1913): xxvii–x.

- Grant, M. *Cicero. Murder Trials*. Baltimore: Penguin, 1975. (Translated by Michael Grant).
- Grant, W. L. "Cicero on the Moral Character of the Orator." *Classical Journal* 38 (1943): 472-78.
- Greco, M., ed. *De inventione. M. T. Cicerone*. Studi di filologia e letteratura/Supplementi, 3. Galatina: Congedo, 1998. (Introduction, facing-page Italian translation and notes).
- Greenidge, A. H. J. *Infamia. Its Place in Roman Public and Private Law*. Oxford: Clarendon Press, 1894.
- . *The Legal Procedure of Cicero's Time*. Oxford: Clarendon Press, 1901.
- Griffin, M. "The Tribune C. Cornelius." *Journal of Roman Studies* 63 (1973): 196-213.
- . "The Intellectual Developments of the Ciceronian Age." In *The Cambridge Ancient History, Vol. IX, The Last Age of the Roman Republic, 146-43 B.C.* 2nd ed., edited by J. A. Crook, A. Lintott, and E. Rawson, 689-728. Cambridge: Cambridge University Press, 1994.
- Grilli, A. "Sul 'crollo' della repubblica in Pro Sestio 2,5." *Paideia* 49 (1994): 34-36.
- . "L'educazione in Cicerone." *Rendiconti del Istituto Lombardo, Classe di Lettere, Scienze morali e storiche, S. n.* 130 (1996): 353-64.
- . "Cicerone nel età della toga virile." *Parola del Passato* 52 (1997): 161-76.
- Grimal, P. "La Lex Licinia de Sodaliciis." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 107-15. Leiden: E. J. Brill, 1975.
- . Budé. *Cicéron, Discours: Pour Cn. Plancius; Pour M. Aemilius Scaurus*. Vol. 16.2. Paris: "Les Belles Lettres," 1976.
- . "Cicéron et les tyrans de Sicile." *Ciceroniana, Nuova Serie* 4 (1980): 63-74.
- . *Cicerone*. Milano: Garzanti, 1996. Italian translation by L.G. Del Corno.
- Gronovius, Jac, ed. *Marci Tulli Ciceronis Opera Quae Supersunt Omnia*. Lugduni Batavorum (Leiden): apud Petrum vander Aa, 1692.
- Grube, G. M. A. *The Greek and Roman Critics*. London: Methuen, 1965.
- Gruber, J. "Cicero und das hellenistische Herrscherideal. Überlegungen zur Rede De Imperio Cn. Pompei." *Wiener Studien* 101 (1988): 243-58.
- Gruen, E. S. "Cicero and Licinius Calvus." *Harvard Studies in Classical Philology* 71 (1966a): 215-33.
- . "P. Clodius: Instrument or Independent Agent?" *Phoenix* 20 (1966b): 120-30.
- . *Roman Politics and the Criminal Courts, 149-78 B.C.* Cambridge: Harvard University Press, 1968.
- . "Pompey, Metellus Pius, and the Trials of 70-69 B.C.: The Perils of Schematism." *American Journal of Philology* 92 (1971): 1-16.
- . *The Last Generation of the Roman Republic*. Berkeley: University of California Press, 1974.
- . *Studies in Greek Culture and Roman Policy*. Leiden: Brill, 1990.
- . *Culture and National Identity in Republican Rome*. Ithaca: Cornell University Press, 1992.
- Guardi, T., ed. *Opera Omnia Quae Exstant: Pro C. Rabirio perduellionis reo*. Firenze: Mondadori, 1979.
- Guarino, A. "Ineptiae Iuris Romanae, VIII." *Atti dell'Accademia Pontaniana* 35 (1985): 65-78.
- Guthardt, A., ed. *Cicero. Rede für Sextus Roscius aus Ameria*. Aschendorff's Sammlung Lateinischer und Griechischer Klassiker. 7th ed. Münster: Aschendorff, 1986. (School edition. Replaces 6th ed. of Kräling. Volume 1 text. Volume 2 notes).
- Habicht, C. *Cicero der Politiker*. München: Beck, 1990a.
- . *Cicero the Politician*. Ancient Society and History. Baltimore and London: Johns Hopkins University Press, 1990b.
- Habinek, T. N. *The Colometry of Latin Prose*. University of California Publications: Classical Studies, 25. Berkeley, CA, etc.: University of California Press, 1985.



- . "Ideology for an Empire in the prefaces to Cicero's Dialogues." In *Roman Literature and Ideology: Ramus Essays for J. P. Sullivan*, edited by A. J. Boyle, 55–67. Bendigo, Victoria, Australia: Aural Publications, 1995.
- . "Cicero and the Bandits." In *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome*, 69–87. Princeton: Princeton University Press, 1998a.
- . *The Politics of Latin Literature: Writing, Identity, and Empire in Ancient Rome*. Princeton, NJ: Princeton University Press, 1998b.
- Hackl, U. "Die Gründung der Provinz Gallia Narbonensis im Spiegel von Ciceros Rede für Fonteius." *Historia* 37 (1988): 253–56.
- Haenni. *Die litterarische Kritik in Cicero's "Brutus"*. Sarnen: Jahresbericht—Sarnen. Kantonale Lehranstalt, 1905.
- Haertel, G., ed. *Römisches Recht in einem Band*. Bibl. der Antike. 3rd ed. Berlin: Aufbau-Verlag, 1989. Foreword by L. Huchthausen.
- Hafner, A. *Untersuchungen zur Überlieferungsgeschichte de Rhetorik ad Herennium*. Europäische Hochschulschriften, Reihe XV, Klassische Sprachen und Literaturen, 45. Bern: Peter Lang, 1989.
- Hajdú, I. "Das Demosthenes-Bild Ciceros." *Acta Classica Universitatis Scientiarum Debreceniensis* 31 (1995): 75–86.
- Hales, S. "At Home with Cicero." *Greece & Rome* 47 (2000): 44–55.
- Haley, S. P. "Archias, Theophanes, and Cicero. The Politics of the Pro Archia." *Classical Bulletin* 69 (1983): 1–4.
- Hall, F. E. *Companion to Classical Texts*. Oxford: Clarendon, 1913.
- Hall, J. C. R. "Style and Design in Cicero's De Oratore." Ph.D. diss., University of Texas at Austin, 1992.
- . "Persuasive Design in Cicero's De Oratore." *Phoenix* 48 (1994): 210–25.
- . "Social Evasion and Aristocratic Manners in Cicero 'De Oratore'." *American Journal of Philology* 117 (1996): 95–120.
- Hallett, J. P. "Heeding our Native Informants: the Uses of Latin Literary Texts in Recovering Elite Roman Attitudes toward Age, Gender, and Social Status." *Échos du monde classique = Classical Views* 36 (1992): 333–55.
- Halm, C., ed. *Rhetores Latini Minores*. Leipzig: Teubner, 1863. Reprint, William Brown: Dubuque, IA, 1964.
- Halpern, B., and D. W. Hobson, eds. *Law, Politics and Society in the Ancient Mediterranean World*. Sheffield: Sheffield Academic Press, 1993.
- Hamacher, J., ed. *Florilegium Gallicum. Prolegomena und Edition der Exzerpte von Petron bis Cicero, De oratore*. Frankfurt/M: Peter Lang, 1975.
- Hamblenne, P. "Cicéron, Leg. agr. 2,103." *Latomus* 45 (1986a): 406–7.
- . "Cicéron, Leg. agr. 2,55." *Latomus* 45 (1986b): 405.
- . "Cicéron, Leg. agr. 2,80." *Latomus* 45 (1986c): 406.
- Hammer, C. *Commentatio de Ciceronis Topicis*. Annalem Gymnasii Landavini Libellum. Landavi: Formis e. Kaussleri, 1879.
- Harrauer, H. "Ein neues bilingues Cicero-Fragment auf Papyrus (P. Vindob. L 127)." *Wiener Studien* 16 (1982): 212–19.
- Harris, W. V. *Rome in Etruria and Umbria*. London: Oxford University Press, 1971.
- Hartung, H. J. "Religio und sapientia iudicum: Einige grundsätzliche Bemerkungen zu einem Geschworenenspiegel in Ciceros Reden." *Hermes* 102 (1974): 556–66.
- Haslam, M. W. "A Problem in the History of the transmission of Texts Exemplified in Demosthenes." *Liverpool Classical Monthly* 1 (1976): 116–20.
- Hastrup, Th, and M. Leisner-Jensen, eds. *Retoriske Skrifter: I: De oratore*. Odense: Inst. for klass. Stud. Odense Universitetsforl., 1981. (Text by Hastrup, Danish translation by Hastrup and Leisner-Jensen).
- Haury, A. *L'ironie et l'humeur chez Cicéron*. Leiden: Brill, 1955.
- , *Orationes in Catilinam*. Collection de texts latins commentés, 22. Paris: Presses Universitaires de France, 1969.

- . "Codices, non apparatus modo inspiciendos esse." *Ciceroniana, Nuova Serie* 1 (1973): 117–19.
- . "Orationem pro Murena nonnihil iuris Romani scientiae etiamnunc conferre posse." *Ciceroniana, Nuova Serie* 3 (1978): 161–62.
- Havas, L. "La rogatio Servilia. Contribution à l'étude de la propriété terrienne à l'époque du déclin de la République romaine." *Oikumene* 1 (1976): 131–56.
- . "Die Catilinarische Bewegung unter dem Gesichtspunkt der sogenannten Popularen- und Optimatenpolitik." *Acta Classica Universitatis Scientiarum Debreceniensis* 13 (1977): 11–21.
- . "Agrarian and Social Conditions in Italy in the Last Century B.C." *Acta Classica Universitatis Scientiarum Debreceniensis* 20 (1984): 31–38.
- Heath, M. *Unity in Greek Poetics*. Oxford: Clarendon Press, 1989.
- . "The Substructure of *Stasis*-Theory from Hermagoras to Hermogenes." *Classical Quarterly, new series* 44 (1994): 114–29.
- . "Invention." In *Handbook of Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*, edited by S. E. Porter, 89–119. Leiden: Brill, 1997.
- Heesakkers, C. L. "Driemaal Cicero: de Neolatijnse Cicero-cultus van Petrarca tot Lipsius." *Lampas* 26 (1993): 131–58.
- Heinrichs, A. "Stilisierte Wahrheit: Ciceros Prolog a persona sua zu De oratore (1.1–5)." *Acta Classica Universitatis Scientiarum Debreceniensis* 31 (1995): 87–100.
- Heinze, R. "Ciceros Rede *Pro Caelio*." *Hermes* 60 (1925): 193–258.
- Heitland, W. E. *The Roman Republic*. Cambridge: Cambridge University Press, 1923.
- Heldmann, K. "Hic primus inflexit orationem und die gute alte Redekunst." *Rheinisches Museum für Philologie* 122 (1979): 317–25.
- . *Antike Theorien über Entwicklung und Verfall der Redekunst*. Zetemata, 77. München: Beck, 1982.
- Hellegouarc'h, J. *Le vocabulaire latin des relations et des partis politiques sous la république*. Paris: "Les Belles Lettres," 1972. (2nd printing, revised and corrected).
- Helm, C. "Zur Redaktion der ciceronischen Konsulatsreden." Ph.D. diss., Göttingen, 1979.
- Hemelrijk, E. A. *Matrona docta: Educated Women in the Roman Élite from Cornelia to Julia Domna*. London, New York: Routledge, 1999.
- Henderson, J. R. "Erasmian Ciceronians: Reformation Teachers of Letter-Writing." *Rhetorica* 10 (1992): 273–302.
- Hendrickson, G. L. "The *De Analogia* of Julius Caesar; its Occasion, Nature, and Date, with additional Fragments." *Classical Philology* 1 (1906): 97–120.
- . "Cicero's Correspondence with Brutus and Calvus on Oratorical Style." *American Journal of Philology* 47 (1926): 234–58.
- den Hengst, D. "Memoria, thesaurus eloquentiae. De Auctor ad Herennium, Cicero en Quintilianus over mnemotechniek." *Lampas* 19 (1986): 239–48.
- . "Het prooemium van Livius' Ab urbe condita." *Lampas* 28 (1995): 314–30.
- Herbolzheimer, G. "Ciceros rhetorici libri und die Lehrschaft des auctor ad Herennium." *Philologus* 81 (1926): 391–426.
- Hermon, E. "Réflexions théoriques et pratiques sur l'étude du concept romain d'empire." *Dialogues d'histoire ancienne* 12 (1986): 337–57.
- Herrmann, L. "L. Annaeus Cornutus et sa rhétorique à Herennius Senecio." *Latomus* 39 (1980): 144–60.
- Herter, H. "'Effeminatus'." In *Reallexikon für Antike und Christentum*, edited by T. Klauser, cols. 620–650. Vol. 4. Stuttgart: Hiersemann, 1959.
- Heskel, J. "Cicero as Evidence for Attitudes to Dress in the Late Republic." In *The World of Roman Costume*, edited by J. L. Sebesta and L. Bonfante, 133–45. Madison: University of Wisconsin Press, 1994.
- Heubner, F. "Agitatorische Redundanz als Mittel der politischen Argumentation in Ciceros Rede Pro Archia Poeta." *Klio* 67 (1985): 486–91.

- Hickson-Hahn, F. "What's so Funny? Laughter and Incest in Invective Humor." *Syllecta Classica* 9 (1998): 1–36.
- Hight, G. *The Classical Tradition: Greek and Roman Influences on Western Literature*. New York: Oxford University Press, 1949.
- Hillard, T. W. "In triclinio Coam, in cubiculo Nolam: Lesbia and the other Clodia." *Liverpool Classical Monthly* 6 (1981): 149–54.
- Hinard, F. "Le Pro Quinctio, un discours politique?" *Revue des Études Anciennes* 77 (1975): 88–107.
- . "L. Cornelius Chrysogonus et la portée politique du pro Roscio Amerino." *Liverpool Classical Monthly* 4 (1979): 75–76.
- . "Cicéron et Norbanus." *Kentron* 3 (1987): 87–92.
- Hinks, D. "Tria genera causarum." *Classical Quarterly* 30 (1936): 170–76.
- Hintzen, B. *Das Partizip Präsens in Ciceros Reden unter Einbeziehung des Partizip Perfekt der Deponenten: Anhang: Gegenüberstellung der griechischen aktiven und medialen Partizipien im platonischen Timaios und ihren lateinischen Entsprechungen in Ciceros Übersetzung*. Internationalen Hochschul-Schriften. Münster: Waxmann, 1993.
- Hirzel, R. *Der Dialog: Ein literarhistorischer Versuch*. Leipzig: S. Herzl, 1895.
- Hölkeskamp, K.-J. "Oratoris maxima scaena: Reden vor dem Volk in der politischen Kultur der Republik." In *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, edited by M. Jehne, 11–49. Stuttgart: Franz Steiner, 1995.
- . "The Roman Republic: government of the People, by the People, and for the People?" *Scripta classica Israelica* 19 (2000): 203–23.
- Holgado Redondo, A. "La oratoria romana." *Estudios clásicos* 22 (1978): 341–59.
- Hollis, A. S. "A Tragic Fragment in Cicero, Pro Caelio 67?" *Classical Quarterly, new series* 48 (1998): 561–64.
- Howell, W. S. *Logic and Rhetoric in England, 1500–1700*. Princeton: Princeton University Press, 1951.
- Hubbell, H., ed. *Cicero II, De Inventione, De Optimo Genere Oratorum, Topica*. Cambridge, MA: Harvard University Press, 1949. Loeb Classical Library. Reprinted 1976.
- . "The Rhetorica of Philodemus. Translation and Commentary." *Transactions of the Connecticut Academy of Arts and Sciences* 23 (1920): 243–382.
- Huby, P. M. "Cicero's Topics and Its Peripatetic Sources." In *Cicero's Knowledge of the Peripatos*, edited by W. W. Fortenbaugh and P. Steinmetz, 61–76. Rutgers University Studies in Classical Humanities, 4. New Brunswick and London: Transaction Publishers, 1989.
- Huchthausen, L., ed. *Cicero. Werke in drei Bänden*. Bibliothek der Antike. Vol. 1. Berlin: Aufbau-Verlag, 1989. (includes German translations of *I Verr., Leg. Man., Agr. 2, Cat. 1–4, Cael., Phil. 1, Phil. 14*).
- Huchthausen, L., C. Rothe, and U. Rothe, eds. *Cicero. Werke in drei Bänden*. Bibliothek der Antike. Vol. 2. Berlin: Aufbau-Verlag, 1989. (Includes German translation of *de Oratore*).
- Hughes, J. J. "Comedic Borrowing in Selected Orations of Cicero." Ph.D. diss., University of Iowa, 1987.
- . "A 'Paraklausithyron' in Cicero's *Second Philippic*." In *Studies in Latin Literature and Roman History VI*, edited by Carl Deroux, 215–27. Collection Latomus, 217. Bruxelles: Latomus, 1992a.
- . "Piso's Eyebrows." *Mnemosyne* 45 (1992b): 234–37.
- . "Inter tribunal et scaenam: comedy and rhetoric at Rome." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 182–97. London and New York: Routledge, 1997.
- . "Invective and Comedic Allusion: Cicero, *In Pisonem*, Fragment 9 (Nisbet)." *Latomus* 57 (1998): 570–77.
- Humbert, J. *Les plaidoyers écrits et les plaidoiries réelles de Cicéron*. Paris: Presses Universitaires de France, 1925.

- Hunt, A. J. "Three New Incunables with marginalia by Politian." *Rinascimento* 24 (1984): 251-59.
- Huschke, P. E., ed. *Iurisprudentiae anteiustinianae reliquias in usum maxime academicum*. 6th ed. Leipzig: Teubner, 1908. 2 vols.
- Hutchinson, G. O. "Rhythm, Style, and Meaning in Cicero's Prose." *Classical Quarterly, new series* 45 (1995): 485-99.
- Hvidfelt Nielsen, K. *An Ideal Critic: Ciceronian Rhetoric and Contemporary Criticism*. Berne, New York: Lang, 1995.
- Icart, J., ed. *Defensa de Luci Licini Murena; Defensa d'Arquias*. M. Tulli Ciceró, Discursos. Barcelona: Fundació Bernat Metge, 1993. Coll.l. catalana dels classicos grecs i llatins, 279. (Includes introduction, text, notes and Catalan translation).
- Imholz, A. A. "Gladiatorial Metaphors in Cicero's *Pro Sex. Roscio Amerino*." *Classical Weekly* 65 (1972): 228-30.
- Immisch, O. "Wirklichkeit und Literaturform." *Rheinisches Museum für Philologie* 78 (1922): 113-23.
- Ingallina, S. S. "Cicerone, Or. 56-58 e l'accento latino." *Studi e Ricerche dell'Istituto di Latino* 1 (1977): 93-105.
- Innes, D. "Cicero on Tropes." *Rhetorica* 6 (1988): 307-25.
- Innocenti, B. "Towards a Theory of Vivid Description as Practiced in Cicero's *Verrine* Orations." *Rhetorica* 12 (1994): 355-81.
- Iodice di Martino, M. G. "La metafora del corpo nelle opere retoriche di Cicerone." *Bollettino di studi latini* 16 (1986): 22-30.
- . "Il rapporto oratore-pubblico nel *Brutus* di Cicerone." *Atene e Roma, serie* 5 32 (1987): 147-51.
- Iordache, R. "Algunas influencias de Cicerón y Quintiliano en el estilo de Plinio el Joven." *Helmantica* 41 (1990): 189-99.
- Iordan, H., ed. *M. Catonis praeter librum De re rustica quae extant*. Leipzig: Teubner, 1860.
- Ippolito, F. d'. "Accio, i mimi e P. Mucio Scevola." In *Sodalitas: studi in onore di Antonio Guarino*, edited by V. Guiffirè, 1545-51. Biblioteca di Labeo, 8. Vol. 4. Napoli: Jovene, 1984. 10 vols.
- Isager, J., ed. *Cicero. Retoriske Skrifter, III: Orator og De optimo genere oratorum*. Odense: Inst. for Klass. Stud. Odense: Odense Universitetsforl., 1982. (Danish translation).
- Jäger, G., ed. *Rede und Rhetorik im Lateinunterricht: zur Lectüre von Ciceros Reden*. Auxilia, 26. Bamberg: Buchner, 1992.
- Jahn, O., and W. Kroll, eds. *M. Tulli Ciceronis Orator*. Berlin: Weidmann, 1913.
- eds. *Brutus*. 6th ed. Berlin: Weidmann, 1962.
- Janson, T. *Latin Prose Prefaces: Studies in Literary Conventions*. Stockholm, Göteborg, Uppsala: Almqvist & Wiksell, 1964.
- Jardine, L. "Lorenzo Valla and the intellectual origins of humanistic dialectic." *Journal of the History of Philosophy* 15 (1977): 143-64.
- Jehne, M., ed. *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*. Historia Einzelschriften, 96. Stuttgart: Franz Steiner, 1995.
- Jocelyn, H. D. "The Ruling Class of the Roman Republic and Greek Philosophers." *Bulletin of the John Rylands University Library* 59 (1977): 323-66.
- . "Cicero, Philippic 12.24 and the Uses of Gremium in Classical Latin." *Liverpool Classical Monthly* 9 (1984): 17-21.
- Johnson, W. R. *Luxuriance and Economy: Cicero and the Alien Style*. Berkeley: University of California Press, 1971.
- Jones, A. H. M. *The Criminal Courts of the Roman Republic and Principate*. Oxford: Blackwell, 1972.
- Jonkers, E. J. *A Socio-economic Commentary on Cicero, De Imperio Cn. Pompeii*. Leiden: Brill, 1959.

- Kaimio, J. *Cicero's Topica: The Preface and Sources*. Turun Yliopiston Julkaisuja, Sarja B/Annales Universitatis Turkuensis, Ser. B, 141. Turku, Finland: Turun yliopisto, 1976.
- . *The Romans and the Greek Language*. Helsinki: Societas Scientiarum Fennica, 1979.
- Kajanto, I. *The Latin Cognomina*. Societas Scientiarum Fennica. Commentationes humanarum litterarum, 36.2. Helsinki: Societas Scientiarum Fennica, 1965.
- Kallet-Marx, R. "The Trial of Rutilius Rufus." *Phoenix* 44 (1990): 122–39.
- Kapp, V. "L'Apogée de l'atticism français ou l'éloquence qui se moque de la rhétorique." In *Histoire de la rhétorique moderne, 1450–1950*, edited by M. Fumaroli, 731–36. Paris: Presses Universitaires de France, 1999.
- Karamalengou, E. "Le discours Pro Marcello et la place de Cicéron dans la monarchie de César." *Parousia* 6 (1988): 79–106. (In Greek with summary in French).
- Kardos, M.-J. "La ville de Rome dans l'oeuvre de Cicéron: recherches littéraires et topographiques." Ph.D. diss., Université de Paris-IV, 1997. 2 microfiches. Lille: Atelier national de reproduction des thèses.
- Kaster, R. A. "Notes on "Primary" and "Secondary" Schools in Late Antiquity." *Transactions of the American Philological Association* 113 (1983): 323–46.
- . *Suetonius Tranquillus: "De Grammaticis et Rhetoribus"*. Oxford: Clarendon, 1995.
- Kaus, E. "'Affectation catonischer Simplizität?': (zu Cic. Ver. 2.4.4f)." *Gymnasium* 99 (1992): 146–56.
- Kemper, J. A. R. "Cedant arma togae?: rhetoriek en strafrecht bij Cicero." *Lampas* 26 (1993): 314–31.
- Kennedy, G. A. *The Art of Persuasion in Greece*. Princeton: Princeton University Press, 1963.
- . "The Rhetoric of Advocacy in Greece and Rome." *American Journal of Philology* 89 (1968): 419–36.
- . *The Art of Rhetoric in the Roman World*. Princeton: Princeton University Press, 1972.
- . *The Cambridge History of Literary Criticism: Volume I: Classical Criticism*. New York: Cambridge University Press, 1989.
- . *Aristotle. On Rhetoric: a Theory of Civic Discourse*. New York: Oxford University Press, 1991. (English translation, introduction, and notes).
- . *A New History of Classical Rhetoric*. Princeton, NJ: Princeton University Press, 1994.
- . "Historical Survey of Rhetoric." In *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*, edited by S. E. Porter, 3–41. Leiden: Brill, 1997.
- . *Classical Rhetoric in its Christian and Secular Tradition from Ancient to Modern Times*. 2nd ed. Chapel Hill: University of North Carolina Press, 1999.
- Kenney, E. J., and W. V. Clausen, eds. *The Cambridge History of Classical Literature, Volume II, Latin Literature*. Cambridge, London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, 1982.
- Kierdorf, W. *Laudatio Funebris: Interpretationen und Untersuchungen zur Entwicklung der römischen Leichenrede*. Beiträge zur klassischen Philologie, 106. Meisenheim am Glan: Anton Hain, 1980.
- Kiewe, A. *The Modern Presidency and the Crisis of Rhetoric*. Westport, CT: Praeger, 1994.
- Kinsey, T. E., ed. *M. Tulli Ciceronis Pro P. Quinctio Oratio*. Sydney: Sydney University Press, 1971.
- . "Cicero's Speech for Roscius of Ameria." *Symbolae Osloenses* 50 (1975): 91–104.
- . "Cicero, De oratore II, 124." *Mnemosyne* 30 (1977): 74–75.
- . "Cicero's Case against Magnus, Capito and Chrysogonus in the *Pro Sex. Roscio Amerino* and Its Use for the Historian." *L'Antiquité Classique* 49 (1980): 173–90.
- . "A Problem in *Pro Roscio Amerino*." *Eranos* 79 (1981): 149–50.

- . "The Political Insignificance of Cicero's *Pro Roscio*." *Liverpool Classical Monthly* 7 (1982): 39–40.
- . "The Case against Sextus Roscius of Ameria." *L'Antiquité Classique* 54 (1985): 188–96.
- . "Cicero, Pro Sex. Roscio Amerino, 2." *Latomus* 46 (1987): 847.
- . "The Sale of the Property of Roscius of Ameria. How Legal Was It?" *L'Antiquité Classique* 57 (1988): 325–32.
- Kirby, J. T. *The Rhetoric of Cicero's Pro Cluentio*. London Studies in Classical Philology, edited by G. Giangrande, 23. Amsterdam: Gieben, 1990.
- . "Ciceronian rhetoric: theory and practice." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 13–31. London and New York: Routledge, 1997.
- Kleger, H. "Common Sense als Argument: zu einem Schlüsselbegriff der Weltorientierung und politischen Philosophie, II." *Archiv für Begriffsgeschichte* 33 (1990): 22–59.
- Klein, Johannes Iosephus. *Dissertatio De Fontibus Topicorum Ciceronis*. Bonnae: Formis Caroli et Friderici Krueger, 1844. Ph.D. dissertation.
- Klodt, C., ed. *Ciceros Rede Pro Rabirio Postumo: Einleitung und Kommentar*. Beiträge zur Altertumskunde, 24. Stuttgart: Teubner, 1992. (Includes a complete facsimile of the copy by Poggio, Vat. Lat. 11458).
- Klose, D., ed. *Vier Reden gegen Catilina*. Reclams Universal-Bibliothek. Stuttgart: Reclam, 1972. (Afterword by K. Buechner).
- Klose, D., and K. Buechner, eds. *Cicero. Vier Reden gegen Catilina*. Reclams Universal-Bibliothek, 9399. Stuttgart: Reclam, 1979.
- Knott, B. I. *The Ciceronian: A Dialogue on the Ideal Latin Style*. Collected Works of Erasmus, edited by A. H. T. Levi, vol. 28. Toronto, Buffalo, London: University of Toronto Press, 1986. (Annotated English translation of the *Ciceronianus*).
- Konstan, D. "Rhetoric and the Crisis of Legitimacy in Cicero's Catilinarian Orations." In *Rethinking the History of Rhetoric: Multidisciplinary Essays on the Rhetorical Tradition*, edited by T. Poulakos, 11–30. Boulder, San Francisco, Oxford: Westview Press, 1993.
- Kornacka, K. "Stylizacja dramatyczna form podawczych w tekście czterech mów Cyncerona przeciwko Katylinie <La stylisation dramatique des formes narratives dans le texte des quatre discours de Cicéron contra Catilina>." *Roczniki humanistyczne. Filologia klasyczna* 42 (1994): 21–32. (With summary in English).
- . "Patos i jego realizacja stylistyczna w mowie Cyncerona Pro Sexto Roscio Amerino <Le pathos et sa réalisation stylistique dans le discours de Cicéron Pro Sexto Roscio Amerino>." *Roczniki humanistyczne. Filologia klasyczna* 43 (1995): 41–70. (With summary in English).
- Korpanty, J. "De voce dignitatis in scriptis rhetoricis obvia." *Meander* 35 (1980): 487–95.
- Koster, S. *Die Invektive in der griechischen und römischen Literatur*. Beiträge zur klassischen Philologie, 99. Meisenheim am Glan: Hain, 1980. (Detailed commentary on *in Pisonem* on pp. 210–281).
- Kretschmar, M. "Otium, studia litterarum, Philosophie und βίος θεωρητικός im Leben und Denken Ciceros." Ph.D. diss., Leipzig, 1838.
- Kroener, H. O. "Ciceros 9 Philippica: Cicero und Servius Sulpicius Rufus: Zugleich ein Beitrag zu Cicero und der römischen Staat." *Der Altsprachliche Unterricht* 29 (1986): 69–82.
- . "Rhetorik in mündlicher Unterweisung bei Cicero und Plinius." In *Strukturen der Mündlichkeit in der römischen Literatur*, edited by G. Vogt-Spira, 63–79. ScriptOralia, 19 R.A. #4. Tübingen: Narr, 1990.
- Kroll, W. "Studien über Ciceros Schrift *De Oratore*." *Rheinisches Museum für Philologie* 58 (1903): 552–97.

- . "M. Tullius Cicero (Rhetorische Schriften)." In *Paulys Real-Encyclopädie der Classischen Altertumswissenschaft*. Neue Bearbeitung ed., edited by W. Kroll and K. Mittelhaus, cols. 1091–1103. Vol. 7, Teil 1. Stuttgart: Metzler, 1939.
- . "Rhetorik." In *Paulys Real-Encyclopädie der Classischen Altertumswissenschaft*. Neue Bearbeitung ed., edited by W. Kroll and K. Mittelhaus, cols. 1039–1138. Supplementband 7. Stuttgart: Metzler, 1940.
- Krostenko, B. A. "Pleasure, Truth and Beauty in the Language of Cicero and Catullus: A Cognitive Approach." Ph.D. diss., Harvard University, 1993.
- . *Cicero, Catullus and the Language of Social Performance*. Chicago and London: University of Chicago Press, 2001.
- Krüger, G., ed. *Rede für Sextus Roscius aus Ameria*. Reclams Universal-Bibliothek, 1148. Stuttgart: Reclam, 1976.
- . *Cicero. Reden gegen Verres, I*. Reclams Universal-Bibliothek, 4013. Stuttgart: Reclam, 1983.
- . *Cicero. Reden gegen Verres, II: Zweite Rede gegen Verres*. Reclams Universal-Bibliothek, 4014. Stuttgart: Reclam, 1986.
- . *Cicero. Reden gegen Verres, III: Zweite Rede gegen C. Verres. Buch 2*. Reclams Universal-Bibliothek, 4015. Stuttgart: Reclam, 1988.
- . *Cicero. Reden gegen Verres IV: Zweite Rede gegen C. Verres: Buch 3*. Reclams Universal-Bibliothek, 4016. Stuttgart: Reclam, 1990.
- . *Zweite Rede gegen Verres, Buch 4*. Reclams Universal-Bibliothek, 4017. Vol. 5. Stuttgart: Reclam, 1993.
- . *Marcus Tullius Cicero. Reden gegen Verres -VI. Zweite Rede gegen C. Verres. Buch 5: lateinisch/deutsch*. Reclams Universal-Bibliothek, 4018. Stuttgart: Reclam, 1994.
- Kubiak, D. "Piso's Madness (Cic. *In Pis.* 21 and 47)." *American Journal of Philology* 110 (1989): 237–45.
- Kuehnert, B. "Populus Romanus und Sentina Urbis: Zur Terminologie der plebs urbana der späten Republik bei Cicero." *Klio* 71 (1989): 432–41.
- Kumaniecki, K. "Der Prozess gegen Q. Ligarius." *Hermes* 95 (1967): 434–57.
- . *M. Tulli Ciceronis scripta quae manserunt omnia, Fasc. 3: De oratore*. Leipzig: Teubner, 1969. (Reprint Stuttgart: Teubner, 1995).
- . *Les discours égarés de Ciceron pro Cornelio*. Mededelingen van de K. Vlaamse Academie voor Wetenschappen, letteren en Schone Kunsten van België. Klasse der letteren, 32.4. Brussel: Paleis der Academiën, 1970.
- . "Ciceros Rede 'Pro Murena.'" In *Acta Conventus XI "Eirene," Diebus XXI–XXV mensis Octobris Anni MCMLXVIII Habiti*, 161–79. Wratislaviae, Varsaviae, Cracovioviae, Gedani, 1971.
- . "L'orazione pro Quinctio di Marco Tullio Cicerone." In *Studi classici in onore di Quintino Cataudella*, 129–57. Vol. III. Catania: Università di Catania. Facoltà di lettere e filosofia, 1972.
- . "De numeris Tullianis et arte critica facitanda observationes aliquot." *Ciceroniana, Nuova Serie* 1 (1973): 69–82.
- . "Ciceros Rede de aere alieno Milonis." *Klio* 59 (1977): 381–401.
- Kupisch, B. "Cicero, pro Flacco, 21, 49 f. und die in integrum restitutio gegen Urteile." *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung* 91 (1974): 126–45.
- Kurke, A. "Theme and Adversarial Presentation in Cicero's pro Flacco." Ph.D. diss., University of Michigan, 1989.
- Kyriakides, S. "ΥΦΟΛΟΓΙΚΕΣ ΠΑΡΑΤΗΡΗΣΕΙΣ ΣΤΟΝ *PRO ARCHIA POETA* ΛΟΓΟ ΤΟΥ ΚΙΚΕΡΩΝΑ." In Γ' ΠΑΝΕΛΛΕΝΙΟ ΣΥΜΠΟΣΙΟ ΛΑΤΙΚΙΚΩΝ ΣΠΟΥΔΩΝ (*3me congress grec d'études latines*), 63–74. Thessalonike, 1989.
- Kytzler, B., ed. *Ciceros literarische Leistung*. Wege der Forschung, 240. Darmstadt: Wissenschaftliche Buchgesellschaft, 1973.
- . *Cicero. Orator*. München: Heimeran, 1975. Tusculum Bücherei.

- , *Cicero. Orator*. Tusculum Bücherei. 2nd ed. München: Heimeran, 1980. (Latin text with facing-page German translation, introduction, glossary of persons, list of Greek words, and note on the text).
- , *Cicero. Orator*. Sammlung Tusculum. 3rd ed. München: Artemis, 1988. (Latin with facing-page German translation and notes).
- , *Brutus, lateinisch-deutsch*. Sammlung Tusculum. 4th ed. München: Artemis, 1990. (Latin with facing-page German translation and notes).
- LaBua, G. "Elementi innici nelle orazioni ciceroniani." *Res Publica Litterarum* 21 (1998): 134–54.
- Lacey, W. K., ed. *Cicero: Second Philippic*. Warminster: Aris & Phillips, 1986.
- Landgraf, G., ed. *Kommentar zu Ciceros Rede Pro Sex. Roscio Amerino*. 2nd ed. Berlin: Teubner, 1914. (Reprint Hildesheim: G. Olms, 1966).
- La Penna, A. "Cicerone fra Sparta e Atene." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 129–39. Leiden: E. J. Brill, 1975.
- Lapini, W. "Cicerone, 'Topica' 1,4." *Sandalion* 18 (1995): 115–19.
- . "Un verso latino in forma di <<rebus>> (TRF 238) nella Retorica ad Erennio III 34." *Maia* 48 (1996): 157–69.
- Lassandro, D. "La Pro Marcello ciceroniana e la clementia Caesaris: L'immagine dell'uomo politico." In *L'immagine dell'uomo politico: vita pubblica e morale nell'antichità*, edited by M. Sordi, 195–200. Pubblicazioni della Università Cattolica del Sacro Cuore Science storiche & Contributi dell'Istituto di Storia antica, 17 & 17. Milano: Vita e Pensiero, 1991.
- Laughton, E. "Review of E. Fraenkel, *Leseproben aus Reden Ciceros und Catos*." *Journal of Roman Studies* 60 (1970): 188–94.
- Laurand, L. "Sur l'Évolution de la Langue et du Style de Cicéron." *Revue de Philologie* 7 (1933): 62–72.
- . *Études sur le Style des Discours de Cicéron*. 4th ed. Paris: "Les Belles Lettres," 1936–1938. (Three volumes, reprinted in one volume Amsterdam: Hakker, 1965).
- Laurens, M. P. "Cicéron, Maître de la 'brevitas'." In *Présence de Cicéron: Hommage au R.P. M. Testard*, edited by R. Chevallier, 29–41. Caesarodunum, XIX bis. Paris: "Les Belles Lettres," 1984.
- Lausberg, H. *Handbuch der Literarischen Rhetorik: Eine Grundlegung der Literaturwissenschaft*. München: Max Hueber Verlag, 1960. 2 vols., with Nachträge, 1973 (2nd ed.) = *Handbook of Rhetoric: A Foundation for Literary Study*, translated by M. T. Bliss et al. Leiden and New York: Brill, 1998.
- . *Elemente der literarischen Rhetorik: eine Einführung für Studierende der romanischen Philologie*. München: Max Hüber, 1963.
- Lauwers, P. "Marcus Tullius Cicero over de lach." *Hermeneus* 45 (1974): 194–204.
- Leach, E. W. "The Spectacula of Cicero's *Pro Sestio*: Patronage, Production and Performance." In *Rome and her Monuments: Essays on the City and Literature of Rome in Honor of Katherine A. Geffcken*, edited by S. K. Dickison and J. P. Hallett, 369–97. Wauconda, IL: Bolchazy-Carducci, 2000.
- Lebek, W. D. *Verba Prisca. Die Anfänge des Archaisierens in der lateinischen Beredsamkeit und Geschichtsschreibung*. Hypomnemata, 25. Göttingen: Vandenhoeck und Ruprecht, 1970.
- Ledentu, M. "L'orateur, la parole et le texte." In *Orateur, auditeurs, lecteurs: à propos de l'éloquence romaine à la fin de la République et au début du Principat*, edited by G. Achard and M. Ledentu, 43–56. Paris: Diffusion De Boccard, 2000. (Includes discussion).
- Ledo Lemos, F. J. "El 'Pro lege Manilia de Gn. Pompei imperio': el uso de los 'loci' en la 'confirmatio'." *Helmantica* 43 (1992): 351–76.
- Leeman, A. D. *Orationis Ratio: The Stylistic Theories and Practice of the Roman Orators, Historians, and Philosophers*. Amsterdam: A. M. Hakker, 1963. 2 volumes.



- . "The Structure of Cicero's *De Oratore I.*" In *Ciceroniana. Hommages à Kazimierz Kumanięcki*, edited by A. Michel and R. Verdière, 140–49. Leiden: Brill, 1975.
- . "Entstehung und Bestimmung von Ciceros *De oratore.*" *Mnemosyne* 31 (1978): 253–64.
- . "Het rhetorisch onderwijs in de oudheid. Zijn inhoud, zijn doet, zijn didactiek." *Lampas* 14 (1981): 179–91. (In Dutch with summary in English).
- . "The Technique of Persuasion in Cicero's *Pro Murena.*" Chap. 5 In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, 193–228. Entretiens sur l'Antiquité Classique. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982. (With discussion, 229–236).
- . "De geschiedschrijving in Cicero's *De oratore.*" *Lampas* 17 (1984): 248–53.
- . "Ironie in Ciceros *de oratore.*" In *Form und Sinn: Studien zur römischen Literatur (1954–1984)*, edited by A. D. Leeman, 39–47. Studien zur klassischen Philologie, edited by M. von Albrecht, 15. Frankfurt am Main, Bern, New York, Nancy: Lang, 1985a. (Volume of Professor Leeman's collected writings).
- . "L'historiographie dans le *De oratore* de Cicéron." *Bulletin de l'Association Guillaume Budé* 1985 (1985b): 280–88.
- . "De integratie van de retorica bij Cicero." *Lampas* 26 (1993): 90–100.
- Leeman, A. D., and H. Pinkster. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 1. Heidelberg: Carl Winter, 1981. On I.1–165.
- Leeman, A. D., H. Pinkster, and H. L. W. Nelson. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 2. Heidelberg: Carl Winter, 1985. On 1.166–265; 2.1–98.
- Leeman, A. D., H. Pinkster, and É. Rabbie. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 3. Heidelberg: Carl Winter, 1989. On 2.99–290.
- Leeman, A. D., H. Pinkster, and J. Wisse. *M. Tullius Cicero, De Oratore Libri III, Kommentar*. Vol. 4. Heidelberg: Carl Winter, 1996. On 2.291–367; 3.1–95.
- Leen, A. "Cicero and the Rhetoric of Art." *American Journal of Philology* 112 (1991): 229–45.
- . "Clodia *Oppugnatrix*: the *Domus* Motif in Cicero's *Pro Caelio.*" *Classical Journal* 96 (2001): 141–64.
- Leff, M. C. "Redemptive Identification: Cicero's Catilinarian Orations." In *Explorations in Rhetorical Criticism*, edited by G. P. Mohrmann, 158–77. University Park: Pennsylvania State University Press, 1973.
- . "The Topics of Argumentative Invention in Latin Rhetorical Theory from Cicero to Boethius." *Rhetorica* 1 (1983): 23–44.
- . "Cicero's *Pro Murena* and the Strong Case for Rhetoric." *Rhetoric and Public Affairs* 1 (1998): 61–88.
- Lenaghan, J. *A Commentary on Cicero's Oration De Haruspicum Responso*. The Hague: Mouton, 1969.
- Leonhardt, J. "Senat und Volk in Ciceros Reden 'De Lege Agraria'." *Acta Classica Universitatis Scientiarum Debreceniensis* 34–35 (1998–1999): 279–92.
- Leovant-Cirifice, V. "Le role de l'apostrophe aux Quirites dans les discours de Cicéron adressés au peuple." In *Orateur, auditeurs, lecteurs: à propos de l'éloquence romaine à la fin de la république et au début du principat*, edited by G. Achard and M. Ledentu, 43–56. Paris: de Boccard, 2000.
- Lepore, E. *Il princeps ciceroniano e gli ideali politici della tarda repubblica*. Napoli: Istituto Italiano per gli studi storici, 1954.
- Lévy, C. "La conversation à Rome à la fin de la République: des pratiques sans théorie?" *Rhetorica* 11 (1993): 399–414.
- . "Le mythe de la naissance de la civilisation chez Cicéron." In *Mathesis e philia: Studi in onore di Marcello Gigante*, edited by S. Cerasulo, 155–68. Pubblicazioni del Dipartimento di Filologia classica dell'Università degli studi di Napoli Federico II, 11. Napoli, 1995.

- . "Rhétorique et philosophie: la monstruosité politique chez Cicéron." *Revue des Études Latines* 76 (1998): 139–57.
- . "Cicéron critique de l'éloquence stoïcienne." In *Papers on Rhetoric, III*, edited by L. Calboli Montefusco, 127–44. Bologna: Cooperative Libreria Universitaria Editrice Bologna, 2000.
- Lightfoot, J. L., ed. *Parthenius of Nicaea. The poetical fragments and the Ἐρωτικά Παθήματα*. Oxford: Clarendon Press, 1999.
- Lintott, A. W. "P. Clodius—Felix Catilina?" *Greece & Rome* 14 (1967): 157–69.
- . "Cicero and Milo." *Journal of Roman Studies* 64 (1974): 62–78.
- . "Electoral Bribery in the Roman Republic." *Journal of Roman Studies* 80 (1990): 1–16.
- . *Judicial Reform and Land Reform in the Roman Republic*. Cambridge: Cambridge University Press, 1992. Pp. 34–58.
- . *Violence in Republican Rome*. Oxford: Oxford University Press, 1968. (Reissued with new introduction, 1999).
- Liou-Gille, B. "La perduellio: Les procès d'Horace et de Rabirius." *Latomus* 58 (1994): 3–58.
- Lohmann, D. "Lernen und Behalten: antike und moderne Gedächtnisschulung im Lateinunterricht." *Der Altsprachliche Unterricht* 34 (1991): 17–32.
- Lo Monaco, F. "Lineamenti per una storia delle raccolte antiche di orazioni ciceroniane." *Aevum(ant.)* 3 (1992): 169–85.
- Lopez, G., ed. *M. Tulli Ciceronis Actionis secundae in C. Verrem liber 2*. M. Tulli Ciceronis opera omnia quae exstant. Milano: Mondadori, 1993.
- López, G., and L. Piacente. "Inventario dei mss. delle orazioni ciceroniane contro Verre." *Atti e Mem. dell' Arcadia, serie 3* 6 (1973): 83–98.
- López Santamaría, F. J. "Estructura e la peroración en los discursos de Cicerón." In *IX congreso español de estudios clásicos: Madrid, 27 al 30 septiembre de 1995*, edited by J. L. Vidal and A. Alvar Ezquerro, 123–27. Vol. 5. Madrid: Ed. Clásicas. Sociedad Española de Estudios Clásicos, 1998.
- Loposzko, T. "Clodio e gli schiavi." *Acta Classica Universitatis Scientiarum Debreceniensis* 21 (1985): 43–72.
- . "Propagande politique de Cicéron en 63 av. J.-C." In *Forms of control and subordination in antiquity*, edited by T. Yuge and M. Doi, 377–95. Tokyo; Leiden and New York: Society of Studies on Resistance Movements in Antiquity; Brill, 1986.
- . "Damio, the Enemy of Pompey the Great." *Eos* 78 (1990): 195–202.
- Loutsch, C. "L'exorde dans les discours judiciaires de Cicéron." Ph.D. diss., Bibliothèque Nationale de Luxembourg, 1974.
- . "Remarques sur Cicéron, pro Sex. Roscio Amerino." *Liverpool Classical Monthly* 4 (1979): 107–12.
- . "Cicéron et l'affaire Rabirius (63 av. J.C.)." *Museum Helveticum* 39 (1982): 305–15.
- . "Iudicatio dubia (Cic. Inv. 1,20)." *Rheinisches Museum für Philologie* 126 (1983): 149–52.
- . "Ironie et Liberté de Parole: Remarques sur l'exorde *ad Principem* du *Pro Ligario* de Cicéron." *Revue des Études Latines* 62 (1984a): 98–110.
- . "Zu Ciceros Pro Caelio." *Liverpool Classical Monthly* 9 (1984b): 116–18.
- . "L'exorde dit *ex abrupto* de la *première Catilinaire* de Cicéron." *Revue des Études Latines* 68 (1990): 31–49.
- . *L'exorde dans les discours de Cicéron*. Collection Latomus, 224. Brussels: Latomus, 1994.
- Lucas, D. W., ed. *Aristotle. Poetics*. Oxford: Clarendon Press, 1968.
- Lucas, J. "La relation de Cicéron à son public." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 150–59. Leiden: E. J. Brill, 1975.

- Ludwig, W., ed. *Éloquence et Rhétorique chez Cicéron*. Entretiens sur l'Antiquité Classique. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982.
- Lübnow, U. von. "Ciceros Rede für Publius Sestius." In *Sodalitas: Scritti in onore di Antonio Guarino*, edited by V. Giuffrè, 177–201. Vol. 1. Naples: Jovene, 1984–1985. 10 vols.
- Luisi, A. "Pro Archia: retroscena politico di un processo." In *Processi e politica nel mondo antico*, edited by M. Sordi, 189–206. Contributi dell'Istituto di storia antica, 22. Milano: Vita e Pensiero, 1996.
- Luterbacher, F. "Ciceros Reden." *Sokrates, Neue Folge* 10 (1922): 89–91.
- Lynch, J. P. *Aristotle's School: A Study of a Greek Educational Institution*. Berkeley: University of California Press, 1972.
- van Lynden, F. G. *Specimen iuridicum inaugurale, exhibens interpretationem jurisprudentiae tullianae in topicis exposita*. Lugduni Batavorum: Haak, 1805.
- MacDonald, C., ed. *Cicero, The Speeches*. Vol. 10. Cambridge: Harvard University Press, 1977. *Loeb Classical Library*.
- . "Cicero, Pro Flacco, 37." *Classical Quarterly, new series* 29 (1979): 217–18.
- Mack, D. *Senatsreden und Volksreden bei Cicero*. Würzburg: K. Triltsch, 1937.
- MacKendrick, P. *The Philosophical Books of Cicero*. London: Duckworth, 1989.
- . *The Speeches of Cicero: Context, Law, Rhetoric*. London: Duckworth, 1995. (With the technical assistance of Emmett L. Bennett, Jr.).
- Magie, D. *Roman Rule in Asia Minor*. Princeton: Princeton University Press, 1950. 2 vols.
- Magnien, M., ed. *Les Catilinaires = Orationes in Catilinam, édition bilingue*. Livres de poche, 4499. Paris: Librairie Générale Française, 1992. (New translation, intro., and notes).
- Mainberger Gonsaly, K. *Rhetorica, I: Reden mit Vernunft Aristoteles, Cicero, Augustinus*. Problemata, 116. Stuttgart: Frommann-Holzborn, 1987.
- Malaspina, E. "Le orazioni in frammenti e 'deperditae' di Cicerone: Rassegna 1984–1995." *Bollettino di studi latini* 27 (1997): 565–90.
- Malcovati, (H.)enrica, ed. *Brutus*. M. Tulli Ciceronis scripta quae manserunt omnia, 4. 2nd ed. Leipzig: Teubner, 1970.
- . "Rileggendo il *Brutus*." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 160–68. Leiden: E.J. Brill, 1975a.
- . "Sull'orazione di Catone De bello Carthaginiensi." *Athenaeum* 53 (1975b): 205–11.
- , *Oratorum Romanorum Fragmenta Liberae Rei Publicae*. 4th ed. 2 vols. Torino: Paravia, 1976.
- Mamoojee, A. H. "In Toga Candida, Fr. 8." *Échos du monde classique = Classical Views* 39 (1995): 401–12.
- Manca, G., ed. *Per un poeta = [Pro Archia]: l'orazione pro Archia/ Marco Tullio Cicerone*. I classici, 7. Locarno: Dadò, 1997. (Italian translation).
- Manfredini, A. "L'editto De coercendis rhetoribus Latinis del 92 a.C." *Studia et Documenta Historiae et Iuris* 42 (1976): 99–148.
- Mansilla, A. M. "Cicerón: su exilio y la vigencia de conductas políticas del siglo I a.C." *Revista de estudios clásicos* 21 (1990): 127–45.
- Manthe, U. "Ein Sieg der Rhetorik über die Jurisprudenz: Die Erbschaftsstreit des Manius Curius—eine vertane Chance der Rechtspolitik." In *Grosse Prozesse der römischen Antike*, edited by U. Manthe and J. von Ungern-Sternberg, 74–84. München: C. H. Beck, 1997.
- Manthe, U., and J. von Ungern-Sternberg, eds. *Grosse Prozesse der römischen Antike*. München: Beck, 1997.
- Manzo, A. "La formazione retorica di Cicerone." In *Cicerone oratore*, edited by G. Reggi, 79–86. Lugano: Coll. Attualità e Studi Lugano Casagrande & Edizioni universitari della Svizzera italiana, 1990.

- Marchal, L. "L'histoire pour Cicéron." *Les Études Classiques* 55 (1987): 41–64.
- Citroni Marchetti, S. "L'avvocato, il giudice, il reus. La psicologia della colpa e del vizio nelle opere retoriche e nelle prime orazioni di Cicerone." *Materiali e Discussioni per l'Analisi dei Testi Classici* 17 (1986): 93–124.
- Marek, V., ed. *Orationes de lege agraria. Oratio pro C. Rabirio perduellionis reo*. M. Tulli Ciceronis scripta quae manserunt omnia, 16. Leipzig: Teubner, 1983.
- Marinone, N., L. Fiocchi, and D. Vottero, eds. *Marco Tullio Cicerone. Il processo di Verre: testo latino a fronte*. Biblioteca universale Rizzoli, 872–873. Milano: Rizzoli, 1992. 2 vols. (Introduction by Marinone, Italian translation by Fiocchi, Marinone, and Vottero).
- Marinone, N. *Cronologia ciceroniana*. Collana di studi ciceroniani, 6. Roma: Centro di Studi Ciceroniani, 1997.
- Marinoni, E. "La problematica economico-finanziaria nell'orazione ciceroniana De imperio Cn. Pompei." *Aufidus* 20 (1993): 19–36.
- Marrou, H. I. *Saint Augustin et la fin e la culture antique*. Paris: de Boccard, 1938. Reprint with *Retractatio*, 1949.
- . *Histoire de l'Éducation dans l'Antiquité*. 6th ed. Paris: Seuil, 1965. 2 vols.
- Marshall, A. J. "The Case of Valeria. An Inheritance Dispute in Roman Asia." *Classical Quarterly, new series* 25 (1975a): 82–87.
- . "Flaccus and the Jews of Asia (Cicero *Pro Flacco* 28.67–69)." *Phoenix* 29 (1975b): 139–54.
- . "Library Resources and Creative Writing at Rome." *Phoenix* 30 (1976): 252–64.
- Marshall, B. A. "The Date of Delivery of Cicero's *In Pisonem*." *Classical Quarterly, new series* 69 (1975): 88–93.
- . "The Case of Metellus Nepos v. Curio. A discussion of Cicero, *Verr. I*. 6 and 9 and the Scholiasts." *Philologus* 121 (1977): 83–89.
- . *A Historical Commentary on Asconius*. Columbia, MO: University of Missouri Press, 1985.
- . "Excepta Oratio, The Other *Pro Milone* and the Question of Shorthand." *Latomus* 46 (1987a): 730–36.
- . "Pompeius' Fear of Assassination." *Chiron* 17 (1987b): 119–33.
- Martha, J., ed. Budé. *Cicéron, Brutus*. 2nd ed. Paris: "Les Belles Lettres," 1931. (Text and French translation).
- Martin, J. *Antike Rhetorik: Technik und Methode*. Handbuch der Altertumswissenschaft, 2:3. München: Beck, 1974.
- Martina, M., M. Ogrin, I. Torzi, G. Cetuzzi, and E. Narducci, eds. *Dell'oratore: testo latino a fronte*. Biblioteca Universale Rizzoli, L 930. Milano: Rizzoli, 1994. (Italian translation with introduction by E. Narducci).
- Martorana, G. "La Venus di Verre e le Verrine." *Kokalos* 25 (1979): 73–103.
- Marx, F., ed. *Incerti auctoris De ratione dicendi ad C. Herennium libri IV*. Leipzig: Teubner, 1894.
- , *Incerti auctoris De ratione dicendi ad C. Herennium lib. IV*. M. Tulli Ciceronis scripta quae manserunt omnia, 1. 2nd ed. Stuttgart: Teubner, 1993. (Reprint of the 1923 edition).
- Maselli, G. "Su lacune voci tecniche della *Pro Flacco* di Cicerone. fra trasmissione testuale ed esegesi." *Bollettino di studi latini* 30 (2000): 423–46.
- , *In difesa di Lucio Flacco (pro L. Flacco)*. Il Convivio. Venezia: Marsilio, 2000. (With introduction, facing-page Italian translation, and notes).
- Maslowski, T. "The Chronology of Cicero's anti-Epicureanism." *Eos* 62 (1974): 55–78.
- . "Twelfth Century Extracts from Cicero's *Pro Archia* and *Pro Cluentio* in Paris B.N. MS Lat. 18104." *Italia Medioevale e Umanistica* 22 (1979): 97–122.
- . "Notes on Cicero's four Post Reditum Orations." *American Journal of Philology* 101 (1980): 404–20.
- , *Cum senatu gratias egit. Cum populo gratias egit. De domo sua. De haruspicum respon-*

- sis. M. Tulli Ciceronis scripta quae manserunt omnia, 21. Vol. Fasc. 21. Leipzig: Teubner, 1981.
- . "On the Margin of Cicero, *Pro Cluentio* 169 and 170." *American Journal of Philology* 103 (1982): 325–31.
- . "Cicero's *Pro Sestio* in London, British Library, ms. Harley 4927." In *Classical Texts and Their Traditions: Studies in Honor of C. R. Trahman*, edited by D. F. Bright and E. S. Ramage, 155–78. Chico, CA: Scholars Press, 1984.
- . *Oratio pro P. Sestio*. M. Tulli Ciceronis Scripta quae manserunt omnia, 22. Leipzig: Teubner, 1986.
- . "Cicero, *Pro Caelio* 31." *American Journal of Philology* 11 (1991): 507–11.
- . "The Text of Cicero, *In Vatinius* 3." *Philologus* 136 (1992): 181–87.
- . *Orationes in P. Vatinius testem, pro M. Caelio*. M. Tulli Ciceronis scripta quae manserunt omnia, 23. Stuttgart: Teubner, 1995.
- Maslowski, T., and R. H. Rouse. "The Manuscript Tradition of Cicero's Post-exile Orations. Part I: The Medieval History." *Philologus* 128 (1984): 60–124.
- Matelli, E. "Osservazioni su Cicerone, *De oratore* III 59 (222): una testimonianza teofrastea sul valore dello sguardo nella recitazione antica." In *Studia classica Johanni Tarditi oblata*, edited by L. Belloni, G. Milanese, and A. Porro, 1073–99. Bibliotheca di Aevum antiquum, 7. Milano: Vita e Pensiero, 1995. 2 vols.
- Matier, K. "Cicero the Orator." *Akroterion* 22 (1977): 1–10.
- Matsuo, H. "Forma eloquentiae and genera dicendi. The concept of the ideal style in Cicero's Orator." *Journal of the Classical Society* 25 (1977): 91–101. (In Japanese with summary in English).
- Matthes, D. "Hermagoras von Temnos." *Lustrum* 3 (1958): 58–214.
- Mattingly, H. B. "The Extortion Law of Servilius Glaucia." *Classical Quarterly, new series* 25 (1975): 255–63.
- . "The Character of the lex Acilia Glabronis." *Hermes* 107 (1979): 478–88.
- May, J. M. "The *Ethica Digressio* as a Transition from Proof to Peroration in Cicero's Judicial Speeches." Ph.D. diss., University of North Carolina at Chapel Hill, 1977.
- . "The *Ethica Digressio* and Cicero's *Pro Milone*: A Progression of Intensity from *Logos* to *Ethos* to *Pathos*." *Classical Journal* 74 (1979): 240–46.
- . "The Image of the Ship of State in Cicero's *Pro Sestio*." *Maia (nuova serie)* 3 (1980): 259–64.
- . "The Rhetoric of Advocacy and Patron-Client Identification: Variation on a Theme." *American Journal of Philology* 102 (1981): 308–15.
- . *Trials of Character: The Eloquence of Ciceronian Ethos*. Chapel Hill and London: University of North Carolina Press, 1988.
- . "The Monologistic Dialogue as a Method of Literary Criticism: Cicero, *Brutus* 285–289 and Horace, *Epistle* 2, I. 34–39." *Athenaeum* 68 (1990): 177–80.
- . "Persuasion, Ciceronian Style." *The Classical Outlook* 71 (1994): 37–41.
- . "Patron and Client, Father and Son in Cicero's *Pro Caelio*." *Classical Journal* 90 (1995): 433–41.
- . "Cicero and the Beasts." *Syllecta Classica* 7 (1996): 143–53.
- . "Cicero's *Pro Milone*: An Ideal Speech of an Ideal Orator." In *The Orator in Action and Theory in Greece and Rome (Studies in Honor of George A. Kennedy)*, edited by C. W. Wooten, 123–34. Mnemosyne Supplement, 225. Leiden: Brill, 2001.
- May, J. M., and J. Wisse. *Cicero, On the Ideal Orator*. New York, Oxford: Oxford University Press, 2001. (English translation of *De Oratore* with introduction, notes, appendices, glossary, and indices).
- Mazzoli, G. "Quintiliano e la *Pro Cluentio*." *Rendiconti del Istituto Lombardo, Classe di Lettere, Scienze morali e storiche, S. n.* 130 (1996): 483–94. Reprinted in *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, N. Stelluti, ed. Larino: a cura dell'Amministrazione Comunale di Larino, 1997 [1998]. Pp. 97–104.

- . "Quintiliano e la *Pro Cluentio*." In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4-5 Dicembre 1992*, edited by N. Stelluti, 97-104. Larino: a cura dell'Amministrazione Comunale di Larino, 1997[1998].
- McClintock, R. C. "Cicero's Narrative Technique in the Judicial Speeches." Ph.D. diss., University of North Carolina at Chapel Hill, 1975.
- McDermott, W. C. "In Ligarianam." *Transactions of the American Philological Association* 101 (1970): 317-47.
- . "Cicero's Publication of His Consular Orations." *Philologus* 116 (1972a): 277-84.
- . "Curio Pater and Cicero." *American Journal of Philology* 93 (1972b): 381-411.
- Medri, M. "Fonti letterarie e fonti archaeologiche: un confronto possibile su M. Emilio Scauro il Giovane, la sua "domus 'magnifica'" e il "theatrum 'opus maximum omnium'"." *Mélanges d'Archéologie et d'Histoire de l'École Française de Rome, Antiquité* 109 (1997): 83-110.
- Mendelson, M. "The Rhetoric of Embodiment." *Rhetoric Society Quarterly* 28, no. 4 (1998): 29-50.
- Merchant, F. I. *De Ciceronis partitionibus oratoris commentatio*. Berolini: Gustavus Schade [Otto Francke], 1890. (The author's Berlin Ph.D. dissertation).
- Merklin, H. "System and Theorie in Ciceros De oratore." *Würzburger Jahrbücher für die Altertumswissenschaft* 13 (1987): 149-61.
- , *Cicero. De oratore. Über den Redner*. Reclams Universal-Bibliothek, 6884. 3rd ed. Stuttgart: Reclam, 1997.
- Merrill, N. W. "Cicero and Early Roman Invective." Ph.D. diss., University of Cincinnati, 1975.
- Mesnard, P. "Le Pseudo-Cicéron de Henri II Estienne et l'avènement du cicéronisme critique." *Bulletin de l'Association Guillaume Budé* series 4 (1967): 283-92.
- Metaxaki-Mitrou, F. "Violence in the Contio during the Ciceronian Age." *L'Antiquité Classique* 54 (1985): 180-87.
- Meyer, C. "Ciceros Consulat." In *Cicero, ein Mensch seiner Zeit*, edited by G. Radke, 61-116. Berlin: Walter de Gruyter, 1968.
- Meyer, H. Dieter. "Cicero und das Reich." Ph.D. diss., Köln, 1957.
- Meyer, R. D. "Literarische Fiktion und historischer Gehalt in Ciceros De Oratore." Ph.D. diss., Freiburg, 1970.
- Michel, A. "Cicéron et les problèmes de la culture." *Acta antiqua Academiae Scientiarum Hungaricae* 20 (1972): 67-76.
- . "Rhétorique et philosophie dans les traités de Cicéron." *Aufstieg und Niedergang der römischen Welt* 1.3 (1973): 139-208.
- . "Cicéron entre Démosthène et Shakespeare: L'esthétique des *Philippiques*." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 167-80. Leiden: E. J. Brill, 1975.
- . "Rhétorique et philosophie dans l'histoire de l'art romain." *Acta antiqua Academiae Scientiarum Hungaricae* 24 (1976): 227-45.
- . "Culture et universalisme dans la pensée romaine aux Iers s. av. et ap. J.C.," In *Mélanges offerts à Leopold Sédar Senghor. Langues, littératures, histoire anciennes*, edited by Abd'el Kader Fall et al., 293-304. Dakar: Les Nouvelles Editions Africaines, 1977.
- . "Lieux communs et sincérité chez Cicéron (Pro Milone, Pro Marcello, Pro Ligario)." *Vita Latina* 72 (1978): 11-22.
- . "La théorie de la rhétorique chez Cicéron." In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, 109-47. Entretiens sur l'Antiquité Classique, 28. Vandœuvres-Genève: Fondation Hardt, 1982.
- . "L'influence historique du De oratore. Sagesse, langage et beauté dans la tradition cicéronienne." *Vita Latina* 102 (1986a): 2-10.
- . "La pédagogie de Cicéron dans le De oratore. Comment unir l'idéal et le réel?" *Revue des Etudes Latines* 64 (1986b): 72-90. 1988.

- . "La pensée et l'action dans la Rome antique: Sénèque et Cicéron sont-ils des pragmatistes?" In *Munera philologica et historica Mariano Plezia oblata*, 131–40. Wrocław (Polska Akad.): Nauk, 1988.
- . "Grammaire et rhétorique chez Cicéron." *Klèma* 14 (1989): 189–95.
- . "Sagesse et spiritualité dans la parole et dans la musique: de Cicéron à saint Augustin." In *Musik und Dichtung: neue Forschungsbeiträge, Viktor Pöschl zum 80. Geburtstag gewidmet*, edited by M. von Albrecht and W. Schubert, 133–44. Quellen & Studien zur Musikgeschichte von der Antike bis in die Gegenwart, 23. Frankfurt: Lang, 1990.
- . "Rhétorique, philosophie, oralité: Cicéron et les genres littéraires." In *Les structures de l'oralité en latin: colloque du Centre Alfred Ernout, Université de Paris IV, 2, 3, et 4 juin 1994*, edited by J. Dangel and C. Moussy, 201–9. Lingua latina: recherches linguistiques du Centre Alfred Ernout, 4. Paris: Pr. de l'Université de Paris-Sorbonne, 1996.
- Michel, A., and R. Verdière, eds. *Ciceroniana: Hommages à Kazimierz Kumaniecki*. Leiden: E. J. Brill, 1975.
- Michel, J.-H. "Le droit romain dans le Pro Murena et l'oeuvre de Servius Sulpicius Rufus." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 181–95. Leiden: Brill, 1975.
- Milazzo, A. M. "Exordium e Peroratio nell'Orazione Ciceroniana de Provinciis Consularibus." *Vichiana* 1 (1990): 229–37. 3rd series.
- Militerni della Morte, P. *Studi su Cicerone oratore*. Studi e testi dell' antichità, 8. Napoli: Società ed. Napoletana, 1977.
- . "Gli esordi delle due orazioni ciceroniane Pro Cornelio." *Bollettino di studi latini* 12 (1982): 15–23.
- Millar, F. "The Political Character of the Classical Roman Republic, 200–151 B.C." *Journal of Roman Studies* 74 (1984): 1–19.
- . "Politics, Persuasion and the People before the Social War." *Journal of Roman Studies* 76 (1986): 1–11.
- . *The Crowd in Rome in the Late Republic*. Jerome Lectures, 22. Ann Arbor: University of Michigan Press, 1998.
- Mitchell, T. N. *Cicero: The Ascending Years*. New Haven: Yale University Press, 1979.
- . *Cicero In Verrem 2.1*. Warminster: Aris and Phillips, 1986.
- . *Cicero, the Senior Statesman*. New Haven: Yale University Press, 1991.
- Moles, J. L., ed. *Plutarch: The Life of Cicero*. Warminster: Aris and Phillips, 1988.
- Mommsen, T. H. *History of Rome*. abridged ed. New York: Meridian Books, 1956. (Dickson translation, ed. by D. A. Saunders and J. H. Collins).
- Mommsen, Th. *Römische Geschichte*. 2nd ed. 4 vols. Berlin: Weidmann, 1856–1885. (4th volume not published).
- . *Römisches Staatsrecht*. 3rd ed. Leipzig: S. Herzl, 1887. 3 vols.[in 5].
- . *Römisches Strafrecht*. Leipzig: Dunker & Humblot, 1899.
- Monaco, G. "Nota ciceroniana." *Pan* 11–12 (1992a): 103–5.
- . "Teoria e pratica delle facezie presso gli antichi." *Pan* 11–12 (1992b): 159–64.
- Montague, H. W. "Style and Strategy in Forensic Speeches: Cicero's Caesarians in Perspective." Ph.D. diss., Harvard University, 1987.
- . "Advocacy and Politics: The Paradox of Cicero's *Pro Ligario*." *American Journal of Philology* 113 (1992): 559–74.
- Moreau, P. "Cicéron, Clodius, et la publication du Pro Murena." *Revue des Études Latines* 58 (1980): 220–37.
- . "Structures de parenté et d'alliance à Larinum d'après le *Pro Cluentio*." In *Les Bourgeoisies municipales italiennes aux II<sup>e</sup> et I<sup>er</sup> siècles av. J.-C.*, edited by M. Cèbeillac-Gervasoni, 99–123. Paris/Naples: Centre National de la Recherche Scientifique/Bibliothèque de l'Institut Français de Naples, 1983. (Italian translation in Stelluti (1997[1998]): 153–181).

- . "Patrimoniales et successiones à Larinum au Ier s. av. J.C." *Revue Historique du Droit français et étranger* 64 (1986): 169–89.
- . "I *Martiales* di Larinum e le difficoltà d'integrazione nella città romana." In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, edited by N. Stelluti, 129–40. Larino: a cura dell'Amministrazione Comunale di Larino, 1997[1998].
- Morgan, M. G. "Glaucia and Metellus. A Note on Cicero, *De Oratore* II, 263 and III, 164." *Athenaeum* 52 (1974): 314–19.
- Morstein-Marx, R. "Res Publica Res Populi." *Scripta classica Israelica* 19 (2000): 224–33.
- Mouchel, C. *Cicéron et Sénèque dans la rhétorique de la Renaissance*. *Ars rhetorica*, 3. Marburg: Hitzeroth, 1990.
- Mühlhölzl, S. D. *Cicero pro A. Caecina*. Aachen: Shaker, 1997. Ph.D. Thesis, Universität München, 1992.
- Müller, F. L., ed. *Kritische Gedanken zur antiken Mnemotechnik und zum Auctor ad Herennium: mit Text und Übersetzung der drei antiken Zeugnisse im Anhang*. Stuttgart: Steiner, 1996.
- Mueller, S., ed. *Cicero. Pro Sex. Roscio Amerino*. Heidelberg Texte, Lat. R., XV. 2nd ed. Freiburg: Ploetz, 1982.
- Münzer, F. "Atticus als Geschichtsschreiber." *Hermes* 40 (1905): 50–100.
- Murphy, J. J. *Rhetoric in the Middle Ages: A History of Rhetorical Theory from Saint Augustine to the Renaissance*. Berkeley: University of California Press, 1974.
- Narducci, E. "Cicerone, Crasso e un verso di Ennio. Nota a *Pro Caelio* 18." *Maia* 33 (1981): 145–46.
- . "Cicerone e un detto di Cesare. Nota a *Pro Marcello* 25 sgg. e a *Cato Maior* 69." *Atene e Roma, serie 5* 28 (1983): 155–58.
- . *Modelli Etici e Società: un'idea di Cicerone*. Pisa: Giardini, 1989.
- . "'Mysteria Rhetorum': Cicerone e le passioni dell'oratore." *Electronic Antiquity* 2 (1994–1995): not paginated.
- . *Brutus/Cicerone*. Biblioteca Universale Rizzoli, Latino, 1026. Milano: Rizzoli, 1995a. (Introduction, Italian translation and notes).
- . *Processi ai politici nella Roma antica*. Bari: Laterza, 1995b.
- . *Cicerone e l'eloquenza Romana: retorica e progetto culturale*. Roma: Laterza, 1997a.
- . *Introduzione a Cicerone*. Gli Scrittori, 36. 3rd ed. Roma & Bari: Laterza, 1997b.
- . "Perceptions of Exile in Cicero: the Philosophical Interpretation of a Real Experience." *American Journal of Philology* 118 (1997c): 55–73.
- . "Cecità degli occhi e accecamento della mente: nota a Cicerone, *de domo* 105 (con un contributo su Ovidio, *fast.* 6, 437–454)." *Rivista di Filologia e di Istruzione Classica* 126 (1998a): 279–89.
- . "Congettura a Cicerone, *De domo*, 11." *Prometheus* 24 (1998b): 25–26.
- . "Relativismo dell'avvocato, probabilismo del filosofo. interpretazione di alcuni aspetti dell'opera di Cicerone a partire da *Pro Cluentio* 139." In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, edited by N. Stelluti, 107–16. Larino: a cura dell'Amministrazione Comunale di Larino, 1997[1998].
- Nelson, H. L. W. "Ciceros Vorschläge für ein neues juristisches Lehrbuch. Betrachtungen über *De oratore* I, 185–192." *WZRoStock* 34 (1985): 37–39.
- Néraudau, J.-P., ed. *L'autorité de Cicéron de l'antiquité au XVIII<sup>e</sup> siècle: actes de la table ronde organisée par le Centre de recherches sur les classicismes antiques et modernes, Université de Riems, 11 décembre 1991*. Caen: Paradigme, 1993.
- Neumeister, Chr. *Grundsätze der forensischen Rhetorik gezeigt an Gerichtsreden Ciceros*. *Langue et parole, Sprach- und Literaturstrukturelle Studien*, 3. Munich: M. Hüber, 1964.
- Nicholson, J. H. "Cicero's *Actio Gratiarum*: the *Orations Post Reditum* in *Senatu* and *Ad Quirites*." Ph.D. diss., University of North Carolina at Chapel Hill, 1991.
- . *Cicero's Return from Exile: the Orations Post Reditum*. *Lang Classical Studies*, 4. Bern: Peter Lang, 1992.



- Nicolet, C. "Consul togatus." *Revue des Études Latines* 38 (1960): 236–63.
- . "Arpinum, Aemilius Scaurus et les Tullii Cicerones." *Revue des Études Latines* 45 (1967): 276–304.
- . *The World of the Citizen in Republican Rome*. Berkeley: University of California Press, 1980. (Translated by P. S. Falla).
- Nielsen, K. H. *An Ideal Critic: Ciceronian Rhetoric and Contemporary Criticism*. Bern & Frankfurt am Main: Lang, 1995.
- Nippel, W. *Public Order in Ancient Rome*. Cambridge: Cambridge University Press, 1995.
- Nisbet, R. G., ed. *M. Tullii Ciceronis De Domo Sua ad Pontifices Oratio*. Oxford: Clarendon Press, 1939. (Reprinted by Arno Press, Latin Texts and Commentaries, 1979).
- Nisbet, R. G. M., ed. *M. Tullii Ciceronis in L. Calpurnium Pisonem Oratio*. Oxford: Clarendon Press, 1961.
- . "Cola and Clausulae in Cicero's Speeches." In *Owls to Athens: Essays on Classical Subjects Presented to Sir Kenneth Dover*, edited by E. M. Clark, 349–59. Oxford, etc.: Oxford University Press, 1990.
- . "The Orator and the Reader: Manipulation and Response in Cicero's Fifth Verrine." In *Author and Audience in Latin Literature*, edited by A. J. Woodman and J. G. F. Powell, 1–17. Cambridge and New York: Cambridge University Press, 1992.
- . review of B. Sträterhoff, *Kolometrie und Prosarhythmus bei Cicero und Livius Oelde: R. Festge*, 1995. in *CR* 47.2 (1997) 311–313.
- Noè, E. "Cedat forum castris: esercito e ascesa politica nella riflessione ciceroniana." *Athenaeum* 83 (1995): 67–82.
- Noerr, D. "Topica 4,22. Zur Anwendung der cautio damni infecti bei einer Kommunmauer und zum rhetorisch-philosophischen Topos ἀπό τοῦ αἰτίου." In *Symposion 1977: Vorträge zur griechischen und hellenistischen Rechtsgeschichte (Chantilly, 1977)*, edited by J. Modrzejewski and D. Liebs, 269–305. Akten der Gesellschaft für Griechische und Hellenistische Rechtsgeschichte, 3. Köln: Böhl, 1977. Festschrift H. J. Wolf.
- da Nörega, V. L. "Le droit et la stylistique dans Pro Tullio." *Romanitas* 1981 (1981): 14–20.
- Norcio, G., ed. *Opere retoriche di M. Tullio Cicerone I: De oratore, Brutus, Orator*. Torino: UTET, 1970. (Text with facing-page Italian translation and notes).
- Norden, E. "Die Composition und Litteraturgattung der horazischen Epistula ad Pisones." *Hermes* 40 (1905): 517–21.
- . *Die Antike Kunstprosa vom VI Jahrhundert v. Chr. bis in die Zeit der Renaissance*. 3rd ed. 2 vols. Leipzig: B. G. Teubner, 1923.
- . *La prosa d'arte antica dal VI secolo a.C. all' età della Rinascita*. Roma: Salerno, 1986. (Italian translation by B. Heinemann Campana; update essay by G. Calboli, pp. 969–1188; preface by S. Mariotti. 2 vols.).
- Nortes y Vals, O., ed. *Discursos: Catiliniàries*. Barcelona: Fondacio Bernat Metge, 1974. (Introduction, Catalan translation and notes).
- North, H. F. "Lacrimae Virginis Vestalis." In *Rome and her Monuments: Essays on the City and Literature of Rome in Honor of Katherine A. Geffcken*, edited by S. K. Dickson and J. P. Hallett, 357–67. Wauconda, IL: Bolchazy-Carducci, 2000.
- Novara, A. "La dignité de l'enseignement ou l'enseignement et le dialogue, d'après Cic., orat. 144." *Annales Latini Montium Arvernorum* 10 (1983): 35–52.
- Nüsslein, T., ed. *Rhetorica ad Herennium: lateinisch-deutsch*. Sammlung Tusculum. Zürich: Artemis & Winkler, 1994. (Latin with facing-page German translation and notes).
- Núñez, S., ed. *La invención retórica/Cicerón*. Biblioteca clásica Gredos, 245. Madrid: Gredos, 1997.
- Núñez González, J. M. "El numerus oratorius: panorama de sus principales problemas y métodos." In *Estudios de drama y retórica en Grecia y Roma*, 305–21. León: Universidad de León, 1987.

- Ochs, D. "Cicero's Rhetorical Theory: With Synopses of Cicero's Seven Rhetorical Works." In *A Synoptic History of Classical Rhetoric*. 2nd ed., edited by J. J. Murphy and R. A. Katula, 129–76. Davis, CA: Hermagoras Press, 1995.
- Offermann, H. "Cicero, Pro Sex. Roscio Amerino 2,6." *Der Altsprachliche Unterricht* 17 (1974): 65–73.
- . "Überarbeitung oder nicht: Überlegungen zur 1. Catilinarie." *Anregung* 41 (1995): 227–35.
- Ogilvie, R. M. *A Commentary on Livy Books 1–5*. Oxford: Clarendon, 1970.
- Olechowska, E., ed. *Orationes Pro Cn. Plancio, Pro C. Rabirio Postumo*. M. Tulli Ciceronis scripta quae manserunt omnia, 25. Vol. Fasc. 25. Leipzig: Teubner, 1981.
- Olshausen, E. "Die Zielsetzung der Deiotariana Ciceros." In *Monumentum Chiloniense: Studien zur Augusteischen Zeit—Kieler Festschrift für Erich Burck zum 70. Geburtstag*, edited by E. Lefevre, 109–23. Amsterdam: Hakkert, 1975.
- Ong, W. J. *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason*. Cambridge: Harvard University Press, 1958.
- Opelt, I. *Die lateinischen Schimpfwörter und verwandte sprachliche Erscheinungen: Eine Typologie*. Heidelberg: Carl Winter, 1965.
- Ornato, E. "Cicéron et les humanistes français de la première génération." *Ciceroniana, Nuova Serie* 9 (1996): 25–45. (This issue is the publication of Cicerone nell' umanesimo europeo: atti del IX Colloquium Tullianum. Courmayeur, 29 aprile—1 maggio 1995.)
- Ornato, E., and S. Régnier. "Classification automatique des manuscrits des discours de Cicéron fondée sur le choix et l'ordre des discours." *Revue d'Histoire des Textes* 9 (1979): 329–41.
- d'Ors, A. "Las acciones frustradas del caso Heraclides (Cic. pro Flacco, 19,45–21,50)." In *Studi in onore di Arnaldo Biscardi*, edited by F. Pastori, 289–308. Vol. I. Milano: Istituto editoriale Cisalpino, La Goliardica, 1982. (Seven volumes published from 1982–1991).
- O'Sullivan, N. "Caecilius, the 'canons' of writers, and the origins of Atticism." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 32–49. London and New York: Routledge, 1997.
- Otto, A. *Die Sprichwörter und sprichwörtlichen Redensart der Römer*. Leipzig: B. G. Teubner, 1890. Reprint Hildesheim: Georg Olms, 1964.
- Pacitti, A., ed. *Cicero De Oratore, libro I*. Bologna: N. Zanichelli, 1974. (Primarily Kumaniecki's Teubner text with Italian translation, very full introduction and less full notes).
- Paladini, G. "Antonio oratore." *Atti dell'Istituto Veneto di Scienze, Lettere ed Arti, Classe di Scienze morali e Lettere* 135 (1977): 447–70.
- Panayiotou, G. "Consistency and Variation in Cicero's Oratorical Style." Ph.D. diss., University of Illinois, 1984.
- Pape, Louis. "Du *pro Murena* au *pro Sestio*—un Cicéron aveugle?" In *Au miroir de la culture antique: mélanges offerts au président Renée Marache*, 379–84. Rennes: Presses universitaires de Rennes, 1992.
- Paratore, E. "Il linguaggio dell'aggressività nella Pisoniana e nella seconda Filippica." *Ciceroniana, Nuova Serie* 8 (1994): 27–43.
- . "l'abilità con cui Cicerone nella *Pro Cluentio* ha addormentato la mente dei giudici riguardo a ciò che si poteva contestare al suo cliente." In *Pro Cluentio di Marco Tullio Cicerone: Atti del Convegno Nazionale, Larino, 4–5 Dicembre 1992*, edited by N. Stelluti, 147–50. Larino: a cura dell'Amministrazione Comunale di Larino, 1997[1998].
- Patricius, A. *Fragmentorum M.T. Ciceronis tomii IIII, cum And. Patricii adnotationibus*. Venetiis: Ziletum, 1561.
- Paulus, C. G. "Das römische Bürgerrecht als begabtes Privileg: Cicero verteidigt

- Aulus Licinius Archias und Cornelius Balbus." In *Grosse Prozesse der römische Antike*, edited by U. Manthe and J. von Ungern-Sternberg, 100–114. München: Beck, 1997.
- Pease, A. S. "M. Tulli Ciceronis De divinatione libri duo." *University of Illinois Studies in Language and Literature* 6 and 8 (1920 and 1923): 161–500, 153–474. (Book 1 in vol. 6: 161–500, book 2 in vol. 8: 153–474).
- Pellegrini, V. "Cicerone e Sallustio di fronte alla congiura di Catilina." In *Atti del Convegno di studi virgiliani, II. Pescara 23–25 ottobre 1981*, edited by d'Annunzio, 251–77. San Gabriele: Ed. ECO, 1982.
- Pelling, C. B. R. "Plutarch and Catiline." *Hermes* 113 (1985): 311–29.
- Pennacini, A., ed. *La funzione dell'arcaismo e del neologismo nelle teorie della prosa da Comificio a Frontone*. Torino: Giappichelli, 1974.
- Perelli, L. *Il pensiero politico di Cicerone: tra filosofia greca e ideologia aristocratica Romana*. Biblioteca di Cultura, 170. Firenze: La Nuova Italia, 1990.
- Pérez González, M. "La reflexión traductora desde la antigüedad romana hasta el s. XVIII: una propuesta de interpretación." *Minerva* 10 (1996): 107–24.
- Pericoli, F. G. "Nota a Pro Roscio Amerino 2, 6." In *Scritti in memoria di Dino Peraccioni*, edited by M. Bandini and F. G. Pericoli, 263–66. Firenze: Istituto Papirologico G. Vitelli, 1993.
- Perl, G. "Der Redner Helvius Mancianus und der Pictus Gallus (Cicero, De oratore 2, 266)." *Philologus* 126 (1982): 59–69.
- Peter, H., ed. *Historicum Romanorum Reliquiae*. Vol. 2. Leipzig: Teubner, 1906.
- Petrone, G. "La parola e l'interdetto. Nota alla *Pro rege Deiotaro* e alle orazioni cesariane." *Studi dell'Istituto di filologia latina dell'Università di Palermo* 6 (1978): 85–104.
- Pfeiffer, R. *History of Classical Scholarship from the Beginnings to the End of the Hellenistic Age*. Oxford: Clarendon Press, 1968.
- . *History of Classical Scholarship, 1300–1850*. Oxford: Clarendon, 1976.
- Philipp, G. "Zwei Interpretationsanstöße zum Beginn von Ciceros Pompeiana." In *Anstöße zum altsprachlichen Unterricht: für Hans Schober zum 70. Geburtstag*, edited by F. Maier, 38–41. München: Oldenbourg, 1993.
- Philippson, R. "M. Tullius Cicero (Philosophische Schriften)." In *Paulys Real-Encyclopädie der Classische Altertumswissenschaft*. Neue Bearbeitung ed., edited by W. Kroll and K. Mittelhaus, cols. 1104–1192. Vol. 7, Teil 1. Stuttgart: Metzler, 1939.
- Phillips, E. J. "Catiline's Conspiracy." *Historia* 25 (1976): 441–48.
- Phillips, J. J. "The Publication of Books at Rome in the Classical Period." Ph.D. diss., Yale University, 1981.
- Piacente, L. "Cic. Verr. II, 5, 162." *Quaderni dell'Istituto di Lingua e Letteratura latina* 1 (1979): 89–94.
- . "Numerazione e titoli delle Verrine." *Bollettino dei classici, 3a Serie* 1 (1980): 134–44.
- . "Un nuovo frammento ciceroniano in Beda." *Romanobarbarica* 9 (1986–1987): 229–45.
- Piazza, M. P. "La lex Valeria e le tabulae dodantariae et quadrantariae." In *Studi in onore di Arnaldo Biscardi*, edited by F. Pastori, 267–91. Vol. VI. Milano: Istituto editoriale Cisalpino, La Goliardica, 1987. (Seven volumes published from 1982–1991).
- Picheca, C. "Un esempio di *moderatio* ciceroniana: la presentazione di L. Sempronius Atratinus nella *pro Caelio*." *Invigilata lucernis: rivista dell'Istituto di Latino, Bari Università* 2 (1980): 41–51.
- Piderit, K. W., ed. *Ciceros Partitiones oratoriae. Für die Schulgebrauch erklärt*. Leipzig: Teubner, 1867.
- Pierpaoli, M. "L'orazione di Servio Sulpicio Rufo nel processo di Murena." *Maia* 49 (1997): 231–53.
- Pina Polo, F. "Cicerón contra Clodio: el lenguaje de la invectiva." *Gerion* 9 (1991): 131–50.

- . *Contra arma verbis. Der Redner vor dem Volk in der späten römischen Republik*. Heidelberger Althistorische Beiträge und Epigraphische Studien, 22. Stuttgart: Franz Steiner Verlag, 1996.
- de Pinho, S. T., ed. *As Catilnárias*. *Classicos gregos e latinos*, 3. Lisboa: Ed. 70, 1989. (Introduction, Portuguese translation and notes).
- Pinkernell-Kreidt, S. "Das Erkennen des kairoi in Ciceros dritter Philippischer Rede." In *Vir bonus dicendi peritus: Festschrift für Alfons Weische zum 65. Geburtstag*, edited by B. Czaplá, T. Lehmann, and S. Liell, 331–44. Wiesbaden: Reichert, 1997.
- Pinkster, H. "Ego, tu, nos. Opmerkingen over het gebruik van subjeketpronomina, in het bijzonder in Cicero De Oratore II." *Lampas* 19 (1986): 309–22.
- . "Taal en stijl van Cicero: een inleiding in recente literatuur." *Lampas* 26 (1993): 101–18.
- . "The Structure of Cicero's passage on the Laughable in De Oratore II." In *De Usu: études de syntaxe latine offertes en hommage à Marius Lavency*, edited by D. Longrée, 247–53. Leuven: Peeters, 1995. (Preface by G. Serbat).
- Plezia, M. "Encore sur la *Vie d'Aristote* de Ptolémé." *Les Études Classiques* 54 (1986): 383–85.
- Pocock, L. G., ed. *A Commentary on Cicero in Vatinius*. Amsterdam: Hakkert, 1926. (1967 reprint of the 1926 London edition).
- Pöschl, V. "Zur Einbeziehung anwesender Personen und sichtbarer Objekte in Ciceros Reden." In *Ciceroniana: Hommages à Kazimierz Kumaniecki*, edited by A. Michel and R. Verdière, 206–26. Leiden: E. J. Brill, 1975. Reprinted in *Literatur und geschichtliche Wirklichkeit*. Kleine Schriften, 2. vol. 2. ed. W.-L. Liebermann. Heidelberg: Carl Winter. 1983: 17–37.
- . "'Invidia' in den Reden Ciceros." In *Literatur und geschichtliche Wirklichkeit*, edited by W.-L. Liebermann, 11–16. Kleine Schriften, 2. Vol. 2. Heidelberg: Carl Winter, 1983a. (German translation of "'Invidia' nelle orazioni di Cicerone," *Atti del I Congresso Internazionale di Studi Ciceroniani* [Rome, April 1959], vol. 2, Rome: Centro di Studi Ciceroniani, 1961. 119–124).
- . *Literatur und geschichtliche Wirklichkeit*. Kleine Schriften, edited by W.-L. Liebermann. Vol. 2. Heidelberg: Carl Winter, 1983b.
- . "Quelques principes fondamentaux de la politique de Cicéron." *Comptes-rendus de l'Académie des Inscriptions et Belles-Lettres* 1987–1988 (1987): 340–50.
- . "Ciceros Bildungsprogram." *Rheinisches Museum für Philologie* 138 (1995a): 193–209.
- . "Einige Grundprinzipien der Politik Ciceros." In *Lebendige Vergangenheit: Abhandlungen und Aufsätze zur Römischen Literatur und ihrem Weiterwirken: kleine Schriften*, edited by W.-L. Liebermann, 275–84. Bibliothek der klassischen Altertumswissenschaften, Neue Folge. 2. Reihe, 92. Vol. 3. Heidelberg: Carl Winter, 1995b.
- Pohlentz, M. "To prepon. Ein Beitrag zur Geschichte des Griechischen Geistes." *Nachrichten von der Gesellschaft der Wissenschaften zu Göttingen, Philologisch-Historische Klasse* Issue 16 (1933): 53–92.
- Polak, E. J. *A Textual Study of Jacques de Dinant's Summa Dictaminis*. Études de philologie et d'histoire, 28. Genève: Droz, 1975.
- Pollitt, J. J. *Art in the Hellenistic Age*. Cambridge and New York: Cambridge University Press, 1986.
- Popov, A. N. "La fin du Pro Archia de Cicéron." In *Antiquité et temps modernes, pour le 80e anniversaire de Fédor Alexandrovic Petrovskij*, edited by M. J. Grabar-Passek, M. L. Gasparov, and T. I. Kuznekova, 292–95. Moscow: Nauka, 1972. (In Russian).
- Portalupi, F. *Bruto e i neo-atticisti*. Università di Torino Facoltà di magistero Pubblicazioni, 4. Torino: G. Giappichelli, 1955.
- Porter, S. E. *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.–A.D. 400*. Leiden: Brill, 1997.

- Porter, W. M. "Cicero's *Pro Archia* and the Responsibilities of Reading." *Rhetorica* 8 (1990): 137–52.
- Posch, S. "Zur Symmetrie und Ausgewogenheit bei Cicero." In *Serta philologica Aemipontana*, edited by R. Muth and G. Pfohl, 307–17. Innsbr. Beitr. zur Kulturwiss., 20. Vol. 3. Innsbruck: Institut für vergleichende Sprachwiss. de Universität Innsbruck, 1979.
- Potucek, P. "The Argumentation "ab humanitate" in Cicero's Judicial Speeches." *Gracecolatina Pragensis* 16–17 (1998): 83–84.
- Poulakos, T., ed. *Rethinking the History of Rhetoric: Multidisciplinary Essays on the Rhetorical Tradition*. Boulder, San Francisco, Oxford: Westview Press, 1993.
- Powell, J. G. F. "*Probabile, Veri Simile*, and Related Terms." In *Cicero the Philosopher*, edited by J. G. F. Powell, 115–43. Oxford: Oxford University Press, 1995.
- . "Tullius Cicero, Marcus, Works on Rhetoric." In *Oxford Classical Dictionary*. 3rd ed., edited by S. Hornblower and A. Spawforth, 1561. Oxford: Oxford University Press, 1996.
- . review of J.W. Crawford, *M. Tullius Cicero. The Fragmentary Speeches*. 2nd ed. (Atlanta: Scholars Press. 1994). *Classical Review* 47, 50–52.
- Preisshofen, F. "Kunsttheorie und Kunstbetrachtung." In *Le classicisme à Rome aux Iers siècles avant et après J.-C.*, edited by H. Flashar, 263–77. Entretiens sur l'Antiquité Classique, 25. Vandœuvres, Genève: Fondation Hardt, 1979.
- Price, B. J. "Cicero De Oratore 2.264–265. Facetiae ex exemplis." *Classical Journal* 71 (1976): 165–68.
- Price, J. J. "The Failure of Cicero's *First Catilinarian*." *Studies in Latin Literature and Roman History* 9 (1998): 106–28. Collection Latomus, #244.
- Prill, P. "Cicero in Theory and Practice: The Securing of Good Will in the Exordia of Five Forensic Speeches." *Rhetorica* 4 (1986): 93–108.
- Primmer, A. *Cicero Numerosus*. Sitzungsberichte der Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse, 257. Wien: Böhlau, 1968.
- . "Historisches und Oratorisches zur ersten Catilinaria." *Gymnasium* 84 (1977): 18–38.
- . *Die Überredungsstrategie in Ciceros Rede pro C. Rabirio (Perduellionis reo)*. Sitzungsberichte/Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse, 459. Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1985.
- . "Gebändligte Mündlichkeit: zum Prosarhythmus von Cicero bis Augustinus." In *Strukturen der Mündlichkeit in der römischen Literatur*, edited by G. Vogt-Spira, 19–50. ScriptOralia, 19 R.A. #4. Tübingen: Narr, 1990.
- Puccioni, G., ed. *Frammenti delle orazioni perdute*. 1st ed. Firenze: Mondadori, 1971.
- . *Cicero. Orationum deperditarum fragmenta*. 2nd ed. Milano: Mondadori, 1972.
- Pugliarello, M. "Note alla tradizione indiretta della *Pro Marcello*." *Studi e Ricerche dell'Istituto di Civiltà Classica Cristiana Medievale* 6 (1984): 49–70.
- . *M. Tulli Ciceronis Pro M. Marcello oratio*. M. Tulli Ciceronis opera omnia quae exstant. Milano: Mondadori, 1995.
- Pugliese, G., ed. *L'orazione per Aulo Cluenzio Abito*. Milan: Mondadori, 1972.
- . review of Giuffrè, V., *Imputati, avvocati e giudici nella "pro Cluentio" ciceroniana* (Napoli: Jovene, 1993) in *Labeo* 40 (1994): 248–255. (Reprinted in Stelluti [1997] [1998]: 197–203).
- Quadbauer, F. "Zur Nachwirkung und Wandlung des Ciceronischen Rednerideals." In *Ars Rhetorica antica e nuova*, edited by Gastaldo A. Ceresa, 23–56. Pubblicazioni dell'Istituto di filologia classica e medievale, 83. Genova: Università di Genova, Facoltà di lettere, Istituto di filologia classica e medievale, 1983.
- . "Optimus orator, perfecte eloquens. Zu Ciceros formalem Rednerideal und seiner Nachwirkung." *Rhetorica* 2 (1984): 103–19.
- Quartulli, A. *I grandi processi di Cicerone*. Lanciano: G. Carabba, 1940.

- Quémener, J., ed. *Cicéron, Pro Milone*. Paris, Bruxelles, Montréal: Bordas, 1972. (French school text with Boulanger's Latin text, facing page grammar, notes, and vocabulary).
- Quetglas, Padre J. "Aplicaciones de la pragmática al estudio del latín: los discursos de Cicerón." *Anuari de filologia. Secció D: Studia Graeca et Latina (Barcelona)* 20 (1997): 53–65.
- Rabbie, E. "Cicero über den Witz. Kommentar zu De Oratore II, 216–290." Ph.D. diss., Universitaet Amsterdam, 1986.
- Ramage, E. S. "Clodia in Cicero's *Pro Caelio*." In *Classical Texts and their Tradition: Studies in Honor of C. R. Trahman*, edited by D. F. Bright and E. S. Ramage, 201–11. Chico, CA: Scholars Press, 1984.
- . "Strategy and Methods in Cicero's *Pro Caelio*." *Atene e Roma, serie 5* 30 (1985): 1–8.
- Rambaud, M. "Le *pro Fonteio* et l'assimilation des Gaulois e la Transalpine." In *Mélanges de littérature et d'épigraphie latines, d'histoire ancienne et d'archéologie. Hommage à la memoire de P. Wuilleumier*, edited by H. Le Bonniec and G. Vallet, 301–16. Paris: "Les Belles Lettres," 1980.
- . "Le *Pro Marcello* el l'insinuation politique." In *Présence de Cicéron: Hommage au R.P. M. Testard*, edited by R. Chevallier, 43–56. Collection Caesarodunum, XIX bis. Paris: "Les Belles Lettres," 1984.
- Ramos, C. E. "Politics and Rhetoric: Studies in Cicero's Caesarian Speeches (*Pro Marcello*, *Pro Ligario*, *Pro Rege Deiotaro*)." Ph.D. diss., University of Texas at Austin, 1994.
- Ramsey, J. T. "The Prosecution of C. Manlius in 66 B.C. and Cicero's *Pro Manilio*." *Phoenix* 34 (1980): 323–36.
- . "Cicero, *pro Sulla* 68 and Catiline's Candidacy in 66 B.C." *Harvard Studies in Classical Philology* 86 (1982): 121–31.
- . "Cicero, *Pro Murena* 29. The Orator as Citharoedus, the Versatile Artist." *Classical Philology* 79 (1984): 220–25.
- . "The Senate, Mark Antony, and Caesar's Legislative Legacy." *Classical Quarterly, new series* 44 (1994): 130–45.
- Ramus, P. *Petri Rami Veromandui Brutinae quaestiones in Oratorem Ciceronis ad Henricum Valesium, Galliarum Delphinum*. Parisiis: Apud Iacobum Bogardum, 1547.
- Rathofer, C. *Ciceros Brutus als literarisches Paradigma eines Auctoritas-Verhältnisses*. Beiträge zur Klass. Philologie, 174. Frankfurt: Hain, 1986.
- Ratkowitsch, C. "Ein Hymnus in Ciceros erster Catilinaria." *Wiener Studien* 15 (1981): 157–67.
- Rawson, E. *Cicero: A Portrait*. Ithaca: Cornell University Press, 1983. (Revised edition).
- . *Intellectual Life in the Late Roman Republic*. Baltimore: Johns Hopkins University Press, 1985.
- . *Roman Culture and Society: Collected Papers*. Oxford: Oxford University Press, 1991.
- Reeve, M. D. "Cicero: *Topica*." In *Texts and Transmission: A Survey of the Latin Classics*, edited by L. D. Reynolds, 128–30. Oxford: Clarendon Press, 1983.
- . "Before and after Poggio: Some Manuscripts of Cicero's Speeches." *Rivista di Filologia e di Istruzione Classica* 112 (1984): 266–84.
- . "Missing Passages of *Pro Flacco*." *Revue d'Histoire des Textes* 14–15 (1984–1985): 53–57.
- . *Oratio Pro P. Quinctio*. M. Tulli Ciceronis scripta quae manserunt omnia, 7. Leipzig: Teubner, 1992a.
- . "The Turin Palimpsest of Cicero." *Aevum(ant.)* 66 (1992b): 87–94.
- . "Two Manuscripts at the Escorial." In *Actas del VIII Congreso Español de Estudios Clásicos: (Madrid, 23 al 28 de septiembre de 1991)*, edited by F. R. Adrados, 829–39. Vol. II. Madrid: Ediciones Clásicas, 1994.

- Reeve, M. D., R. H. Rouse, M. Winterbottom, J. G. F. Powell, and L. D. Reynolds. "Cicero." In *Texts and Transmission: A Survey of the Latin Classics*, edited by L. D. Reynolds, 54–142. Oxford: Clarendon Press, 1983.
- Reggi, G., ed. *Cicerone oratore: rendiconti del corso di aggiornamento per docenti di latine e greco del Canton Ticino, Lugano 22–23 settembre 1987*. Lugano: Collection Attualità e studi Lugano Casagrande & Ed. universitari della Svizzera italiana, 1990.
- Reggiani, R., ed. *Pro P. Sestio oratio*. M. Tulli Ciceronis opera omnia quae exstant. Milano: Mondadori, 1990.
- . "Dare a Cesare . . . : nota a Cic. Sest. 133." *Paideia* 46 (1991): 44–45.
- . "Il "crollo" della repubblica in Cicerone: nota a Sest. 5." *Paideia* 48 (1993): 72–73.
- Reichsmann, H. J. "Rhetorische Techniken in der Difamierungskunst, dargestellt an Ciceros Invective 'In Pisonem'." *Der Altsprachliche Unterricht* 29 (1986): 57–64.
- Reinhardt, T. "Rhetoric in the Fourth Academy." *Classical Quarterly, new series* 50 (2000): 531–47.
- Reinhold, M. *The Classic Pages: Classical Reading of Eighteenth Century Americans*. University Park, PA: American Philological Association, 1975.
- . *Classica Americana: The Greek and Roman Heritage in the United States*. Detroit: Wayne State University Press, 1984.
- Renting, D. S. A. "Three Textcritical Notes on Cicero, De Oratore (II 321; 327; 364)." *Mnemosyne* 45 (1992): 228–34.
- . "The Manuscripts of Cicero's De Oratore: E is a descendant of A." *Classical Quarterly, new series* 46 (1996): 183–95.
- Requejo Prieto, J. M., ed. *Cicero. Verrinas: Discursos contra Q. Cecilio, Primer sesión, Segunda sesión (discursos I y II)*. Biblioteca clásica Gredos, 139. Vol. 1. Madrid: Gredos, 1990a. (Introduction, Spanish translation and notes by Requejo Prieto, general introduction by M. Rodríguez-Pantoja).
- . *Cicero. Verrinas: Segunda sesión (discursos III–V)*. Biblioteca clásica Gredos, 140. Vol. 2. Madrid: Gredos, 1990b. (Introduction, Spanish translation and notes).
- Reychman-Nawrocka, E. "De ratione defendendi quae M. Tullius Cicero in oratione Pro Murena usus sit." *Meander* 44 (1989): 323–38.
- Reyes Coria, B., ed. *La retórica en La partición oratoria de Cicerón*. Serie didáctica, 12. Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Filológicas, Centro de Estudios Clásicos, 1987.
- Reynolds, L. D., ed. *Texts and Transmission: A Survey of the Latin Classics*. Oxford: Clarendon Press, 1983.
- Reynolds, L. D., and N. G. Wilson. *Scribes and Scholars: A Guide to the Transmission of Greek and Latin Literature*. 1st ed. Oxford: Clarendon, 1968. 3rd ed. 1991.
- Riccio Coletti, M. L., ed. *M. Tulli Ciceronis Topica*. Teate (Chieti): Vecchio Faggio, 1994.
- Richardson, J. S. "The *Commentariolum Petitionis*." *Historia* 20 (1971): 436–72.
- Richlin, A. *The Garden of Priapus: Sexuality and Aggression in Roman Humor*. New York: Oxford University Press, 1992.
- . "Gender and rhetoric: producing manhood in the schools." In *Roman Eloquence: Rhetoric in Society and Literature*, edited by W. J. Dominik, 90–110. London and New York: Routledge, 1997.
- Ridley, R. T. "Cicero and Sulla." *Wiener Studien* 9 (1975): 83–108.
- Riggsby, A. M. "Elision and Hiatus in Latin Prose." *Classical Antiquity* 10 (1991): 326–43.
- . "Criminal Defense and the Conceptualization of Crime in Cicero's Orations." Ph.D. diss., University of California, Berkeley, 1993.
- . "Appropriation and Reversal as a Basis for Oratorical Proof." *Classical Philology* 90 (1995a): 245–56.
- . "Pliny on Cicero and Oratory: Self-Fashioning in the Public Eye." *American Journal of Philology* 116 (1995b): 123–35.

- . "Did the Romans Believe in their Verdicts?" *Rhetorica* 15 (1997): 235–51.
- . "Self and Community in the Younger Pliny." *Arethusa* 31 (1998): 75–97.
- . *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press, 1999a.
- . "Iulius Victor on Cicero's Defenses De Repetundis." *Rheinisches Museum für Philologie* 142 (1999b): 427–29.
- . Cicero Homepage. <http://www.utexas.edu/depts/classics/documents/Cic.html>.
- Riposati, B. "Quomodo 'Partitiones oratoriae' cum 'Topicis' cohaereant." In *Atti del I Congresso internazionale di Studi Ciceroniani, Roma, aprile 1959*, edited by G. Pacitti, 253–63. Vol. 1. Roma: Centro di Studi Ciceroniani, 1961. 2 vols.
- . "Quomodo Topicorum Ciceronis textus intellegendus sit." *Ciceroniana, Nuova Serie* 1 (1973): 91–97.
- . "La tecnica dialogica nel De Oratore di Cicerone." *Vichiana* 11 (1982): 254–63.
- Risari, E., ed. *Marco Tullio Cicerone. Le Catilinarie*. Classici greci e latini, 44. Milano: Mondadori, 1993. (Introduction, Italian translation and notes).
- Rizzo, F. P. "'Principes civitatis' nelle Verrine: Realtà civica e idealità Ciceroniana." *Ciceroniana, Nuova Serie* 4 (1980): 211–21.
- Rizzo, S. *La tradizione manoscritta della Pro Cluentio di Cicerone*. Genova: Pubblicazioni dell'Istituto di filologia classica e medievale dell'Università di Genova, 1979.
- . "Conggetture di Battista Egnazio ad orazioni di Cicerone." In *Miscellanea Augusto Campana*, edited by E. Cecchini, A. Gattucci, P. Parroni, and P. Peruzzi, 671–80. Medioevo e Umanesimo, 45. Vol. 2. Padova: Antenore, 1981. (Textual notes on Arch 22 and 24; Deiot. 17).
- . *Catalogo dei codici della Pro Cluentio ciceroniana*. Genova: Pubblicazioni dell'Istituto di filologia classica e medievale dell'Università di Genova, 1983. #75.
- . *Pro A. Cluentio Habito oratio*. M. Tulli Ciceronis opera omnia quae exstant. Milano: Mondadori, 1991.
- . "'Cinnus': storia di una parola." In *Studi latini in ricordo di Rita Cappelletto*, edited by S. Lanciotti, M. Peruzzi, M. G. Sassi, and A. Tontini, 335–46. *Ludus Philologiae*, 7. Urbino: Quattro Venti, 1996a. (Premessa di Carlo Bo).
- . "Un nuovo codice delle Tusculanae della biblioteca del Petrarca." *Ciceroniana, Nuova Serie* 9 (1996b): 75–104.
- Robbins, C. J. "A Colometric Arrangement of Cicero." *Classical Journal* 75 (1979): 57–62.
- Robertson, D. W., Jr., ed. *Augustine—On Christian Doctrine*. Library of the Liberal Arts. Indianapolis: Bobbs-Merrill, 1958. (English translation of *De Doctrina Christiana*).
- Robinson, A. W. "Cicero's Use of People as Exempla in his Speeches." Ph.D. diss., Indiana University, 1986.
- . "Avoiding the Responsibility: Cicero and the Suppression of Catiline's Conspiracy." *Syllecta Classica* 5 (1994a): 43–51.
- . "Cicero's References to His Banishment." *Classical World* 87, no. 6 (1994b): 475–80.
- . "Cicero's Use of the Gracchi in Two Speeches before the People." *Atene e Roma, serie* 5 39 (1994c): 71–76.
- Roca Barea, E. "La influencia de Quintiliano en los criterios retóricos de Plinio el Joven." *Helmantica* 43 (1992): 121–29.
- Roca-Puig, R., ed. *Ciceró, Catiliniàries (I et II in Cat.): Papyri Barcinonenses*. Barcelona: [s.n.], Grafos, 1977.
- Rochette, B. "Remarques sur le bilinguisme gréco-latin." *Les Études Classiques* 64 (1996): 3–19.
- Rochlitz, S. *Das Bild Caesars in Ciceros Orationes Caesarianae: Untersuchungen zur clementia und sapientia Caesaris*. Studien zur klassischen Philologie, 78. Frankfurt: Lang, 1993.
- Rolfé, J. C. *Cicero and His Influence. Our Debt to Greece and Rome*. New York: Cooper Square Publishers, 1963. (Reprint of the 1923 edition).



- Rolin, G. "La jeunesse perturbée de M. Tullius Cicéron." *Les Études Classiques* 47 (1979a): 335-46.
- . "La personnalité de Cicéron à l'âge de 26 ans (Pro Quinctio, sa pensée sociale et politique)." *L'Antiquité Classique* 48 (1979b): 559-82.
- . "La jeunesse perturbée de M. Tullius Cicéron, II." *Les Études Classiques* 48 (1980): 43-61.
- Roller, M. B. "Color-Blindness: Cicero's Death, Declamation, and the Production of History." *Classical Philology* 92 (1997): 109-30.
- Romano, D. "Cicerone e il ratto di Proserpina." *Ciceroniana, Nuova Serie* 4 (1980): 191-201.
- Romeo, A. "Emozione e persuasione nel De oratore: le competenze oratorie fra tecnica retorica e sapere filosofico." *Filologia antica e moderna* 2 (1992): 23-40.
- Ronconi, F. "'De optimo genere oratorum': storia di un abbozzo." In *Appunti Romani di filologia: raccolta di studi e comunicazioni di filologia, linguistica e letteratura greca e latina*, edited by A. Masaracchia, 43-68. Roma: ARF, 1998.
- . "Nota testuale a Opt. Gen. 6, 18." *ARF* 1 (1999): 43-52.
- de Rosalia, A. "Condizione umana dell' oratore ciceroniano." *Annali del Liceo classico G. Garibaldi di Palermo* 9-10 (1972-1973): 121-52. Published 1975.
- Rose, P. "Cicero and the Rhetoric of Imperialism: Putting the Politics back into Political Rhetoric." *Rhetorica* 13 (1995): 359-99.
- Rothe, Chr. "Ciceros Humanitas und römische Provinzverwaltung." *WZRoStock* 23 (1974): 233-36.
- Rouffart-Théâtre, Chr. "Cicéron: regards sur soi-même." *Les Études Classiques* 60 (1992): 197-215.
- Rouse, R. H. "Cicero: *Partitiones oratoriae*." In *Texts and Transmission: A Survey of the Latin Classics*, edited by L. D. Reynolds, 109-12. Oxford: Clarendon Press, 1983.
- Rowe, G. O. "Style." In *Handbook of Classical Rhetoric in the Hellenistic Period, 330 B.C.-A.D. 400*, edited by S. E. Porter, 122-57. Leiden: Brill, 1997.
- Rowland, R. J., Jr. "A Survey of Selected Ciceronian Bibliography (1965-1974)." *Classical World* 71, no. 5 (1978): 289-327.
- Ruebel, J. S. "The Trial of Milo in 52 B.C.: A Chronological Study." *Transactions of the American Philological Association* 109 (1979): 231-49.
- Rüegg, W. "Cicero—orator noster." In *Eloquence et rhétorique chez Cicéron*, edited by W. Ludwig, 275-310. Entretiens sur l'Antiquité Classique, 28. Vandœuvres-Genève: Fondation Hardt, 1982. (Discussion, 311-319).
- Ruiz Castellanos, A. "Dos tipos de dispositio (macro y microcompositiva) para textos argumentativos en la Rhetorica ad Herennium." In *Homenatge a Josep Alsina: acts del Xè simposi de la Secció catalana de la SEEC, Tarragona, 28 a 30 de novembre de 1990*, edited by E. Artigas, 229-32. Vol. 2. Tarragona: Diputació de Tarragona, 1992.
- Ryan, F. X. "Cicero, *Mur.* 47: Text and Meaning." *Gymnasium* 101 (1994): 481-82.
- . "An Anonymous Praetor-Designate (Cic. *Vat.* 38)." *Mnemosyne* 49 (1996a): 185-86.
- . "Some Persons in the *pro Cluentio*." *Tyche* 11 (1996b): 195-205.
- . "C. Cosconius Callidianus." *Studi italiani di filologia classica* 15 (1997a): 81-84. 3rd series.
- . "Two Missing Aediles, and Several Others." *Athenaeum* 85 (1997b): 251-65.
- . "The Chronological Arrangement of Cicero, Brutus 239-242." *Latomus* 58 (1999): 525-32.
- Ryan, G. E. "Cicero, Rhetoric and the Skeptical Academy." Ph.D. diss., Princeton University, 1983. DA LXIII 1983 3587A.
- Sabbadini, R. *La Storia del ciceronianismo e di altre questioni letterarie nell' età della rinascenza*. Torino: E. Loescher, 1885.
- Saddington, D. B. "Preparing to Become Roman: the "Romanization" of Deiotarus in Cicero." In *Charistion C.P.T. Naudé*, edited by U. Vogel-Weidemann, 87-97. Pretoria: University of South Africa, 1993. (In collaboration with J. Scholtmeijer).

- Salinas, R., ed. *Cicero. In Verrem I*. Bibl. scriptorum Graecorum et Romanorum Mexicana. Mexico City: Universidad Nacional Autónoma de México, 1987. (Extensive introduction, Spanish translation and notes).
- Salzman, M. R. "Cicero, the *Megalenses* and the Defense of Caelius." *American Journal of Philology* 103 (1982): 299–304.
- Sánchez-Lafuente Andrés, A. "Nota a Pro M. Marcello II, 5." *Myrtia* 2 (1987): 95–97.
- Sandys, J. E., ed. *Orator*. Cambridge: Cambridge University Press, 1885. (Reprinted Hildesheim: Georg Olms, 1973).
- . *History of Classical Scholarship*. Cambridge: Cambridge University Press, 1903–1908. 3 vols. Reprinted New York: Hafner, 1964.
- Santini, P. "Due note critico-testuali a Cicerone retore." *Atene e Roma, serie 5* 24 (1979): 50–56.
- Santirocco, M. *Unity and Design in Horace's Odes*. Chapel Hill: University of North Carolina Press, 1986.
- Sarsila, J. "Some notes on *Virtus* in Sallust and Cicero." *Arctos* 12 (1978): 134–43.
- Savantidis, G. "Ciceros partitiones oratoriae. Handschriftenkunde, I." *Dodone* 7 (1978): 183–211.
- Scaillet, A. "Cicéron, *Pro Milone*: La théorie oratoire appliquée à l'exorde et à la narration." *Les Études Classiques* 59 (1991): 345–47.
- Schaeublin, Chr. "Ciceros demosthenische Redezyklen, ein Nachtrag." *Museum Helveticum* 45 (1988): 60–61.
- Schanz, M., and C. Hosius. *Geschichte der römischen Literatur*. 4th ed. Vol. viii.1. München: C. H. Beck, 1927.
- Schenkeveld, D. M. "*Judicia vulgi*: Cicero, *De Orat.* 3, 195ff. and *Brutus* 183–200." *Rhetorica* 6 (1988): 291–305.
- . "Scholarship and Grammar." In *La philologie grecque à l'époque hellénistique et romaine*, edited by F. Montanari, 263–301. Entretiens sur l'Antiquité Classique, 40. Vandœuvres, Genève: Fondation Hardt, 1994.
- Schindel, U. "Ein Neues Redefragment Ciceros?" *Hermes* 122 (1994): 367–68.
- Schmid, W. *Über die klassische Theorie und Praxis des antiken Prosarhythmus*. Wiesbaden: Franz Steiner, 1959.
- Schmidt, P. L. "Die Anfänge der institutionellen Rhetorik in Rom." In *Monumentum Chiloniense. Studien zur augusteischen Zeit. Kieler Festschrift für Erich Burck zum 70. Geburtstag*, edited by E. Lefèvre, 183–216. Amsterdam: Hakkert, 1975.
- . "Brauchen wir philosophisch gebildete Politiker? Cicero: *De oratore* 3, 91–95." *Der Altsprachliche Unterricht* 37 (1994): 45–52.
- Schmitz, D. *Zeugen des Prozessgegners in Gerichtsreden Ciceros*. Prismata, edited by I. Opelt, 1. Frankfurt am Main, Bern, New York: Lang, 1985.
- . "Zeugen im Verres-Prozess nach Ciceros Darstellung." *Gymnasium* 96 (1989): 521–31.
- . "Rhetorik in Praxis und Theorie: Cicero: *Pro Sestio/De inventione*." *Der Altsprachliche Unterricht* 38 (1995): 41–53.
- Schottländer, R. "Die ethische Überordnung der oratorischen über die rhetorische Redekunst: Sum theoretischen Gehalt für Ciceros *De Oratore*." *Rhetorik* 7 (1988): 1–12.
- Schütrumpf, E. "Platonic Elements in the Structure of Cicero *De oratore* Book 1." *Rhetorica* 6 (1988): 237–58.
- . "Cicero *De Oratore* I and Greek Philosophical Tradition." *Rheinisches Museum für Philologie* 133 (1990): 310–21.
- . "Non-logical Means of Persuasion in Aristotle's Rhetoric and Cicero's *De Oratore*." In *Peripatetic Rhetoric After Aristotle*, edited by W. W. Fortenbaugh and D. C. Mirhady, 95–110. Rutgers Studies in Classical Humanities, 6. New Brunswick, NJ and London: Transaction Publ., 1994.

- Schuller, W. "Der Mordprozess gegen Titus Annius Milo im Jahre 52 v. Chr., oder: Gewalt von oben." In *Grosse Prozesse der römischen Antike*, edited by U. Manthe and J. von Ungern-Sternberg, 115–27. München: C. H. Beck, 1997.
- Schulze, W. "Ciceros Rede für den Dichter Archias." *Anregung* 29 (1983): 260–68.
- Schuwey, P. "Cicéron et les Gracques dans le De haruspicum responso." *Revue des Études Latines* 71 (1993): 16–17.
- Scolari, A. "Un volgarizzamento trecentesco della Rhetorica ad Herennium; il Trattello di colori retorici." *Medioevo Romanzo* 9 (1984): 215–66.
- Scott, C. E. "Imagery in Cicero's De Oratore." Ph.D. diss., University of Iowa, 1980.
- Scott, I., ed. *Ciceronianus, or a Dialogue on the Best Style of Speaking, by Desiderius Erasmus*. New York: Columbia University Teachers College, 1908. (English translation of the *Ciceronianus*, reprinted AMS Press, 1972).
- Scuderi, R. "Il comportamento di Verre nell'orazione ciceroniana De supplicii: oratoria politica e realtà storica." *Atti della Accademia Nazionale dei Lincei, Classe di Scienze Morali, Storiche e Filologiche. Rendiconti*. 5 (1994): 119–43.
- . "Lo sfondo politico del processo a Verre." In *Processi e politica nel mondo antico*, edited by M. Sordi, 169–87. Milano: Vita e Pensiero, 1996a.
- . "La raffigurazione ciceroniana della Sicilia e dei suoi abitati: un fattore ambientale per la condanna di Verre." In *Studi in onore di Albino Garzetti*, edited by C. Stella and A. Valvo, 409–30. Brescia: Ateneo di Brescia, 1996b.
- Scuotto, E., ed. *Cicero. In Lucium Calpurnium Pisonem Caesoninum Oratio*. Napoli: Ferraro, 1976.
- Seager, R. "Cicero and the Word *popularis*." *Classical Quarterly, new series* 22 (1972): 328–38.
- . "Iusta Catilinae." *Historia* 22 (1973): 240–48.
- . *Pompey, a Political Biography*. Oxford and Berkeley: Blackwell [U.K.]; University of California Press [U.S.], 1979.
- Seeck, G. A. "Die Frage nach der Tugend (Platon, Cicero, Habermas, Jonas)." *Gymnasium* 97 (1990): 289–303.
- Seel, O., ed. *Orator*. Heidelberg: F. H. Kerle, 1952. (With text-critical notes and German introduction).
- . *Cicero. Wort, Staat, Welt*. Stuttgart: Klett, 1967.
- Serafina, A., ed. *Orazioni filippiche*. Milano: Mondadori, 1970. Antologia.
- Settle, J. N. "The Publication of Cicero's Orations." Ph.D. diss., University of North Carolina, 1962, c. 1963.
- Siani-Davies, M., ed. *Cicero's Speech Pro Rabirio Postumo*. Clarendon Ancient History Series. Oxford: Clarendon Press, 2001.
- Sigonio, C. *Fragmenta Ciceronis, Caroli Sigonii diligentia collecta*. Venetiis: ex officina Stellae, Iordani Zilleti, 1559.
- Simon, J. H., and D. Obbink. "Tullius Cicero, Marcus." In *Oxford Classical Dictionary*. 3rd ed., edited by S. Hornblower and A. Spawforth, 1561. Oxford: Oxford University Press, 1996.
- Sinclair, P. "The *Sententia* in *Rhetorica ad Herennium*: A Study in the Sociology of Rhetoric." *American Journal of Philology* 114 (1993): 561–80.
- . "Political Declensions in Latin Grammar and Oratory 55 B.C.E.–C.E. 39." In *Roman Literature and Ideology: Ramus Essays for J. P. Sullivan*, edited by A. J. Boyle, 92–109. Bendigo, Victoria, Australia: Aural, 1995.
- Sinkovich, K. A. "Cicero historicus." *Rivista di Studi Classici* 22 (1974): 164–75.
- . "Mythological comparisons in Cicero." *Rivista di Studi Classici* 24 (1976): 187–89.
- Skinner, M. B. "Clodia Metelli." *Transactions of the American Philological Association* 113 (1983): 273–87.
- Sklenár, R. J. "Rullus' Colonies: Cicero, De Lege Agraria 1. 16–17 and 2. 73–75." *Eos* 80 (1992): 81–82.

- Solmsen, F. "Aristotle and Cicero on the Orator's Playing upon the Feelings." *Classical Philology* 33 (1938a): 390-404. Reprinted in *Kleine Schriften II* (Olms, Hildesheim, 1968) 216-230.
- . "Cicero's First Speeches: A Rhetorical Analysis." *Transactions of the American Philological Association* 69 (1938b): 542-56. (Reprinted in *Kleine Schriften II* [Olms, Hildesheim, 1968] 231-245).
- . "The Aristotelian Tradition in Ancient Rhetoric." *American Journal of Philology* 62 (1941): 35-50, 169-90. (Reprinted in *Kleine Schriften II* [Olms, Hildesheim, 1968] 178-215).
- . *Kleine Schriften*. Vol. 2. Hildesheim: Georg Olms, 1968.
- Sordi, M. "La fortuna dell'amnistia del 403/2 a.C." In *Amnistia, perdono e vendetta nel mondo antico*, edited by M. Sordi, 79-90. Scienze Storiche, 63. Milano: Vita e Pensiero, 1997. Contributi dell'Istituto di Storia Antica, 23.
- Spallone, M. "La trasmissione della Rhetorica ad Herennium nell'Italia meridionale tra XI e XII secolo." *Bollettino dei classici, 3a Serie* 1 (1980): 158-90.
- Spielvogel, J. *Amicitia und Res Publica: Ciceros Maxime während der innerpolitischen Auseinandersetzungen der Jahre 59-50 v. Chr.* Stuttgart: Franz Steiner, 1993.
- . "P. Clodius Pulcher—Eine politische Ausnahmeerscheinung der späten Republik?" *Hermes* 125 (1997): 56-74.
- Squires, S., ed. *Asconius: Commentaries on Five Speeches of Cicero*. Bristol and Wauconda, IL: Bristol Classical Press [U.K.], Bolchazy-Carducci [U.S.], 1990.
- Staffhorst, U. "Helena in jeden Weibe?: zum Proemium des 2. Buches von Ciceros Schrift *De Inventione*." *Gymnasium* 99 (1992): 193-200.
- Stahl, W. H., R. Johnson, and R. L. Burge, eds. *Martianus Capella and the Seven Liberal Arts*. New York: Columbia University Press, 1971. 2 vols. (English translation and discussion).
- Stangl, T., ed. *Ciceronis Orationum Scholiastae*. Hildesheim: Georg Olms, 1964. (Reprint of the 1912 Vienna edition).
- Starr, R. "The Circulation of Literary Texts in the Roman World." *Classical Quarterly, new series* 37 (1987): 213-33.
- Steele, C. E. W. "Oratory and Empire: Studies in Some Speeches of Cicero." D. Phil. diss., Oxford, 1998.
- Steinmetz, P. "Beobachtungen zu Ciceros philosophischen Standpunkt." In *Cicero's Knowledge of the Peripatos*, edited by W. W. Fortenbaugh and P. Steinmetz, 1-22. New Brunswick, NJ: Transaction Publishers, 1989.
- . "Die Stoa." In *Grundriss der Geschichte der Philosophie. Begründet von Friedrich Ueberweg. Die Philosophie der Antike, Band 4: Die hellenistische Philosophie*, by M. Erler et alii, 491-716. Basel: Schwabe, 1994.
- Stelluti, N., ed. *Pro Cluentio di Marco Tullio Cicerone. Atti del Convegno Nazionale, Larino, 4-5 Dicembre 1992*. Larino: Amministrazione Comunale di Larino, 1997 [1998].
- Sternberg, T. "Zur sozialen Struktur der plebs urbana gegen Ende der römischen Republik." *WZRoStock* 31 (1982): 101-4.
- Sternkopf, W. "Gedankengang und Gliederung der 'Divinatio in Caecilium'." *Gymnasium Dortmund Jahresbericht* (1904-1905): 4-17. Reprinted in B. Kytzler, ed., *Ciceros literarische Leistung, Wege der Forschung* vol. 240 [Darmstadt: Wissenschaftliche Buchgesellschaft, 1973] 267-299.
- Stevens, S. H. "Political Program and Autobiography in Cicero's *Pro Milone*." Ph.D. diss., Ohio State University, 1995. UMI microform #9544696.
- Stewart, R. "Catiline and the Crisis of 63 B.C.: the Italian Perspective." *Latomus* 54 (1995): 62-78.
- Stinger, P. M. "The Use of Historical Example as a Rhetorical Device in Cicero's Orations." Ph.D. diss., State University of New York at Buffalo, 1993.
- Stockton, D. *Cicero, A Political Biography*. New York: Oxford University Press, 1971.

- Stone, A. M. "Pro Milone, Cicero's Second Thoughts." *Antichthon* 14 (1980): 88–111.
- . "A House of Notoriety: An Episode in the Campaign for the Consulate in 64 B.C." *Classical Quarterly, new series* 48 (1998): 487–91.
- Strachan-Davidson, J. L. *Problems in Roman Criminal Law*. Oxford: Clarendon Press, 1912. vol. I, pp. 180–204.
- Sträterhoff, B. *Kolometrie und Prosarhythmus bei Cicero und Livius: De Imperio Cn. Pompei und Livius 1.1–26, 8 kolometrisch ediert, kommentiert und statistisch analysiert*. Oelde: Druckerei Festge, 1995. 2 Vols.
- Strasburger, H. *Concordia Ordinum: Eine Untersuchung zur Politik Ciceros*. Borna-Leipzig: R. Noske, 1931. (Reprint Amsterdam: Hakkert, 1956).
- . "Der "Scipionenkreis"." *Hermes* 94 (1966): 60–72.
- Striker, G. "Academics Fighting Academics." In *Assent and Argument. Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum (Utrecht, August 21–25, 1995)*, edited by B. Inwood and J. Mansfield, 257–76. *Philosophia Antiqua: A Series of Studies on Ancient Philosophy*, 76. Leiden: Brill, 1997.
- Ströbel, E. *Zur Handschriftenkunde und Kritik von Ciceros Partitiones oratoriae*. Zweibrücken: Buchdruckerei von August Kranzbühler, 1887.
- Stroh, W. *Taxis und Taktik*. Stuttgart: Teubner, 1975.
- . "Die Nachahmung des Demosthenes in Ciceros Philippiken." In *Éloquence et Rhétorique chez Cicéron*, edited by W. Ludwig, 1–31. *Entretiens sur l'Antiquité Classique*. Vol. 28. Vandœuvres-Genève: Fondation Hardt, 1982a. (With discussion, 32–40).
- . "Über Absicht und Ablauf von Ciceros ersten Catilinarie." *Die Alten Sprachen in Unterricht* 29, no. 1 (1982b): 7–15.
- . "Ciceros demosthenische Redezyklen." *Museum Helveticum* 40 (1983): 35–50.
- . "Ciceros erste Rede gegen Catilina." *Mitteilungen des Deutschen Althilologen-Verbandes, Landesverband Niedersachsen* 36, no. 1 (1985): 2–15.
- . "Worauf beruht die Wirkung ciceronischer Reden?" In *Rede und Rhetorik im Lateinunterricht*, edited by G. Jäger, 5–37. *Auxilia*, 26. Bamberg: Buchner, 1992.
- . "Ciceros Philippische Reden. Politischer Kampf und literarische Imitation." In *Meisterwerke der antiken Literatur. Von Homer bis Boethius*, edited by M. Hose, 76–102. München: Beck, 2000.
- Stroup, S. C. "A Political Muse: Cicero, Catullus, and the Transformation of Textual Culture." Ph.D. diss., University of California – Berkeley, 2000.
- Stump, E., ed. *Boethius's In Ciceronis Topica*. Ithaca: Cornell University Press, 1988. (English translation, notes and introduction).
- Suerbaum, W. "Vorliterarische römische Redner (bis zum Beginn des 2. Jhs. v. Chr.)." *Würzburger Jahrbücher für die Altertumswissenschaft* 21 (1996–1997): 169–98.
- . "Fehlende Redner in Ciceros Brutus?: nebst Hinweisen auf fehlende Entwicklung, fehlende Belege und fehlende Ernsthaftigkeit in einer Geschichte der römischen Beredsamkeit." In *Vir bonus dicendi peritus: Festschrift für Alfons Weische zum 65. Geburtstag*, edited by B. Czaplá, T. Lehmann, and S. Liell, 407–19. Wiesbaden: Reichert, 1997.
- Süss, W. *Ethos: Studien zur älteren griechischen Rhetorik*. Leipzig and Berlin: Teubner, 1920. (Reprint Aalen: Scientia Verlag, 1975).
- Sumner, G. V. "Lex Aelia, Lex Fufia." *American Journal of Philology* 84 (1963): 337–58.
- . *The Orators in Cicero's Brutus. Prosopography and Chronology*. Phoenix Supplement, 11. Toronto: University of Toronto Press, 1973.
- Sussman, L. A. "Antony as a *Miles Gloriosus* in Cicero's *Second Philippic*." *Scholia* 3 (1994): 53–83.
- . "Antony The *Meretrix Audax*: Cicero's Novel Invective in *Philippic* 2.44–46." *Eranos* 96 (1998): 114–28.
- Swarney, P. B. "Social Status and Social Behaviour as Criteria in Judicial Proceedings

- in the Late Republic." In *Law, Politics and Society in the Ancient Mediterranean World*, edited by B. Halpern and D. W. Hobson, 137–55. Sheffield: Sheffield Academic Press, 1993.
- Syme, R. *The Roman Revolution*. Oxford: Clarendon Press, 1939.
- . "Ten Tribunes." *Journal of Roman Studies* 53 (1963): 55–60.
- Taddeo, D. J., Jr. "Signs of Demosthenes in Cicero's Philippics." Ph.D. diss., Stanford University, 1971.
- Takahashi, S. "Octavian in the Letters and Orations of Cicero." *Journal of the Classical Society* 24 (1976): 1–12.
- Takahata, T. "Politik—Philosophie—Rhetorik in cum dignitate otium Ciceros." *Classical Studies* 16 (1999): 60–97.
- Tandoi, V. "Su tre cruces dell' In Pisonem." *Rivista di Cultura classica e medioevale* 20 (1978): 1189–1205.
- Tarrant, H. *Skepticism or Platonism? The Philosophy of the Fourth Academy*. Cambridge: Cambridge University Press, 1985.
- Tatum, W. J. "Cicero and the *Bona Dea* Scandal." *Classical Philology* 85 (1990a): 202–8.
- . "Cicero's Opposition to the *Lex Clodia de Collegiis*." *Classical Quarterly, new series* 40 (1990b): 187–94.
- . "The *Lex Clodia de Censoria Notione*." *Classical Philology* 85 (1990c): 34–43.
- . "Cicero, the Elder Curio, and the Titinia Case." *Mnemosyne* 44 (1991): 364–71.
- . "The *Lex Papiria de Dedicacionibus*." *Classical Philology* 88 (1993): 319–28.
- . "Hospitem or Hostem?" *Rheinisches Museum für Philologie* 139 (1996): 358–60.
- . *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill and London: University of North Carolina Press, 1999.
- Taylor, D. J. "Rethinking the History of Language Science in Classical Antiquity." *Historiographia Linguistica* 13 (1986): 175–90.
- Taylor, L. R. *Party Politics in the Age of Caesar*. Berkeley: University of California Press, 1949.
- Taylor, R. P. "Codices integri and the transmission of the *Ad Herennium* in late antiquity." *Revue d'Histoire des Textes* 23 (1993a): 113–42.
- . "'Pre-history' in the Ninth-Century Manuscripts of the *Ad Herennium*." *Classica et Mediaevalia* 44 (1993b): 181–254.
- . "Post-classical Scholarship as Evidence of Textual Authority: the Expleti-recension of the 'ad Herennium' re-examined." *Revue d'Histoire des Textes* 25 (1995): 159–88.
- Tellegen, J. W. "Oratores, iurisprudentes and the *causa curiana*." *Revue Internationale des Droits de l'Antiquité* 30 (1983): 293–311.
- Tellegen-Couperus, O. E. "C. Aquilius Gallus dans le discours *Pro Caecina* de Cicéron." *Revue d'histoire du droit* 59 (1991): 37–46.
- Tesalova-Novakova, D. "Der Begriff des Agens und das Passiv im Lateinischen." *Listy Filologické* 107 (1984): 5–10.
- Theilscher, P. "Ciceros Topik und Aristoteles." *Philologus* 67 (1908): 52–67.
- Théoret, M. *Les discours de Cicéron. La concurrence du tour casuel et du tour prépositionnel*. Montréal: Presses de l'Université de Montréal, 1982.
- Thiermann, P. "Redécouverte et influence de manuscrits d'auteurs latins classiques au début du XVe s." *Revue d'Histoire des Textes* 17 (1987): 55–71.
- Thomas, J.-F. "Une groupe sémantique: gloria, laus, decus." In *Les problèmes de la synonymie en latin: colloque du Centre Alfred Ernout, Université de Paris IV, 3 et 4 juin 1992*, edited by C. Moussy, 91–100. *Lingua Latina*, 2. Paris: Presses de l'Université de Paris-Sorbonne, 1994.
- Thompson, C. E. "To the Senate and the People: Adaptations to the Senatorial and Popular Audiences in the Parallel Speeches of Cicero." Ph.D. diss., Ohio State University, 1978.

- Throm, H. *Die Thesis. Ein Beitrag zu ihrer Entstehung und Geschichte*. Rhetorische Studien, 17. Paderborn: Schöningh, 1932.
- Torelli, M. R. "La De imperio Cn. Pompei; una politica per l'economia dell'impero." *Athenaeum* 60 (1982): 3-49.
- Tränkle, H. "Zu Zwei Misedeuteten Cicerostellen." *Museum Helveticum* 49 (1992): 33-40.
- Treggiari, S. "Leges sine moribus." *The Ancient History Bulletin = Revue d'histoire ancienne* 8 (1994): 86-98.
- . "Home and Forum: Cicero Between 'Public' and 'Private.'" *Transactions of the American Philological Association* 128 (1998): 1-23.
- . "The Upper-Class House as Symbol and Focus of Emotion in Cicero." *Journal of Roman Archaeology* 12 (1999): 33-56.
- Trollope, A. *Life of Cicero*. London: Chapman and Hall, 1880. Reprinted New York: Arno Press, 1981.
- Tyrell, W. B. "The Trial of C. Rabirius in 63 B.C." *Latomus* 32 (1973): 285-300.
- . *A Legal and Historical Commentary to Cicero's Oratio Pro C. Rabirio Perduellionis Reo*. Amsterdam: Hakkert, 1978.
- Ueding, G., ed. *Historisches Wörterbuch der Rhetorik*. Tübingen: Niemeyer, 1992-.
- von Ungern-Sternberg, J. *Untersuchungen zum spätrepublikanischen Notstandrecht. Senatus consultum ultimum und hostis-Erklärung*. Vestigia, 11. München: C. H. Beck, 1970.
- . "Ciceros erste Catilinarische Rede und Diodor XL 5a." *Gymnasium* 78 (1971): 47-54.
- . "Die populären Beispiele in der Schrift des Auctors ad Herennium." *Chiron* 3 (1973): 143-62.
- Valencia Hernández, M. "Cicerón y las leyes agrarias: un exemplum de divina eloquentia." *Revue des Études Anciennes* 97 (1995): 575-87.
- Valenti, R. "Recenti studi sul De oratore di Cicerone." *Bollettino di studi latini* 5 (1975): 58-65.
- . "La retorica di Cicerone nella moderna problematica culturale." *Bollettino di studi latini* 7 (1977): 327-42.
- . "Tra Logica e Retorica: il concetto e la tecnica dell'affirmatio." *Bollettino di studi latini* 20 (1990): 331-43.
- . "Cicerone tra politica e cultura: alcuni recenti studi." *Bollettino di studi latini* 21 (1991): 17-25.
- Vanderbroeck, P. *Popular Leadership and Collective Behavior in the Late Roman Republic*. Amsterdam: J. C. Gieben, 1987.
- Vasaly, A. "The Spirit of Place: The Rhetorical Use of Locus in Cicero's Speeches." Ph.D. diss., Indiana University, 1983.
- . "The Masks of Rhetoric: Cicero's *Pro Roscio Amerino*." *Rhetorica* 3 (1985): 1-20.
- . "Ars dispositionis: Cicero's Second Agrarian Speech." *Hermes* 116 (1988): 409-27.
- . *Representations: Images of the World in Ciceronian Oratory*. Berkeley, Los Angeles, Oxford: University of California Press, 1993.
- . "The Quality of Mercy in Cicero's *Pro Murena*." In *Rome and her Monuments: Essays on the City and Literature of Rome in Honor of Katherine A. Geffcken*, edited by S. K. Dickson and J. P. Hallett, 447-63. Wauconda, IL: Bolchazy-Carducci, 2000.
- Vaughn, J. W. "Law and Rhetoric in the Causa Curiana." *Classical Antiquity* 4 (1985): 208-22.
- Vecce, C. "Bembo e Cicerone." *Ciceroniana, Nuova Serie* 9 (1996): 147-59. (This issue is the publication of "Cicerone nell'umanesimo europeo: atti del IX Colloquium Tullianum." Courmayeur, 29 aprile-1 maggio 1995).
- Venturini, C. "La conclusione del processo di Verre (Osservazioni e problemi)." *Ciceroniana, Nuova Serie* 4 (1980): 155-75.
- . "L'Orazione pro Cn. Plancio e la Lex Licinia de Sodaliciis." In *Studi in Onore di Cesare San Filippo*, 787-804. Vol. 5. Milano: Guiffrè, 1984.

- Verdière, R. "A verser au dossier de la *Quadrantaria*." In *Mélanges offerts à Léopold Sédar Senghor. Langues—Littérature—Histoire Anciennes*, edited by And'el Khader et al. Fall, 479–94. Dakar: Les Nouvelles Editions Africaines, 1977.
- Vereeke, E. "Le corpus des panégyriques latins de l'époque tardive. Problèmes d'imitation." *L'Antiquité Classique* 44 (1975): 141–60.
- . "Le rythme binaire et ternaire dans l'argumentation. Cicéron, *Pro Milone*, 1–31." *Les Études Classiques* 59 (1991): 171–78.
- Vester, H. "Eine oft gelesene, aber auch manchmal missverstandene Cicerostelle." *Gymnasium* 95 (1988): 17–20.
- Vickers, B., ed. *Rhetoric Revalued*. Binghamton, NY: Center for Medieval & Early Renaissance Studies, 1982.
- . *In Defense of Rhetoric*. Oxford: Clarendon Press, 1988.
- Vielberg, M. "Opium für den Optimaten?: religiöses Argumentieren in Ciceros *Miloniana*." *Erano* 93 (1995): 49–64.
- Vitelli, C. "La *Pro Archia* e l'*Hortensius*. Analogie e loro significato." *Hermes* 104 (1976): 59–72.
- Vogt-Spira, G. "Rednergeschichte als Literaturgeschichte. Ciceros Brutus und die Tradition der Rede in Rom." In *Rede und Redner. Bewertung und Darstellung in den antiken Kulturen. Kolloquium Frankfurt a. M. 14.–16. Oktober 1998*, edited by C. Neumeister and W. Raack, 207–25. Frankfurter Archäologische Schriften, 1. Möhnesee: Bibliopolis, 2000.
- Volpe, M. "The Persuasive Force of Humor: Cicero's Defense of Caelius." *Quarterly Journal of Speech* 63 (1977): 311–23.
- Vos, A. "Good Matter and Good Literature: The Character of English Ciceronianism." *Studies in English Literature, 1500–1900* 19 (1979): 3–18.
- Vretska, H. "Rhetorische Vernichtung des Gegners: Cicero in *Catilinam* I,1." *Anregung* 37 (1991): 243–48.
- Vretska, H., and K. Vretska, eds. *M. Tullius Cicero. Pro Archia poeta*. 2nd ed. Darmstadt: Wissenschaftliche Buchhandlung, 1988. (First edition, 1979).
- Wallach, B. P. "Cicero's *Pro Archia* and the Topics." *Rheinisches Museum für Philologie* 132 (1989): 313–31.
- Wallies, M. *De fontibus topicorum Ciceronis*. Berolini: A. Haack, 1878. (The author's Hale Ph.D. dissertation).
- Walz, C., ed. *Rhetores Graeci*. Stuttgartiae et Tubingae: J. G. Cotta, 1832–1836. 9 vols in 10. Photographic reproduction Osnäbruck: Zeller, 1968.
- Wankel, H. "Bemerkungen zu Ciceros *Pisoniana*." *Rheinisches Museum für Philologie* 120 (1977): 185–90.
- Ward, A. M. "Politics in the Trials of Manlius and Cornelius." *Transactions of the American Philological Association* 101 (1970): 545–56.
- Ward, J. O. "Renaissance Commentators on Ciceronian Rhetoric." In *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, edited by J. J. Murphy, 126–73. Berkeley: University of California Press, 1983.
- . *Ciceronian Rhetoric in Treatise, Scholion and Commentary*. Typologie des sources du Moyen Age occidental, 58. Turnhout: Brepols, 1995.
- Watson, A. *Law of Property in the Later Roman Republic*. Oxford: Oxford University Press, 1968.
- Watson, J. S., R. A. Micken, D. Potter, and R. L. Enos, eds. *Cicero on Oratory and Orators*. Landmarks in Rhetoric and Public Address. Carbondale, IL: Southern Illinois University Press, 1986. (Translation by Watson [1848], introduction by Micken [1970], foreword by Potter [1970], preface by Enos [1986]).
- Watson, L. G. "invective." In *Oxford Classical Dictionary*. 3rd ed., edited by S. Hornblower and A. Spawforth, 762. Oxford and New York: Oxford University Press, 1996.



- Watt, W. S. "Tulliana." *Classical Philology* 78 (1983): 226–31.
- . "Notes on Cicero In Pisonem." *Rheinisches Museum für Philologie* 129 (1986): 267–72.
- Wehrli, F. "Studien zu Cicero De oratore." *Museum Helveticum* 35 (1978): 74–99.
- Weinrib, E. J. "The Prosecution of Magistrates in the Roman Republic." *Phoenix* 22 (1968): 32–56.
- Weinstock, S. M. "The Nature and Functions of Sound in the Roman Pedagogical Rhetorics of Auctor ad Herennium, Cicero, and Quintilian." Ph.D. diss., University of Washington, 1983.
- Weische, A. *Ciceros Nachahmung den Attischen Redner*. Heidelberg: Carl Winter, 1972.
- Welch, K. E. "Cicero and Brutus in 45." In *Ancient History in a Modern University. Volume 1. The ancient Near East, Greece, and Rome*, edited by T. W. Hillard, R. A. Kearsley, C. E. V. Nixon, and A. M. Nobbs, 244–56. Macquarie University, N.S.W. Australia: Ancient History Documentary Research Centre, 1998. (Proceedings of a Conference held at Macquarie University, 8–13 July 1993 to mark twenty-five years of the teaching of Ancient History at Macquarie University and the retirement from the Chair of Professor Edwin Judge).
- Wellesley, K. "Dr. Strato's Little Saw (Cicero, *Pro Cluentio*, 180)." *Liverpool Classical Monthly* 7 (1982): 146–48.
- Wertis, S. K. "The Commentary of Bartolinus de Benincasa de Canulo on the *Rhetorica ad Herennium*." *Viator* 10 (1979): 283–310.
- Westman, R. "Cambiamenti nel fondo testuale dell'Orator." *Ciceroniana, Nuova Serie* 1 (1973): 99–103.
- . *Orator. M. Tulli Ciceronis scripta quae manserunt omnia*, 5. Leipzig: Teubner, 1980.
- Whitehead, J. K. "*Pro Caesennia*: Cicero's *Pro Caecina* as a Document for the Romanization of Etruscan Women." In *Rome and her Monuments: Essays on the City and Literature of Rome in Honor of Katherine A. Geffcken*, edited by S. K. Dickson and J. P. Hallett, 399–446. Wauconda, IL: Bolchazy-Carducci, 2000.
- Wiedemann, T. *Cicero and the End of the Roman Republic*. Classical World Series. London: Bristol Classical Press, 1994.
- Wiencke, M. I. "Catilinarians I and II: Rhetoric and the Visual Image." *New England Classical Newsletter and Journal* 20 (1992–1993): 20–23.
- von Wilamowitz-Moellendorf, U. "Asianismus und Attizismus." *Hermes* 25 (1900): 1–52. = *Kleine Schriften III* (Berlin, 1969), 223–273.
- Wilkins, A. S., ed. *M. Tulli Ciceronis Rhetorica*. Oxford Classical Texts. Vol. 2. Oxford: Clarendon, 1903.
- . *De Oratore libri tres*. Olms paperbacks, 9. Hildesheim: Georg Olms, 1990. (Reprint of 1892 Oxford edition).
- Wilkinson, L. P. "Cicero and the Relationship of Oratory to Literature." In *The Cambridge History of Classical Literature, vol. II, Latin Literature*, edited by E. J. Kenney and W. V. Clausen, 230–67. Cambridge, London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, 1982.
- Wilson, J. P. "Three Non-uses of *frater* in *Pro Caelio* 32." *Classical Journal* 83 (1988): 207–11.
- Wimmel, W. "Cicero auf platonischem Feld. Zu 9 des Orator." In *Studia Platonica. Festschrift für Hermann Gundert zu seinem 65. Geburtstag am 30.4.1974*, edited by K. Döring and W. Kullmann, 185–94. Amsterdam: Grüner, 1974a.
- . "Das verhängnisvolle Jahr. Zum Text von Ciceros Rede *Pro Sestio*, 15." *Hermes* 102 (1974b): 467–75.
- . "Catilinarischen Erfolg auf den Almen? Zwei Überlieferungsfragen bei Cicero, *Pro Sestio*, 12." *Hermes* 112 (1984): 121–26.
- Winkel, L. C. "Some Remarks on the Date of the *Rhetorica ad Herennium*." *Mnemosyne* 32 (1979): 327–32. 4th series.

- Winkler, M. N. "Juvenal's Attitude Toward Ciceronian Poetry and Rhetoric." *Rheinisches Museum für Philologie* 131 (1988): 84–97.
- Winterbottom, M. review of W. R. Johnson, *Luxuriance and Economy: Cicero and the Alien Style* (Berkeley: University of California Press, 1971), *Classical Review* 24 (1974): 70–71.
- . "Cicero and the Silver Age." In *Éloquence et rhétorique chez Cicéron*, edited by W. Ludwig, 237–66. Fondation Hardt Entretiens sur l'antiquité classique, 28. Vandœuvres-Genève: Fondation Hardt, 1982.
- . "The Roman Orator and his Education." *Akroterion* 30 (1985): 53–57.
- . "Cicero and the Middle Style." In *Studies in Latin Literature and its Tradition: in honour of C. O. Brink*, edited by J. Diggle, J. B. Hall, and H. D. Jocelyn, 125–31. Cambridge Philological Society Supplementary Volume, 15. Cambridge: Cambridge Philological Society, 1989.
- . "The *Integri* of Cicero's *Topica*." *Classical Quarterly, new series* 46 (1996): 403–10.
- Wiseman, T. P. "The Ambitions of Quintus Cicero." *Journal of Roman Studies* 56 (1966): 108–15.
- . *New Men in the Roman Senate, 139 B.C.–A.D. 14*. London: Oxford University Press, 1971.
- . "Cicero, pro Sulla 60–1." *Liverpool Classical Monthly* 2 (1977): 21–22.
- . *Clío's Cosmetics: Three Studies in Greco-Roman Literature*. Leicester: Leicester University Press, 1979.
- . "Practice and Theory in Roman Historiography." *History* 66 (1981): 375–92.
- . "Pete Nobilis Amicos: Poets and Patrons in Late-Republican Rome." In *Literary and Artistic Patronage in Ancient Rome*, edited by B. Gold, 28–49. Austin: University of Texas Press, 1982.
- . "Cicero, Pro Caelio 47. A Matter of Punctuation." *Liverpool Classical Monthly* 9 (1984): 12.
- . *Catullus and his World: A Reappraisal*. Cambridge: Cambridge University Press, 1985a.
- . "Competition and Co-operation." In *Roman political life, 90 B.C.–A.D. 69*, edited by T. P. Wiseman, 3–19. Exeter Studies in History, 7. Exeter: Exeter University Press, 1985b.
- . "The Necessary Lesson." *Times Literary Supplement*, no. June 15–21 (1990): 646–47.
- Wisniewski, B. "Gorgias, Hippias et le De oratore de Cicéron." *Prometheus* 6 (1980): 248–58.
- Wisse, J. *Ethos and Pathos from Aristotle to Cicero*. Amsterdam: Hakkert, 1989.
- . "Per aspera ad fontes: de lachspiegel van de wetenschap, intertekstualiteit en andere losse notities bij een oud probleem." In *Pentecostalia: bundel ter gelegenheid van de vijftigste verjaardag van Harm Pinkster*, 93–104. Amsterdam: Klassiek Seminarium Universiteit van Amsterdam, 1992.
- . "Greeks, Romans, and the Rise of Atticism." In *Greek Literary Theory after Aristotle: a collection of papers in honour of D. M. Schenkeveld*, edited by J. G. J. Abbenes, S. R. Slings, and I. Sluiter, 65–82. Amsterdam: VU University Press, 1995.
- . "The Presence of Zeno. The Date of Philodemus' *On Rhetoric* and the Use of the 'Citative' and 'Reproducing' Present in Latin and Greek." In *On Latin. Linguistic and Literary Studies in Honour of Harm Pinkster*, edited by R. Risselada, J. R. de Jong, and A. M. Bolkestein, 173–202. Amsterdam: Gieben, 1996.
- . "'Neit in die verzonnen idealstaat van Plato': moraal en retorica bij Cicero." *Lampas* 31 (1998): 242–55.
- . review of M. L. Riccio Coletti, ed., *M. Tulli Ciceronis Topica*, in *Gnomon* 72 (2000): 175–178.
- . "Atticists, Academics and Epicureans. Response to Robert Gaines." In *Cicéron et Philodème. La polémique en philosophie*, edited by C. Auvray-Assayas and D. Delattre, 273–82. Paris: Éditions Rue d'Ulm/Presses de l'École Normale Supérieure, 2001.

- . "Not in that imaginary Republic of Plato's:" Cicero on the Ethics of Rhetoric. In preparation.
- Wisse, J., and A. D. Leeman. Rhetoric, Truth and History. A Re-examination of Cicero's Remarks on Historiography (*De oratore* 2.51–64). In preparation.
- Wistrand, E. "Cicero as Defender of the Res Publica." In *Munuscula Romana: Papers Read at a Conference in Lund (October 1–2, 1988) in Celebration of the Re-opening of the Swedish Institute in Rome*, edited by A.-M. Leander Touati, E. Rystedt, and Ö. Wikander, 89–94. Acta Instituti Romani Regni Sueciae, Ser. in 8, 17. Stockholm: Swedish Institute in Rome, 1991.
- Wkarjak, J. "De orationum atque scriptorum M. Tulli Ciceronis primitiis." *Meander* 37 (1982): 235–49.
- Woehrlé, G. "Actio: das fünfte officium des antiken Redners." *Gymnasium* 97 (1990): 31–46.
- Wohl, V. "Hegemony and Democracy at the Panathenaia." *Classica et Mediaevalia* 47 (1996): 25–88.
- Wohlleben, A. "'conchae et umbilici.' eine motivgeschichtliche Betrachtung zu Cicero, *De oratore* 2,22 f." In *Psyche—Seele—Anima. Festschrift für Karin Alt zum 7. Mai 1998*, edited by J. Holzhausen, 132–44. Beiträge zur Altertumskunde, 109. Stuttgart, Leipzig: Teubner, 1998.
- Wolf, F. A. M. *Tulli Ciceronis quae vulgo fertur Oratio pro M. Marcello*. Berolini (Berlin): F. T. Lagardii, 1802.
- Wolf, P., ed. *Orationum Verrinarum delectus; Orationes Philippicae I & X*. Editiones Helveticae. Frauenfeld: Huber, 1983.
- Wolfe, E. R. "*De Oratore* and the Liberal Arts Tradition in America." *Classical World* 88, no. 6 (1995): 459–71.
- Wood, N. *Cicero's Social and Political Thought*. Berkeley, Los Angeles, London: University of California Press, 1988.
- Woodman, A. J. *Rhetoric in Classical Historiography*. London, Sydney, or Portland, OR: Croom Helm or Areopagetica Press, 1988.
- Woodman, A. J., and J. G. F. Powell, eds. *Author and Audience in Latin Literature*. Cambridge and New York: Cambridge University Press, 1992.
- Wooten, C. W. "Le développement du style asiatique pendant l'époque hellénistique." *Revue des Études Grecques* 88 (1975): 94–104.
- . "Démosthène, le mode satirique et la Cinquième Philippique de Cicéron." *Les Études Classiques* 50 (1982): 193–200.
- . *Cicero's Philippics and Their Demosthenic Model*. Chapel Hill and London: University of North Carolina Press, 1983.
- . *Hermogenes' On Types of Style*. Chapel Hill and London: University of North Carolina Press, 1987. (English translation, introduction and notes).
- . "Cicero and Quintilian on the Style of Demosthenes." *Rhetorica* 15 (1997): 177–92.
- Wright, F. W. *Cicero and the Theater*. Smith College Classical Studies, 11. Northampton, MA: Smith College, 1931.
- Wuilleumier, P., ed. Budé. *Cicéron. Discours*. 3rd ed. Vol. 20. Paris: "Les Belles Lettres," 1973. Philippiques V à XIV.
- Yakobson, A. "*Petitio et Largitio*: Popular Participation in the Centuriate Assembly of the Late Republic." *Journal of Roman Studies* 82 (1992): 32–52.
- Yon, A. "Sur la composition de l'Orator de Cicéron." *Bulletin de l'Association Guillaume Budé* 17 (1958): 70–84.
- , Budé. *L'Orateur. Du meilleur genre d'orateurs*. Paris: "Les Belles Lettres," 1964.
- Zakrzewska-Gebka, E. "The Function of Diminutives in Judicial Speeches of Cicero." *Eos* 69 (1981): 57–68.
- Zehnacker, H. "La terre et l'argent (Cicéron, *Pro Flacco*, 42–50." *Revue des Études Latines* 57 (1979): 165–86.

- Zekl, H. G., ed. *Cicero. Topik*. Philosophische Bibliothek, 366. Hamburg: Meiner, 1983. (Latin with facing-page German translation).
- Zelzer, M. "Ambrosius von Mailand und das Erbe der klassischen Tradition." *Wiener Studien* 100 (1987): 201–26.
- Zetzel, J. E. G. "Cicero and the Scipionic Circle." *Harvard Studies in Classical Philology* 76 (1972): 173–79.
- . "Emendavi ad Tironem: Some Notes on Scholarship in the Second Century A.D." *Harvard Studies in Classical Philology* 77 (1973): 225–43.
- . review of C. P. Craig, *Form as Argument in Cicero's Speeches* (Atlanta: Scholars Press, 1993) in *Bryn Mawr Classical Review* 94.1.5.
- Ziabicka, J. "Ad Ciceronem observationes quinque (Rosc. com. 11; 17; 56. Arch. 5, 17)." *Eos* 77 (1989): 257–73.
- Ziegler, K., and H. A. Gaertner, eds. *Pro T. Annio Milone, mit dem Kommentar des Q. Asconius Pedianus und ausgew. Stücken aus den Bobienser Scholien*. Heidelberger Texte, Lat. R, XVI. 2nd ed. Heidelberg: Kerle, 1977.
- Zielinski, T. *Cicero im Wandel der Jahrhunderte*. 1st ed. Leipzig and Berlin: Teubner, 1897. (2nd, revised edition, 1908).
- . *Cicero im Wandel der Jahrhunderte*. 2nd ed. Leipzig and Berlin: B. G. Teubner, 1908.
- Zink, N., ed. *Rhetorik—Beredsamkeit. Cicero Pro Ligario. Einleitung, Übersetzung, Kommentar*. Schule und Forschung: altsprachliche Abteilung. Frankfurt: Diesterweg, 1983.
- Zuccoti, F. "Il testamento di Publicio Malleolo (Cic. De Inv. 2,50, 148 s; Auct ad Her, Rhet. I, 13, 23)." In *Studi in onore di Arnaldo Biscardi*, edited by F. Pastori, 229–65. Vol. 6. Milano: Istituto editoriale Cisalpino, La Goliardica, 1982. 7 volumes.
- Zuchold, B. "Zur Resonanz der mithridatischen Kriege in Rom anhand der römischen Quellen." *Acta Classica Universitatis Scientiarum Debreceniensis* 15 (1979): 17–21.

## BIBLIOGRAPHIES OF INDIVIDUAL WORKS

The following bibliographies note the works cited in the main bibliography that pertain to individual speeches or to sets of speeches (*Verrines*, *De Lege Agraria*, *Catilinarians*, *Philippics*), and to the individual rhetorica. The works are listed in chronological order (in places disputable). Following the custom of *l'Année philologique*, the texts, translations and commentaries are listed first (the "A" list), followed by all other works, including text-critical notes (the "B" list.) It is important to note that biographies of Cicero and extensive treatments of the political history of the period, e.g. E. S. Gruen's *Last Generation of the Roman Republic* (1974), are not cited under individual speeches. These works must still be consulted by all who want a sound knowledge of the current state of our understanding of Cicero's speeches and rhetorica. M. C. Alexander's invaluable catalogue of *Trials in the Late Roman Republic, 149 B.C. to 50 B.C.* (1990) could have been cited for every Ciceronian speech in a criminal or civil proceeding except *pro Ligario* and *pro Rege Deiotaro*. It seems more efficient to cite it here once for all.

### *Pro Quinctio*

- A) Aspa Cereza (1991); Fuhrmann (1970–1982, 1997b); Kinsey (1971); Reeve (1992a).  
B) Bannon (2000); Berger (1978); Cerutti (1992, 1996); Craig (1979, 1985b); Damon (1997); Greenidge (1901); Gruen (1968); Harris (1971); Hinard (1975); Kumaniecki (1972); May (1988); McClintock (1975); Militerni della Morte (1977); Rolin (1979a); Schmitz (1985); Solmsen (1938).

### *Pro Roscio Amerino*

- A) Aspa Cereza (1995); Berry (2000); Fuhrmann (1970–1982, 1983, 1993); Grant (1975); Krueger (1976); Landgraf (1914); Mueller (1982).  
B) Afzelius (1942); Alexander (2000); Bayer (1990); Berger (1978); Buchheit (1975a, 1975b); Cerutti (1992, 1996); Craig (1993a); Falco (1982); Ferrary (1991); Fuhrmann (1997c); Gruen (1968); Haertel (1989); Harris (1971); Hinard (1979); Hughes (1997); Imholz (1972); Jäger (1992); Kinsey (1975, 1980, 1981, 1982, 1985, 1987, 1988); Loutsch (1979, 1994); May (1981, 1988); Militerni della Morte (1977); Offermann (1974); Pericoli (1993); Posch (1979); Prill (1986); Riggsby (1993, 1995a, 1999a); Schmitz (1985); Solmsen (1938b); Stroh (1975); Swarney (1993); Vasaly (1985, 1993).

### *Pro Tullio*

- A) Fuhrmann (1970–1982, 1997b).  
B) Cipriani (1975); Frier (1983); Greenidge (1901); da Nònrega (1981); Stroh (1975).

### *Pro Roscio Comoedo*

- A) Aspa Cereza (1991); Axer (1976); Fuhrmann (1970–1982, 1997b).  
B) Axer (1977a, 1977b, 1980, 1989e, 1991); Bassole (1983); Cipriani (1975); Craig (1993a); Giaro (1983–1984); Greenidge (1901); Hughes (1997); Stroh (1975); Ziabicka (1989).

*The Seven Verrines*

A) Dickison (1992); Fuhrmann (1970–1982, 1995); Huchthausen (1989); Krüger (1983, 1986, 1988, 1990); Krüger (1993, 1994); Lopez (1993); Marinone, Fiocchi et al. (1992); Mattingly (1979); Mitchell (1986); Requejo Prieto (1990a, 1990b); Salinas (1987); Wolf (1983).

B) Aguilar Guillén and Ñaco del Hoyo (1997); von Albrecht (1980); Alexander (1976); Atkinson (1992); Badian (1984, 1993); Becker (1996); Berger (1978); Biscardi (1984); Boyancé (1964–1965); Brunt (1965, 1980); Cipriani (1975); Classen (1980, 1998); della Corte (1980, 1990); Craig (1985a, 1993a); Damon (1997); Dunkle (1967); Dyck (2001); Enos (1988); Falco (1982); Favory (1981); Fuhrmann (1980a, 1980b); Grimal (1980); Gruen (1971); Innocenti (1994); Kaus (1992); Kytzler (1973); LaBua (1998); López and Piacente (1973); Loutsch (1994); Citroni Marchetti (1986); Marshall (1977); Martorana (1979); May (1988); McClintock (1975); Millar (1998); Neumeister (1964); Nisbet (1992); Piacente (1979, 1980); Riggsby (1995a, 1999a); Rizzo (1980); Romano (1980); Rothe (1974); Schmitz (1989); Scuderi (1994, 1996a, 1996b); Steele (1998); Sternkopf (1904–1905); Stroh (1975); Vasaly (1993); Venturini (1980); Woodman and Powell (1992).

*Pro Caecina*

A) Aspa Cereza (1991); Fuhrmann (1970–1982, 1997b).

B) Craig (1979); Fotheringham (1999); Frier (1983, 1985); Greenidge (1901); Mühlhölzl (1997); Schmitz (1985); Stroh (1975); Tellegen-Couperus (1991); Whitehead (2000).

*Pro Fonteio*

A) Clemente (1974); Crawford (1994); Fuhrmann (1970–1982, 1997b).

B) Hackl (1988); North (2000); Rambaud (1980); Riggsby (1999a, 1999b); Schmitz (1985); Vasaly (1993).

*Pro Cluentio*

A) Aspa Cereza (1995); Cantó, Chaparo et al. (1979); Fuhrmann (1970–1982, 1997b); Giuffrè (1993); Grant (1975); Pugliese (1972); Rizzo (1991).

B) Alexander (1982, 2000); Berger (1978); Charpin (1975); Classen (1965, 1972, 1978, 1985b, 1998a, 1998b); Cuyás de Torres (1992); D'Elia (1997 [1998]); Ferrary (1991); Fuhrmann (1997c); Giuffrè (1994, 1995, 1997 [1998]); Hughes (1987, 1997); Jones (1972); Kirby (1990); Maslowski (1979, 1982); Mazzoli (1996, 1997 [1998]); McClintock (1975); Moreau (1983, 1986, 1997 [1998]); Narducci (1997 [1998]); Paratore (1997 [1998]); Prill (1986); Pugliese (1994); Riggsby (1993, 1999a); Rizzo (1979, 1983); Ryan (1996b); Schmitz (1985); Stelluti (1997 [1998]); Stroh (1975); Swarney (1993); Wellesley (1982).

*De Imperio Cn. Pompei*

A) Aspa Cereza (1995); Fernández (1984); Fuhrmann (1970–1982, 1993); Huchthausen (1989).

B) Claassen (1975); Classen (1985b, 1988, 1998a); Fink (1986); Fogel (1994); Gruber (1988); Jonkers (1959); Ledo Lemos (1992); Leovant-Cirifice (2000); Loutsch (1994); MacKendrick (1995); Marinoni (1993); Millar (1998); Philipp (1993); Rose (1995); Rothe (1974); Steele (1998); Torelli (1982).

*The Three Speeches De Lege Agraria*

A) Aspa Cereza (1991); Baños Baños (1994); Fuhrmann (1970–1982, 1993); Huchthausen (1989); Marek (1983).

B) Bell (1997); Beretta (1996); Classen (1985a, 1985b, 1998a); Coraluppi (1983, 1988); Dilke (1978); Drummond (2000); Ferrary (1988); Hamblenne (1986a, 1986b, 1986c); Harvey (1981); Havas (1976, 1984); Helm (1979); Jäger (1992); Leonhardt (1998–1999); Loutsch (1994); Mack (1937); MacKendrick (1995); McDermott (1972a); Millar (1998); Robinson (1994c); Sklenár (1992); Sternberg (1982); Thompson (1978); Valencia Hernández (1995); Vasaly (1988, 1993).

*Pro C. Rabirio*

A) Fuhrmann (1970–1982, 1993); Grant (1975); Guardí (1979); Marek (1983); Tyrell (1978).

B) Beretta (1996); Gamberale (1997); Helm (1979); Liou-Gille (1994); Loutsch (1982, 1994); McDermott (1972a); Millar (1998); Piacente (1986–1987); Primmer (1985); Robinson (1994c); Tyrell (1973).

*The Catilinarians*

A) Aspa Cereza (1995); Axer (1981, 1992); Fuhrmann (1970–1982, 1983, 1993); Haury (1969); Huchthausen (1989); Icart (1993); Jordan (1860); Klose (1972); Klose and Buechner (1979); MacDonald (1977); Magnien (1992); Nortés y Val (1974); de Pinho (1989); Risari (1993); Roca-Puig (1977).

B) Anliker and Mayer (1989); Batstone (1994); Beretta (1996); Cape (1991, 1995); Cartwright (1984); Cipriani (1975); Classen (1988); Craig (1993b); Criniti (1971, 1975); Drexler (1976); Fogel (1994); Forsythe (1992); Frerichs (1997); Habinek (1998a); Harrauer (1982); Havas (1977); Helm (1979); Konstan (1993); Kornacka (1994); LaBua (1998); Leff (1973); Leovant-Cirifice (2000); Loposzko (1986); Loutsch (1990, 1994); MacKendrick (1995); Matier (1977); May (1988); McDermott (1972a); Millar (1998); North (2000); Offermann (1995); Pellegrini (1982); Phillips (1976); Price (1998); Primmer (1977); Quetglas (1997); Ramsey (1982); Ratkowsch (1981); Robbins (1979); Roca-Puig (1979); Seager (1973); Stewart (1995); Stroh (1982b, 1985); von Ungern-Sternberg (1971); Vasaly (1993); Vester (1988); Vretska (1991); Wiencke (1992–1993).

*Pro Murena*

A) Adamietz (1989); Aspa Cereza (1995); Berry (2000); Bürge (1974); Ferrara, Guissani et al. (1988); Fuhrmann (1970–1982, 1983, 1993); Icart (1993); MacDonald (1977).

B) Adamietz (1986); Brunt (1965); Cantegrit-Moatti (1983); Cerutti (1992, 1996); Classen (1985b, 1988, 1998a); Craig (1979, 1981, 1986, 1990); Guarino (1985); Haury (1978); Kumaniecki (1971); LaBua (1998); Leeman (1982); Leff (1998); Lintott (1990); Loutsch (1994); Ludwig (1982); MacKendrick (1995); May (1988); McClintock (1975); McDermott (1972); Michel (1975); Moreau (1980); Noè (1995); Pape (1992); Pierpaoli (1997); Prill (1986); Ramsey (1984); Reychman-Nawrocka (1989); Riggsby (1995a, 1999a); Ryan (1994); Seager (1973); Tränkle (1992); Vasaly (2000).

*Pro Sulla*

A) Berry (1996a); Fuhrmann (1970–1982, 1997b); MacDonald (1977).

B) Berry (1989); Brunt (1965); Ciaceri (1939–1941); Craig (1981, 1993); Drummond (1999); Goodwin (2001); Lintott (1968); May (1981, 1988); Ramsey (1982); Riggsby (1993, 1995a, 1999a); Ryan (1997a); Wiseman (1977).

*Pro Archia*

A) Berry (2000); Bertonati (1992); Cerutti (1998); Fuhrmann (1970–1982, 1983, 1993); Icart (1993); Manca (1997); Vretska and Vretska (1988).

B) Amarelli and Lucrezi (1997); Berthet (1988); Carbonero (1977); Craig (1985b); Dugan (2001); Dyck (2001); Eisenberger (1979); Fotheringham (1999); González Forster (1986); Gotoff (1979); Haley (1983); Heubner (1985); Kyriakides (1989); Luisi (1996); MacKendrick (1995); Maslowski (1979); Narducci (1997a); Paulus (1997); Popov (1972); Porter (1990); Rizzo (1981); Schulze (1983, 1986); Steele (1998); Vitelli (1976); Wallach (1989); Wiseman (1982); Ziabicka (1989).

*Pro Flacco*

A) Aspa Cereza (1991); Fuhrmann (1970–1982, 1997b); MacDonald (1977); Masilli (2000).

B) Classen (1985b, 1998a); Condom i Gratacòs (1992); Erkelenz (1999); Fotheringham (1999); Kupisch (1974); Kurke (1989); La Penna (1975); MacDonald (1979); A. J. Marshall (1975a, 1975b); Maselli (2000); May (1981, 1988); Millar (1998); d'Ors (1982); Reeve (1984–1985); Riggsby (1999a); Schmitz (1985); Steele (1998); Vasaly (1993); Zehnacker (1979).

*The Two Post Reditum Speeches*

A) Bailey (1991); Condom (1995); Fuhrmann (1970–1982, 1993); Maslowski (1981).

B) Bailey (1985, 1987); Cipriani (1975); Fantham (1972); Leovant-Cirifice (2000); Mack (1937); MacKendrick (1995); Maslowski (1980); Maslowski and Rouse (1984); May (1981); Nicholson (1991, 1992); Thompson (1978).

*De Domo Sua*

A) Bailey (1991); Baños Baños (1994); Condom (1995); Fuhrmann (1970–1982, 1997b); Maslowski (1981).

B) Bailey (1985, 1987); Berg (1997); Chastagnol (1987); Classen (1985b, 1998a); Fantham (1972); Hickson-Hahn (1998); LaBua (1998); MacKendrick (1995); Maslowski (1980); Maslowski and Rouse (1984); Narducci (1997c, 1998a, 1998b); Nisbet (1939); North (2000); Tatum (1993, 1996, 1999); Treggiari (1999).

*Pro Sestio*

A) Bailey (1991); Baños Baños (1994); Ferrara, Guissani et al. (1988); Fuhrmann (1970–1982, 1993); Maslowski (1986); Reggiani (1990).

B) Adomeit (1980); Bailey (1987); Christes (1988); Craig (2001); Evans (1983); Évrard (1979, 1987); Fantham (1972); Grilli (1994); La Penna (1975); Leach (2000); Lintott (1968); Lübtow (1984–1985); MacKendrick (1995); Maslowski (1974, 1984); May (1980, 1981, 1988); McClintock (1975); Millar (1998); Pape (1992); Pocock (1926); Reggiani (1991, 1993); Riggsby (1993, 1999a); Schmitz (1985, 1995); Takahata (1999); Wimmel (1974b, 1984).

*In Vatinius*

A) Bailey (1991); Baños Baños (1994); Fuhrmann (1970–1982, 1997b); Maslowski (1995).

B) Bailey (1987); Corbeill (1996); MacKendrick (1995); Maslowski (1992); Pocock (1926); Reeve (1984); Ryan (1996a); Schmitz (1985).



*Pro Caelio*

A) Aspa Cereza (1991); Berry (2000); Ciraolo (1997); Englert (1990); Fuhrmann (1970–1982, 1983, 1993); Gaos Schmidt (1976); Giebel (1994); Grant (1975); Huchthausen (1989); Maslowski (1995).

B) Adkin (1997c); Alexander (1982); Austin (1960); Brunt (1965); Bruun (1997); Bush (1986); Butrica (1999a, 1999b); Cavarzere (1988a, 1988b); Classen (1973); Craig (1981, 1989, 1993a, 1995); Dufallo (2001); Dumont (1975); Gaffney (1995); Geffcken (1973); Gotoff (1986); Heinze (1925); Hickson-Hahn (1998); Hillard (1981); Hollis (1998); Hughes (1997); Leen (2001); Lintott (1968); Loutsch (1984b, 1994); MacKendrick (1995); Maslowski (1991); May (1988, 1995); Narducci (1981); North (2000); Picheca (1980); Prill (1986); Ramage (1984, 1985); Reeve (1984); Riggsby (1993, 1995a, 1999a); Salzman (1982); Schmitz (1985); Skinner (1983); Stroh (1975); Swarney (1993); Vasaly (1993); Verdière (1977); Volpe (1977); Watt (1983); J. P. Wilson (1988); Winkler (1988); Wiseman (1984, 1985a).

*De Haruspicum Responso*

A) Bailey (1991); Baños Baños (1994); Condom (1995); Fuhrmann (1970–1982, 1993); Maslowski (1981).

B) Bailey (1985, 1987); Hickson-Hahn (1998); Lenaghan (1969); MacKendrick (1995); Maslowski (1980); Maslowski and Rouse (1984); Schuwey (1993).

*De Provinciis Consularibus*

A) Fuhrmann (1970–1982, 1993).

B) Loutsch (1994); MacKendrick (1995); Milazzo (1990); Rose (1995); Steele (1998).

*Pro Balbo*

A) Fuhrmann (1970–1982, 1997b).

B) Angelini (1980); Barber (1997); Brunt (1982a); Fantham (1972); Loutsch (1994); Mattingly (1975); Paulus (1997); Steele (1998).

*In Pisonem*

A) Fuhrmann (1970–1982, 1997b); Nisbet (1961); Scuotto (1976).

B) Corbeill (1996); Dugan (2001); Dyck (2001); Gozzoli (1990); Hughes (1987, 1992b, 1997, 1998); Koster (1980); Kubiak (1989); MacKendrick (1995); B. A. Marshall (1975); Paratore (1994); Perl (1981); Reichsmann (1986); Tandoi (1978); Wankel (1977); Watt (1986).

*Pro Plancio*

A) Fuhrmann (1970–1982, 1997b); Grimal (1976); Olechowska (1981).

B) Adamietz (1986); Brunt (1965); Craig (1981, 1990, 1993a); Grimal (1975); Lintott (1990); Loutsch (1994); Mattingly (1975); May (1988); Riggsby (1999a); Venturini (1984).

*Pro Rabirio Postumo*

A) Fuhrmann (1970–1982, 1997b); Klodt (1992); Olechowska (1981); Siani-Davies (2001).

B) Axer (1978); Balconi (1993, 1994); Dyck (2001); Fascione (1974); Riggsby (1993, 1999a).

*Pro Scauro*

A) Fuhrmann (1970–1982, 1997b); Grimal (1976).

B) North (2000); Riggsby (1999a); Vasaly (1993).

*Pro Milone*

A) Baños Baños (1994); Berry (2000); Fedeli (1990); Fuhrmann (1970–1982, 1983, 1993); Giebel (1972); Grant (1975); Quémener (1972); Ziegler and Gaertner (1977).

B) Axer (1989a, 1989b, 1989e, 1991); Berger (1978); Berry (1993); Blänsdorf (1978); Braet (1993); Cerutti (1992, 1996); Cipriani (1975); Clark (1895); Clark and Ruebel (1985); Craig (1979, 1985b); Dixon (1997); Dyck (1998, 2001); Fedeli (1999); Fotheringham (1999); Jäger (1992); Kemper (1993); LaBua (1998); Lintott (1968, 1974); Loposzko (1990); Loutsch (1994); MacKendrick (1995); Marshall (1987a); May (1979, 1988, 2001); McClintock (1975); Michel (1978); Millar (1998); Monaco (1992a); Neumeister (1964); Pinkster (1993); Posch (1979); Prill (1986); Riggsby (1993, 1995a, 1999a); Ruebel (1979); Scaillet (1991); Schmitz (1985); Schuller (1997); Stevens (1995); Stone (1980); Verecke (1991); Vielberg (1995).

*Caesarian Orations*

A) Baños Baños (1991); Caballero de del Sastre and Maiorana, et al. (1999); DiMundo (1997); Fausset (1893); Fuhrmann (1970–1982, 1983, 1997b); Gasti (1997b); Giebel (1999); Gotoff (1993a); Grant (1975); Gronovius (1692); Pugliarello (1995); Wolf (1802).

B)

1) *Pro Marcello*

Adkin (1997a); von Albrecht (1988); Caballero de del Sastre, A. Schniebs, et al. (1998); Caballero de del Sastre (1992); Castorina (1975); Cipriani (1977); Dobesch (1985); Dopico Cainzos (1997); Dyer (1990); Gagliardi (1997); Gasti (1997a); Girardet (1996); Karamalengou (1988); LaBua (1998); Lassandro (1991); MacKendrick (1995); Michel (1978); Montague (1987); Narducci (1983); Petrone (1978); Pugliarello (1984); Rambaud (1984); Ramos (1994); Rochlitz (1993); Sánchez-Lafuente Andrés (1987).

2) *Pro Ligario*

Baltensweiler (1984); Bringmann (1986); Brunt (1965); Carilli (1984, 1991); Castorina (1975); Cipriani (1975); Craig (1979, 1981, 1984); Gagliardi (1997); Girardet (1996); Kumaniecki (1967); Loutsch (1984a, 1994); MacKendrick (1995); May (1988); McClintock (1975); McDermott (1970); Michel (1978); Montague (1987, 1992); Neumeister (1964); Petrone (1978); Ramos (1994); Rochlitz (1993).

3) *Pro Rege Deiotaro*

von Albrecht (1984); Botermann (1992); Bringmann (1986); Cerutti (1992); Desbordes (1990); Gagliardi (1997); Giomini (1979); Girardet (1996); Loutsch (1994); MacKendrick (1995); Montague (1987); Olshausen (1975); Petrone (1978); Ramos (1994); Rizzo (1981); Rochlitz (1993); Saddington (1993).

*The Philippians*

A) Bailey (1986a); Boulanger and Willeumier (1972); Fedeli (1982); Fuhrmann (1970–1982, 1993); Giebel (1983); Huchthausen (1989); Lacey (1986); Serafina (1970); Wolf (1983); Willeumier (1973).

B) Bailey (1982); Barrett (1982); Bellincioni (1974); Bengston (1977); Broughton (1984–1986); Canfora (1990); Castorina (1975); Cerutti (1994, 1996); Cipriani (1975); Clarke (1972); Craig (1993a); Delaunois (1966); Denniston (1926); Dogmini (1998); Dunkle (1967); Dyck (2001); Favory (1981); Finch (1977); Frisch (1946); Hughes (1987, 1992a); Jäger (1992); Jocelyn (1984); Johnson (1971); Kroener (1986); Leovant-Cirifice (2000); Lévy (1998); Loutsch (1994); Mack (1937); May (1988); Merrill (1975); Michel (1975); North (2000); Paratore (1994); Pinkernell-Kreidt (1997); Quetglas (1997); Ramsey (1994); Rawson (1983); Riggsby (1995a); Ryan (1997b); Schaeublin (1988); Sordi (1997); Stroh (1982a, 1983, 2000); Sussman (1994, 1998); Syme (1939); Taddeo (1971); Treggiari (1994); Watt (1983); Weische (1972); Winterbottom (1974); Wooten (1982, 1983).

*Rhetorica ad Herennium*

A) Achard (1989); Calboli (1969, 1993a); Marx (1993); Nüsslein (1994); Ward (1995).  
 B) Achard (1985); Adamietz (1960); Adamik (1980, 1984, 1995, 1996, 1998); Albanese (1992); Ambrose (1980); Aricò Anselmo (1987); Barwick (1961); Belloni (1972); Beltran (1985); Bertreau (1977); Boccotti (1975); Bonmati Sanchez (1986–1987); Calboli (1993b); Calboli Montefusco (1986); Christes (1978); Douglas (1960); Fredborg (1976); Habinek (1985); Hafner (1989); den Hengst (1986); Herbolzheimer (1926); Herrmann (1980); Hunt (1984); Ippolito (1984); Korpanty (1980); Krostenko (2001); Lapini (1996); Lévy (1993); Lohmann (1991); Loutsch (1994); Malcovati (1975); Manfredini (1976); Marx (1894); Mattingly (1975); Müller (1996); Pennacini (1974); Polak (1975); Reychman-Nawrocka (1989); Ruiz Castellanos (1992); Scolari (1984); Sinclair (1993); Spallone (1980); Taylor (1993a, 1993b, 1995); von Ungern-Sternberg (1973); Weinstock (1983); Wertis (1979); Winkel (1979); Woehrle (1990); Zuccoti (1982).

*De Inventione*

A) Achard (1994); Greco (1998); Núñez (1997); Ward (1995).  
 B) Adamietz (1960); Adamik (1998); Albanese (1992); von Albrecht (1984); Alfonsi (1975); Aricò Anselmo (1987); Barwick (1961); Beltran (1985); Calboli Montefusco (1986, 1998); Christes (1978); Cucchiarelli (1997); Fortenbaugh (1989, 1998); Fredborg (1976); Gennaro (1989); Grilli (1997); Haertel (1989); Heath (1994); Herbolzheimer (1926); Hunt (1984); Lévy (1995); Loutsch (1983, 1994); MacKendrick (1989); Citroni Marchetti (1986); Ochs (1995); Schmitz (1995); Staffhorst (1992); Zuccoti (1982).

*De Oratore*

A) Hamacher (1975); Hastrup and Leisner-Jensen (1981); Huchthausen, Rothe et al. (1989); Kumaniecki (1969); Lauwers (1974); Leeman, Pinkster et al. (1981, 1985, 1989, 1996); Martina, Ogrin et al. (1994); May and Wisse (2001); Merklin (1997); Michel (1986); Norcio (1970); Pacitti (1974); Rabbie (1986); Watson, Micken et al. (1986); Wilkins (1990).  
 B) Achard (1987); Alberte (1989); Alberte González (1984); von Albrecht (1991); von Arnim (1898); Auverlot (1986); Axer (1979, 1982); Barwick (1963); Beltran (1985); Bertini (1977); Bittner (1999); Bona (1973); Boscherini (1975); Boyd (1995); Brittain (2001); Brozek (1983a); Calboli Montefusco (1992); Camastra (1976–1977); Cape (1997); Chapman (1979); Classen (1986); Codoñer Merino (1984); Conley (1990); Connors (1997); DiLorenzo (1978); Doepp (1985); Doignon (1984); Dyck (1978); Evans (1992); Fantham (1973, 1978, 1979, 1988, 1989); Farrell (1997–1998); Fortenbaugh (1988, 1989); Fortenbaugh and Steinmetz (1989); Gennaro (1989); Görler (1988); Grant (1943); Habinek (1995); Hall (1992, 1994, 1996); Heinrichs (1995); den Hengst (1986, 1995); Hinard (1987); Hubbell (1920); Hughes (1997);

Innes (1988); Janson (1964); Kinsey (1977); Kroll (1903); Krostenko (2001); Kumaniecki (1973); Leeman (1975, 1978, 1981, 1984, 1985a, 1985b); Loutsch (1994); Lucas (1975); MacKendrick (1989); Manthe (1997); Marchal (1987); Citroni Marchetti (1986); Maslowski (1974); Matelli (1995); Mendelson (1998); Merklin (1987); Meyer (1970); Michel (1972, 1976, 1977, 1986a, 1986b, 1990); Monaco (1992b); Morgan (1974); Narducci (1994–1995, 1997a); Nelson (1985); Ochs (1995) Perl (1982); Pinkster (1986, 1995); Pöschl (1975, 1995a); Price (1976); Quadlbauer (1984); Reeve (1994); Reinhardt (2000); Renting (1992, 1996); Riposati (1982); Romeo (1992); de Rosalia (1972–1973); Schenkeveld (1988); Schmidt (1994); Schotländer (1988); Schütrumpf (1988, 1990, 1994); Scott (1980), Sinclair (1995); Sinkovitch (1974); Solmsen (1938a); Takahata (1999); Tarrant (1985); Tellegen (1983); Valenti (1975); Vaughn (1985); Vickers (1988); Wehrli (1978); Wiseman (1981); Wisniewski (1980); Wisse (1992, 1998, in preparation); Wohlleben (1998); Wolfe (1995).

*Partitiones Oratoriae*

A) Bayer and Bayer (1994); Bornecque (1924); Giomini (1996); Piderit (1867); Reyes Coria (1987); Wilkins (1903).

B) Aricò Anselmo (1987); Bayer (1994); Brožek (1983b); Curcio (1900); Gilleland (1961); Grilli (1996); Hirzel (1895); Merchant (1890); Ochs (1995); Riposati (1961); Rouse (1983) Savvantidis (1978); Ströbel (1887).

*De Optimo Genere Oratorum*

A) Giomini (1995); Isager (1982); Wilkins (1903).

B) Artigas (1991); Berry (1996b); Gennaro (1989); Ochs (1995); Pérez González (1996); Riggsby (1995b); Ronconi (1998, 1999).

*Brutus*

A) Douglas (1966a); Jahn and Kroll (1962); Kytzler (1990); Malcovati (1970); Martha (1931); Narducci (1995a); Norcio (1970); Wilkins (1903).

B) d'Anna (1984); Aricò (1991); Barbieri (1974); Bolonyai (1993); Bringmann (1971); Calboli (1983, 1986); David (1992); Dihle (1957, 1977); Douglas (1966b, 1973); Fantham (1977, 1979, 1989); Frisch (1985); Gelzer (1979); Gennaro (1989); Gruen (1966a); Haenni (1905); Haury (1973); Heldmann (1979, 1982); Hendrickson (1926); Iodice di Martino (1987); Kennedy (1989); Lebek (1970); Lucas (1975); MacKendrick (1989); Malcovati (1975a); May (1990); Narducci (1997a); Ochs (1995); Portalupi (1955); Rathofer (1986); Ryan (1997a, 1999); Santini (1979); Schenkeveld (1988); Suerbaum (1996–1997, 1997); Sumner (1973); Tränkle (1992); Vogt-Spira (2000); Watt (1983); von Wilamowitz-Moellendorff (1900); Wisse (1995).

*Orator*

A) Isager (1982); Kytzler (1975, 1988); Norcio (1970); Sandys (1885); Seel (1952); Westman (1980); Wilkins (1903).

B) Adamik (1995); Adkin (1997b); Alberte González (1987b); Aricò (1991); Barbieri (1974); Bertini (1977); Brink (1975); Degl'Innocenti Pierini (1979); Doepp (1985); Douglas (1957, 1973); Fantham (1973, 1979, 1984, 1988, 1989); Fortenbaugh (1989); Fortenbaugh and Steinmetz (1989); Gelzer (1979); Gennaro (1989); Giacomelli (1988); Glucker (1974); Haury (1973); Ingallina (1977); Jahn and Kroll (1913); Janson (1964); Lucas (1975); MacKendrick (1989); Matsuo (1977); Narducci (1997a); Novara (1983); Ochs (1995); Rizzo (1996); Santini (1979); Westman (1973); von Wilamowitz-Moellendorff (1900); Wimmel (1974); Winterbottom (1989); Wisse (1995); Wooten (1997); Yon (1958).

*Topica*

A) Bayer (1993); Bornecque (1924); Di Maria (1994); Fuhrmann (2000a); Hammer (1879); Riccio Coletti (1994); Wilkins (1903); Zekl (1983).

B) Aricò Anselmo (1987); Citroni Marchetti (1986); Crifò (1977); Curcio (1900); Di Maria (1991); Feuvrier-Prévotat (1990); Fuhrmann (2000b); Huby (1989); Kaimio (1976); Klein (1844); Lapini (1995); Leff (1983); van Lynden (1805); MacKendrick (1989); Noerr (1977); Ochs (1995); Reeve (1983); Riposati (1961, 1973); Theilscher (1908); Wallies (1878); Winterbottom (1996); Wisse (2000).

This page intentionally left blank

## GENERAL INDEX

- abuse  
 – categories of, 204
- Academics, 369, 392
- Academy, 3, 18, 338, 364, 391, 396,  
 431, 445 n. 3, 457–466 with nn.  
 19–22, 475 n. 58
- Cicero's affiliation, 458 n. 19
- disappearance of, 341 n. 20
- 'dogmatic,' 358 n. 19
- epistemology of, 463–464
- influence on Cicero's mature  
 rhetorical corpus, 465
- New Academy, 27, 459 nn. 21 and  
 22, 475
- Old Academy, 459 nn. 21 and 22,  
 475
- as provenance of Cicero's *Topica*,  
 475
- and rhetoric, 396
- rhetorical theory of reflected in  
*Partitiones oratoriae*, 456–466, 513
- 'sceptical,' 458 n. 19
- 'accretive style,' 530
- accusation, 455
- practice of, 417
- accusator*, 316
- Achaea, 88
- actio* (see delivery)
- activities of the orator, 30, 356 and  
 n. 50, 359, 381, 385, 512, 530
- Aculeo, C., 26
- Adams, John Quincy, 496
- advocacy (see also rhetoric of advocacy),  
 36
- Aelius Stilo, L., 2, 28, 349, 351
- Aeschylus of Cnidus, 5
- Africa, 235–251 *passim*, 401
- Africanus, see Scipio
- ager publicus* (public land), 121
- redistribution of, 121
- agrarian legislation, 121, 138, 183
- Ahala, C. Servilius, 144, 161
- Ahenobarbus, Cn. Domitius, 345
- Alberic of Monte Cassino, 490 n. 23
- Alcuin, 490 n. 23
- Alexander Polyhistor, 350
- Alexandria, 66, 252 (bis), 349, 351
- Alexandrians, 352, 353
- Allobroges, 116
- altercatio*, 292, 324
- Amanus, Mount, 14
- ambitus* (bribery), 191, 192, 318, 323
- Ambrose, 483 n. 9
- amplification, 430, 435
- amplitudo*, 412
- analogy, 353
- and Atticism, 368, 409
- Anaximenes
- *Rhetorica ad Alexandrum*, 460 n. 24
- ancestors
- falling short of expectations of,  
 209–210
- anomaly, 353
- anticategoria*, 78, 78 n. 13
- Antiochus
- ironic use of historical *exemplum*?, 263
- Antiochus of Ascalon, 5, 396, 459 nn.  
 21 and 22, 467, 475
- antiquarian nature of scholarship,  
 351–352
- Antonius, C. (brother of Antony), 278
- Antonius Hybrida, C. (Cicero's  
 colleague), 141, 312, 322–324
- Antonius, L., 284
- Antonius, M., (orator, cos. 99 B.C.), 2,  
 3, 24, 28, 49, 62 n. 32, 62–64, 71,  
 105–106, 333, 335, 340, 376–397  
*passim*, 415–416, 433, 435
- *actio* of, 416
- *inventio* of, 416
- little book, 375 n. 2
- as master of pathos, 435
- Antonius, M. (Mark Antony), 2, 15–17,  
 21, 211, 212, 213, 221, 222, 253,  
 272–302 *passim*, 311, 376, 482, 483
- drunkenness of, 288–290
- embassy to, 279, 282–283
- as enemy of the state (*hostis*), 277,  
 286
- as gladiator, 287
- love affair with Cytheris, 289
- stupidity of, 289, 290
- Apollodorus of Athens, 352
- Apollonius of Alabanda, 346

- Apollonius Dyscolus, 353  
*aporia*, 241 and n. 64, 257  
 appropriateness (*prepon, decorum*), 358,  
 388, 432–433  
 – application to style, 432  
 – enunciated in *De officiis*, 432  
 – in *Orator*, 432  
 Aquila, 314  
 Aquillius, M., 62 n. 32, 416  
 Aratus  
 – *Phaenomena*, 3  
 Arcesilaus, 391, 459 n. 21  
 archaism, 512  
 Archias, 27, 116, 206  
 argumentation (*see also* proof), 356  
 Ariobarzanes  
 – awarded lesser Armenia by Caesar,  
 252, 253  
 – follower of Pompey, 252  
 Ariovistus, 20  
 Aristotle, 356, 357, 388–389, 431, 442,  
 459 nn. 21 and 22  
 – *entechnoi pisteis*, 530  
 – ethos, 513  
 – *Rhetoric*, 36, 356, 385, 460 n. 24,  
 467  
     Cicero's knowledge of, 385, 467,  
     513  
 – *Synagoge Technon*  
     Cicero's knowledge of, 513  
 – *Topics*, 466–468  
 aristocratic *gloria*, 296 and n. 51, 297  
 aristocrats  
 – archives of, 403  
 – eloquence of, 407  
 Arpinum, 2, 9, 25, 26  
 arrangement (*dispositio*), 30, 31, 356,  
 357, 381, 382, 385, 386, 450, 451,  
 495  
 Arretium, 104  
*ars dictaminis*, 490–491  
 art (*ars, τέχνη*), 1, 3, 46, 391, 405  
 Arusianus Messius, 314  
 Asconius Pedianus, Q., 314, 320, 322,  
 323, 485  
 Asia Minor, 14, 19, 64, 83–84, 278,  
 422–423, 438  
 Asianism/Asiatic oratory, 299, 365,  
 410, 420–421, 436, 484  
 – connection with prose rhythm, 436  
 – lacking *gravitas*, 421  
 – two types of, 421  
 Asianism and Atticism, 82–87, 83  
 n. 24, 300, 422, 524–525  
 Ateius, L., 350–351  
 Athens, 5, 19, 83, 340–341, 390  
 – Sulla's capture of, 341  
 Atratinus, L. Sempronius, 73 n. 3  
 Attic orators, 441, 525  
 Atticism, 82–87, 364–368, 389 n. 20,  
 408–412, 465  
 – and analogy, 368  
 – antecedents of, 364 n. 63, 366–368  
 – and archaism, 411  
 – diverse literary directions of, 412  
 – and grammar, 367  
     philological study of Attic orators,  
     367  
 – models, 365  
 – origin of, 365, 408–409, 409 n. 14  
 – Roman, 409, 514  
 Atticists, 338, 352, 358, 359, 389,  
 404–419 *passim*, 420, 435–436, 441,  
 484, 513, 525  
 – Cicero's polemic against, 408–412,  
 413, 427, 429, 430 n. 7, 439–440,  
 514  
 – criticism of Cicero eloquence, 410,  
 423, 430–431, 525  
 – inability to excite emotions, 435  
 – style of, 410–412, 433  
     purity of, 409  
 Atticus, T. Pomponius, 11, 13, 26,  
 116–120, 154–155, 211, 297 n. 53,  
 300, 301, 315, 428, 430  
 – *Liber annalis*, 352, 401, 403, 417,  
 418–419  
 audience, 67, 163, 179, 333, 355, 393,  
 436  
 – Cicero's view of, 514  
 – as judges of oratorical success, 514  
 – persuasion of, 49–51  
 – for speeches, 159, 517  
 – tastes of, 49, 68  
 Augustine, 427, 487–488  
 – *Confessions*, 488  
 – *De Doctrina Christiana*, 488  
     duties of orator, 488  
 Augustus, 482, 497  
 Aurelius, Marcus, 202  
 authority (*auctoritas*), 39–40, 42–43,  
 123, 131, 133, 136  
 – of religious figures, 186–187  
 – of the speaker, 52, 60, 61, 178, 226  
 Bacon, Francis  
 – *The Advancement of Learning*, 496  
 Baiae, 325



- Balbus, Cornelius, 192  
 Bambalio, 207  
 bandits (*latrones*), 204  
 – Clodius and followers as, 169–170  
 banqueting, 203  
 ‘Battle of the Books,’ 496  
 beast, 205  
 Beecham, T., 55  
 Bembo, Pietro, 493  
 Bestia, 292  
 Bibulus, M., 175, 187 n. 92  
 Bithynia, 317  
 Blair, Hugh, 496  
 blame, 179–182, 454  
 Bloomer, M., 167  
 Bobbio Scholiast, 314, 317, 320, 326  
 Boethius  
 – commentary on *Topica*, 491  
 Bolgar, R.R., 483, 492  
 Bona Dea, 10, 19, 164, 165, 181, 324–325  
*boni*, 136–137, 152, 180, 183, 198  
 books  
 – availability of, 332 and n. 3  
 Brahms, J., 55  
 bribery (*see ambitus*)  
 Bruckner, A., 55  
 Brundisium, 14, 88  
 Bruni, Leonardo, 493  
 ‘Brutus’, 207  
 Brutus, D., 276, 278, 280, 290, 294–295, 297 n. 55  
 Brutus, L. Junius, 413  
 Brutus, M. Junius (jurist), 449  
 – *De iure civili libri tres*, 449  
 – son of, 449 and n. 13  
 Brutus, M. Junius, 84, 135, 212, 214, 221, 265, 274, 278, 295, 297, 298, 300, 365, 401–423 *passim*, 428, 430, 484  
 – relationship to Atticists, 408  
 – speech and style remembered, 265  
 – spoke unsuccessfully on behalf of Deiotarus, 253  
 Burke, Edmund, 496  
 Caecilius of Caleacte, 366 and n. 69, 481 n. 1  
 Caecilius, Q., 87–88  
 Caelius, 292  
 Caelius Rufus, M., 59, 73 n. 3, 104, 181, 192, 420  
 Caepio, Q. Servilius, 63  
 Caesar, C. Julius, 2, 10, 11, 12, 14–15, 18, 20, 114, 129, 130, 138, 140, 150–152, 160, 162, 172–179, 192, 197, 216, 219–268 *passim*, 273, 282, 307, 309, 310, 313, 317, 319, 334, 368, 401, 418–419, 482, 514, 520  
 – *anti-Cato* of, 266  
 – asked to supply emotional response fired by *corona*, 237  
 – aspires to glory, immortality, 228, 229, 232, 233, 234  
 – assassination of, 15, 21, 310  
 – *commentarii* of, 419  
 – *De analogia*, 334, 352–354, 368, 389, 418–419  
 – dictator, 20–21, 159  
 – distinct from the Atticists, 418–419  
 – historical style of, 419  
 – legislation of, 175–176, 178  
 – not emotional, 237  
 – as orator, 219, 241, 265, 418–419  
 – oratorical style of, 418–419  
 – as patron of Cicero, 256–257  
 – praise of by Cicero, 174–175, 177  
 – psychology analyzed, 231, 232  
 – relationship with Clodius, 174–175  
 – restoration of Republic, 229, 233, 236  
 – as sole judge, 219, 235, 253, 256, 529  
 Caesar, L., 130, 286  
 Caesar Strabo, 381  
 Calenus, Q. Fufius, 278, 281, 293, 294  
 Calidius, M., 318, 405–406  
 Calvus, C. Licinius, 83 n. 24, 84, 365, 366, 367, 411–412, 484  
 – *actio* of, 411  
 – connection with Cicero, 411 n. 21  
 Campania, 14, 125, 207  
 Campbell, George, 496  
 Campus Martius, 184  
 Capito, T. Roscius, 77–78  
 Capitoline, 121, 149  
 Capua, 14, 123, 289  
 Carbo, C. Papirius, 4, 73 n. 3, 403, 416  
 Carneades, 338, 362, 391  
 Carolingian Age, 488  
 Cassiodorus, 489  
 Cassius Dio, 481  
 Cassius, C. Longinus, 274, 278, 281, 298  
 Castor (accuser of Deiotarus), 253

- Castor and Pollux  
 – temple of, 95, 177
- Castor Tarcondarius (father of above), 253
- Catilinarian Conspiracy, 8–11, 19, 113, 139, 140–155 *passim*, 165, 166, 177, 293, 319–320
- Catilinarian conspirators, 140–155 *passim*  
 – execution of, 150, 152–153, 319–320  
   legitimacy of, 166
- Catiline, L. Sergius, 8, 19, 104, 140–153 *passim*, 165, 169, 213, 319, 418  
 – alliance with Antonius, 141  
 – associates of, 147, 153  
 – as monster/beast, 146–147, 286, 287 with n. 28  
 – propractor in Africa, 141  
 – prosecuted for embezzlement, 141
- Cato the Elder, M. Porcius, 37, 40, 41, 202, 396, 403, 407, 413–414, 431  
 – archaic rigidity of style, 414  
 – attitude toward Greek culture, 339  
 – as oratorical model, 413–414  
   compared to Lysias, 413  
 – oratory of, 414  
 – *Origines*, 407
- Cato the Younger, M. Porcius, 9, 14, 20, 119 n. 29, 150, 153, 313, 331–332, 333, 334, 448–449 and n. 12, 520  
 – conservative leader, 225  
 – enemy of Caesar, 222  
 – son of, 449 n. 12  
 – subject of Caesar's *anti-Cato*, 222  
 – suicide of, 401
- Catullus, 120, 367
- Catulus, Q., 146, 381  
*causa Curiana*, 405
- Celer, Q. Metellus, 319
- character (*see also* ethos), 7, 8, 164, 179, 180, 182, 198, 513, 517–520  
 – of the speaker, 53, 60–61, 67
- charges, 204
- Charisius, 314
- Charmadas, 363, 380, 390, 396
- chronographical works, 352
- Chrysogonus, L. Cornelius, 5, 74, 78–82
- Churchill, W., 526
- censor, 187
- censure, 204
- centuriate assembly, 130
- Cethegus, Cornelius, 413
- Cicero, M. Tullius  
 – admirers of, 117  
 – as advisor, 230, 233, 263  
 – aedileship, 6, 7, 92  
 – affiliation with Academy/Academic philosophy, 458 n. 19  
 – age at beginning of public career, 3–5, 72–73, 73 n. 3, 85  
 – Asianic style of, 422, 434  
 – augur, 13, 20  
 – authority (*auctoritas*) of, 8, 9, 12, 139–140, 142, 148, 178, 184  
 – biographical fallacy, 223  
 – commentaries, 508–510  
 – confiscated property of, 164  
   attempted consecration of, 164  
 – as (*consul*) *popularis*, 123, 124–128, 134, 145, 150, 152, 154, 183  
 – consulship, 8, 11, 19, 113 n. 1, 113–155 *passim*  
   commentary on in Greek, 116, 117  
 – *corpus* of consular speeches, 115–120  
 – dignity (*dignitas*) of, 11  
 – as *dux togatus*, 9, 12, 148, 150  
 – earliest known English translation of, 497  
 – education of, 25–29  
   in the forum, 28  
 – embittered, 235  
 – ethos/character/persona of, 8, 9, 11–12, 17, 61, 147, 179, 198, 223, 233  
   as consul, 115, 120, 125, 131, 135, 139, 141, 143–153 *passim*, 152, 154  
   in *In Verrem II*, 98–103  
 – exile of, 11–12, 20, 159–193 *passim*, 168, 309, 324, 325  
   denial of, 168–169, 171, 175, 184  
   legality of, 168–169, 171, 177  
 – father of, 25  
 – fragmentary orations of, 313–327  
 – friend of Marcellus, 227  
 – governor of Cilicia, 14, 20  
 – grandfather of, 23, 47  
 – gratitude of, 190  
 – house of, 161, 184–186  
   consecration of, 173  
 – imitation of, 215

- influence of, 481–501
  - on Middle Ages, 489–491
  - on Renaissance, 491–495
- as instigator of Caesar's assassination, 290
- legacy of, 214–215, 481–501
- letters (to Atticus, Quintus, Brutus)
  - rediscovery of, 491
- as 'little Greek,' 334, 336
- moral authority of, 294–296
- motivation complex or unclear, 230, 231, 234–235, 251, 268
  - hopes of future career, 221, 223, 235, 255, 266, 268
  - role of political adviser, 226, 228, 243, 259, 263, 266
- as *novus homo* ('new man'), 1–2, 7, 80–81, 80–81 n. 18, 91, 102, 108, 122, 126, 127, 141, 142, 306, 309
- oratorical style of, 85, 93–94, 524–531
- 'palinode' of, 12–13, 178–179
- as *pater familias*, 137
- *pater patriae*, 9, 113, 137, 153, 319
- patron to Deiotarus, 255, 263
- patron to Ligarii, 237 n. 49, 236
- philosophical writings, 310
- political value to Caesar as orator, 238, 243
- practical goals and resilience, 222, 235
- praetorship, 7, 19
- psychological disposition, 221
- publication of speeches, 87, 87 n. 30, 90–92, 92 n. 36, 98, 106, 306–313, 440–442, 515–517
  - factors determining publication, 311–313, 440–442, 516–517
  - reasons not to publish, 306–313
- quaestorship, 6, 19, 423
- relationship with Caesar, 222–223, 530
- relationship with Tuberos, 237 n. 50, 238
- renunciation of consular province by, 140
  - speech in the assembly, 140
- return/recall from exile, 159–193
  - passim*, 161, 167–171, 182–189,
  - as divinely inspired, 188–189
- as savior of the state, 165–166, 170, 293
- sincerity of opinions in speeches, 104–106
- speeches delivered but not circulated, 281
- speeches as educational models, 211–215, 306
- study in Greece and Asia Minor, 422, 438
- texts of, 505–506
- thanksgiving (*supplicatio*) of, 14, 113, 149
- translations of, 507–508
- unsuited for retirement, 221, 223
- use of pathos, 61–65
- veracity of, 519
- as war-monger, 285–286
- works,
  - Academica*, 15, 21, 459 n. 21
  - Brutus*, 1 n. 1, 15, 20, 83–84, 338, 346, 359, 364, 401–425, 427, 429, 432, 465, 486, 490, 494
  - as 'Aristotelian' dialogue, 402;
  - autobiography of Cicero in, 422–423; career of Crassus in, 416–417; characterization of Brutus, 402; Cicero's distancing himself from Asianism, 420–421; Cicero's judgment of Caesar's oratory and history, 418–419; composition of rhetorical treatises, 438–439; as epitaph of Republican oratory, 401; meta-literary joke in, 418; Plato in, 402; polemic with Atticists, 408–412; politics and persuasion prevalent over arms, 402; portrait of Calvus in, 411; portrait of Crassus in, 416–417; portrait of Hortensius in, 420–422; praise of Caesar in, 223; praise of Marcellus in, 225; reconstruction of Atticist movement, 410; rediscovery of, 491; setting of, 402
  - Caesarian Orations, 219–268, 299, 300, 310, 490
  - 'Cicero' distinguished from Cicero in, 223, 250
  - claims Caesar above rhetorical persuasion, 249, 257, 264; claims Caesar's glory depends on pardon, 229; interpretation of event behind *Pro Marcello*, 227; invites Caesar to enjoy pleading of case, 240, 250

- n. 93; invites Caesar to imagine emotions of *corona*, 260, 264; invites Caesar to condemn a bad narrative, 260–261; ‘metatextuality’, 250; protagonist created by Cicero for speeches, 223; rapport with Caesar, 220, 249, 250 and n. 93; relationship with principals of *Pro Ligario*, 242; senator delivering *sententia*, 234; style and sentiments, 222; tones of address to Caesar  
 amonitory, critical, 229, 231, 233, 246, 253;  
 collegial as advocate, 242, 248, 249, 256, 257;  
 emotional, 236, 243, 250, 259, 265; emotional tone precluded before Caesar, 246, 250, 257; impatient, aggressive, abrasive, 229, 232, 233; independent, 228, 231, 233, 235, 266; independent as form of flattery, 228, 245 n. 76; indignant, 243, 246; intimate, 231, 256, 266; treats Caesar as patron in exordium to *Pro Deiotaro*, 256; treats Caesar as trial judge, not imperator, 256
- style of  
 characterization of Deiotarus as Roman, 262; comparison: Castor on horseback vs. Deiotarus, 262; didactic, 228; expository, 228, 241; historical example in expository style, 263; *laudatio Caesaris*, 228, 230, 243  
 Marcelli, 228, 230;  
 rhetorical exuberance, 228  
 simple sentences, verb-last, 259 and n. 127; variety of rhetorical styles, 243;  
*vituperatio*  
*accusatorum Deiotari*, 261;  
*Tuberorum*, extended, 243–245; *vitium* of plain style, 260
- Consolatio*, 15  
*Contra contionem Q. Metelli*, 318–320  
*Cum quaestor Lilybaeo decederet*, 315
- De aere alieno Milonis*, 320, 326–327  
*De amicitia*, 16, 21, 483  
*De divinatione*, 16, 21, 427, 465–466  
*De domo sua*, 20, 61 n. 31, 159–193 *passim*, 211  
 religious issues in, 163–164  
*De fato*, 21  
*De finibus bonorum et malorum*, 15, 21, 331  
*De haruspicum responsis*, 20, 159–193 *passim*, 281  
 religious issues in, 163–164  
*De inventione*, 3, 18, 26, 28, 29–46, 51, 337–338, 347, 357, 375–376, 384, 388, 445, 460 n. 24, 489–491  
 adaptation to Roman audience, 38; Cicero’s eclectic method in, 40; commentaries on, 490; date of composition, 32–33, 338 n. 12; Greek influence on, 35–47; preface of, 490; relationship to *Rhetorica ad Herennium*, 31–34; sources of, 34; translations of, 490  
*De lege agraria*, 19, 138, 154, 183, 198, 211  
*De lege agraria* I, 121–125, 145, 148, 150, 281; *De lege agraria* II, 125–128, 149, 150, 183; *De lege agraria* III, 128, 276; *De lege agraria* IV, 128  
*De lege Flavia*, 312  
*De legibus*, 13, 20, 145, 170  
*De locatione Asiatica*, 313  
*De C. Manilio*, 313  
*De natura deorum*, 15, 21  
*De officiis*, 16, 21, 432, 439, 483  
*De optimo genere oratorum*, 83, 408, 412, 491  
*De oratore*, 13, 20, 24, 28, 46–47, 55, 85, 291, 331, 336–337, 339, 340, 346–364 *passim*, 375–400, 415, 427, 448, 465, 486, 489  
 dialogue, 378–383, 460 n. 24  
 use for persuasive presentation, 381  
 fictional aspect of, 340 n. 19; first book printed in Italy, 492; ideal orator, 379, 423  
 universal knowledge of, 383, 390  
 not a ‘Streitschrift gegen die *latini rhetores*,’ 348 n. 36; orator’s

- knowledge, 383, 390, 393–396;  
 Plato in, 390–391; Platonic  
 interpretation of, 392 n. 26,  
 512–513; principle of analogy,  
 382; relationship to Greek  
 antecedents, 512; rhetorical  
 strategy in, 383; rhetorical  
 theory of, 383–385; rhetoricians  
 in, 384; setting of, 378 n. 5;  
 status theory in, 387–388;  
 structure of, 378–383, 512;  
 themes developed as ‘waves,’  
 383; words and content, 383  
*De proscriptorum liberis*, 140, 315  
*De provinciis consularibus*, 20, 163,  
 281  
*De re publica*, 13, 20, 136, 170,  
 197, 199–200, 207, 212, 339  
*De rege Alexandrino*, 317  
*De rege Ptolemaeo*, 313  
*De senectute*, 16, 21, 414  
*Divinatio in Caecilium*, 19, 87–90,  
 92, 441  
*Hortensius*, 15  
*In Catilinam*, 19, 115, 140–155  
   *passim*, 154, 198, 211  
   revision of, 154  
*In Catilinam I*, 142–147, 152, 213,  
 281  
*In Catilinam II*, 145–149, 276  
*In Catilinam III*, 149–150, 276  
*In Catilinam IV*, 150–153, 281  
*In Clodium et Curionem*, 313, 320,  
 324–326  
*In P. Servilium Isauricum*, 315  
*In oligarchos*, 313  
*In Pisonem*, 20, 154, 160, 180, 198,  
 211, 213–214, 288, 313 n. 21  
*In toga candida*, 141, 320, 322–324  
*In Vatinius*, 20, 180, 198, 214  
*In Verrem*, 19, 119 n. 31, 198,  
 211, 423, 440, 491  
*Actio Prima*, 88–90, 95  
*Actio Secunda*, 90–104, 311  
   appeal to emotions, 94–98;  
   reasons for publishing, 90–92;  
   structure of, 93; symbolism of  
   statues, 94, 94 n. 40;  
   verisimilitude, 92, 92 n. 38  
*Orator*, 15, 20, 83, 338, 346, 358,  
 364, 389, 408, 412, 427–443,  
 460 n. 24, 465, 486  
   appropriateness (*decorum*), 432;  
   composition of, 427–428;  
   development of language  
   compared to figurative arts,  
   437; doctrine of three styles,  
   432–433; editing of, 428–429;  
   polemic against Atticists, 429;  
   polemical character of, 429;  
   Platonic theory of ideas,  
   430–431, 514; prose rhythm,  
   436–437; relationship with *De*  
   *oratore* and *Brutus*, 429; rhetorical  
   competency, 437–439; status  
   theory in, 455–456 and n. 17;  
   structure of, 428–430  
   lack of systematic rigor, 429  
   tasks/duties of orator and the  
   three styles, 434–435, 488  
*Paradoxa Stoicorum*, 15, 20, 429  
*Partitiones oratoriae*, 20, 355 n. 48,  
 364, 397, 445–466 *passim*, 491  
   addressed to son, 447–449, 460;  
   Atticism not mentioned in, 465;  
   authorship of, 447; date of,  
   447–450, 464–466; derived  
   from Academy/Academic  
   philosophy, 457–466 with  
   nn. 19–22; multiple theories of  
   rhetoric presented, 462–464;  
   power of speaker, 450, 460; the  
   question, 450, 460; repetition of  
   material, 462; representation of  
   Academic rhetoric, 465; as  
   rhetorical inquiry in Academic  
   school, 464; as rhetorical  
   philosophy, 458–466; the  
   speech, 450, 452–454, 460, 462  
   n. 32; theory of speaking in,  
   450–457; unsuitable for early  
   instruction in rhetoric, 463  
*Philippicae*, 16–17, 21, 198, 211,  
 212, 221, 273–302  
   attacks on character in, 293; as  
   examples of senatorial oratory  
   and debate, 281; honorific  
   decrees in, 294–298; influence  
   of Demosthenes on, 300–301;  
   as proposals for decrees,  
   280–281; opposition faced by  
   Cicero, 282, 286; style of,  
   298–302  
   avoids high periodic style,  
   298; rapidity, 300; sentence  
   length, 298; vigor of, 302  
   title, 301; turning point for  
   Roman deliberative oratory, 302;

- wit/ridicule in, 288–294  
 acerbic tone/sarcasm in, 293, 294, 299
- Philippic II*, 288–294  
 invective of, 288, 520; political pamphlet, 275
- Philippic XIII*, 288–294
- Post reditum ad quirites*, 20, 159–193  
*passim*, 276
- Post reditum in senatu*, 20, 159–193  
*passim*, 281
- post reditum* speeches, 159–193  
 charge of cowardice in, 170;  
 notion of history in, 165
- Pro Archia*, 19, 491
- Pro Balbo*, 20, 163, 192
- Pro Caecina*, 19, 103
- Pro Caelio*, 20, 59, 61 n. 31, 163, 181, 192, 193, 290
- Pro Cornelio*, 320–321
- Pro Cluentio*, 19, 105–106, 209, 434, 486
- Pro Flacco*, 20
- Pro Fonteio*, 19, 104, 202, 203, 204
- Pro lege Manilia (De imperio Cn. Pompei)*, 7, 19, 106–108, 180, 277  
 epideictic passages within, 107–108; Marxist reading of, 522
- Pro Ligario*, 15, 20, 235–251, 486  
 aim of, 237, 239, 240, 242; as appeal to *bonitas*, not *clementia*, 251; both sides former Pompeians, 238; Caesar's motives for proceeding, 236–237; charges and punishment, 238, 239, 244–245; collusion of Cicero?, 239 n. 61; as rhetorical tour-de-force, 240; as show-trial, 238, 240; venue in Forum, 219, 236
- Pro C. Manilio*, 315
- Pro Marcello*, 14, 20, 224–235, 281  
 critiqued in *Sch. Gronov.*, 223; not genuine, 226; *gratulatio*, 231, 234; orchestrated by Caesar, 225; Cicero's performance?, 225
- Pro Milone*, 13, 20, 61 n. 31, 163, 189, 192, 312, 486
- Pro Murena*, 19, 118, 119, 180, 203, 491
- Pro Oppio*, 104
- Pro Othone*, 128–129
- Pro Calpurnio Pisone*, 118
- Pro Plancio*, 20, 61 n. 31, 167–168
- Pro Quintio*, 5, 6, 19, 72–76, 77–78
- Pro Rabio perduellionis reo*, 19, 129–140, 148, 149, 150, 151, 152, 154
- Pro Rabirio Postumo*, 20, 61 n. 31, 118
- Pro rege Deiotaro*, 15, 21, 251–26  
 attempt to impeach Deiotarus as client-ally, 254; charge of attempted assassination, 254; Cicero's flippant responses to charges, 261; Cicero's letter to Dolabella, 267  
 circumstances of oration appear sinister, 264; flippancy in parrying opposing arguments, 261  
 description of by Cicero in letter, 266–267; goal of reconciling Caesar with Deiotarus, 259, 263  
 generalized, 263  
 no decision recorded, 253, 255; no formal prosecutor, 254, 255; not a formal trial?, 265; question of trial of monarch, 254; reliability of Roman alliances, 259, 263, 264; status as formal murder trial questioned, 261 (bis); style criticized, 266; *suae causae iudex*, 256, 257 (bis); venue in house of Caesar, 253, 258; virulence of accusers, 256; weakness of case against King?, 253 n. 106, 255
- Pro Roscio Amerino*, 5, 19, 45–46, 72–74, 76–83, 85, 87, 101–102, 434  
 youthful exuberance of, 434
- Pro Roscio comoedo*, 19, 86–87, 86 n. 28, 208
- Pro Scamandro*, 105
- Pro Scauro*, 20, 180, 313 n. 21
- Pro Sestio*, 12, 20, 163, 180–181, 191–192
- Pro Sulla*, 19, 61 n. 31
- Pro Tullio*, 313 n. 21
- Pro Vareno*, 316
- Topica*, 21, 364, 445, 466–476  
*passim*, 491, 495

- Academy as provenance, 475;  
 audience of, 476; date of, 466;  
 as illustration of philosophical  
 rhetoric, 469, 475, 476;  
 invention, 468, 469, 473, 475;  
 judgment, 468–469; limited  
 questions (*hypotheses*), 471–473  
 deliberative, 472–473, 474;  
 judicial, 472–473, 474;  
 laudatory, 472–473, 474  
 shared characteristics with  
*Partitiones oratoriae*, 474–475;  
 source(s) of, 466–469, 473–475  
 not a summary of Aristotle's  
*Topica*, 468–469  
 unlimited questions (*hypotheses*),  
 471–473, 474  
 practical, 472, 474  
   arousing/calming emotions,  
   472, 474; duty, 472, 474  
 theoretical, 472, 474  
 definition, 472, 473, 474;  
 quality, 472, 473, 474  
   distinction of right and  
   wrong, 472  
   reality, 472, 473, 474  
   conjecture, 472  
*Tusculanae Disputationes*, 15, 21,  
 397, 435, 483  
 Cicero the Younger, M. Tullius, 8,  
 447–449, 460  
 – education at Athens, 448  
 Cicero, Q. Tullius, 2, 12, 25, 214,  
 336, 350  
 Cicero the Younger, Q. Tullius, 344,  
 350  
 Ciceronianism, 482–483, 493–494, 496  
 – anti-Ciceronianism, 494  
 Cimber, 207  
 Cisalpine Gaul, 274, 276  
 Cinna, L. Cornelius, 4, 18, 19, 71,  
 162, 284, 422  
 Cispus, 190  
 citizenship, 159, 174, 192  
 civil law, 3, 380, 422  
 – knowledge of, 52  
 civil war, 4, 14, 20, 21, 310, 401  
 – alleviation of guilt, 230, 246, 258  
 – motivations of participants, 232  
 clarity, 358, 388–389  
 Clarke, M.L., 483  
 classicism, 367, 409–410  
 Claudius Caecus, Appius, 325  
 Claudius Decemvir, Appius, 94  
 Claudius (emperor), 482  
 clausulae, 436–437, 485, 527, 528  
*clementia*  
 – antidote to cruelty, 264  
 – deprecated in exordium of *Pro*  
*Ligario*, 241  
 – enjoyed by Cicero; exploited in *Pro*  
*Ligario*, 243  
 – evoked emotionally, 236  
 – in *Pro Deiotaro* with different  
 meaning, 259, 264 (bis)  
 – legal and philosophical problem,  
 240 and n. 62  
 – not an arbitrary act of  
 condescension, 227, 229, 230, 233  
 – a political term, 233  
 – to control passions of his supporters,  
 229 n. 28, 245  
 client (*see also* patron-client  
 relationship), 52  
 Clodia, 66, 163, 209, 290  
 Clodius Pulcher, P., 10, 11, 13, 19,  
 20, 65–66, 114, 163–193 *passim*,  
 204, 209, 211, 221, 287, 294,  
 309, 310, 319 n. 33, 322–326,  
 324 n. 43, 418  
 – assassination attempt on Pompey,  
 176–177  
 – as *latro* (bandit), 169–170  
 – legislation of, 187  
 – madness of, 188, 326  
 – *transitio ad plebem* (transition to  
 plebeian status), 168, 175  
 – tribunate of, 165, 168–169, 175  
 Clodius, Servius, 349, n. 37  
 Clodius, Sex., 345 n. 30  
*cognitio extra ordinem*, 255 n. 112, 265  
*cognomen* (*see also* name), 207  
 cola, 526–528  
*collegia*, 187  
 colometry, 528  
*color urbanitatis*, 415  
 comic caricature, 288, 290  
 comic stereotypes, 520  
 comic trivialization, 290  
 Comitium, 56  
*commentarii*, 403  
*Commentariolum Petitionis*, 307  
 commonplaces, *see* topics  
 comparison between Greek and Latin,  
 367  
 computer-based work, 530  
*concinntas*, 437  
*concordia ordinum*, 113, 123–125,

- 128–129, 135, 136, 139, 148, 150, 152, 313
- confirmation, 452
- conjecture, 452, 455–456
- consensio bonorum omnium*, 124, 132, 136
- consensus, 182–184
- Considius, C., 236
- contio*, 55, 56, 281, 312, 315
- *Philippic 4* delivered at, 276
- *Philippic 6* delivered at, 276
- rhetoric of, 523
- copia verborum*, 410, 412, 441, 486
- Corbeill, A., 179, 180
- Cornelius, C., 318, 320–321
- corona*, 55–56, 235 n. 44
- absence limits rhetorical options, 257, 258, 264
- as the orator's stage, 59
- Cicero plays to the crowd, 243
- corona civica*, 113, 166
- correct use of Latin (Greek), 358, 388–389
- Cortesi, Paolo, 493
- L. Cotta, 169
- Cotta, C. Aurelius, 380, 433
- Cotta, M. Aurelius, 317
- counterattack
- on prosecution in *Pro Ligario*, 242
- on accusers of Deiotarus, 258, 262
- courts, 52–53, 56, 169, 189–193
- composition of, 406
- tools of political struggles, 407
- cowardice, 171, 177
- Crassus (orator), L. Licinius, 2, 3, 4, 14, 18, 24, 27, 32–33, 46, 64, 73 n. 3, 105–106, 202, 292, 337, 340 and n. 19, 345, 376–397 *passim*, 405, 415–416, 433
- as accuser, 416–417
- *actio* of, 416
- Cicero's preference for, 416
- as model for Cicero, 417
- oratorical career of, 415
- speech supporting the *Lex Servilia Caepionis*, 417
- as Cicero's 'teacher,' 417
- attack on the *factio iudicum et accusatorum*, 417
- Crassus, M., 2, 10, 19, 20, 66, 114, 172–179, 309, 317, 318
- oratory of, 419–420
- Crassus, P., 420
- Crates, 353, 359 n. 21
- crime, 189–193, 199
- Crispus, 487
- Critolaus, 339, 362
- crucifixion, 130
- cui bono*, 316
- cultural receptivity, 439
- Curia (Senate House), 55, 65, 174
- Curio, C. Scribonius, 324 n. 44
- Curio Iunior, C. Scribonius, 420
- Curius, M., 405
- dancing, 203
- decemviri*, 122, 125
- Decius, 292
- declamation, 28, 302
- in Greek, 29
- decorum*, *see* appropriateness
- defense, 455
- definition, 452, 453, 455–457
- Deiotarus (tetrarch of the Tolistoboi), 251–264 *passim*
- acquainted with Cicero in Cilicia in 51, 255
- affection of Cicero, 255
- attempt to assassinate Caesar, 253
- attitude and reliability examined, 265
- delegation in Rome, 253
- faithful to Pompey, 258
- offered Caesar hospitality in Galatia, 253
- petitioned Caesar in Spain, 253
- petitioned Caesar in Rome in Nov. 45, 253
- schemed for restoration of lands, 253, 263
- stripped of some territories by Caesar, 253
- supported Pompey at Pharsalus, 252
- unenthusiastic as follower of Pompey, 258
- virtues of, 262–263
- delectare* (to please), 358, 434
- relationship to *ethos*, 358–359 and n. 52
- deliberative (political) oratory, 30, 102, 106–107, 146, 163, 180, 280, 302, 348, 360, 454, 455, 462 n. 32
- delivery (*actio*), 30, 31, 67, 356, 381, 382 and n. 9, 385, 406, 440, 450, 452, 495
- demagoguery, 407
- Demetrius the Syrian, 5, 346 n. 32
- Demosthenes, 16, 52, 116, 127, 143, 155, 300–301, 433, 481 n. 1, 525
- *De Corona*, 301



- compared with Cicero, 496
- excellence in pathos, 434
- imitation of, 117–118, 120
- as oratorical model, 365, 411–412, 433
- *Philippics*, 116–118
- stylistic influence on Cicero, 525
- *vis* of, 412
- deprecatio*, 248–250
- used ironically in *Pro Ligario*, 242, 248, 249
- dialectic, 3, 491, 495
- dialogue, 376–377, 390 n. 21
- dicacitas* (see also wit), 291–292
- in *Philippic* 13, 291–292
- Diderot, D.
- *Paradoxe sur le comédien*, 435
- dies fasti*, 187
- dignitas*, 61, 122, 123, 129, 136
- of teaching, 438–439
- digression, 54, 325
- dilemma
- rhetorical figure with purpose, 247–248 n. 82
- Diodotus the Stoic, 3, 26
- Diogenes of Babylon, 339, 362
- Dionysius of Halicarnassus, 348, 360, 365, 366
- Dionysius of Magnesia, 5
- disgrace, 171
- disjunctive mode, 284, 286
- dispositio* (see arrangement)
- distinction (*omatus*, κόσμος, κατασκευή), 358, 388 and n. 10, 389
- divinatio*, 307
- docere*, 434
- documents, 456
- dogmatism, 458 n. 19
- Dolabella, P. Cornelius, 278, 284, 297, 298
- Cicero's letter to, accompanying copy of *Pro rege Deiotaro*, 266–267
- reconciled to Cicero, 221
- Dorey, T.A., 482
  
- education, 341–354
- conducted by household slaves, 25
- of girls and women, 342 n. 23
- as means of social advancement, 25
- political and ethical, 513
- no primary or secondary, 343
- rhetorical, 23–47
- role of practical experience in, 43–46
  
- effeminacy/effeminate behavior, 209
- Egnatuleius, L., 295
- Egypt
- annexation of, 317–318
- Eleusinian Mysteries, 337
- elocutio* (see style)
- eloquence, 1, 36–37
- Athenian models of, 410
- of aristocrats, 407
- history of, 403
- and philosophy 389–397, 446 with nn. 5 and 6
- Roman
- development of, 412–417, 433
- use of Greek models, 414, 415
- embassy
- of philosophers to Rome (156/155 B.C.), 338–339, 362
- embellishment, see distinction
- emotion (see also pathos), 60, 67, 200, 435
- enargeia*, 284–285
- in *Pro Rosc. Am.*, 79
- in *In Verrem II*, 93
- encyclopaedias, 488–489
- Ennius
- *Annales*, 413
- Epicurean(s), 363, 369
- epideictic oratory, 30, 91, 91 n. 35, 180, 199, 349, 360, 436
- not an overarching genre, 360–361
- Epidius, M., 345 n. 30
- epilogue (see also peroration), 355
- equites* (Roman Knights), 8, 56, 152
- *dignitas* of, 129
- equity, 455–457
- Erasmus, 493
- *Ciceronianus*, 493
- Erucius, 77–80
- ethnicity, 205
- ethos (see also Cicero, ethos/character, persona of), 13, 356–357, 385–387, 386 n. 15
- argument based on, 60–61, 164–165, 181, 513, 517–520, 522
- in Aristotle, 386
- Cicero's employment of, 74, 74 n. 7
- of Chrysogonus in *Pro Rosc. Am.*, 78–82
- development in *exordia*, 73–74
- of Naevius in *Pro Quinctio*, 75–76, 78–79
- of Quinctius in *Pro Quinctio*, 76

- relationship to *delectare*, 358-359 and n. 52
- of urban scoundrel, 78
- of Verres in *In Verrem II*, 98-101
- eulogy
  - *Philippic* 14 as, 280
- exercitatio* (practice), 1, 3, 380
- exempla*, 160-163, 165, 199
- exilitas*, 412
- exordium, 30, 73-74, 74 n. 7, 355, 384, 452, 474
  - introduces orator, 230
  - function and tone of, 241
  - to *Pro Rege Deiotaro*, 256, 258
- expression, 450, 451
- extortion, 307
- extortion court (*quaestio de repetundis*), 7, 87-90, 95
  
- Fadia, 291
- Fannius, C., 208
- Falcula, Fidiculanus, 207
- fictive oral performance, 522
- figures, 430
- figures of thought, 530
- Flaccus, 206
- flattery, 228, 230, 242
- flectere* (to influence), 358, 434
- Fonteius, 202, 203, 205, 206
- forensic oratory, *see* judicial oratory
- Formiae, 14
- Fortunatianus, 488
- Forum/Roman Forum, 55-59, 66, 219
  - Cicero appears after long interval, 235
  - venue chosen by Caesar, 236
  - venue evoked as Republican, 258
  - venue to Roman People as Curia was to Senate, 251
- freedom of speech, 201, 215
- Frisch, H., 273
- Fufius, Q., 294
- Fumaroli, M., 494
- Fundanius, C., 316 n. 28, 317
- Furius, 339
  
- Gabinius, A., 11, 20, 163, 165, 179-181, 210-211, 214, 307, 310
- Galatia, 251-268 *passim*
- Galba, S. Sulpicius, 94 n. 41
- Gallius, Q., 318, 406
- Gallus, Asinius, 482
- Gallus, Plotius, 345 and n. 30, 347 n. 35, 415
  
- Gaul, 11, 20, 179, 295
- Gauls, 205
- Gavius, P., 95-97
- Geffcken, K., 59
- Gelzer, M., 234
- generic necessity of oratory, 160, 163
- Gibbon, Edward, 496
- Glabrio, M., 96
- gladiator(s), 57
- Globulus, P. Servilius, 320-321
- Gracchi, 37, 40, 163, 182, 284, 403, 406, 414, 516
- Gracchus, C. Sempronius, 130, 134, 145, 181, 414
- Gracchus, T. Sempronius, 39-40, 167, 181, 414
- 'grammar,' 342-343 and n. 23
  - and Atticism, 367
    - philological study of Attic orators, 367, 410
- grammarians, 342-344, 349-354
  - emergence of first grammarian's school, 343
  - scholarly activities of, 351-354
  - social status of, 349-351
- Granius, Q., 202
- gravitas*, 43
- Greece (province), 278, 438
- Greek
  - comparison with Latin, 367
  - as language of instruction in Rome, 27
- Greek culture
  - Roman attitude toward, 333, 334-341
- Greek learning
  - disdain for, 23
- Greeks, 206
- Grillius, 490
- Guarino of Verona, 493
- Guthrie, William, 497
  
- Habinek, T., 169
- Hannibal, 207, 284
- Harvey, Gabriel, 495
  - *Ciceronianus*, 495
- haruspices*, 163, 182
- Hegesias, 525
- Heitland, W.E., 264
- Hermagoras of Temnos, 29, 30, 36, 354 n. 47, 356, 357, 362, 387, 511
- Hermogenes, 360, 525
- Hierocles, 346 n. 32

- Hightet, G., 483  
 Hirtius, A., 21, 276, 278, 279, 282, 291, 448  
 historiography, 419 and n. 30, 436, 513  
   – and rhetoric, 361  
 history, 382  
   – and rhetoric, 348–349  
 honorific decrees, 294–298  
 Horace (Q. Horatius Flaccus), 25, 201  
 Hortensius Hortalus, Q., 4, 5, 6, 7, 13, 59, 72, 73 n. 3, 88, 91, 95, 135, 278, 401, 420–423  
   – *actio* of, 421, 433, 440  
   – aristocratic arrogance of, 421  
   – Asianic manner of, 420–422  
   – decline of, 422  
   – oratory of, 420–421  
 Hrabanus Maurus, 490 n. 23  
*humanitas*, 512  
 Hume, 496  
 humor (*see also* wit)  
   – for benefit of fellow orator, 242 n. 71, 249, 260  
   – in oratory, 331  
   – treatment of rhetorical conventions, 265  
 hypocrisy, 210  
 hypotactic vs. paratactic sentence structure, 410  
*hypotheses* (limited questions), 359, 394–395, 451, 454, 471–473  
  
 Illyricum, 20, 278  
 imitation, 382  
*in utramque partem/sententiam dicere*, 381  
*ingenium* (natural ability), 1, 3, 380, 382  
 introduction, *see* exordium  
 invective, 197–216 *passim*, 275, 290, 324, 325, 326, 521  
   – development of arguments in, 213  
   – as moral teaching, 211–216  
   – Roman tradition of, 201  
   – topics of, 200–201, 213–214, 325  
 invention (*inventio*), 29, 30, 356, 357, 381, 382, 385, 386, 450, 468, 495  
 irony (and wit), 235 n. 44, 241, 263, 265  
 Isauricus, P. Servilius, 279–280, 315  
 Isidore of Seville, 489  
 Isocrates, 442  
 Italy, 184, 403  
 Iunius, P., 95  
  
 Jerome, 487  
 Johnson, W.R., 298  
 Juba, 247 n. 81  
 judicial oratory, 30, 91, 106, 163, 180, 348, 355, 360, 382, 454, 455, 462 n. 32  
 judicial system/practices  
   – Roman, 51  
 Jupiter  
   – Optimus Maximus, 149  
   – Stator, 142  
   – temple of, 55 n. 15, 142  
 jurisprudence  
   – teaching of, 438  
 jurist(s), 52, 65, 471  
 jury/juries, 56, 65, 163, 199, 335  
   – alliance between equestrian jurors and accusers, 417  
 justification, 452, 453  
  
 Labienus, T., 129, 130–140 *passim*, 145,  
   – as *popularis* tribune, 129, 134, 136, 152  
 Lactantius, 487  
   – *Divine Institutes*, 487  
 Laeca, M. Porcius, 144  
 Laelius ‘Sapiens’, C., 37, 40, 202, 339, 405, 407  
   – considered by Cicero as model, 221  
 Landriani, Gerardo, 491  
 Langolius, Christopher, 493  
 language  
   – evolution of compared to figurative arts, 437  
   – of social performance, 524  
 language study in antiquity, 351, 352–354  
 Laterensis, 181, n. 71  
 Latin rhetoricians (*rhetoires Latini*), 24, 27, 28, 41  
 Latini, Brunetto, 490  
   – translations of Cicero’s speeches, 490  
*latinitas/hellenismos*, 84  
*laudatio funebris*, 137, 137 n. 60, 180  
 laudatory oratory (*see also* epideictic), 348, 360, 462 n. 32  
 Lawson, John, 496  
 Leeman, A., 55  
 legal studies, 26  
 legitimacy, 170  
 Lentulus, Cornelius, P., 9  
 Lepidus, M., 17, 21, 276, 279, 295, 296, 297, 298

- Lepidus Porcina, M. Aemilius, 414  
 – elaboration of period by, 414  
 Lepta, 427  
 Leptines, 296  
 legal procedures  
 – organization of, 406  
*Leges Aelia et Fufia*, 187, 187 n. 94  
 – abrogation of, 187  
 Lesser Armenia, 248 (bis)  
*Lex Aurelia*, 19  
*Lex Calpurnia de ambitu*, 318  
*Lex Gabinia*, 19, 106  
*Lex Porcia*, 134  
*Lex Senpronina*, 134  
*Lex Servilia Caepionis*, 417  
*Lex Vatinia*, 20  
 liberal arts, 488, 489  
 libraries, 332 and n. 3  
 lie  
 – noble lie, 245  
 – rhetorically negotiable, 242 n. 66  
 – to judge(s), 241  
 Ligarius, Q., 235–251 *passim*  
 – conspired with Juba, 238, 247 n. 81  
 – minor Pompeian, 23  
 Ligus, 207  
 Lipsius, Justus, 494  
 Livy, 484  
 limited questions, *see hypotheses*  
 logical proof (*see also* logos), 200  
 logographer/logography, 52  
 Lollius, Q., 95  
 Longinus  
 – *On Sublimity*, 481 n. 1  
 Luca, 12, 20, 313  
 Lucilius, 120, 202, 437  
 Lucullus, L. Licinius, 19, 106, 333  
*ludi*, 56, 59  
*Ludi Megalenses*, 59  
 Lysias, 52, 84, 413  
 – as model, 365, 369, 410, 411  
 compared to Cato, 413  
 Macedonia, 278, 295  
*maestas*, 318, 320–321  
*magister dicendi*, 344 n. 28  
 Magna Mater, 161  
 Magnus, T. Roscius, 77–78  
 Mancinus, 181  
 Manilius, C., 7, 106, 108, 315,  
 320–321  
 Manlius, C., 144  
*mansuetudo*, 134  
 – of Roman conquerors of Sicily,  
 102–103, 103 n. 48  
 Marcellus, M. Claudius (cos. 222), 102,  
 103 n. 48  
 Marcellus, M. Claudius, 14, 224–235  
*passim*  
 – exile of, 227  
 Marcomannus, 490  
 Marius, C., 4, 8, 18, 33, 71, 136–139  
*passim*, 144, 161, 162, 418  
 Marius, M., 442  
 Martianus Capella, 355 n. 48, 489  
 – *De nuptiis Philologiae et Mercurii*, 460  
 n. 24  
 – *De rhetorica*, 464 n. 37  
 Marx, F., 35  
 Massilia (Marseille), 90  
 Matrinius, D., 311  
 Maximus, Valerius  
 – exemplum collection of, 167  
 memory (*memoria*), 30, 31, 356, 381,  
 382 n. 9, 385, 450, 452, 495  
 Meneceles, 346 n. 32  
 Menedemus, 346 n. 32  
 Menippus of Stratonicea, 5  
 Messina, 96, 100  
 metatextuality, 250  
 Metellus, M. Caecilius (pr. 69), 88  
 Metellus Creticus, Q. Caecilius,  
 (cos. 69), 88  
 Metrodorus of Scepsis, 346 n. 32  
 Middleton, Conyers, 497, 498  
 – *The Life of Cicero*, 497  
 Milo, T. Annius, 13, 20, 65–66, 135,  
 189, 191, 192, 326  
 Minucius Felix, 487  
 Misenum, 333  
*miserationes* (appeals to pity), 407, 434  
 – and the aristocracy, 407  
 Mithradates of Pergamon  
 – ‘acolyte of Caesar,’ 252 n. 101  
 Mithradates VI Eupator Dionysus of  
 Pontus, 7, 19, 71, 106–107, 251,  
 350  
 – awarded some of Cappadocia by  
 Caesar, 252  
 Mithradatic Wars, 3, 7, 18, 19, 350  
 and n. 38  
 mnemotechnics, 512  
 Molon, Apollonius, 5, 19, 27, 83–84,  
 86, 346, 422  
 Mommsen, Th., 482, 497  
 Montaigne, 494, 497  
 – ‘Of Books,’ 494–495

- mos maiorum*, 60, 144, 438  
 Munda, 21  
*munera*, 56  
 Murena, 203, 331–332, 335  
 Mutina, 21, 274, 276, 277, 278, 279, 286, 296  
  
 Naevius, Sex., 73, 75 n. 8, 75–78  
 name(s)  
 – used for pejorative purposes, 38–39, 205, 207  
 Narbonese Gaul, 279  
 narration, 30, 73, 355, 452, 474  
 narrative  
 – in *Pro Ligario* with deceptive logic, 242–243  
 – opponent's narrative burlesqued in *Pro Rege Deiotaro*, 260, 261  
 neologism, 512  
 neoteric poets, 367  
 Nepos, Q. Metellus, 10, 19, 153, 319  
 network  
 – of Greek and Roman intellectuals, 341, 366  
 'new man' (*novus homo*), see also, Cicero as, 1–2, 7  
 Nicaea, 252, 265  
 Nisbet, R., 169  
 Nizzoli, Mario  
 – *Lexicon Ciceronianum*, 493  
 nobility, 7, 8, 126  
 Norbanus, 62–64, 416  
 Norden, E., 31, 489  
 Notker, 490 n. 23  
  
*obnuntiatio*, 187, 187 n. 92  
 Octavius (Octavian) C., 2, 15, 21, 212, 276, 291, 292, 295, 296, 297, 298  
 – potential political patron, 222  
*officia oratoris*, see tasks/functions of an orator  
 Opillus, Aurelius, 351  
 Opimius, L., 144, 161  
 Oppius, P., 317  
*optimates*, 183, 191  
 oral society/culture, 53–54  
 – shift from spoken to written expression, 514  
 oration(s), see speech(es)  
*orationis ratio*, 73, 73 n. 4  
 – in *Div. in Caec.*, 88  
 orator(s), 45  
 – activities of, 30, 356 and n. 50, 359, 381, 385, 512  
 – as advisor, 226  
 – as boxer, 58  
 – as gladiator, 58  
 – ideal, 428, 430–436  
 – knowledge of, 383, 391, 393–396  
 – lack of veracity, 518  
 – tasks/functions of, 358, 434  
 – identification with styles, 434, 488  
 oratory, 49, 114  
 – *ad hoc*, 277  
 – cultural specificity of, 49  
 – developed slowly in Greece, 413  
 – development in Rome, 412–417  
   archaic period, 412  
   beginnings of Republic, 412  
   compared to figurative arts, 437  
 – generic strategies of, 167  
 – philosophical approach to, 431  
 – as public entertainment/performance, 57–60, 403  
 Orestinus, Q. Mucius, 311 n. 17, 323–324  
 Otacilius Pitholaus, M., 345 n. 30  
 Otho, L. Roscius, 128–129  
  
*paedagogus*, 343  
 Palatine, 55 n. 15  
 palaestra, 58  
 Pamphilus, 346 n. 32  
 Panaetius, 432  
 Pansa, C. Vibius, 21, 276, 278, 279, 282, 448  
 – *necessarius* of Caesar's, 238, 241  
 – 'rashness' of, 242 n. 68  
 – relationship with Cicero, 238, 242  
 – shares defense of Ligarius, 238, 239  
 pardon  
 – intended for Ligarius?, 239  
 Parthenius, 350  
 – *Erotika Pathemata*, 350  
 Parthia, 14, 20  
 – eastern expedition against, 255  
 partition, 30, 37, 73  
 parts of rhetoric, 356 n. 50  
 parts of a speech, 30, 73, 348, 355, 384, 452–454  
 – in *Actio Prima in Verrem*, 89–90  
 – in *Actio Secunda in Verrem*, 93  
 – in *Pro Rosc. Am.*, 77  
 pathos (see also emotion), 13, 60, 61–65, 356–357, 385–387, 386 n. 16, 393, 406–407, 412, 434–435  
 patron-client relationship, 52, 250  
*patronus*, 53, 312

- function of, 226
- linked to case, 248
- linked to client, 227, 230, 243, 249 n. 88, 262 n. 133
- Paullus, C. Vibius, 339–340
- perduellio* (high treason), 129–131, 133
- Pergamum, 349, 351
- Pericles, 52, 396
- period(s), 441
  - construction of, 437, 441
    - compared to mosaic, 437
- periodic sentence structure, 389, 437, 512
- Peripatetic philosophy/philosophers, 475, 513
- Peripatetic tradition, 514
- Peripatos, 435, 459 nn. 21 and 22, 474 n. 59
  - disappearance of, 341 n. 20
- peroration, 30, 73, 454
  - of *Pro Ligario*, 251
  - of *Pro Marcello*, 234
  - of *Pro Rege Deiotaro*, 263
- persuasive-process criticism, 517–521, 529
  - balanced with social history, 521
- petitio*
  - in Caesar's home, 236, 245
- Petrarch, 491
- Phaedrus, 27
- Pharnaces (king of Cimmerian Bosphorus), 252
- Pharsalus, 14, 236, 237, 238, 252, 258
- Phidippus (slave of Deiotarus, doctor), 254
  - rhetorical function of (as witness), 254
- Philip II, 16, 301
- Philo of Larissa, 3, 18, 27, 363, 364, 396–397, 458, 459 nn. 21 and 22, 467, 475
- Philodemus
  - *On Rhetoric*, 363, 368
- philosopher(s), 45, 342
- philosophy (*see also* quarrel between philosophers/philosophy and rhetoricians/rhetoric, 40–41, 46, 436)
  - and eloquence, 389–397, 431
  - and rhetoric, 445–446
  - Roman knowledge of, 331–332
  - tradition of logical inquiry, 469
- physical appearance, 205,
  - as mirror of moral interior, 207–208
- physical peculiarities, 208
- Piso, C. Calpurnius (Cicero's son-in-law), 420
- Piso Caesoninus, L. Calpurnius, 11, 20, 160, 163, 165, 179–181, 187, 207, 210–211, 213–214, 274, 307
- Piso, M. Pupius, 324 n. 44
- Plancius, 168, 178, 181 n. 71, 190–192
- Plancus, L. Munatius, 279, 297 n. 53
- Plato, 338, 355, 378, 390–391, 401, 430–431, 459 n. 21
  - argument against rhetoric and oratory, 362
  - *Gorgias*, 378, 381 n. 8, 390
  - *Phaedrus*, 378, 390–391
  - *Republic*, 197
  - statue of, 402
  - theory of ideas, 430–431
- Pliny the Younger, 44, 108
- Plutarch, 154–155, 498
  - explains Caesar's motivation for the case of Ligarius, 236–237
  - *Life of Cicero*, 1 n. 1
  - *Life of Demosthenes*, 481 n. 1
- Poggio Bracciolini, 491–493, 506
- point of contention, 455
- Politian, 493
- politics
  - in *Pro lege Manilia*, 107–108
  - in *Pro Rosc. Am.*, 80–82
  - Roman, 379
  - in *Verines*, 101–103, 107
- Pollio, Asinius, 350, 481, 482, 484
- Polybius, 340
- Pompeians
  - emotional evocation of, 246, 258
  - motivations contrasted with Caesarians, 246–247
- Pompeius Magnus, Cn. (Pompey the Great), 2, 7, 9, 10–11, 12, 13, 18, 19, 20, 65–65, 106–108, 114, 116, 122–123, 149, 166, 172–179, 192, 197, 216, 221, 225, 231, 236, 237, 238, 239, 251, 252, 307, 309, 310, 315, 317, 318, 320–321, 336 and n. 8
  - attempted murder of by Clodius, 326
  - oratory of, 420
  - praise of by Cicero, 176–177
- Pomponius, M., 340
- pontifices*, 163, 184, 186
  - different from priests, 185
- Pontifical College, 159
- Popilius, P., 161

- popularis(es)*, 9, 126, 127, 133–134, 143, 209–210
- Posidonius, 5, 336 and n. 8
- privilegium*, 169
- praeteritio*, 257
- praise, 179–182, 454  
– in *Philippics*, 294–298
- Priscian, 314
- Priestly, Joseph, 496
- private grievance (*querela*)  
– *Pro Ligario*, 239, 247  
– *Pro Rege Deiotaro*, 254, 258, 259
- probare* (to prove), 358
- progymnasmata* (exercises), 347
- prologue, *see* exordium
- proof (confirmation), 30, 73, 452  
– artistic and inartistic, 89, 89 n. 31, 530
- prosecution  
– favored by younger politicians, 6, 98  
– rewards of, 98, 98 n. 42
- protopoieia*, 76, 325
- provincial governors, 206
- psychology, 393
- publicani*, 405
- publication (in Cicero's day), 306  
– to advance/promote career, 306, 308–311
- Publilia, 15
- quaestio/quaestiones*, 56
- quarrel between philosophers/  
philosophy and rhetoricians/  
rhetoric, 36–38, 45, 359–360, 361–364, 369  
– Plato's role, 363, 390–391  
– vision of synthesis in *De oratore*, 362
- Quellensforschung*, 511
- Quinctius, Caeso, 161
- Quinctius, P., 5, 6, 75–76
- Quintilian, 140, 199, 314, 317, 427, 485–486, 489  
– cites Q. Tubero's speech, 238  
– establishes Cicero as model, 486  
– on exordium of *Pro Ligario*, 241  
– *Institutio oratoria*, 486  
– manuscript found by Poggio, 492
- Rabirius, C., 129–140 *passim*, 142, 145, 150, 151, 152
- Rabirius Postumus, 192
- rabulae*, 414–415  
– connection with *rhethores Latini*, 415
- Ramism, 495
- Ramus, Peter, 495
- rational argumentation, 356, 364
- reader's experience of the speech, 521–522
- readership in Rome, 403, 440
- reading  
– private, 333, 367, 441–442
- recitation, 333, 442
- redundantia*, 84–85
- refutation, 30, 452, 453
- Regulus, 167
- religion, 160, 164, 184–189  
– as means of obstructing public business, 169, 175, 187
- religious law, 187
- Renaissance humanists, 492–495
- repetition/redundancy, 54–55, 165, 166
- repetundae*, 192
- Republic  
– 'fatally wounded', 221  
– restoration of as theme or ideal, 231  
– with n. 34, 232, 233, 235
- resonance, 166, 172
- responsa*, 438
- Rhégium, 466
- rhetor*, 344  
– distinction between *rhetor* and *orator*, 344 n. 28
- rhethores Latini*, 344–345, 347 n. 35, 415, 417  
– closure of school by Crassus, 415
- Rhethores Latini Minores*, 488
- rhetoric (*see also* quarrel between philosophers/philosophy and rhetoricians/rhetoric)  
– as an art?, 391, 392  
– Greek tradition of, 51  
– instruction in, 27  
– conducted in Latin, 27  
– moral problems/morality of, 391, 392–393  
– role of philosophy in, 36, 41, 445–446, 446 nn. 5 and 6  
– traditional rules/precepts, 52, 73–74, 346, 347–349, 375–376, 377, 382, 383–389, 392, 397  
– production vs. product-centered rules, 355–357, 384–385
- rhetoric of advocacy, 52–53, 61, 519
- rhetoric of crisis, 143, 143 n. 75, 283–294, 526
- Rhetorica ad Herennium*, 28, 29–46, 347, 348, 357, 432, 460 n. 24, 489, 490

- date of composition, 32–33
- *exempla* in, 42–43
- Greek influence on, 35–47
  - mis-recognition of, 42
- relationship to *De inventione*, 31–34
- Roman tradition in, 43
- sources of, 34
- rhetorical challenge, 518
- rhetorical handbooks, 51–53, 198, 202, 347 nn. 34 and 35
- rhetorical questions, 299
- rhetorical strategy(ies), 337 and n. 11
- rhetorical theory, 180, 200, 354–361
- rhetorician(s), 341, 342–344, 344–349
  - on language, 353
  - practical experience of, 42
  - social status of, 342
- Rhodes, 5, 19, 83, 422
  - school of, 422
- rhythm (prose/oratorical), 389, 406, 428, 436–437, 439–440, 441, 514, 527–530
  - coupled with polemic against Atticists, 436
- rhythmical cadences, 527–528
- rhythmical cola, 527
- ridicule, 288
- Robinson, A., 168
- Rolfe, J.C., 482–483
- Rome, 197
  - as Greek intellectual center, 340
  - literary public of, 439
  - network of Greek and Roman intellectuals in, 341, 366
  - political crisis of September 91, 379
  - prejudice for, 206
- Romulus, 149
- Roscius (actor), 57
- Roscius, Q., 208
- Roscius from Ameria, Sex., 5, 76–82, 316 n. 28, 422
- rostra, 17
- Rubellius Blandus, 345
- Rufus of Perinthus
  - *Rhetorical Art*, 449 n. 14
- Rutilius Rufus, P., 64, 84, 84 n. 25
- Rullus, P. Servilius, 121–129 *passim*, 138, 145, 149, 183
- rustic behavior, 204
  
- Sabbadini, R., 482
- St. Gall, 492
  
- Sallust, 84, 152
  - [Sallust]
    - *Invectiva in M. Tullium Ciceronem*, 484
- Samarius, 285
- Sandys, J.E., 482
- Saturninus, L., 129–137 *passim*, 145
- Scaevola ‘Augur’, Q. Mucius, 3, 26, 379, 381
- Scaevola ‘Pontifex’, Q. Mucius, 18, 71–72, 405
- Scaurus, 192, 206
- scepticism, 458 n. 19
- sceptics, 391
- Scholia Gronovi
  - interpretation of *Pro Marcello* rejected by, 223 and n. 11, 235 n. 44
- Scipio Aemilianus Africanus, P. Cornelius, 37, 40, 102–103, 197, 200, 209, 212, 339, 340, 396, 407, 409
  - as model for Pompey, 221
- Scipionic Circle, 339 and n. 14
- secret ballot
  - in trials at Rome, 414
- senate, 55, 119–155 *passim*, 159, 163, 169, 183, 184, 273–302 *passim*
  - authority in religious matters, 186
  - limitations of, 298
- senatorial oratory, 298
- senatorial order
  - corruption/unpopularity of, 89–90, 101–102
  - and Sulla, 81–82
- senators, 163
- senatus consultum ultimum* (SCU), 129–131, 136, 139, 144, 145, 186
- Seneca the Elder, 345, 483–484, 486
  - *Suasoriae*, 483–484
- Seneca the Younger, 108, 261, 494
- sententia*, 280, 312, 485, 486
- Sestius, P., 12, 163, 172, 180–183, 190–192
- Seven Wise Men, 395–396
- Severianus, Julius, 488
- shame, 197
- Sherry, Richard
  - *For Marcellus*, 497
- Sicilians, 206, 417
- Sicily, 6, 19, 87–103 *passim*, 423
- Silanus, D., 150, 151
- social values, 522
- Social War (War with Italian Allies), 3, 4, 5, 18, 29, 33



- Socrates, 64, 337, 390, 395  
 – hostility toward eloquence, 390  
 Socratic paradox, 391  
 Solmsen, F., 77  
 Solon, 212, 395  
 sonority, 410  
 Sopatros  
 – *Hypomnena*, 481 n. 1  
 sophists, 355  
 Soranus, Q. Valerius, 25  
 Spain, 407  
 Spartacus, 6, 19, 100  
 speech(es) (*see also* parts of a speech)  
 – as educational models, 211–215  
 – genres of, 348, 360  
 – publication of, 153, 306–313, 440  
 – revision of, 154  
 – written vs. spoken, 49 n. 2,  
 114–120, 120 n. 37, 135, 439–442,  
 515–517  
 state, 170  
 – collapse of, 169  
 – ideal, 197  
 – salvation of, 162, 165, 169  
 linked with Cicero's salvation, 169  
 status theory (*stasis, constitutio*), 30, 77,  
 77 n. 12, 354 n. 47, 357, 387–388,  
 452, 511  
 – in *Pro Quinctio*, 77  
 – in *Pro Rosc. Am.*, 77  
 Stoa, 391  
 – disappearance of, 341 n. 20  
 Stoic(s), 64, 331, 392, 409, 435, 469  
 Strabo, Pompeius, 5, 18  
 style (*elocutio*), 30, 42, 356, 358–359,  
 381, 382, 385, 388–389, 428,  
 432–433, 495, 523  
 – of Brutus' speech at Nicaea, 265  
 – correspondence with tasks/duties of  
 orator, 434  
 – declamation and style of *cognitio*, 265  
 – figures of, 389  
 – as marker of class status, 523  
 – of *Pro Rege Deiotaro*, 266–268  
 – qualities/virtues of, 358, 388–389  
 – tripartite scheme (*see also* types of),  
 525, 526  
 – types of, 31, 358, 434, 488, 512,  
 514, 524  
 grand, 358, 404, 406, 432,  
 434–435, 488, 526  
 in *In Verrem II*, 93, 96–98  
 orator of, 404  
 – meager, 358  
 – middle, 358, 432, 434, 488, 514,  
 526  
 in *Pro lege Manilia*, 107  
 in *In Verrem II*, 93  
 – periodic, 526  
 – plain, 358, 404, 406, 413, 432–433,  
 434, 488, 526  
 in *In Verrem II*, 93, 96  
 orator of, 404  
 – reinforcement of arguments through,  
 529  
 – slack, 358  
 – swollen, 358  
 – variety recommended by Cicero, 411  
 Suetonius  
 – *De grammaticis et rhetoribus*,  
 349 n. 37, 350  
 Sulla Felix, L. Cornelius, 4, 5, 18, 19,  
 71–72, 77–81 *passim*, 83, 101,  
 103–104, 122, 147, 162, 221, 251,  
 323, 341, 418, 422  
 – resignation of dictatorship, 77 n. 11  
 – tie to Chrysogonus in *Pro Rosc. Am.*,  
 79–80  
 Sulpicius Galba, S., 405, 407, 440  
 Sulpicius Galus, P., 209  
 Sulpicius Rufus, P., 62–63, 71, 85,  
 380, 433  
 Sulpicius Rufus, S., 119 n. 29, 277,  
 280, 282–283, 296  
 – *Philippic* 9 as eulogy of, 277  
 syntax  
 – ancient theory of, 353, 367  
 Syracuse  
 – stone quarries, 96, 100  
 Syria, 278, 284, 298  
 Tacitus, 494  
 Tarquinius Superbus, 284  
 tasks/functions of an orator, 358  
 – relationship to Aristotelian means of  
 persuasion, 358  
 teachers/teaching, 338, 341, 438–439  
 – house teachers, 343–344  
 – of letters (γραμματιστής) vs.  
 grammarians, 342–343  
 Terentia, 15  
 Tertullian, 487  
 – *Apologeticus*, 487  
*testimonia*, 315  
 Thapsus, 20  
 – Ligarius captured at, 236

- Theophrastus, 388–389, 459 n. 21, 513
- theses*, (general questions), 349, 359–360, 362, 394–395, 396, 451, 454, 460–462, 471–472
- as part of Academy’s curriculum, 464
  - two kinds, 472
- Thucydides, 84, 410, 411, 436
- as oratorical model, 436
  - style of, 436
- Thyillus, 116
- Tigranes II ‘the Great’, 107
- Tiro
- publication of Cicero’s letters, 481
- tirocinium fori*, 43–44
- topics (*topoi, loci*), 356, 364, 388, 390, 434–435
- Aristotelian, 364
  - children in (*In Verrem II*), 94–95
  - in deliberative oratory, 102, 107
  - ethnic stereotypes, 104
  - external, 470–471
  - function of, 394 and n. 30
  - in *exordia*, 73
  - internal, 470
  - of invective, 200–201, 213–214
  - military career of accused
    - In Verrem II*, 99–100, 104
    - Pro Fonteio*, 104
  - utility for orator, 471
  - utility for philosopher, 471
- Transalpine Gaul, 279
- treason (*see maiestas*)
- Trebatius, 466–476 *passim*
- jurist, 471, 475
- Trebellius, 292
- Trebizond, George, 493
- Trebonius, C., 213, 278, 284
- tribune(s) of the people, 130
- tribuni aerarii*, 56
- ‘(First) Triumvirate’, 10, 12–13, 19, 114, 172–179, 221, 309–310, 379
- ‘(Second) Triumvirate’, 17, 21
- Trollope, Anthony, 498
- biography of Cicero, 498
- Tusculum, 427, 466
- Cicero’s library, 466
- Tubero, L. Aelius (friend and relative of Cicero), 237, 238
- Pompeian, 236
- Tubero, Q., 237–251 *passim*
- contrasts self and father with Ligarius, 238 with n. 57, 247 n. 81
  - only prosecution by, 238
  - Pompeian and prosecutor of Ligarius, 237
  - speech of, 238, 247 n. 80
- Tullia, 15, 310
- turpitude*, 213
- Twelve Tables, 26, 337 n. 10
- Tyrannio, 333 and n. 4, 350
- unlimited questions, *see theses*
- Valerius, L., 136, 144
- Valla, Lorenzo, 493
- Varenus, L., 316
- Varius, Cotyla, 292
- Varro, 349, 352
- *De lingua Latina*, 352
- Varus, C. Attius, 236
- Vatinius, P., 20, 208, 210, 313
- Velia, 466
- venue of speech
- determines treatment, 211
- ‘Verres’, 207
- Verres, C., 6, 7, 19, 87–103, 206, 286, 287 n. 28, 311, 417, 422
- Vespasian, 485–486
- Vestal Virgins, 185
- Victor, Julius, 488
- Victor, Sulpitius, 488
- Victorinus
- on Cicero’s *De inventione*, 489, 490
- violence (*vis*), 65, 162, 169, 170, 180, 191, 193, 324
- Virgin of Lampsacus, 94–95
- vita activa*, 336
- vita contemplativa*, 336
- vituperatio* (*see also*, public shaming), 199–200
- voice, 67
- Volaterrae, 103
- Voltaire, 496
- Ward, John
- *A System of Oratory*, 496
- Whately, Richard, 496
- wisdom (*sapientia*), 1, 36–37, 46
- Caesar’s, 257
  - and eloquence, 446 with nn. 5 and 6, 490

- greatest virtue of leader, 228
- practical Roman virtue, 229
- wit (*see also* humor), 288, 324, 331
- Witherspoon, Richard, 496
- Wolf, F.A., 226
- Wooten, C., 273
- writing procedurs, 441
- Xenocles of Adramyttium, 5
- Xenophon
  - as oratorical model, 436
- Zela, 252, 253
- Zeuxis, 40
- Zielinski, T., 482

## INDEX LOCORUM

Anonymous Iamblichi		<i>Brutus</i>	
fr. 3	446 n. 5	6	59
Aristotle		13–20	352
<i>Poetica</i>		26–51	338
1462a ff.	442	42	344 n. 28
Augustine		57–60	413
<i>Confessions</i>		67	411
3.4.7	488	70	437
<i>De doctrina Christiana</i>		85–90	405
4.27–58	488	90	407
Aurelius, Marcus		92	440
in Fronto, <i>Epistulae</i>		120	446
1. p. 128 (28N)	202 n. 21	139	359
Caesar		140–142	359
<i>Bellum Gallicum</i>		141–142	416
2.35.4	162	158–165	416
[Caesar]		169–172	315
<i>Bellum Alexandrinum</i>		183–200	405
68	252	194–199	405
78	253 n. 103	198–200	59
Cassius Dio		210–213	415
<i>Historiae Romanae</i>		211	340 n. 19
46.18.1	334 n. 6	233	420
Cato		239	420
<i>Ad Marcum filium</i>		250–251	225
frs. 1–2	449 n. 12	253	354
frs. 1–9	449 n. 12	261	419
fr. 6	449 n. 12	262	419
frs. 8–9	449 n. 12	265	344 n. 28
fr. 12	449 n. 12	272	420
fr. 14	449 n. 12	274–279	405–406
<i>De agricultura</i>		277–278	406
frs. 6–13	449 n. 12	280–282	420
<i>De medicina</i>		283 ff.	411
frs. 1–5	449 n. 12	283–291	484
Cicero, M. Tullius		284–291	365
<i>Academica</i>		285 ff.	369
1.13	459 n. 21	287	411
1.30–32	458	290	55; 57
1.46	459 n. 21	303	421
		304 ff.	422
		304–305	28
		304–316	25
		306	3 n. 4; 27
			n. 17; 396; 464
		307	346 n. 32
		310	29
		311	5

312	346 n. 32; 422	1.33	37 n. 49; 446
314	83 n. 22	1.35	38
315	346 n. 32	1.48	39; 42
316	6; 83-85; 344 n. 28; 346; 346 n. 32; 423	1.77	38 n. 50; 45; 446 446
317	423	1.86	40 n. 54
320	421	2.1-10	446
322	423	2.8	38
325	421	2.28-29	388
326	421	2.83	
<i>De amicitia</i>		<i>De lege agraria I</i>	
97	59	1-27	121-125
<i>De divinatione</i>		23-24	123
2.1-4	465	26-27	124
2.4	427	<i>De lege agraria II</i>	
<i>De domo sua</i>		2.1-103	125-128
47	168	3-6	126
68	169	7-10	183
72	165; 168	12-13	122
75	184	100-103	127
99	166	<i>De legibus</i>	
106-109	164	1.38-39	459 n. 21
109	164	2.59	26
<i>De finibus</i>		3.8	131 n. 53; 145
1.1	335 n. 7	<i>De natura deorum</i>	
1.1-12	335	1.12	463
3.5	367 n. 72	<i>De officiis</i>	
3.7-10	333	1.151	341
4.5	459 n. 21	2.2	335
4.5-6	446	2.7	463
4.10	446	2.7-8	464
4.74	332	2.51	312
5.7	459 n. 21	3.20	464
<i>De haruspicum responsis</i>		<i>De oratore</i>	
5	207	1.1-3	336; 379
9	186	1.5	3; 32 n. 32; 33 n. 35; 376; 383
11	186	1.6-20	376; 378
12	173; 185	1.14	340 n. 16
13	185	1.19	376
14	186	1.20	85 n. 27
16	161	1.23	27 n. 21; 376
24	161	1.24-27	379
40-42	182	1.28	391
43-44	181-182	1.30-95	380
44	164	1.35-40	362 n. 57
47	173; 174	1.41-44	395
54	162	1.45	362 n. 57
<i>De inventione</i>		1.45-47	362; 390
1.1	361 n. 57; 446 n. 5	1.45-73	381
1.1-5	36-37; 361	1.47	362; 381 n. 8
1.7	199 n. 10	1.51	394
1.8	37; 44 n. 69; 361; 446; 461	1.53-54	446
		1.56-57	446
		1.57	390

1.60	393; 446	2.68	49
1.67-69	446	2.74-98	382
1.74	381 n. 8	2.78	461
1.75	346	2.80	384
1.82-93	362; 390	2.81-82	384
1.83	392 n. 24	2.84	384
1.85	346 n. 32	2.88	85; 85 n. 26
1.85-86	395	2.95	346 n. 32
1.87	395	2.96-97	347 n. 33
1.88	346 n. 32	2.99	384
1.90-93	392	2.99-306	385
1.95-159	380	2.100	347 n. 33
1.96-102	28	2.132	357; 388
1.99	46	2.138-142	388
1.102	336	2.152	388
1.102-110	392	2.154-155	339
1.122-124	466	2.160	385; 388
1.124-130	57	2.163-173	396
1.126	346	2.168	388
1.130	346	2.182	60
1.137	340 n. 18	2.182-184	386
1.145	384	2.182-214	61
1.147-159	347 n. 33	2.189 ff.	435
1.160-203	380; 381; 390	2.189-196	67; 380 n. 6
1.166-197	52 n. 9	2.194b-196	62 n. 32
1.193	249; 351	2.201	63
1.195	337 n. 10	2.202-203	62-63
1.209-262	380	2.223-224	292
1.229	64	2.224	449 n. 13
1.230-231	64	2.236	291
1.234-255	390	2.240-288	292
1.244	347 n. 33	2.265	23
1.263	381	2.307-315	386
2.1-5	24	2.310	387
2.1-6	377	2.315	386
2.2	27 n. 19; 340 n. 19; 376 n. 3	2.315-332	386
2.5	24 n. 3	2.316-317	57-58
2.7-9	376	2.338	58
2.17-18	337 n. 10	2.350-360	382; 382 n. 9
2.28	348 n. 35	2.360	346 n. 32
2.32	392	2.365	346 n. 32
2.40	380; 381	3.1-8	302
2.41-73	282; 282 n. 10	3.1-16	376
2.43	360	3.14-16	376
2.51	361	3.19-24	383
2.59-61	333; 335	3.23	55
2.62	361	3.25-37	368 n. 75; 369
2.64	361	3.37	359; 388
2.65	461	3.37-51	389
2.65-66	395 n. 31	3.38	353
2.65-70	461	3.39	353
		3.42	353
		3.43	25

3.48	353	<i>Divinatio in Caecilium</i>	
3.52-90	383	27-47	88
3.53	359; 394 n. 28	38	92
3.54	344 n. 28	<i>Epistulae ad Atticum</i>	
3.55	392 n. 24; 393	1.16.9	117 n. 21
3.56-57	337 n. 10	2.1.1	117
3.56-73	337; 390	2.1.3	116-120; 211
3.61	395		n. 51; 301; 315
3.63	379	4.2.2	211 n. 52
3.70	357	4.15.10	448
3.70-73	46	4.16.3	381
3.75	337; 346 n. 32	6.1.12	448
3.80	381	6.1.25	207
3.81	346 n. 32; 390	8.4.1	448
3.83-85	378	8.11.1-2	197
3.91	359	12.6.2	333 n. 4
3.92	394 n. 28	14.20.3	428
3.93-94	345 n. 29; 415	15.1a.2	300
3.95	46	<i>Epistulae ad Brutum</i>	
3.101	59	3.4 (2.3.4)	301
3.104-125	383	12.4 (1.4a.4)	212 n. 53
3.104-147	383	23.3 (1.15.3)	212 nn. 54 and
3.107-125	395		55
3.110	363; 396; 461	23.9 (1.15.9)	212; 297
3.111-118	396	23.10 (1.15.10)	212
3.117	396	<i>Epistulae ad Familiares</i>	
3.126-147	383	4.4.3	225
3.129	381 n. 8	4.13.1	222
3.137	337 n. 10	4.18.4	427
3.143	383; 395	5.1	319
3.148	389	5.2	319
3.173-198	353 n. 45; 389	5.7.3	9 n. 14
3.176-181	389	7.1.3	442
3.188	389	7.19.1	466; 467; 468
3.195-197	59	7.20	466
3.196	59-60	7.32.2	377
3.197	351	9.8.1	459 n. 21
3.200	58	9.12	266-267 n. 143
3.202-207	389	9.15.2	202 n. 20
3.213-227	382 n. 9	12.7.1-2	281
3.215	380 n. 6	12.16.3	213 n. 57
3.224-227	67	13.1.2	27 n. 16
3.228-230	391	<i>Epistulae ad Quintum Fratrem</i>	
<i>De provinciis consularibus</i>		2.3.2	65-66
18	167	3.1.11	215 n. 61
25	162	3.3.4	344 n. 28; 360
41	175		n. 54
43	179	3.5.4	7
44-46	176; 179	<i>In Catilinam I</i>	
47	179	1.1-33	142-147
<i>De re publica</i>		1	143
5.6	197	2-3	286
6.1	136 n. 59	10-27	213

<i>In Catilinam</i> II		1.152	95
2.1-29	145-149	2.4	103 n. 48
6	287	2.7	206 n. 33
7	147	3.10	92
11	148	3.61-63	95
25	147-148	3.93-98	95
28	148	3.119	99
<i>In Catilinam</i> III		4.56	207
3.1-29	149-150	4.81	103
3	149	4.115-123	103 n. 48
<i>In Catilinam</i> IV		4.130-131	103 n. 48
1-24	150-153	4.133	103 n. 48
11	152	4.134	102
18	152	4.147	312
<i>In Clodium et Curionem</i>		5.65	198
25	209 n. 46	5.106-110	95
<i>In Pisonem</i>		5.115	103 n. 48
frag. viii	214	5.158-170	95-96
frag. ix	214	5.159	96
1	210 n. 48; 214	5.163	96-97
3	214	5.171	97-98
7	128	5.177-178	286
8	154	5.180	7
9	187	5.181	91
11	288	<i>Lucullus</i>	
12	210	32	463
13	288	99	463
14	207 n. 38; 288	<i>Orator</i>	
24	113; 207 n. 37	1-32	338
31	288	1-139	428
37	175	3	431
43	167; 214	7-19	446
45-46	214	8-10	431
79	179	11-17	364
81	174-175	12	344 n. 28; 362
98	214	12-17	338
<i>In Vatinius</i>		23	433
4	208	24b-32	338
10	208	28-32	484
39	208; 210 n. 47	31	344 n. 28
<i>In Verrem</i> I		42	344 n. 28; 362
1-3	286	45-46	461
1-10	89	46	344 n. 28
15-32	90	57	344 n. 28
32-42	90	66	419 n. 30
43-56	90	75-90	484
46-49	286	79	358
47	90; 90 n. 32	101	432
<i>In Verrem</i> II		102	103; 107; 133
1.55	103 n. 48		n. 54
1.56-57	103 n. 48	105	433
1.63-85	94-95	107	83; 85
1.121	207	107-109	434
1.129-154	95	123	432



125-126	461	34-38	462
128-133	61	34-40	462
131-132	62	35	452
132	435, 440	37	453
140 ff.	438	38	453
140-148	338; 342; 428	39	462; 463
140-238	428	39-40	453
144	338	41	453
146	439	42	453
152-162	353; 354	43	453; 462
168 ff.	437	44	453; 462
200	441	46	453
231	344 n. 28	47	453
235	441	48	454
237	463	49-51	454
<i>Partitiones oratoriae</i>		52	475
1	447	53-58	454
1-2	445 n. 2	59-60	454
3-4	450	61	454
5	450; 474	61-138	454
5-8	450	62	454; 474
5-9	460	62-66	454
5-26	450	67	454; 474
6	450; 474	68	454
7	451; 462; 474; 474	69-70	454
	n. 57	70	474
8	450; 451	70-82	454; 462
9	451	70-138	462
9-15	451	71	200
10	474	71-73	454
11	451	74-75	454
11-12	451	76	455
13	451	76-78	455
14	451	78-79	455
15	451	80	455
16	451	81	455
17	451	82	200
19-22	451	83-85	455
23-34	451	83-97	454; 462
25	452	86-92	455
26	452	93-95	455
27	452	95	455
27-60	452	96-97	455
28	474	98-138	454; 462
28-30	452	99-100	455
31	452	101-102	455
31-32	474	102-106	456
32	452	106	456
33	200; 452; 474; 475	107-108	456
		110	456
33-34	462	110-111	456
33-43	462	110-113	463
34	452	112	456
		114	456; 463

117-118	456	13.25	292
119	456; 463	13.26-27	292
120	456; 463	13.40	287
121-122	456	<i>Post reditum ad populum</i>	
123-124	456	1	188
124-126	457	5	188
127	457	11	210
128	457	13	210
129-130	457	14	169
131	457	16	176
132	457	20	162
133-137	457	<i>Post reditum in senatu</i>	
137-138	457	7	176
139	397 n. 33; 445 n. 2; 457; 458, 459 n. 21	10-18 11 23	210 187 171
139-140	445 n. 2; 446	36	171
140	458	<i>Pro Balbo</i>	
<i>Philippicae</i>		6	192
1.31-33	297	14	192
1.38	16	51	173
2.7	293	<i>Pro Caecina</i>	
2.19	289	28	207
2.25-32	290	97	104
2.28	15	<i>Pro Caelio</i>	
2.32	290	33-34	209 n. 46
2.63	288	49-50	290
2.77	289	63-67	290
2.95	265 n. 138	<i>Pro Cluentio</i>	
3.4	285	51-53	105
3.8	295	139	105
3.16	207	140	105
3.28	293	141	106
3.29	283	193	209
3.32	283-284	<i>Pro Fonteio</i>	
4.6-7	277	27-36	104
5.6	284	30	205 n. 30
5.33	286	37	202 n. 22
5.38-41	297	37-40	202
5.49	296	41-43	104
6.12-13	277	<i>Pro lege Manilia</i>	
7.3	285-286	1	108
8.16	294	2	108
8.18	293-294	29-42	107
8.24	286	64-68	107
9.8	282	<i>Pro Ligario</i>	
10.11	295	1-38	235-251
11.7	284; 285	<i>Pro Marcello</i>	
11.14	207	1-34	224-235
12.7-8	282	<i>Pro Milone</i>	
12.16-30	282	7-11	357 n. 51
13.4	285	17	209 n. 46
13.23	291	18	177
13.24	291	72	191

80	181	14	73 n. 5
84	189	22	79; 79 n. 22
87-88	189	55	178
88	181	72	83
<i>Pro Murena</i>		124-142	78-80
11	202	129	81; 81 n. 19
13	203	131	79
60-66	331-332	135	79
61	331 n. 2	139	82; 82 n. 20
<i>Pro Plancio</i>		154	82; 82 n. 21
19-22	190	<i>Pro Scauro</i>	
28	190	42-45	181
29	190	<i>Pro Sestio</i>	
33	201	14	215 n. 64
69	190	17-24	210
75-76	190 n. 102	18-24	180-181
77	178	39	172
93	179	42	169
<i>Pro Quinctio</i>		71	182
1	73	73	169
10	73 n. 5	96	183
11	75	127	167
16	75	135	175
25	75	<i>Pro Sulla</i>	
36	73 n. 5	22	206 n. 36
55	75-76; 76 n. 9	22-25	207
59	75	<i>Topica</i>	
92	75; 76; 76 n. 10	1	466
<i>Pro Rabirio perduellionis reo</i>		1-2	467
1-38	129-140	1-4	469
1	131	1-5	469
3	132	2	469
9	133	2-3	348 n. 35
10-17	133	4-5	467
11	134	5	445 n. 2; 5
13	134	6	469
20	136	6-7	445 n. 2; 468;
25-27	137		469
29	138	6-24	475
31	138	7	469
33	138	8	470; 474; 474 n. 57
34	138	8-11	474; 474 n. 57
35	139	8-24	469
38	139	9	470
<i>Pro Rabirio Postumo</i>		10	470; 474 n. 57
34-36	181	11	470; 474 n. 57
<i>Pro rege Deiotaro</i>		11-23	470
1-43	255-264	24	470
11	268	25	470
<i>Pro Roscio Amerino</i>		25-78	469
2-10	80	26	470
6	73	26-28	470
10	80 n. 17	33-34	470

35	468	Gellius, Aulus	
41	471	<i>Noctes Atticae</i>	
41-45	470	6.12.5	209 n. 44
47-49	470	12.2.3-9	485
50-52	470		
51	445 n. 2; 471	Hermogenes	
55-57	470	<i>Peri ideon</i>	
56	471	2. 10	360 n. 55
58-64	470	2.12	360 n. 55
65	471		
68-70	470	Homer	
72	445 n. 2; 471	<i>Iliad</i>	
73	471	6.208	7
73-75	470		
73-78	474	Horace	
75	471	<i>Sermones</i>	
76-77	470	1.7.32	201 n. 19
76	470; 471		
78	470	Isocrates	
79-80	472	<i>Antidosis</i>	
80	461	253-257	446 n. 5
81	472; 474		
82	472	Jerome	
82-85	474	<i>Epistulae</i>	
83	472	22.29-30	487
84-85	472		
86	472; 474	Livy	
87	472	<i>Ab urbe condita</i>	
87-88	472	120.50	17
89	472		
90	472	Lucretius	
91	472; 474	<i>De Rerum Natura</i>	
92-94	473	1.136-139	367 n. 72
93-94	474		
95-96	473	Philodemus	
97	473; 474	<i>On Rhetoric</i> , ed. Sudhaus	
98	475	I pp. 151-152 = Book	
98-99	473	IV, <i>P.Herc.</i> 1423,8,6-9,20	
100	468; 473	Gaines	368-369
<i>Tusculanae disputationes</i>		I pp. 328-329 fr. XII	363 n. 59
2.9	363; 296; 458;	I p. 360 col. LXXI	363 n. 59
	464	II pp. 197-198 fr. IV	363 n. 59
5.11	463		
5.32-33	463	Plato	
5.82-83	464	<i>Gorgias</i>	
		459C-460C	391 n. 23
		<i>Phaedrus</i>	
		259E-266B	391 n. 23
		266D-267D	355
Cicero, Quintus			
<i>Commentariolum petitionis</i>			
53	307		
[Cicero, M.]		Pliny the Elder	
<i>In Sallustium</i>		<i>Naturalis historia</i>	
3	215 n. 63	7.112	339 n. 15
		35.1.35	340 n. 17

Pliny the Younger		11.2.50	235 n. 44
<i>Epistulae</i>		11.3.143	347 n. 35
8.14.5	44	12.10.49–57	49 n. 2
		<i>Rhetorica ad Herennium</i>	
Plutarch		1.1	41; 45; 446 n. 5
<i>Aemilius Paulus</i>		1.2	461
6.8–10	340 n. 17	1.14	356 n. 49
28.11	340 n. 17	3.10	199 n. 10
<i>Cato Maior</i>		3.40	347
22.1–23.3	339 n. 15	4.4	42
<i>Cato Minor</i>		4.6	44 n. 69
21.5	331 n. 1	4.8.11	432
<i>Cicero</i>		4.9	42
3.6	83	4.10	42; 43 n. 64
5.2	334 n.6	4.11–16	358
13.1	155	4.17–69	388
39.7	236–237	4.69	446 n. 5
49.3	482		
<i>Comparatio Demosthenis et Ciceronis</i>		Sallust	
1.5	331 n. 1	<i>Bellum Catilinae</i>	
<i>De vitando aere alieno</i>		31.7	206 n. 36
6 (830B)	343 n. 26	<i>Historia</i>	
		frag. 32 Maur.	99 n. 44
Polybius		<i>Scholii Gronovi</i>	
<i>Historiae</i>		295–296	223 n. 11; 235 n. 44
31.24.7	340 n. 16		
		Seneca the Elder	
Posidonius		<i>Controversiae</i>	
<i>Fragmenta</i>		1.pr.12	360 n. 54
T35–39 EK	336 n. 8	2.pr.5	345 n. 30
		<i>Suasoriae</i>	
Quintilian		6	302; 483
<i>Institutio oratoria</i>		6.10–27	302
2.1.1–6	344 n. 28	6.14	484
2.1.1–13	461 n. 27	6.22	484
2.1.9	360 n. 54	6.24	484
2.4.41–42	360 n. 54	6.25	484
2.10.1	461 n. 27	7	302; 483
2.11.1	461 n. 27	7.10	483
2.15.19	363 n. 59		
2.15.23	363 n. 59	Seneca the Younger	
2.17.21	105	<i>De ira</i>	
2.21.22	461	2.17.1	435
3.5.5	461	<i>Dialogi</i>	
3.5.14	461	10.5.1	9 n. 15
3.7.19	209 n. 45	<i>Epistulae</i>	
4.1.70	241	40.1	484
6.2.8–17	61	114.16	484
7.2.36	316		
10.1.106	486	Severianus, Julius	
10.1.112	1; 486	<i>Praecepta artis rhetoricae</i>	
10.1.126	486	1	449 n. 14
11.1.80	238		

Sextus Empiricus		26–29	345 n. 30
<i>Adversus rhetores</i>		26.1	27 n. 22; 340 n. 19
20–43	363 n. 59		
61	363 n. 59	<i>Rhet.</i>	
		26.1	27 n. 22
Suetonius			
<i>Claudius</i>		Tacitus	
41	482	<i>Dialogus de oratoribus</i>	
<i>De grammaticis et rhetoribus</i>		18	484 n. 12
4.4	344 n. 27; 348 n. 35	22–23	485
10.2	351 n. 40	Ulpian	
25.2	345 n. 29	<i>Digesta</i>	
25.4	360 n. 54	3.1.1.6	171