

SPEECHES FOR READERS:
MOTIVES AND CONTEXTS FOR THE
CIRCULATION OF CICERONIAN ORATORY



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This thesis takes as its focus the important relationship between orator and reader, and is especially interested in why Cicero disseminated his speeches and how his contemporary readers would receive them. Various comments in the theoretical literature suggest that producing written versions of speeches was largely a separate activity from delivering the original, oral versions and not just an extension of the same process: it required considerable extra effort and, to a certain extent, a different set of skills. Moreover, in circulation, the speeches do not simply fulfil the original aspirations for delivery, which have already been accomplished — they offer the reader something more. The written versions of speeches circulate among new consumers, with new objects in view. The aim of these inquiries is to scrutinise the important role readers play in construing the meaning and achievement of the speeches. By viewing the speeches less as transcripts of specific oratorical occasions, and more as texts catering to readers and readerly interests, we may begin to uncover whole repertoires of significance, shaped by the readers' context, beliefs, and assumptions, as well as by the orator's own literary intentions and motivations for circulation.

PARENTIBVS OPTIMIS

PREFACE

This thesis focuses on the important, yet often neglected, relationship between Cicero and the readers of his oratory. In particular, it examines the ways in which publishing speeches could affect not only the actual text of an oration (insofar as we can discern differences between the delivered and disseminated versions), but also its interaction with readers, as it circulated with different purposes and new consumers in mind from the original, delivered version. Cicero's speeches have never been looked at in detail from the perspective of the reader; this thesis proposes a fresh line of approach.

Like one of Matisse's repurposed canvasses,¹ this thesis has passed through several incarnations, the process rather arduous and unforgiving at times. However, this final product is a testament to the extraordinary kindness of a number of generous benefactors, to whom I should wish to express my sincere gratitude.

Foremost, I owe a profound debt to my supervisor, Professor G. O. Hutchinson, whose tireless support and encouragement have been a constant source of comfort and reassurance; my work has benefitted immeasurably under his superlative stewardship. I also owe a debt to my examiners, Professor R. E. Ash, Dr D. H. Berry, and to my assessors for transfer and confirmation of status, Professor R. Rutherford, Dr B. Taylor, Professor M. Leigh, Dr M. Robinson, and Dr L. Pitcher, who have each made many helpful suggestions, and provided substantial written comments which have enabled me to make many improvements. In addition, I am enormously grateful to Dr K. Vuković and Dr G. A. S. Westwood,

¹ Cf. e.g. Schneider (1980): 376.

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To my family and friends, too numerous to list here, I owe so very much: without your good humour, love, and support, this thesis would never have reached fruition. Finally, my most significant debt is to my parents, to whom I humbly dedicate these efforts, with love.

A. M. C.
14 February 2020

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ABBREVIATIONS

Journal titles are cited following the conventions adopted by *L'Année philologique*.

Ancient authors, papyri, inscriptions, etc., are generally cited as in Liddell, Scott, Jones' *A Greek-English Lexicon*⁹ with *Revised Supplement* (1996), and the *Oxford Latin Dictionary*. In addition, the following abbreviations should be noted:

<i>CAH</i>	<i>The Cambridge Ancient History</i> ² , 19 vols. (Cambridge, 1984–2005).
<i>CIL</i>	<i>Corpus Inscriptionum Latinarum</i> (available: http://cil.bbaw.de/cil_en/index_en.html).
Clark	A. C. Clark (ed.), <i>Q. Asconii Pediani Oratorum Ciceronis Quinque Enarratio</i> (Oxford, 1907).
<i>CPL</i>	R. Cavenaile (ed.), <i>Corpus Papyrorum Latinarum</i> (Wiesbaden, 1958).
<i>FRHist</i>	T. J. Cornell (ed.), <i>The Fragments of the Roman Historians</i> , 3 vols. (Oxford, 2013).
fr. orat.	J. W. Crawford (ed.), <i>Cicero: The Fragmentary Speeches</i> ² (APA 37, Atlanta, 1994).
fr. phil.	I. Garbarino (ed.), <i>M. Tulli Ciceronis Fragmenta ex libris philosophicis, ex aliis libris deperditis, ex scriptis incertis</i> (Turin, 1984).
<i>GL</i>	H. Keil (ed.), <i>Grammatici Latini</i> , 8 vols. (Leipzig, 1855–80).

- HRR* H. Peter (ed.), *Historicorum Romanorum Reliquiae*, 2 vols. (Stuttgart, 1837–1914).
- Lausberg* H. Lausberg (ed.), *Handbook of Literary Rhetoric: A Foundation for Literary Study* (trans. M. T. Bliss, A. Jansen, D. E. Orton; edd. D. E. Orton and R. D. Anderson) (Leiden, 1998).
- LSJ* H. G. Liddell and R. Scott (edd.), *A Greek-English Lexicon*⁹, rev. H. S. Jones with supplement (Oxford, 1996).
- MRR* T. R. S. Broughton (ed.), *Magistrates of the Roman Republic*, 3 vols. (New York, 1951 – Atlanta, 1986).
- OCD*³ S. Hornblower and A. Spawforth (edd.), *Oxford Classical Dictionary*³ (Oxford, 1996).
- OCT* Oxford Classical Texts series.
- OLD* P. G. W. Glare (ed.), *Oxford Latin Dictionary* (Oxford, 1982).
- ORF*⁴ E. Malcovati, *Oratorum Romanorum fragmenta liberae rei publicae*⁴ (Turin, 1976–9).
- PHI*⁵ The Packard Humanities Institute online database of classical Latin texts (available: <http://latin.packhum.org/index>).
- RE* A. Pauly, G. Wissowa, and W. Kroll (edd.), *Real-Enzyklopädie der classischen Altertumswissenschaft*, 34 vols. (Stuttgart and Munich, 1893–1980).
- RLM* K. Halm (ed.), *Rhetores Latini minores* (Leipzig, 1863).

- Stangl T. Stangl (ed.), *Der sog. Gronovscholiast zu elf ciceronischen Reden* (Prague and Leipzig, 1884).
- TLG *Thesaurus Linguae Graecae: A Digital Library of Greek Literature* (available: <http://stephanus.tlg.uci.edu/>).
- TLL *Thesaurus Linguae Latinae* (Munich and Leipzig, 1900–).
- TLRR M. C. Alexander, *Trials in the Late Roman Republic, 149 BC to 50 BC* (Phoenix suppl. 26, Toronto, 1990)

1. INTRODUCTION²

In recent years, scholars of classical literature have become increasingly fascinated with questions of performance and ‘reperformance’; in particular, what happens to a work after its first performance, when new audiences interact with it in new contexts. In the case of Greek tragedy, for example, there is considerable evidence to suggest that plays were performed and circulated in a variety of contexts following their début on the stage (cf. e.g. Σ *Ar. Ach.* 10c on the reperformance of plays by Aeschylus; also *Ar. Ach.* 9–12, Philostr. *VA* 6.11, Quint. *Inst.* 10.1.66).³ Likewise, it is probable that lyric poetry was widely circulated and reperformed throughout Greece.⁴ With oratory, however, the position is altogether more curious. To mention one strange instance straightaway, we hear of one Greek orator reading

² The ancient texts consulted and quoted throughout this thesis are those of the *OCT* series, except where otherwise indicated; cf. the bibliography for further and particular detail. References within this thesis to its constituent chapters are styled ‘the second chapter’, ‘the third chapter’, and so forth (and often with some brief reference to a particular section therein, for greater clarity). All unidentified page numbers refer to pages within this thesis. § is used on occasion to denote paragraphs or sections within a particular speech (or other text) being discussed. Other abbreviations are listed at viii–x. All dates are BC unless otherwise indicated.

³ I use this verb (‘performed’) in its broadest sense, incorporating not only the public staging of plays, but also their performance in non-theatrical contexts including private reading by individuals (cf. Allan (2000): 157 n. 40; Currie (2004) *passim* (who canvasses the full range of scenarios of (re)performance from the informal to formal)); more recently Lamari (2017) and the useful volume curated by Hunter and Uhlig (edd.) (2017). However, it should be noted that at Rome it seems that plays were not ‘read’ by ‘non-theatre people’ until at least the second half of the second century BC (cf. e.g. Gellius, who describes L. Aelius Stilo Praeconinus, a grammarian and teacher of Varro and Cicero, reading through the corpus of plays attributed to Plautus (*NA* 3.3.1, 3.3.11–12)). However, by Cicero’s time, reading plays had become an established form of reception besides watching performances, as is attested by the orator’s numerous citations of passages from plays which explicitly or implicitly assume that his addressees or readers will recognise the quotation (cf. e.g. *Rab. Post.* 29; also *Rhet. Her.* 4.7). See further Manuwald (2011b): 30–40, 120–5. On Greek ‘performance spaces’, see the helpful survey in Liapis, Panayotakis, and Harrison (2013): 2–6, 13–17, with literature. On the reperformance of tragedy, there is an abundance of bibliography; see e.g. Hutchinson (1985): xl–xliv; Csapo and Slater (1995): 11–17; Taplin (1999) *passim* (who collates the evidence, including pottery); Allan (2000): 149–60; Biles (2006–7); on the Roman side, Manuwald (2011b): 108–19, and Cowan (2013) esp. 329–42 (who focuses on visual allusion and recollection in republican tragedy); and on the post-classical reperformance of Greek tragedy, see the useful volume by Hall, Macintosh, and Wrigley (2004).

⁴ On which, see esp. Currie (2004); Hubbard (2004); Morrison (2007); Ferrari (2010).

out his rival's material to a subsequent audience; Cicero's *De Oratore* tells of Aeschines reading Demosthenes' *De Corona* at the behest of the citizens of Rhodes (*De Or.* 3.213 *petitum est ab eo postridie ut legeret illam etiam quae erat contra a Demosthene pro Ctesiphonte edita*; cf. Plin. *NH* 7.110; Plin. *Ep.* 2.3.10, 4.5.1).

The circulation and reading of oratory may be distinguished from those of tragedy. The performance of drama demanded a script (cf. e.g. Plu. *Moral.* 347e–f where Menander reportedly says ‘νῆ τοὺς θεοὺς ἔγωγε πεποίηκα τὴν κωμωδίαν· ὥκονόμηται γὰρ ἢ διάθεσις· δεῖ δ’ αὐτῇ τὰ στιχίδια ἐπᾶσαι’), and so there is no particular reason to think that reperformances differed. In contrast, the disseminated versions of speeches might vary considerably from those which were delivered.⁵ In many cases this may be accounted for by the fact that speeches were seldom written down at the time of delivery and so when they were written up subsequently one might naturally expect, and the evidence confirms, a degree of ‘touching up’.⁶

⁵ It should be acknowledged that a number of plays (especially in the case of several Euripidean dramas) exhibit a degree of alteration and embellishment by the actors who reperformed them (cf. e.g. Σ Eur. *Orest.* 1366–8; Ley (2013): 292–5), perhaps as a result of the particular circumstances or context of a performance, which could invest plays, or at least individual lines, with a new and unexpected significance — cf. e.g. Suet. *Nero* 39.3 which cites an actor's ironic reinterpretation of lines from an Atellan farce to evoke Nero's matricide. However, for the most part, the scripts of the leading Attic tragedians' plays (viz. Aeschylus, Sophocles, and Euripides) remain largely unaltered thanks to a law introduced by Lycurgus in 330 BC which mandated that ‘official’ versions be prepared by the Athenian public secretaries (cf. Ps.-Plu. *Ten Orators* 841f ὡς χαλκᾶς εἰκόνας ἀναθεῖναι τῶν ποιητῶν, Αἰσχύλου Σοφοκλέους Εὐρυπίδου, καὶ τὰς τραγωδίας αὐτῶν ἐν κοινῷ γραψαμένους φυλάττειν καὶ τὸν τῆς πόλεως γραμματεῖα παραναγινώσκειν τοῖς ὑποκρινομένοις· οὐκ ἐξεῖναι γὰρ <παρ> αὐτὰς ὑποκρίνεσθαι, with Hanink (2014): 62–3). These were reportedly later ‘copied’ (or rather, stolen) for the Greek library at Alexandria under the rule of the Ptolemies (c. 247–222 BC) (cf. Gal. *Comm. Epidemics* 2.4). There is evidence too of an active market in book production (including the circulation of ‘playscripts’) at the end of the fifth century BC (e.g. Xen. *Ana.* 7.5.14). On the transmission of the texts of Greek tragedies, see further Csapo and Slater (1995): 4–5, 10–11, 19–22. On the rehearsal of actors in Athens (with specific focus on Aristophanes), see Ley (2013): 298–308.

⁶ To return to the example of Aeschines and Demosthenes (above), Yunis (2001: 27, n. 88) observes several indications of, admittedly minor, revisions in their texts for publication after the trial, which he argues extended ‘their rivalry beyond the original legal-political setting into the world of letters’. Although Yunis doubts the authenticity of the anecdote related above, he nevertheless suggests that it might speak to a ‘genuine literary rivalry’ between the two; cf. e.g. Dem. 19.246–50 with Aeschin. 1.141–54. Cf. Paulsen (1999); MacDowell (2000); Hubbard (2004).

Moreover, this process of writing up and disseminating versions of speeches was not universal, but rather in Rome a selective enterprise undertaken only by certain orators. In late republican Rome — a formative moment in the development of Roman oratory — Cicero presents the preeminent example.⁷

This thesis will look at the relationship between orator and reader, and will be especially interested in why Cicero disseminated his speeches and how his contemporary readers would receive them. The readers considered will include not only aspiring politicians and students of rhetoric, but the whole range of ancient readers and readerly interests. As we shall see, this reader-centred approach is valid because the speeches are being circulated with different purposes and new consumers in mind from the original orations.⁸ Additionally, we have sufficient material and context to explore the communication between orator and readers, more so indeed than for much other ancient literature.

Oratory and ‘publication’⁹

Throughout his professional life, Cicero adopted a practice of disseminating written versions of speeches he delivered in trials, meetings of the senate, and public *contiones*.¹⁰ This was not a completely novel practice; the Attic orators often

⁷ Speeches e.g. by his pupil Caelius also reached later times; cf. *ORF*⁴ 480–9.

⁸ Although it should be admitted that there were surely a number of ancient readers of the written speeches who were also present at their original delivery.

⁹ For convenience, throughout this thesis I use the terms ‘publication’, ‘dissemination’, and ‘circulation’ interchangeably, cognisant of the anachronism of the first (cf. Starr (1987): 215 n.18). See further the discussion below.

¹⁰ Some speeches were not delivered at all: the *Second Actio* of the *Verrines*, the *Second Philippic*, our versions of the *Fourth Catilinarian* and the *Pro Milone*. On the latter, cf. Berry (1993), (2000): 169–71, and (2004): 80; Fotheringham (2006): 80–2; Hutchinson (2010): 104, 106, with literature. Lintott (2008: 13) adds the *Post Reditum ad Populum*, although this is less certain (cf. esp. Walters (2017)). See further below on Cicero’s ‘touching up’ of delivered speeches.

disseminated versions of their speeches, and on the Latin side, Cato the Elder in particular had published written versions of numerous forensic and deliberative speeches.¹¹ Nonetheless, dissemination was not a practice universally adopted by Cicero's first-century contemporaries. In the previous generation, Cicero claims of the celebrated M. Antonius, *idcirco se nullam umquam orationem scripsisse ut, si quid aliquando non opus esset ab se esse dictum, posset negare dixisse* (*Clu.* 140).¹² And even those orators who did choose to disseminate copies of their speeches did not necessarily do so for every speech which they delivered, not least Cicero himself.¹³

¹¹ Cicero claims to have known over 150 speeches of Cato (*Brut.* 65), some of which are included in the *Origines* (cf. esp. *FRHist* (Cato) 5, with commentary). It is unclear to what extent Cato's speeches circulated (cf. *ORF*⁴ fr. 206, 210; *FRHist*, vol. 3, pp. 63–159), although it seems they were available to read (Gell. 19.10.10). Cicero also tells us that, with the exception of one speech of App. Claudius Caecus and some funeral orations, Cato's are the earliest extant Roman speeches (*Brut.* 61; cf. *Sen.* 12 *est in manibus laudatio*; Plu. *Fab.* 24; *ORF*⁴ fr. 3, 4; *Lael.* 96 *sed adfuitis et est in manibus oratio*). On Cato as orator, see Astin (1978): 131–56, 233–9. The act of inscribing a speech as part of a larger literary work, as in the case of Cato's *Origines*, may be distinguished from the act of publishing a speech in its own right. Clearly, in both cases the orator seeks to engage a readerly audience, but in the case of the former, he does so within the context of a larger literary framework, which in turn affects the ways in which the reader interacts with the text and derives meaning therein. Moreover, by reason of its inclusion within a larger narrative, an embedded speech necessarily subordinates itself to the text as a whole. For further discussion of the Catonian fragments, see especially the valuable material in *FRHist* on Cato (no. 5), with commentary. See also discussion in La Bua (2019): 17, with notes. Other Latin orators known to have published some of their speeches included Galba (e.g. *Brut.* 127) and Crassus (e.g. *Brut.* 160, 164). We should also note here the distinction between the Athenian and Roman legal systems and its significance for *written* oratory. In Athens, plaintiffs and defendants represented themselves; at Rome, advocates spoke for defendants, and sometimes also for plaintiffs (cf. Powell and Paterson (2004): 10–14). The Attic orators (Demosthenes, Aeschines, etc.) wrote speeches for others to deliver as well as delivering their own. Being an Athenian *λογογράφος* could be a profitable occupation. At Rome, the writing of speeches for others to deliver was seldom practised, although the patron-client relationship could involve ghost-writers (e.g. L. Aelius Stilo: *Brut.* 169, 205–7; Suet. *GR* 3.2). On Attic dissemination practices, see e.g. Knox (1985), Yunis (2001): 26–9, MacDowell (2009): 2–9, esp. 7–9 (with focus on Demosthenes), with discussion just below.

¹² Another of Cicero's contemporaries, M. Licinius Crassus, who did have written versions of some of his deliberative speeches disseminated (cf. *Orat.* 132), faced a similar problem in a forensic case, when his opponent read out contradictory parts of two of Crassus' speeches, in one of which he defended the position of the senate and in the other sought to diminish its authority (*Clu.* 140–1, *De Or.* 2.223–5). Of course, Cicero received similar criticisms of inconsistency in several cases, e.g. when he represented L. Licinius Murena against the charge of *ambitus*, the prosecutor of the case was Cicero's close friend Ser. Sulpicius Rufus.

¹³ For discussion of Cicero's reasons for non-publication, see below p. 6, with Crawford (1984).

In the *Brutus*, Cicero supposes several other reasons for the failure of some orators to write down their speeches:

nam uidemus alios oratores inertia nihil scripsisse, ne domesticus etiam labor accederet ad forensem — pleraeque enim scribuntur orationes habitae iam, non ut habeantur —; alios non laborare, ut meliores fiant — nulla enim res tantum ad dicendum proficit quantum scriptio —: memoriam autem in posterum ingeni sui non desiderant, cum se putant satis magnam adeptos esse dicendi gloriam eamque etiam maiorem uisum iri, si in existimantium arbitrium sua scripta non uenerint; alios, quod melius putent dicere se posse quam scribere, quod peringeniosis hominibus neque satis doctis plerumque contingit.
(*Brut.* 91–2)¹⁴

In Cicero's view, producing written versions of speeches was a consciously independent activity from delivering them and not just an extension of the same process: it required considerable extra effort and, to a certain extent, a different set of skills (cf. Quint. *Inst.* 12.10.49–57). This, of course, did not mean the orator should deliver an entirely improvised, extemporaneous speech. Indeed, in a passage in the *De Oratore* (1.150–3), Cicero stresses the value of writing out important sections of speeches and memorising them before delivery (*De Or.* 1.150 *tamen illud utilius, sumpto spatio ad cogitandum, paratius atque accuratius dicere*; cf. Asc. 87 Clark, Quint. *Inst.* 10.7.30–1 on Cicero's *commentarii*).¹⁵ So, Cicero

¹⁴ Cf. Plat. *Phaed.* 257d on Greek orators not disseminating their speeches for fear of being branded σοφισταί: . . . καὶ σύνοισθ' ὅτι οἱ μέγιστον δυνάμενοι τε καὶ σεμνότατοι ἐν ταῖς πόλεσιν αἰσχύνονται λόγους τε γράφειν καὶ καταλείπειν συγγράμματα ἑαυτῶν, δόξαν φοβούμενοι τοῦ ἔπειτα χρόνου, μὴ σοφισταὶ καλῶνται. The Elder Seneca provides some interesting examples of orators whose main strength lay in oral performances as opposed to written versions (cf. Sen. *Contr.* 3. pr. 1 *quosdam disertissimos cognoui uiros non respondentes famae suae cum declamarent, in foro maxima omnium admiratione dicentes, simul ad has domesticas exercitationes secesserant desertos ab ingenio suo*; e.g. *Contr.* 3. pr. 4 *deinde ipsa quae dicebat meliora erant quam quae scribebat*).

¹⁵ Cf. Lintott (2008): 20, with *Att.* 16.6.4, 13.20.2 discussed below at p 14. The position at Athens was somewhat similar: delivered speeches were largely an *extempore* effort (cf. e.g. Dem. 19.234, 21.110), while written (and disseminated) versions were fashioned *post factum* (and as a result may not have reflected exactly what was said; cf. e.g. Dem. 18), and in some cases were only published posthumously. However, *De Or.* 1.231, for example, suggests that some court speeches were written out in full before delivery, and then memorised. Indeed, Pericles is said to have been the first man to prepare a court speech in writing beforehand (cf. *Souda* π 1180 (MacDowell (2009): 2, n. 7)). As MacDowell (pp. 6–7) points out, writing out and memorising a speech was unique to oratorical

(unusually) writes out in full his *Post Reditum in Senatu* on account of the *magnitudo* of the occasion (*Planc.* 74). Nevertheless, as various correspondence with Atticus elucidates, Cicero regularly revised the delivered versions of speeches for publication.¹⁶ Moreover, as we shall see, the fact that Cicero chose to publish certain speeches (and not others), gives evidence of the conscious distinction between delivery and dissemination.

A brief word on ‘publication’ is helpful here. For Cicero and his contemporaries ‘publication’ usually meant giving a text to its dedicatee with permission to copy, then to other friends, and perhaps depositing a copy with a library or bookdealer. But, as Starr observes, ‘the booktrade was merely an ancillary system of circulation beside the private channels that probably supplied the vast majority of literary texts’.¹⁷ Members of the Roman elite obtained most of their

settings where the form and space in which the oration was to be given could be entirely pre-determined. Arist. *Ath. Pol.* 67, for example, stipulates the time limits (measured by a water clock) of various lawcourt speeches, depending on the gravity of a particular case. For speeches in the assembly, however, such anticipation was not possible. Trevett (1996) and MacDowell (2009: 8f.) argue that (for Demosthenes at least) speeches were not revised or distributed in the main, but simply kept at home, where they were later collected and copied posthumously. *Contra* Tuplin (1998), who argues the converse.

¹⁶ Cf. e.g. *Att.* 1.13.5, where Atticus had apparently requested that Cicero should include a geographical excursus on Puteoli and Misenum in a speech he was publishing, and the orator promised to comply. Lintott (2008: 20, n. 26) suggests this speech may be distinct from the Metellus speech, and instead refers to *De Lege Agraria* 1 or 3.

¹⁷ Starr (1987): 221. Roman bookdealers operated small, individual shops that traded in current literature, not older works (cf. Zetzel (1981): 235; but cf. Aulus Gellius’ description of some old books being sold very cheaply at the port of Brundisium (*NA* 9.4)). In contrast to the geographic reach of twenty-first century book sales, each bookdealer only made the copies he sold; there was little or no distribution system to support the individual shop-owner and therefore virtually no broadly-based geographical distribution except on the individual level. cf. e.g. Hor. *Epist.* 1.20.9-13, which may involve the sending of out-of-fashion books to the provinces. Starr (1987) suggests that most of the copies bookdealers sold were probably made at the specific request of a customer. The shop-owner merely needed to have on hand or to acquire exemplars of various texts from which he could make copies as necessary. A stock might be maintained of some texts, however, since Martial directs potential purchasers of his epigrams to the shop of Atrectus who *de primo dabit alteroue nido | rasum pumice purpuraque cultum | denaris tibi quinque Martialem* (1.117.15-17). Exactly how many copies of a text might have been made is an unanswerable question. A famous letter of Pliny mentions that Regulus had one thousand copies made of his eulogy for his son for circulation *per totam Italiam prouinciasque*, but that is an unusual kind of text and Pliny thinks the number excessive and in bad taste (*Ep.* 4.7.2 — perhaps an echo of *Sul.* 42 *diuisi tota Italia, emisi in omnis*

literature (including written speeches) through their social connections rather than from booksellers (cf. Mart. 4.72). So, for example, Cicero dedicates his *Academica* (in a revised four-book form) to Varro (with a view, presumably, to its wider circulation, with Atticus' assistance) (*Att.* 13.13–14.1; cf. *Att.* 12.45.1).¹⁸ And so in most cases the 'published' book would make its way copy by copy, from friend to friend, out into the world. So Starr concludes: 'when strangers could acquire copies of a work, that work can be said to have been *made public* or to have been *released*.'¹⁹ Needless to say, the circulation of books occurred on a smaller scale than it does today, and much more slowly. Thus one must distinguish modern 'publication' from its ancient counterpart, one which operated by a model of gradually widening circles (from close friends to strangers).²⁰ Although this personal circulation of texts was in many ways less subject to authorial control than the circulation of a printed book, and revision of a work already released more difficult,²¹ the Roman republican author would have had more control over this intimate and deliberate process in its early stages, since his first readers were all

provincias; on the letter, cf. Ash (2013): 227–8). It was more probable, posits Starr (1987: 220), that the number of copies of particular works reflected the demand from readers/buyers, with the exception of school texts which were often copied out at the master's dictation (greatly increasing the numbers of such works; cf. e.g. *Q. Fr.* 3.1.11 where Cicero boasts that schoolboys are learning his *In Pisonem* by heart), and the sale of used books (if it occurred at all; the evidence is paltry).

¹⁸ On the publication of the *Academica*, cf. Griffin (1997): 28–32, and the discussion on 'books' in the second chapter on the *Verrines*.

¹⁹ Starr (1987): 215.

²⁰ One might note those authors who never lived to see their works 'published' (such as Vergil with the *Aeneid*, or Lucretius and his *De Rerum Natura*), although even in such cases, the earlier stages of composition and limited circulation (with revisions), would probably have been overseen by the authors of such works. Starr (1987: 216) catalogues the various ways in which an ancient author might seek to make his text available for copying by others. Cf. e.g. *Att.* 2.1.2 (and 12.40.1) where Cicero asks Atticus to make his Greek work on his consulship known in Athens and other Greek towns.

²¹ See, e.g. *Att.* 13.20, where the wide circulation of the *Pro Ligario* prevents Cicero from revising it further.

people he knew.²² For Cicero, as is extensively revealed in the correspondence, Atticus was particularly important for the preparation and circulation of his speeches.²³

Speeches for readers

At the moment of delivery, Cicero's speeches are addressed in the second person (abundant apostrophe apart) to a specific audience on a specific oratorical occasion.²⁴ The motivations for the delivery of these speeches are usually self-evident: to persuade a jury to acquit or condemn a defendant; to urge the senate to adopt a certain law, or quell a conspiracy; and so forth. Moreover, the first performance of these speeches is, logically, oral and does not imply the existence of a written text. Indeed, there was a strong convention within ancient rhetoric that speeches were delivered without a script, and even though writing might feature in

²² On the role and importance of booksellers, Starr (1987: 220f.) notes that neither Cicero nor Pliny, for instance, two of our major sources for the circulation of literary texts, ever mentions going to a bookshop. This, of course, does not prove that they never did so, but it may suggest that they obtained any texts they wanted through their friends. If a reader's circle of friends included neither the author of the text nor someone who owned a copy, then bookstores might provide a helpful service. Catullus, for example, says that he will torment a friend by buying books of bad poetry and giving them to him (14.17–20). The joke may be based not only on the low quality of the poetry itself but also on the implication that the poets he mentions were so terrible that no one in his circle would know them or own a copy of their poetry. Moreover, Gellius tells us that the elite used bookstores as gathering-places (5.4.1); Catullus writes of looking for a friend *in omnibus libellis* (55.4). Cf. also Plin. *Ep.* 9.11.2; Ov. *Tr.* 1.1.

²³ On Atticus in general, see Shackleton Bailey (1965): 3–58 (on 'Atticus and Cicero'). On Atticus as Cicero's publisher cf. Sommer (1926), Phillips (1985–86). On Atticus as collaborator and editor of Cicero's works, see Gurd (2007): 52–3, esp. n.10 and bibliography. Likewise, Tiro wrote up and disseminated a number of Cicero's works (cf. *Fam.* 16.4.3 *innumerabilia tua sunt in me officia, domestica, forensia, urbana, prouincilia, in re priuata, in publica, in studiis, in litteris nostris*; *Fam.* 16.17.1 where Tiro is *kakōn meorum scriptorum*; *Fam.* 16.10.2; McDermott (1972b)). See further the discussion just below on *commentarii* (p. 9, n. 25). The letters themselves circulated with various degrees of publicity or privacy; cf. J. Nicholson (1994); Hutchinson (1998); White (2010); and discussion in the third chapter on the consular speeches (with *Att.* 2.1), and in the fourth chapter on the *post reditum* speeches (esp. on *Fam.* 5.12).

²⁴ This might be called 'the ground' of an utterance: its situation and setting (i.e. the speaker, the addressee, the time, place). On which, see Langacker (2002): 7, (2008): 78, (2009): 61; Hutchinson (2010): 98, (2013): 242, 249, 265–73.

preparation, orators would often find themselves in situations where improvisation was necessary, particularly, as was often the case for Cicero, if an orator did not speak first in the sequence of delivering speeches. Quintilian reports that Cicero wrote out the *necessaria et utique initia* of speeches which he then memorised for delivery (*Inst.* 10.7.30); this implies that he did not regularly write out the rest (one exception is the *Post Reditum in Senatu: recitetur oratio, quae propter rei magnitudinem dicta de scripto est* (*Planc.* 74)).²⁵

After their delivery, however, these speeches take on another life. Unlike a reperformed tragedy, the disseminated speeches do not simply fulfil the original aspirations for delivery, which have already been accomplished (or not) — they offer the reader something more. By virtue of their being read by an expanded audience, in an alternative set of circumstances, the readers' interactions with the material are necessarily different, and Cicero is cognisant of this, as we shall see. It is clear that the versions disseminated were often adapted or refined in some way during the process of writing up (cf. *Sen.* 38, *Brut.* 91). Hence what is being read is

²⁵ *Memoria* was one of the five basic skills of the orator, and was crucial because an orator needed to have his material memorised (but not necessarily verbatim) ready for use as the situation in court or debate demanded (cf. *Inv.* 1.9; *Rhet. Her.* 1.3). Improvisation and a witty response to something unexpected could win an orator favour. Demosthenes presents an interesting example. Plutarch claims that Demosthenes, in contrast to the celebrated improvisation of Demades (his oratorical rival; cf. *Dem.* 10.1–2, with Lintott (2013) ad loc.), used to prepare his speeches before delivery by writing out and memorising important passages (*Dem.* 8.3–5). Demosthenes himself talks about the extent of his preparation, and refuses to apologise for it in his speech *Against Meidias* (21.191 Τάχα τοίνυν ἴσως καὶ τὰ τοιαῦτ' ἐρεῖ, ὥς ἐσκεμμένα καὶ παρεσκευασμένα πάντα λέγω νῦν. ἐγὼ δ' ἐσκέφθαι μὲν, ὃ ἄνδρες Ἀθηναῖοι, φημι κοῦκ ἂν ἀρνηθεῖην, καὶ μεμελετηκέναι γ' ὥς ἐνῆν μάλιστα ἐμοί· καὶ γὰρ ἂν ἄθλιος ἦν, εἰ τοιαῦτα παθὼν καὶ πάσχων ἡμέλουν ὧν περὶ τούτων ἐρεῖν ἐμελλον πρὸς ὑμᾶς . . .). Aeschines famously denounced Demosthenes for losing his place while making a speech before Philip (2 (*Leg.*) 34–5, 114). Plutarch, on the basis of inadequate evidence, ascribes the same inability to speak off the cuff to Cicero (*Cic.* 35.2–5; cf. Lintott (2013): 186). On Cicero's *commentarii*, see also Quint. *Inst.* 4.1.69; Asc. *In toga candida* 87 Clark *praeterea mouet me quod, cum sint commentarii Ciceronis causarum*. Tiro, Cicero's freedman, published at least 13 books of *commentarii* (Diomedes *GL* 1.368.28; Quint. *Inst.* 10.7.31 *nam Ciceronis ad praesens modo tempus aptatos libertus Tiro contraxit*); see further above on 'publication'. On the nature of *commentarii*, Riggsby (2006: 133ff.) offers some useful remarks, as part of a broader consideration of Caesar's *De Bellico Gallico*.

not simply the same as what was delivered. The disseminated version of the *Pro Murena*, for example, indicates some editing, with the insertion of a *titulus* (at §57) indicating omissions of some sections (cf. Plin. *Ep.* 1.20.7; also *Cael.* 19, *Font.* 20).²⁶ This suggests that an altered version is needed for its new consumers.

Some important questions arise. Foremost: why does Cicero choose to disseminate written versions of his speeches? Relatedly: who were Cicero's ancient readers and what were they doing with his speeches? Moreover, how might a 'reading focus' improve our understanding of the speeches we have?

To take the theoretical question first: a focus on readership presupposes that by analysing Cicero's speeches from the perspective of the reader one might gain a more comprehensive understanding of what we have, the texts as circulated for readers. This general approach to textual interpretation is commonly known as 'reader-response' criticism. Reader-response criticism shifts attention away from the text seen purely in itself, to the reader of the text and the 'reading experience', and advocates a position that meaning is not an inherent property of texts, but rather is made by the reader, in the act of reading. It has become a standard critical approach to the reading of texts, both ancient and modern.²⁷

²⁶ Note, too, the probable rewriting e.g. in *Cat.* 2.28, 3.14–15, 4.20ff. which we know was circulated several years after delivery (*Att.* 2.1.3; cf. the discussion in Dyck (2008a): 11–12, more radical in Berry (2006): 153–4), and the wholesale rewriting of the *Pro Milone* (on which, see above). On possible revisions in the *Pro Sex. Roscio Amerino*, cf. Berry (2004). The relationship between Cicero's extant speeches (in disseminated form) and those he actually delivered in court has been much discussed: e.g. Stroh (1975): 31–54; Riggsby (1999): 178–84; Alexander (2002): 15–26; Powell and Paterson (2004): 1–57, 52–7; Morstein-Marx (2004): 23–31; Steel (2006): 25–9; Manuwald (2007): 54–65; Lintott (2008): 19–32. Note also Quint. *Inst.* 12.10.51f. On the oral dimension to classical literature, see generally Fantham (1996): 2–11; Watson (2001). On 'fiktive Mündlichkeit', cf. Fuhrmann (1990), with discussion of the *Verrines* (especially the *Second Actio*) and the *Fourth Catilinarian* in the second and third chapters of this thesis. On Cicero and editorial revision, see especially Gurd (2007). In the years after 46 there seems to be a marked increase in the frequency of references to editorial revision: e.g. the *Pro Ligario* (*Att.* 13.12.2, 13.19.2, 13.20.2, 13.44.3), the *Second Philippic* (*Att.* 15.13.1, 15.13a.3, 16.11.1).

²⁷ Cf. e.g. Schmitz (2007): 86–97; Cave (2016): 123–37.

As one might expect, a spectrum of approaches has emerged.²⁸ The most attractive among these was first proposed by Wolfgang Iser, an approach which strikes a balance between the role of the text and that of the reader in shaping or controlling the reading experience. Iser claims that every text is characterised by ‘gaps’ and ‘spots of indeterminacy’, and so reading is inevitably a challenge to fill the gaps and to clarify the indeterminacies as best one can.²⁹ In the case of oratory at least, this seems to exaggerate the indefiniteness of the text, and to underplay the joint production of meaning in a process of communication between author and recipients. Another passage inadvertently brings out the way a reader’s experience might differ from that of a juror: ‘to read is to experience a “wandering viewpoint” that travels along, within and with the text, as one looks ahead, in anticipation of moments to come in the reading experience, and as one looks behind, in review of and reflection upon what has already transpired’.³⁰ So a reader might reread as many times as they like any passage or set of arguments which they do not initially grasp. A juror does not have that luxury.

Thus the focus of our inquiries will be a close analysis of what we might call the ‘communicative setup’ between orator and reader: examining the orator’s attitudes towards his readers, and conversely, the role actual readers play in the determination of the impact of the text. In particular, we shall be interested to see how new audiences can reasonably be supposed to interact with these speeches. Of course, interpretation and inference are needed on our part; but it may be noted that in many respects we have much more information and context (e.g. Asconius) than

²⁸ Cf. esp. Holland (1975); Bleich (1978); Iser (1974) and (1978); Fish (1980).

²⁹ Iser (1978): 182.

³⁰ Gooder (2008): 129; cf. Iser (1978): 288; Tompkins (1980): ix.

for the secondary audiences of tragedy, or indeed the primary audiences, which have been so basic to the criticism of tragedy — or for the readers of Latin poetry. This is not to suggest that there is ‘one meaning’, but rather that by viewing Cicero’s speeches through the lens of readership we might uncover whole repertoires of significance, shaped by the readers’ context, beliefs, and assumptions, as well as the orator’s own literary intentions and motivations for dissemination.

Who were Cicero’s readers?

It is necessary then to ascertain who Cicero’s ancient readers actually were. As we have already observed, the circulation of ancient texts was different from modern publication; but it remains clear that Cicero envisaged and organised this stage, and from his comments we can see some of the audiences he had in view.³¹ In the first instance, Cicero envisages an audience of his peers, of elite Roman men. But as the correspondence shows, Cicero too is interested in disseminating his speeches among young readers, particularly those political hopefuls who might uphold him as a model orator, even a ‘Roman Demosthenes’ (e.g. *Att.* 2.1.3, 4.2.2, *Q. Fr.* 3.1.11).

A particularly fruitful passage from the preface to the second book of the *De Divinatione* shows Cicero’s active interest in young readers and in positioning his literary efforts as vehicles for instruction:

³¹ For helpful discussions of ancient ‘publication’, cf. e.g. Sommer (1926); Zetzel (1981): esp. ch. 11; Kenney (1982): 3–32; Butler (2002): 71–3, with literature. See also the discussion above on ‘publication’ at pp. 5–7.

quod enim munus rei publicae afferre maius meliusue possumus, quam si docemus atque erudimus iuventutem, his praesertim moribus atque temporibus, quibus ita prolapsa est, ut omnium opibus refrenanda atque coercenda sit? nec uero id effici posse confido, quod ne postulandum quidem est, ut omnes adulescentes se ad haec studia conuertant. pauci utinam! quorum tamen in re publica late patere poterit industria. equidem ex eis etiam fructum capio laboris mei, qui iam aetate prouecti in nostris libris adquiescunt; quorum studio legendi meum scribendi studium uehementius in dies incitatur; quos quidem plures, quam rebar, esse cognoui. magnificum illud etiam Romanisque hominibus gloriosum, ut Graecis de philosophia litteris non egeant; quod adsequar profecto, si instituta perfecero. (*Div.* 2.4–5)

While, in the first instance, this passage is directed to Cicero's philosophical texts, it gives context to his more pervasive interest in education of the young. The orator has just catalogued (*Div.* 2.2–3) his publishing efforts to date, both philosophical and rhetorical. But the tenor of the passage is all-encompassing, and surely must include in its ambit the published speeches (cf. *Div.* 2.1 . . . *si optimarum artium uias traderem meis ciuibus; quod compluribus iam libris me arbitror consecutum*). Indeed, a number of speeches, as we shall see, are described as *libri* (cf. e.g. *Orat.* 103, where the *Verrines* are *accusationis septem libris*). Moreover, this passage shows that Cicero hopes that his publications will reach a mass audience (*quorum tamen in re publica late patere poterit industria*), beyond even his own comprehension (*quos quidem plures, quam rebar, esse cognoui*).³²

Although Cicero aims for mass publication (when he chooses to publish), discussion of a few particular examples of specific readers may be helpful. Cicero's letters are full of names of those he thought of as potential dedicatees, those to whom he gave speeches, and those from whom he wanted them withheld. Among

³² One is perhaps reminded of Cicero's depiction of C. Iulius Caesar in the *Pro Marcello* and the projected hopes of posthumous fame through publication articulated there and imagined as one of Caesar's aspirations; cf. Gotoff (1993), Winterbottom (2002), Hall (2009), Pelling (2011), Dugan (2013).

Atticus' circle, Cornelius Nepos (a reader himself) isolates three, who were probably among the first readers of Cicero's disseminated speeches: L. Cornelius Balbus, Sex. Peducaeus, and Agrippa (Nep. *Att.* 21.4).³³ Peducaeus, in particular, appears frequently in Cicero's correspondence to Atticus as a close friend and a man whose advice the orator respects (esp. *Att.* 12.1.3, 15.7, 10.1.1, 9.10.10). He was also a literary adviser in whom Cicero had an exceptional amount of trust. For example, Cicero asks Atticus to give him Peducaeus' advice about the *Second Philippic* in the following terms: *tu uero leges Sexto eiusque iudicium mihi perscribes. εἰς ἐμοὶ μύριοι.* (*Att.* 16.11).³⁴

From a survey of the correspondence, inter alia, it is possible to form some idea of the social circles in which Cicero wished his speeches to be read. There is ample evidence in the letters that Atticus, who is known to have been the starting-point in the dissemination of many of Cicero's works, was a very effective conduit, not to those *qui se Latina scripta dicunt contemnere* (*Fin.* 1.4) but to the politically influential. Atticus promoted Cicero's writing firstly as an editor, giving him criticism and encouragement,³⁵ and secondly as secretary, doing the work of copying, cutting, and pasting his manuscripts.³⁶ He helped promote dissemination of

³³ Nepos supposedly caused Cicero much chagrin by disliking the works that pleased the orator most: *Att.* 16.5.5 *Nepotis epistulam exspecto. cupidus ille meorum? qui ea, quibus maxime γαυριῶ, legenda non putet?*

³⁴ Cf. Murphy (1998): 504.

³⁵ Although it should be noted that Cicero tacitly assumed that his friend would not circulate copies of drafts of work he had sent to him: *Att.* 15.27.2; 13.21a. Atticus would attach small wafers made of red wax to the passages that he thought needed revision and then returned the draft to Cicero, who claimed he waited in fear of the wafers: *Att.* 16.11.1; 15.14.4. Pliny the Younger, similarly, used to ask his friends for advice on his compositions: see, e.g., *Ep.* 7.20, about exchanging works for comment with Tacitus. Cf. Mayer (2003: 229, 231), who suggests that one of Pliny the Younger's primary aims in publishing his letters was to establish his own standing as an orator and to align himself with Cicero in particular through the device of circulating his speeches to his friends for comment.

³⁶ *Att.* 16.6.4 Cicero confesses that he has thoughtlessly stuck on to the beginning of the *De Gloria* a preface he had already used for *Acad.* 3, having pulled it at random from his *uolumen*

Cicero's texts by copying them for his own use (e.g. *De Oratore: Att.* 14.13.2 *de libris oratoriis factum est a me diligenter. diu multumque in manibus fuerunt. describas licet.*) and by sending corrected copies on to their dedicatees (e.g. *Att.* 13.48.2 *laudationem Porciae tibi misi correctam. eo properaui ut, si foret aut Domitio filio aut Bruto mitteretur, haec mitteretur.*). But perhaps Atticus' most useful way of increasing the circulation of Cicero's works was by recommending them to other potential readers (e.g. *Att.* 13.19 *Ligarianam, ut uideo, praeclare auctoritas tua commendauit*). On the evidence of Cicero's correspondence, Atticus' most usual means of creating favourable publicity for a given piece of writing was to invite his friends to dinner. The dinner-parties Atticus hosted were, according to one of his frequent guests, always attended by entertainment in the form of readings by a trained slave (*lector*),³⁷ as we read in *Nep. Att.* 13.3:

usus est familia, si utilitate iudicandum est, optima; si forma, uix mediocri. namque in ea erant pueri litteratissimi, anagnostae optimi et plurimi librarii, ut ne pedisequus quidem quisquam esset qui non utrumque horum pulchre facere posset.

In his description of the accomplishments of Atticus' slaves the same source gives us some idea of the importance attached to literary diversions in his household:

nemo in conuiuio eius aliud acroama audiuit quam anagnosten, quod nos quidem iucundissimum arbitramur; neque umquam sine aliqua lectione apud eum cenatum est, ut non minus animo quam uentre conuiuiae delectarentur. namque eos uocabat quorum mores a suis non abhorrent. (*Nep. Att.* 14.1–2)

prohoemiorum. ex eo eligere soleo cum aliquod σύγγραμμα institui. He encloses a new preface for the *De Gloria*, requesting of Atticus that *illud desecabis, hoc adglutinabis*. Catull. 35 may reflect such a situation, but the poem has not and probably cannot be elucidated with complete confidence; cf. Copley (1953), who suggests that Caecilius has sent a version that he considers ready to be released.

³⁷ On *lectores* generally, cf. Horsfall (1995).

References to these *convivia* abound in Cicero's letters to Atticus. Cicero often asks his friend to have a particular text, or excerpt from a text, read aloud at his next dinner party (cf. Catull. 44.8–15 for another instance of dissemination of a text at a dinner-party, seen from a guest's point of view). Such parties were always small, since too large a gathering would obstruct the free flow of give and take between the author and his friends. Pliny writes *recitaturus oratiunculam quam publicare cogito, aduocavi aliquos ut uererer, paucos ut uerum audirem* (*Ep.* 5.12.1). In an obsequious passage (which becomes reflexively flattering), Ovid describes how many poets — Horace, Propertius, and Vergil among them — used to preview their poems in such settings (*Tr.* 4.10.41ff.).³⁸

These *convivia* were often the first definite step toward circulation of a text. In some sequences of Cicero's letters we can trace almost step-by-step the progress of a text from first reading to wide distribution. The *Pro Ligario*, which, in addition to having been pled before him, was eventually to be read by Caesar,³⁹ much to the delight of its author, took its first steps toward popularity at a dinner-party for which Cicero congratulates Atticus in these rather commercial terms: *Ligarianam praeclare uendidisti. posthac quicquid scripsero, tibi praeconium deferam* (*Att.* 13.12). Cicero attributes this popularity directly to the excellent *theatrum*

³⁸ Starr (1987: 214) notes that the small audiences at these 'test sessions' were made up of the author's friends or, in a more general sense, people with whom he was already in social contact, including patrons and clients. Just as an author did not send his first draft to a stranger, so he did not invite strangers to an experimental reading of a work in progress. This guaranteed an audience basically sympathetic, but also, one imagines, often basically unchallenging, which probably also encouraged insularity and discouraged taking literary risks (cf. e.g. Plin. *Ep.* 5.3). These first readings were entirely closed. The audience would naturally discuss the work during and after the recitation, but the text itself did not circulate. The members of the audience were not given copies to take home and scrutinise at their leisure, and potentially, to share with others. See further Quinn (1982): esp. 83 n. 23.

³⁹ Caesar read other Ciceronian efforts, too. Allegedly, he described the verses of Cicero's non-extant (and unpublished?) *De Temporibus Suis* as ῥαθυμότερα (*Q. Fr.* 2.16.5). See further the discussion in the fourth chapter, pp. 110, 112.

constituted by Atticus' guests: *ad Ligarianam de uxore Tiberonis et priuigna neque possum iam addere (est enim peruulgata) neque Tiberonem uolo offendere; mirifice est enim φιλαίτιος. theatrum quidem sane bellum habuisti (Att. 13.20).*

Although it is true that the speeches often began circulation among friends, and involved a degree of collaborative revision (Atticus was Cicero's editor-in-chief), there is a decisive stage where the written orations leave the author's control and present themselves to unknown audiences with possibilities for criticism (or, so Cicero anxiously hoped, fame). Fear of criticism was not unique to Cicero (cf. *Brut* 92 *existimantium*, above); other classical authors show similar concerns. Horace, for example, describes the passage of his poems into the hands of strangers, and the spread of fame (cf. *Epist.* 1.19 and 1.20). Likewise, Lucilius contemplates possible readers with some show of anxiety; a wider circle, and an actual lack of control, are implied (cf. 26.16–17 Charpin). In this way, after initial previews of the works among friends, the texts of the speeches find their way into the hands of readers perhaps unknown by the orator.⁴⁰ The role of booksellers in distributing copies of the speeches in the late Republic is uncertain given the paucity of evidence, although Hutchinson contends that 'one cannot exploit only Cicero's silence to infer that the book trade has mushroomed in the first century AD' given that 'there is simply much less evidence apart from Cicero in the late Republic'.⁴¹ Public libraries

⁴⁰ Hutchinson (2008: 33) notes it is for this reason, namely the fear of personal offence, that Cicero does not allow his *De Temporibus Suis* to escape (*effugere*) into general circulation (*edi*), but will show it to friends (*Att.* 4.8a.3, *Fam.* 1.9.23 (itself an advertisement); cf. *Att.* 13.20.2). However, this is not true of all Cicero's works; e.g. the name of its addressee especially will make the *Orator* be spread abroad (*diuulgari*, *Orat.* 112); everyone else (*ceteri*) will come to know Cicero (*cognoscant*) in his lifetime from Lucceius' work (*Fam.* 5.12.9; cf. Hor. *C.* 2.20.17–19 *me . . . ultimi | noscent Geloni*). On the *De Temporibus Suis*, and its publication (or not), see the discussion in the fourth chapter.

⁴¹ Hutchinson (2008): 34. Later in the first century BC, Horace shows the significance of booksellers for distribution (cf. e.g. *Sat.* 1.4.71–2, which indicates that Horace's work is widely known and

may too have widened access, although again, to what extent these aided the dissemination of Cicero's speeches in his lifetime is uncertain.⁴²

Thus the picture of the circulation Cicero's speeches is, as we have seen, somewhat erratic. Some speeches no doubt previewed at *convivia*, others were sent as personal copies to close friends, while others still circulated commercially via booksellers, or some combination of all of these methods. But in any case, from this examination of the circulation of the speeches we may begin to piece together the contexts in which they were read, and thus to distinguish Cicero's readers into several broad categories, or 'reading communities'. They include literary critics (*Brut.* 92 *existimantium*; cf. above); posterity (*Att.* 2.5.1 *quid uero historiae de nobis ad annos DC praedicarint? quas quidem ego multo magis uereor quam eorum hominum qui hodie uiuunt rumusculos*; cf. *Cat.* 3.26, *Att.* 2.17.2, *Phil.* 2.33–4); and the young, especially students of rhetoric (*Att.* 4.2.2 *itaque oratio iuuentuti nostrae deberi non potest*; *Att.* 2.1.3 *ea quae nos scribimus adolescentulorum studiis excitati*; *Q. Fr.* 3.1.11 *pueri*; *Fam.* 6.18.4 (on the *Orator*) *Leptam nostrum cupio delectari iam talibus scriptis*; *Fam.* 1.9.23 (on the *De Oratore*) *quos arbitror Lentulo tuo fore non inutilis*). Consequently, we see the speeches circulating among a number of different groups of readers, many of whom were at the apex of the Roman social pyramid, and whom Cicero hopes might be interested in his ideas and magnify his reputation by adopting them.⁴³

discussed, despite the poet's alleged unwillingness to be sold in bookshops (also *Sat.* 2.1)). See further the discussion above on the booktrade.

⁴² On the many and varied reading spaces, see the discussion in Hutchinson (2008): 38.

⁴³ Cf. Murphy (1998): 505; Gurd (2007): 58–9.

This discussion of Cicero's readers naturally leads us to contemplate why the orator sought to promulgate written versions of his speeches in the first place. Let us turn, then, to Cicero's speeches, thinking critically about what his various consumers might gain from reading them.

Grounds for circulation

Cicero himself gives us a number of statements about his motivations for circulating written versions of his speeches (a situation not enjoyed by many other ancient authors).⁴⁴ Cicero's dissemination strategies were complex and shaped by an amalgam of personal and political factors. One of Cicero's chief motivations towards publication in general was a desire to achieve lasting fame and realise his ambitious political aspirations. This motivation manifested itself in different ways at different times in Cicero's life. As a *nouus homo*, Cicero's oratory was the only means by which he might magnify his reputation and ascend the *cursus honorum* to the consulship: he was not especially wealthy; he did not have a famous family (although did have good connections), and was especially hindered by his 'rustic' (i.e. non-urban) heritage; nor did he hold any important military command that might bring glory and fame.⁴⁵ In his *De Officiis*, Cicero discusses oratory's

⁴⁴ Reasons for nonpublication may also be enlightening. Cicero's extant speeches number 58, and there are 17 fragmentary speeches that must have been published but damaged in transmission; five speeches were very likely published and lost (*Pro Tullio* 1; *Pro M. Fonteio* 1; *De lege agraria* 4; *Cum prouinciam in contione deposuit*; and *De consulatu suo*). The number of unpublished speeches is 83 (as contended by Crawford (1984), and generally agreed among scholars). These statistics demonstrate that Cicero decided against publication more than half the time. For further treatment of possible reasons for nonpublication of Cicero's speeches, see the discussion in Crawford (1984): 11–16, 20–1; Powell and Paterson (2004): 55, with literature.

⁴⁵ On *noui homines* see esp. Wiseman (1971). Cato the Elder, another *nouus homo*, perhaps provided a model for Cicero (the former regularly circulated written versions of his speeches; see above). On *nobilitas*, see Gelzer (1969); on *equites*, Nicolet (1966), and Wiseman (1970); on the contrast between 'country and city' (esp. in Cic. *S. Rosc.* and *Cael.*), see Vasaly (1993): 156–90, with literature. It is interesting to note that Cicero frequently casts himself metaphorically as *dux* in the

importance for political success, and particularly the fame that comes from eloquence displayed in trials, meetings of the senate, and public *contiones* (2.47–51).⁴⁶

But merely delivering speeches, political or forensic, was not enough. Although successful oratory could enhance the reputation of a *nouus homo* like Cicero and help him retain his influence even after the consulship, this benefit had to be consolidated and amplified by the publication of the orations.⁴⁷ By publishing his speeches, the orator could help the dissemination of his views and, if possible, his success in court or government to a much larger audience than the one he originally addressed. Moreover, publication could ensure the perpetuation and promulgation of a constructed narrative (e.g. the reasons for Cicero's exile).⁴⁸ Dissemination could thus be a powerful tool for the career politician.

Publication also offered Cicero an opportunity to defend himself and justify previous activity, especially in the years following his consulship.⁴⁹ For example, in a passage which was probably edited and adjusted in the circulated version of the *Fourth Catilinarian* (*Cat.* 4.18–24), we see the orator attempting to promulgate a more positive view of his role in the handling of the Catilinarian conspirators, to offer a defence of his reputation, which was under fire from Clodius.⁵⁰

published speeches, which suggests that he felt the need to stake a claim in the military sphere (an over-compensation for his lack of significant military experience?; cf. esp. Dyck (2004b: 311f.)).

⁴⁶ See the discussion in Gelzer (1969): 70–86, esp. 81, for the politics of forensic activity.

⁴⁷ Cato, again, offers a similar case; on which see Astin (1978): 155–6, with literature.

⁴⁸ On the 'exilic narrative', see the extended discussion in the fourth chapter.

⁴⁹ Self-justification strategies were by no means unique to Cicero. L. Cornelius Sulla, e.g., wrote his own autobiography (*Res Gestae*; three fragments are preserved in Gell. 1.12.16, 20.6.3, and Prisc. *Inst.* 9), which sought to summarise, and promulgate knowledge of, his 'successful' political career. On self-articulated narratives in the late republic, see esp. Tatum (2011), and the discussions in the third and fourth chapters.

⁵⁰ Cf. Fuchs (1959) esp. 466f.

Closely allied with these motivations of self-promotion and self-justification, Cicero also hopes that his disseminated speeches might serve as oratorical models instructive for young men studying rhetoric. By offering his works as *exempla*, Cicero hoped to augment his influence on the younger generation and thus secure his posthumous fame, hence his claim that the enthusiasm of the youth of Rome spurred him to publish his consular speeches (cf. *Att.* 2.1.3; *Att.* 4.2.2; above). Although conceding that Cicero used his published speeches to justify a political stance or make propaganda, Wilfried Stroh argued that the foremost of Cicero's impulses towards dissemination was a didactic one (i.e. to educate young men studying rhetoric in school).⁵¹ While Stroh's view is too exclusive, he is right to identify Cicero's pedagogic aspirations.⁵²

Cicero is disseminating his speeches in a 'model-seeking' culture. In particular, the reading of model speeches was of intrinsic importance to the training of young Roman orators, who would learn their craft by studying oratorical *exempla* (cf. esp. *Rhet. Her.* 4.1–10; *De Or.* 2.90).⁵³ For example, we hear of Brutus reading Demosthenes with his teacher Pammenes (*Orat.* 105; cf. Aeschines reading

⁵¹ Stroh (1975: 51) contends 'aber das eine ist mit Entschiedenheit zu bestreiten: Der Einfluss auf die (politische) Meinungsbildung ist nicht das Hauptmotiv der Redenpublikation. Dem widersprechen alle Zeugnisse Ciceros.'

⁵² Cicero frequently argues that the education of the young is a duty for all good Romans, especially those of the older generations: cf. e.g. *De Or.* 1.159, 165, 201, 256; 2.36, 335, 337; *Rep.* 5.5; *Brut.* 161, 322; *Orat.* 120; *Arch.* 14–16; *Off.* 1.1.; *Div.* 2.4–5. See further Narducci (1989): 189–225; van der Blom (2010): 303–7, 311–15.

⁵³ Roman students of oratory would read these speeches under the guidance of Greek *rhētors*. It should be emphasised that the evidence of Greek education then is directly relevant as the Romans participate in it, learning both Greek and Roman rhetoric in parallel: cf. e.g. Bonner (1977); Criatore (1996) and (2001); Morgan (1998). Some choice papyrological evidence is illuminating, demonstrating how the speeches of, for example, Demosthenes served as the subject of declamations. e.g. P. Berol. 9781 presents a reply to Demosthenes' speech against Leptines, and offers an imaginary defence of the four 'advocates' attacked in the last part of that speech (cf. e.g. 106 ὁ Δημόσθενες) — see Kremmydas (2007). So too P. Oxy. II 216 gives a speech against Philip, presumably in Demosthenes' voice, at a time close to the Elder Seneca (cf. also P. Oxy. VI 858 (against Demosthenes), XLV 3235–6 (Demosthenes against Philip and Aeschines)).

Demosthenes, *De Or.* 3.213, above). So Cicero envisages school boys reading his *In Pisonem* (*Q. Fr.* 3.1.11 *cum. . . meam in illum pueri omnes tamquam dictata perdiscant*), and he writes that he is sending copies of his consular speeches to Atticus in response to the *studia adolescentulorum* (*Att.* 2.1.3).⁵⁴ Moreover, Cicero's extensive self-citation in several of his rhetorical works, especially the *Orator*, a work which details the principles of eloquent oratory and quotes instructive examples, implies that he hopes his speeches will serve this purpose (e.g. *Orat.* 102–3, 107, 165, 210, 223–4, 225, 232; cf. *Orat.* 2, 7).⁵⁵ Indeed, Cicero finds the rest of the corpus of Roman oratory wanting for citable material (*Orat.* 132f.; cf. *Orat.* 22). Cicero thus seeks to engage with this culture of exemplarity by presenting *himself* as an *exemplum* to be studied and imitated, figuring himself a sort of 'Roman Demosthenes' (cf. *Brut.* 289; *Plin. Ep.* 7.30.5; *Juv.* 10.114–17).⁵⁶ In

⁵⁴ Cicero's concern with 'youth' (especially after 46 BC) is also marked out by the number of literary works dedicated to leading members of the younger generation (presumably with the hope of securing their allegiance); cf. e.g. *Brut.*, *Parad.*, *Orat.*, *Fin.*, *Tusc.*, *Nat.* (all dedicated to M. Brutus); *Top.* (to C. Trebatius Testa). It was at this time (46 onwards) that Cicero also took on the role of tutor to a number of young men (e.g. *Q. Fr.* 3.4.6; *Att.* 8.4.1). The *De Officiis*, addressed to Cicero's son, Marcus Iunior, is written for the entire category of young readers (cf. *Off.* 2.45 *non de te, sed de toto genere*) in need of similar advice, seeking not only a career, but a set of guiding principles for life. Youth, of course, is Cicero's go-to defence vis-à-vis a wayward Caelius, who is repeatedly given the epithet, *adulescens*, which together with the related *adulescentia*, appears 39 times in his colourful *Pro Caelio*. In Greek oratory, cf. e.g. *Lys.* 16.11, 15–16; *Arist. Rhet.* 2.12.

⁵⁵ Although Cicero lists a significant number of his own speeches as instructive examples, he generally refrains from quoting from the orations directly (but cf. e.g. §107), on the assumption that the texts of his speeches have such wide circulation that readers would be able to refer to the speeches he mentions, and that they have achieved a level of canonicity that makes quotation unnecessary (*Orat.* 103). And indeed it would seem that Cicero's speeches continued to be studied as exemplary texts after his death. An intriguing, and much later, example of Ciceronian stylistic influence may be found in St. Augustine's *De Doctrina Christiana*, in which the author discusses the usefulness of Ciceronian rhetorical theory for Christian oratory (cf. esp. 4.1). So St. Augustine (at 4.74) paraphrases Cic. *Orat.* 69: *dixit enim quidam eloquens, et uerum dixit, ita dicere debere eloquentem ut doceat, ut delectet, ut flectat* etc. (cf. 4.96ff. with Cic. *Orat.* 101). On which, see esp. Green (1995): xx; Testard (1958): 189–92. On the transmission of the text of Cicero's speeches, see Rouse and Reeve in Reynolds (1983): 54–98. On Ciceronian influence and reception in the next generation, see the comprehensive discussion in Sillett's (2015) thesis on Cicero's reception in the early imperial period.

⁵⁶ Others claimed this title too. Cicero's younger contemporary Calvus strove with him over the first place in Roman oratory, and himself followed Demosthenes' example: so the Elder Seneca (*Contr.* 7.4.6, 8); occasionally Calvus is judged the best of Roman orators (*Quint. Inst.* 10.1.115). At an

this way we can observe how Cicero's speeches are being written, disseminated, and read in an educational context.

But the disseminated speeches do not simply have *rhetorical* education in mind; some of Cicero's orations (especially his *consulares*) also offer guidance to aspiring politicians. In particular, Cicero stresses the importance of speaking well for political success (cf. e.g. *Mur.* 24; also *Verr.* 2.1.32; *Div. Caec.* 10). Further evidence of this motivation is found in the relationship between the *Pro Murena* and the *Commentariolum Petitionis*, a handbook of electioneering. We may make several inferences from the connections between these texts. First, the very publication of the *Commentariolum* suggests that there was a market for political handbooks among readers.⁵⁷ Second, the close connection between the handbook and the few extant passages of Marcus' lost invective, *In toga candida*,⁵⁸ as well as several passages in the *Pro Murena*, shows that the passages in these speeches would be as useful to young readers as the explicitly didactic work (cf. e.g. *Mur.* 44 with similar language at *Comm. Pet.* 34–5).⁵⁹

earlier stage, Cato had been called the 'Roman Demosthenes' (Plut. *Cat. Mai.* 4.1); cf. Astin (1978): 149, Gruen (1992): 57. Cf. Bishop (2016). See further the discussions in the third chapter on the consular speeches vis-à-vis *Att.* 2.1.3; and also in the conclusion.

⁵⁷ Although the work is addressed (perhaps spuriously?) to Marcus in the epistolary form, it is a treatise. Indeed, at the end of the *Commentariolum* M. Cicero is asked by Q. Cicero to improve it, as if for publication (§58). On authorship and authenticity, see esp. Nisbet (1961b): 84–7; Nardo (1970): 3–28; Laser (2001): 5–7, with literature. Nisbet (1961b) raises the objection to assuming Q. as author of the *Comm. Pet.* on the grounds of the language and style of the work, which both seem largely inconsistent (save, perhaps, §§8–12) with that praised by his brother M. at *De Or.* 2.10, and as evident in his four extant letters (*Fam.* 16.8, 16.16, 16.26, 16.27).

⁵⁸ Cf. esp. *Comm. Pet.* 8–12; only 27 fragments of Cicero's speech survive, on which see esp. Crawford (1994): 159–99. See further Nisbet (1961b: 85 n.3) on the similarities between the *Comm. Pet.* and *In toga candida*.

⁵⁹ Although there are 'erkennbaren sprachlichen Parallelen' between the two passages, Laser (2001: 156) argues that they 'unterscheiden. . . in ihrer Intention'. Nevertheless, both passages share a focus on 'die zunehmende Unverbindlichkeit der Beziehungen' (157; viz. *in salutoribus*). The *blanditiae* mentioned at *Mur.* 44 also feature in a similar passage in the *Commentariolum* (§42 *sed opus est magno opere blanditia, quae, etiam si uitiosa est et turpis in cetera uita, tamen in petitione necessaria est*).

A multiplex view of Cicero's grounds for circulation is then to be preferred, one which acknowledges that a combination of didactic, political, and literary considerations was responsible for the dissemination of the speeches. Moreover, as we shall see, the orator's motivations for publication differed at different stages of his life, as his personal and political circumstances changed.⁶⁰ In this way, we may begin to appreciate with fresh eyes the significance of Cicero's publication strategies and the ways in which the orations are adapted for readers.

'Sets' of speeches

This thesis will look in detail at 'sets' of speeches of different types, spanning Cicero's oratorical career.⁶¹ As we shall see, these groupings and the individual speeches themselves often show that they have been expanded, altered, and reconceived for readers. The first set considered is the *Verrines*, a group of seven speeches which are self-evidently united as belonging to the same criminal case (cf. e.g. *Orat.* 103, where the *Verrines* are *accusationis septem libris*). Most significant for our study are the five speeches of the *Second Actio*, which were undelivered, and represent texts catering specifically for readers.⁶² The next is the group of

⁶⁰ For example, one might note Cicero's later slightly defensive comments at *Orat.* 107 (retrospectively criticising his defence of Roscius for parricide as showing signs of *iuuenilis redundantia*), or *De Or.* 1.5 (his disparaging remarks about his own youthful *De Inuentione*), which suggest that short-term and longer-term reasons for publication did not always sit comfortably together.

⁶¹ Ancient readers often approached speeches in a similar way. Cicero himself compares Demosthenes' *De Corona* and Aeschines' *Against Ctesiphon* in his preface to a lost translation of the two speeches (cf. esp. *Opt. Gen.* 19–23). With the *Philippics* we clearly see Cicero forming a set, one that has a Demosthenic precedent. The *Philippics* are considered in the Appendix.

⁶² Powell and Paterson (2004: 56) and Tempest (2013: 43) rightly raise doubts about the degree to which we may characterise the *Second Actio* as a 'fiction' or rhetorical exercise, a conclusion reached by other scholars on the grounds that the speeches were never delivered (e.g. Butler (2002)). Both Powell and Paterson and Tempest cite a paucity of evidence about when Verres actually withdrew into exile (although cf. Pseud. Asc. 205.14–15 *ipse etiam Verres desperato patrocinio sua sponte discederet in exilium*; *Verr.* 2.3.205) and the conflicting accounts of the way his defence was,

consular speeches, which were issued by Cicero himself as a set (cf. *Att.* 2.1.3, ‘σῶμα’).⁶³ Lastly, we shall consider the *post reditum* speeches, which although they were not issued as a collection, are very obviously unified by subject matter and interrelated passages. There is evidence too that these speeches cater to readers: Cicero writes about the reception of his *In Pisonem* (*Q. Fr.* 3.1.11), which in the circulated form we have is probably much too long to have been delivered as a *sententia* in the senate. An outline of the specific chapters follows here.⁶⁴

The second chapter concentrates on the seven *Verrines* (cf. *Orat.* 103, above). In disseminating the speeches, Cicero wishes more immediately to win the aedileship for 69, but more broadly to establish himself as the leading orator in competition with Hortensius (cf. e.g. *Div. Caec.* 24; *Brut.* 319 *certamen*). In particular, we might note that the case represents Cicero’s first prosecution. By emphasising the great burden shouldered by prosecutors generally, and the even greater burden he bears on account of the gravity of the charges against Verres (cf. *Verr.* 2.3.1f.), Cicero promotes the value of prosecuting for a successful political career (cf. *Verr.* 2.1.32 *et ex accusatione perficiam ut nemo umquam post hominum memoriam paratior, uigilantior, compositior ad iudicium uenisse uideatur*; *Div. Caec.* 10). In addition, the speeches offered readers a textbook display of the

or was not, conducted. However, they seem to interpret this as evidence that the *Second Actio* may have, in fact, been delivered (at least in part). This seems wholly unconvincing—an argument *ad ignorantiam*. Cicero tells us Verres only attended the first two days of the *First Actio* (*Verr.* 2.1.20). He apparently stayed in Rome, though, during both the obligatory adjournment and the *ludi* that followed because Cicero relates an anecdote concerning Verres’ behaviour in Rome during this period: *Verr.* 2.4.33 . . . *nuper . . . posteaquam est comperendinatus . . . ludis circensibus mane apud L. Sisennam . . . cum pro dignitate L. Sisennae domus esset plena hominum honestissimorum, accessit ad argentum . . .* Cf. esp. Alexander (1976), Butler (2002), Lintott (2008): 16f.

⁶³ Although Cicero does not list the speech in the collection at *Att.* 2.1.3 — and there is no reason to suppose that he published it in tandem with the *consulares* — I have included the *Pro Murena* in the discussion by reason of its consular content and evidence of its adaptation to a readerly audience.

⁶⁴ An Appendix includes discussion of other pertinent speeches not treated elsewhere in this thesis.

accumulation and presentation of evidence (the circulated versions emphasise this by reason of their expansion, especially the five-part *Second Actio*; cf. *Verr.* 2.1.33, 56 on the mass of evidence assembled). The readers of the *Verrines* then are numerous and diverse (cf. e.g. *Verr.* 1.7 *in oculis omnium*; *Verr.* 1.48; *Verr.* 2.5.35; *Div. Caec.* 27), and include not only those interested in rhetoric, but also those aspiring to a political career, and those interested in the oratorical scene in Rome, particularly the relationship between Hortensius and Cicero.

The third chapter considers the ‘consular’ speeches (i.e. those delivered in 63). Self-promotion is again an impetus to publication, allied with Cicero’s desire to control his consular legacy (cf. e.g. *Arch.* 28–30; *Tusc.* 1.32; *Sul.* 67 *hic tu epistulam meam saepe recitas quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi*). Indeed, Cicero writes that he hopes to come across as a politically significant figure, and as a significant orator (cf. Demosthenes, who is specifically mentioned at *Att.* 2.1.3). There are other motivations too. The dating of the circulated speeches (perhaps as many as three years after their delivery) affords the orator time for revision and repackaging for readers (cf. e.g. *Mur.* 57, *Cat.* 4.20–2). Readers of the *consulares* include the young (*Att.* 2.1.3; above), especially those who are aspiring orators and politicians. In a speech which enjoys a close relationship with a political handbook (*Comm. Pet.*), Cicero impresses upon the young political hopefuls reading his *Pro Murena* the importance of rhetoric for a political career (e.g. §24). Other consumers include those interested in Cicero’s treatment of momentous political events, and those interested in celebrity interactions (e.g. Sulpicius and Cato in the *Pro Murena*).

With the *post reditum* speeches, Cicero wishes to craft and disseminate a positive ‘narrative’ of his exile. He wants not merely to enforce the picture through repetition (cf. e.g. *Sest.* 49 *seruauit igitur rem publicam discessu meo, iudices*; *Red. Sen.* 34; etc.), but to make it complete (cf. esp. *Planc.* 86f.). Cicero implies this will be of interest to his readers. The speeches also cater to readers interested in the interaction of famous figures (e.g. Cicero and Caesar at *Prov. Cons.* 40f.). Cicero’s handling of Clodius, still more Piso, do not simply blacken the names of his enemies, but also provide classic examples of invective. Indeed, we have evidence that young students of rhetoric were greatly excited (or at least Cicero hoped they would be) by his *In Pisonem* (*Q. Fr.* 3.1.11). Likewise, Cicero disseminates his *De Domo Sua* with young readers in mind (*Att.* 4.2.2 *oratio iuuentuti nostrae debere non potest*). With the *In Pisonem*, readers encounter a reply to an attack made by L. Calpurnius Piso; the two speeches recall the exchange between Demosthenes and Aeschines in the pair of speeches, *De Corona* and *Against Ctesiphon*. In this way, Cicero’s invective fashions itself as a work of ‘read’ literature—writing replies was a feature of much classical literature.

Drawing together the specific discussions, the final chapter will establish the value of looking at Cicero’s speeches not just as the original interactions between orator and audience, but also as the later interaction between author and readers. The written speeches do not represent mere reproductions of oral performances — indeed, in some cases the speeches were never delivered at all — but rather engage

with new audiences of readers, with new objects in view. These new perspectives greatly enhance our appreciation of the orations, as texts *for* readers.⁶⁵

⁶⁵ The size of Cicero's oeuvre has necessitated a somewhat selective study of the published speeches (the *Verrines* (including *Div. Caec.*), *Catilinarians*, *Pro Murena*, and five of the *post reditum* speeches (*Red. Sen.*, *Red. Pop.*, *Dom.*, *Sest.*, *Pis.*) are considered in particular detail) in the forthcoming chapters. For completeness, however, an Appendix follows the conclusion and surveys a number of published speeches not considered elsewhere, including the *Philippics*, which Cicero explicitly casts as a 'set' and which, in the circulated version, is clearly directed towards readers (for example, the *Second Philippic* was never delivered). Other speeches considered in the Appendix include: *S. Rosc.*, *Font.*, *Caec.*, *Clu.*, *Leg. Agr.* 1–4 (4 not extant), *Flacc.*, *Planc.*, and *Mil.*

2. THE *VERRINES*

In this chapter we shall focus upon the *Verrines*, a group of seven ‘speeches’ which are self-evidently united as belonging to the same criminal case (cf. e.g. *Orat.* 103, where the *Verrines* are referred to as *in accusationis septem libris*).⁶⁶ This group of speeches (hereafter, simply ‘the *Verrines*’) is particularly pertinent to our study as it offers us a rich source of information for an investigation into the composition and circulation of Cicero’s orations.⁶⁷ In the speeches, Cicero describes not only the conditions surrounding the trial but his preparations for it and the manoeuvres of the opposing side as well. Moreover, because the *Verrines* contain both speeches delivered and those of the *Second Actio* that were not, this corpus positively invites a consideration of the question (raised in the introductory chapter) of the relationship between delivered and circulated versions. The collection of speeches, arranged in a format which gives the appearance of a literary work crafted specifically for readers (Cicero regularly describes the speeches as a singular *Accusatio* in seven parts: *Orat.* 103, etc.).

Together, the seven ‘speeches’ promulgate a positive image of Cicero, who presents himself to his readers as the model prosecutor, the Roman orator *par excellence*. Indeed, Cicero repeatedly emphasises the singularity of the work, especially in his *Orator*, where he describes the collection as a ‘one-off’ example of a prosecution, which he simply calls *Accusatio* (*Orat.* 103, 131, 167, 210). By

⁶⁶ To avoid confusion, all references to the two *actiones* of the case shall be abbreviated as follows: *Verr.* for the *First Actio*, while for the *Second Actio*, I simply give the speech and section number, e.g. *Verr.* 2.2.1.

⁶⁷ The *Diuinatio in Caecilium* is a bonus in engaging with these speeches, on which cf. esp. Watson’s (2013) thesis (monograph forthcoming with Cambridge University Press).

emphasising the speeches' exemplarity, and figuring himself as an oratorical exemplum, Cicero positions his text as useful for young aspiring politicians, whom he hopes will feature among his readers (cf. *Att.* 2.1.3, discussed at length in the next chapter, where the *studia* of younger readers encourage Cicero to publish more speeches). Moreover, Cicero's subsequent rise to the aedileship of 69 shows the value of circulated oratory for career advancement.⁶⁸

Furthermore, Cicero's interaction with the lead counsel for the defence, Q. Hortensius Hortalus, whom he regards in the *Verrines* and elsewhere as one of the foremost contemporary Roman orators, points to the highly competitive environment in which orators jostled for pre-eminence. Indeed, Cicero focuses particular attention on the competition with Hortensius, which he describes as a military contest (*Brut.* 319 *certamen*; cf. *Div. Caec.* 24). This was a battle for fame with resonance beyond the particular case.⁶⁹

Circulating a positive self-image enables Cicero to position himself favourably in the present case, but also in the oratorical scene at Rome now and subsequently, and to preserve and disseminate his own *laus*.⁷⁰ Seizing upon his successful election to the aedileship for 69 (at *Verr.* 2.5.36 Cicero is already *designatus aedilis*), the time was opportune for an ambitious Cicero to advertise his successful prosecution of the guilty Verres, who was but the latest example of

⁶⁸ The relationship between oratorical and political activity in the Roman Republic is well known (e.g. *Off.* 2.49–51, with discussion below); cf. e.g. Gruen (1968), Riggsby (1999).

⁶⁹ Cf. Dyck (2008b: 153f.) who speculates that after losing in his prosecution of Verres, Hortensius may have developed a form of depression, indicated by a lack of activity.

⁷⁰ Cf. Frazel (2004): 138–41. This is contrary to some recent (and unconvincing) claims that Cicero circulated the *Second Actio* out of discomfort over his usual manoeuvres during the *First Actio*, manoeuvres that were, according to this view, directly related to his equestrian background. Cf. Butler (2002): 81, 84; May (1988): 41f.

corruption to infect the political élite.⁷¹ As Cicero seeks to advance his position among the political class, his published speeches broadcast his views on the political developments of the 70s, in particular the rise and increasing importance of the equestrian order. In this way, as we shall see, Cicero circulates his *Verrines* in a variety of contexts and engages directly and purposefully with readers.

Reading a book

A number of factors encourage a view of the extant *Verrines* as texts catering to readers, emphasising the speeches' *literary* qualities.⁷² Foremost, the set of speeches as issued by Cicero includes five orations in the *Second Actio* which were undelivered and arguably greatly exceed what could have been delivered (cf. e.g. Plin. *Ep.* 1.20.10 *in iis etiam quas tantum editas scimus, ut in Verrem; Verr.* 2.4.5). The disseminated versions of these speeches give evidence of expansion, revision, and recasting for readers. As Lintott rightly observes, the five speeches of the *Second Actio* of the *Verrines* were not needed to secure Verres' conviction; rather they seem to reproduce what Cicero had elicited from his witnesses in the *First Actio*. Hence these five speeches may be treated as 'imaginative, but plausible reconstructions' of what the orator would have said.⁷³

⁷¹ Contemporaneously, there had been a censorial purge of the senate: cf. *Div. Caec.* 8 *censorium nomen . . . poscitur*; Liv. *Per.* 48 *censores asperam censuram egerunt*. At *Chu.* 117–34, Cicero recalls the *lustrum* in 69 BC where the censors made full use of their arbitrary powers and amid popular applause (at *Chu.* 130f.) expelled 64 senators, including the consul of 71, P. Lentulus Sura.

⁷² Cf. esp. Nisbet (1992): 16; Gurd (2010).

⁷³ Lintott (2008): 16. Moreover, Lintott (ibid) makes the important point that even with Verres' departure before the *Second Actio*, and his conviction secured, the trial was over: 'the praetor would have pronounced a condemnation after consultation with the jury, and then would have followed the *litis aestimatio*, the investigation of what damages precisely were owed to each wronged party'; cf. references at Lintott (ibid) n. 9: *Lex Rep.* (Crawford (1996) vol. 1, 1), ll.58–68; Lintott (1992): 23–4, 140–8. According to Plutarch (*Cic.* 8.1), Cicero was criticised for under-estimating the damages to be sought from Verres at a mere 3 million sesterces (contrast 40 million in *Verr.* 1.40 and 100 million in *Div. Caec.* 19, though this first claim was made before the *inquisitio*). However, Lintott

A particularly striking feature of the five speeches of the *Second Actio* is Cicero's extensive and textbook-like display of the accumulation and presentation of evidence. Although we have piecemeal evidence of civil procedure in *repetundae* trials such as Verres', it would seem improbable that the *Second Actio* could ever have been delivered as we have it.⁷⁴ Indeed, Tacitus has one of his interlocutors in his *Dialogus de Oratoribus*, M. Aper, question whether anyone could be expected to sit out the five 'speeches' of the *Second Actio* (*Dial.* 20.1 *quis quinque in Verrem libros exspectabit?*).

It is reasonable to suppose that with the *Verrines* Cicero followed his usual practice of delivering speeches: without a script (cf. *Planc.* 74 on the *Post Reditum in Senatu*), relying on a combination of memorisation of important passages (e.g. the *exordium* and *peroratio*) and casual referral to *commentarii*, written up before he delivered (or intended to deliver) the speeches (cf. *Plu. Dem.* 8 on Demosthenes' preparations before delivery, with discussion in the introduction, p. 9). The disseminated versions of the delivered (and undelivered) speeches thus represent *post factum* constructions of what Cicero actually said, with probable editing, refinement, and embellishment of the original orations. However, in the absence of other evidence, it is probable that the written versions of the speeches were disseminated fairly promptly after the trial, and that they were disseminated as a

(*ibid.*, n.9) suggests that '3 million may represent what was actually recovered through the sale of Verres' surviving real estate'. Much of what is detailed in the five speeches of the *Second Actio* would have fitted well with such an investigation.

⁷⁴ Cf. Lintott (2008): 16, esp. n. 9 with literature.

complete corpus following the successful outcome of the trial, rather than piecemeal as individual ‘speeches’ (cf. *Orat.* 103, above).⁷⁵

Unlike the elaborate and extensive version he circulated, Cicero’s two delivered speeches in the case against Verres (viz. *Div. Caec.* and the *First Actio*) were prepared in limited time. Indeed, early in 70, the orator sought a *dies perexigua* (*Verr.* 6; cf. *Verr.* 2.1.30 *cum ego mihi c. et x. dies solos in Siciliam postulassem*), in which to sail to Sicily to collect evidence. The praetor of the *quaestio de repetundis*, M’. Acilius Glabrio, granted his request (*Verr.* 4). According to Cicero, it was extremely difficult to accomplish this feat in such a short amount of time. He stresses that he rushed to make the deadline (*Verr.* 2.2.99 *mea festinatio*). Moreover, he boasts of his *celeritas reditionis* (2.1.16).⁷⁶ The marked contrast between the lengths of the two *actiones* adds credibility to Cicero’s

⁷⁵ Most scholars assume that it was Cicero’s standard practice to circulate written versions of his speeches soon after delivery (but cf. e.g. the *consulares*, *Att.* 2.1.3). For example, Berry (1996: 58) writes on the *Pro Sulla* ‘... like most of Cicero’s speeches, it was probably published soon after delivery, and with a minimum of alteration’. In the case of the *Second Actio* of the *Verrines*, the component ‘speeches’ were undelivered and so present a significant addition to the delivered *First Actio*. As for the delivered portions of the *Verrines*, it is reasonable to suppose (as was Cicero’s regular practice) that *commentarii* formed the basis for the circulated versions, although the ‘writing up’ process was a separate activity (cf. *Brut.* 91–2, and discussion in the introductory chapter). Indeed, Cicero criticised the circulated censorial speech of Crassus (cen. 92 BC) against his colleague, Cn. Domitius, because it read more like an outline and a *commentarius*: *non est oratio, sed quasi capita rerum et orationis commentarium paulo plenius* (*Brut.* 164). Almost certainly Cicero used the interval between delivery and circulation to ‘touch up’ his notes, just as he imagines Cato did: *septimus mihi liber Originum est in manibus; omnia antiquitatis monumenta colligo, causarum illustrium quascumque defendi nunc cum maxime conficio orationes, ius augurium pontificium civile tracto* (*Sen.* 38, with Powell (1988) ad loc.). Cf. *Tusc.* 4.55 (discussing forensic speeches) *oratorem uero irasci minime decet, simulare non dedecet. an tibi irasci tum uidemur, cum quid in causis acrius et uehementius dicimus? quid? cum iam rebus transactis et praeteritis orationes scribimus, num irati scribimus?* By comparison, Attic dissemination practices differed but no doubt inspired later Roman practices. The intense rivalry between Demosthenes and Aeschines, which was played out in the *De Corona* and *Against Ctesiphon*, caused the two orators to manipulate their texts for publication after the trial (albeit in small and subtle ways; cf. Yunis (2001): 27, n. 88) and thus extended their rivalry beyond the original legal-political setting into the world of letters. cf. e.g. the discussion in Yunis (2001): 26–9, with bibliography; Usener (1994) is particularly helpful on private and public reading of texts in fourth-century Greece. See further the discussion in the introductory chapter.

⁷⁶ On the chronology of the *Verrines*, cf. Marinone (1950), esp. 8–14; Alexander (1976): 51, n. 21; Frazel (2004): 129–33.

claims (although it is just as probable that, for reasons of acceptability canvassed just above, the orator was unable to speak more extensively in the hearings that actually took place).

In addition to limited time for preparation before delivery (in the case of the *First Actio*), the disseminated speeches together represent the single largest publication of Cicero's entire career (the magnitude of the *Verrines* dwarfs all of his previously published works combined) and one of the most substantial such literary efforts in the first century BC.⁷⁷ This significant literary undertaking reinforces Cicero's later comments on the differences between delivery and publication of speeches in the *Brutus*, that the giving and writing up of speeches were separate exercises (cf. §§91–2).⁷⁸

We may further distinguish the *Verrines* from other collections of Cicero's speeches, which, although unified by subject matter (such as the other sets considered in chapters three and four), contain speeches which represent distinct oratorical occasions, delivered to different audiences and with different (original) objects in view.⁷⁹ The seven *Verrines*, by contrast, all belong to the *same* criminal proceedings; the speeches offer the reader an extended treatment of the same material, unencumbered by the restrictions of civil procedure. In this way, readers approach the component speeches of the *Verrines* as though sections of a larger, single literary work.

⁷⁷ Indeed, the *Verrines* occupy an entire *OCT* volume (the largest of the six volumes of Ciceronian speeches), which numbers 484 pages.

⁷⁸ Cf. The discussions at p. 25f., and in the conclusion.

⁷⁹ The consular speeches are a *σῶμα*, like Demosthenes' *Philippics* (*Att.* 2.1.3); Cicero's own *Philippics* are conceived as a group (cf. *Ad. Brut.* 2.3.4, 4.2). On the *Verrines* as a set used by Nonius Marcellus, cf. Schmidt (2000): 107–8. On the consular speeches as a collection, see the next (third) chapter.

Moreover, the disseminated versions of the *Verrines* show evidence of significant recasting for readers, not least the publication of the entirely-undelivered *Second Actio*, which comprises five ‘speeches’ of peculiar form and function.⁸⁰ Individually, these five ‘speeches’ show a number of rhetorical ‘irregularities’. They lack meaning in an oratorical context; their structure and contents do not conform to the requirements and expectations of prosecutorial speeches as prescribed by the rhetorical textbooks. However, this is not necessarily unusual for Cicero; many of the orator’s speeches subvert rhetorical convention and expectation. His *Pro Sex. Roscio Amerino*, for example, is less a defence of his client against the grave charge of *parricidium* (cf. e.g. *S. Rosc.* 61, 64–6, 70), and more an attack on the prosecutor, C. Erucius, for presenting a weak case (which, Cicero argues, makes it difficult for him to organise a refutation: *S. Rosc.* 42 *quod Erucio accidebat in mala nugatoriaque accusatione, idem mihi usu uenit in causa optima: ille quomodo crimen commenticium confirmaret non inueniebat, ego res tam leues qua ratione infirmem ac diluam reperire non possum*). Indeed, Cicero’s lengthy ‘defence’ is supported by limited evidence and is mostly the product of his imagination, deployed to derive maximum advantage from scanty materials (there are five *digressiones* in the speech, exceeded only by *Verr.* 2.4 (eight)).

In the case of the *Verrines*, the significance of a number of rhetorical irregularities is contentious. Various scholars (led by Ochs and Enos) have argued that the rhetorical form of the *Second Actio* is in fact different from the *Diuinatio in Caecilium* and *First Actio* and that these supposed differences indicate that Cicero approached the composition of the undelivered ‘speeches’ in a fundamentally

⁸⁰ Cf. Powell and Paterson above in the introduction, n. 62.

different manner from the delivered ones.⁸¹ While this may exaggerate the differences between the two *actiones*, if we examine the *Second Actio* more closely, we do observe that each constituent ‘speech’ subverts expectations with omissions and reordering of key rhetorical prescriptions (e.g. *exordium*, *narratio*). The *Second Verrine*, for example, begins with an arresting *praeteritio*: *multa mihi necessario, iudices, praetermittenda sunt . . .* (*Verr.* 2.2.1). We can surmise from these ‘irregularities’ that the separate ‘speeches’ of the *Second Actio* are not in fact distinct, separate offerings, but rather belong to a sort of ‘super-speech’, divided into five sections. For example, we notice that *Verr.* 2.4 intriguingly begins with the words *uenio nunc* (§1); surely not the opening words to a new speech, but rather a signpost for the reader at the beginning of a new section within a speech? Similarly, *Verr.* 2.3.1f. intrigues with a sort of proem in the middle of the collection, an extended discussion of the burdens (and perils) of prosecution; the text implies it is part of a larger literary structure. References to previous ‘speeches’ (e.g. *Verr.* 2.3.1 *ut ante dixi*, which recalls e.g. *Verr.* 2.2.1 *recepi enim causam Siciliae . . . suscepi enim causam totius ordinis, suscepi causam rei publicae*) imply (and encourage) contextual reading.⁸² We see similar examples of signposting in objectively literary works: for example, Vergil’s *Sixth Eclogue* or the seventh book of the *Aeneid* (cf. also Hor. *Sat.* 1.6).

⁸¹ Cf. Ochs (1982); Enos (1984) and (1988); Riggsby (1999): 179; Butler (2002): 84, 139 n. 17, 149 n. 78. For example, Ochs (1982) and Enos (1988) both argue that the *dispositiones* of the speeches in the *Second Actio* differ significantly from those prescribed in the rhetorical handbooks and followed (more or less) in the *First Actio* and other early speeches. Furthermore, Riggsby (1999: 179) notes that there is a displacement of ‘nonargumentative material’ in the *Verrines*. But contrast Frazel (2004: 135f.), who is unconvinced on account of a lack of evidence.

⁸² One is perhaps reminded of the embedded staging in Seneca the Younger’s plays even though (or precisely because) they were never performed; on which cf. e.g. Grant (1999).

Collectively, the five ‘speeches’ of the *Second Actio* form a cohesive and compelling whole. The effect on the reader is overwhelming. Gelzer writes ‘Über den Inhalt des Verrinenwerks läßt sich zusammenfassend nur sagen, daß es uns eine schier unvorstellbare Menge von Möglichkeiten vor Augen führt.’⁸³ The text of the *Verrines* demands comprehensive, global reading rather than reading of individual speeches in isolation. Moreover, because the ‘speeches’ are undelivered, Cicero is able to present a case against Verres far more formidable and expansive than civil procedure would allow.⁸⁴

An important consideration here is the question of how long one might be allowed to speak in front of a jury.⁸⁵ It would seem that there were some restrictions placed upon the length of orators’ speeches. Cicero himself derides his enemy P. Clodius Pulcher for speaking interminably before the pontifical college: *cum ad Clodium uentum est, cupiit diem consumere, neque ei finis est factus; sed tamen, cum horas tris fere dixisset, odio et strepitu senatus coactus est aliquando perorare* (*Att.* 4.2.4).⁸⁶ Moreover, in his commentary on Cicero’s *Pro Milone*, Asconius suggests that prosecutors were in total allowed two hours to speak: *tum intra horam secundam accusatores coeperunt dicere Appius maior et M. Antonius et P. Valerius Nepos. usi sunt ex lege horis duabus* (*Asc. Mil.* 41 Clark). This follows a later law

⁸³ Gelzer (1969): 48.

⁸⁴ On prosecutorial strategy and procedure, see generally Alexander (2002) and Riggsby (1999), and the discussion below.

⁸⁵ This question will be raised at several points throughout this thesis vis-à-vis a number of different speeches; in particular, the *In Pisonem*, which is much too long to have been delivered in its disseminated form (on which, see the discussion in the fourth chapter, p. 106). Cf. Plin. *Ep.* 6.2.5 *nam . . . increbruit passim et inualuit consuetudo binas uel singulas clepsydras, interdum etiam dimidias et dandi et petendi. nam et qui dicunt, egisse malunt quam agere, et qui audiunt, finire quam iudicare.* This interesting passage suggests that convention (after Cicero) dictated that advocates were allowed an hour or two to plead their cases.

⁸⁶ Clodius is characterised as a ‘bad’ speaker elsewhere in Cicero; e.g. Clodius was *odiosus in dicendo* like the bad speaker of *Mur.* 30. Cf. also *Tull.* 6 *namque antea non defensionis tuae modus, sed nox tibi finem dicendi fecit.*

of Pompey's (Asc. *Mil.* 36 Clark *poena grauiore et forma iudiciorum*), not operative in 70 (enacted in 52 during Pompey's sole consulship), but is still of interest. Less useful, but still illuminating, are the frequent references in Cicero's letters to having given a speech on a particular day; evidence, perhaps, that speeches were, at the very least, confined to delivery within a day (cf. e.g. *Q. Fr.* 2.3.6 *A. d. iii[i] Id. Febr. dixi pro Bestia de ambitu*).

With the *Verrines* we are confronted with a text which poses logistical challenges for delivery. The text of the collected *Verrines* is vast, numbering 484 OCT pages (an entire volume). While the delivered *First Actio* is 21 pages and might have taken an hour to deliver (perhaps a little longer, with some interruption; cf. *Verr.* 2.5.177 *paucis horis primae actionis*), the *Second Actio* is 417 pages; at that rate it would have taken the orator nearly 20 hours to deliver his prosecution (certainly not possible in a single sitting; cf. Asc. *Mil.* 41 Clark, above). Cicero rather unconvincingly suggests that with the expansive five-part *Second Actio*, the orator was delivering the *oratio perpetua* he was allowed, if not required (by law, or the gravity of the charges, or both), to give:

hic tu fortasse eris diligens, ne quam ego horam de meis legitimis horis remittam; nisi omni tempore quod mihi lege concessum est abusus ero, querere, deum atque hominum fidem implorabis, circumueniri C. Verrem quod accusator nolit tam diu quam diu liceat dicere. quod mihi lex mea causa dedit, eo mihi non uti non licebit? nam accusandi mihi tempus mea causa datum est, ut possem oratione mea crimina causamque explicare; hoc si non utor, non tibi iniuriam facio, sed de meo iure aliquid et commodum detraho. (*Verr.* 2.1.25)

Cicero challenges Hortensius to keep time (*hic tu fortasse eris diligens, ne quam ego horam de meis legitimis horis remittam*); of course, he could not, given the speech was never delivered. Moreover, at *Verr.* 2.1.31 Cicero defends himself

against the possible charge that he delivered such a short speech at the first hearing because he feared that, had he made a long one, he would be incapable of making another at the second hearing: *si meis horis in accusando uti uoluisset, uererer ne mihi crimina non suppetarent, ne oratio deesset, ne uox uiresque deficerent, ne, quem nemo prima actione defendere ausus esset, eum ego bis accusare non possem.*

As Alexander observes, ‘the passage is mockingly tongue-in-cheek, as one can see . . . from Cicero’s treatment of his opponents’ strategy’.⁸⁷ In any case, the fact that these speeches were undelivered releases Cicero from the constraining time limits of the courtroom.⁸⁸ The disseminated collection of *Verrines* is too long for purely practical needs, and though eloquence was appreciated in Roman courts, the degree of polish and elaboration would have been impossible for a speaker facing unexpected situations in the real world. Moreover, if we consider the written works that we have and not the orations that might have been, as Nisbet contends, Cicero’s aims in the *Verrines* ‘begin to seem more literary than political, and this is as true of the small-scale effects as of the larger design’.⁸⁹

In addition, as Pliny the Younger later argues in a letter to Tacitus, in contrast to the brevity and concision of the speeches of Lysias, Gracchus, and Cato,

⁸⁷ Alexander (1976): 49.

⁸⁸ So also note *Verr.* 56: *etiamsi spatium ad dicendum nostro commodo uacuosque dies habuissemus, tamen oratione longa nihil opus fuisse*; cf. *Verr.* 32. It should be noted that the exact stipulations of these laws governing time-limits is not known, although the practical and logistical challenges of delivering a series of ‘speeches’ which were clearly too long to have been given in one go strongly supports the argument that their length was beyond the regulations. In any case, the speeches were not delivered in the first place, and the point is academic. See further the discussion below on Cicero’s use of his prosecutorial strategy in the *Verrines* as a means of teaching young readers prosecutorial techniques.

⁸⁹ Nisbet (1992): 16. In addition, Berry (2016: 11–13) compellingly proposes two post-Ciceronian editorial additions to the *Fifth Verrine*: at *Verr.* 2.5.83 and 2.5.143. We shall explore these literary aims further in the discussion below.

the lengthy, published speeches of a number of orators, chiefly, Cicero himself (who is *in primis*), were to be greatly admired:

ego Lysiae Demosthenen Aeschinen Hyperiden multosque praeterea, Gracchis et Catoni Pollionem Caesarem Caelium, in primis M. Tullium oppono, cuius oratio optima fertur esse quae maxima. et hercule ut aliae bonae res ita bonus liber melior est quisque quo maior. uides ut statuas signa picturas, hominum denique multorumque animalium formas, arborum etiam, si modo sint decorae, nihil magis quam amplitudo commendet. idem orationibus euenit; quin etiam uoluminibus ipsis auctoritatem quandam et pulchritudinem adicit magnitudo. (Plin. *Ep.* 1.20.4–5)

So, in the *Second Actio* we observe how Cicero divides up one large speech into five smaller portions, in the same way an author might divide up a larger work into several smaller sections, a common feature of Roman ‘read’ literature, and consequently, the orator presents his case as a text catering for readers, the divisions into individual ‘speeches’ for the readers’ convenience.⁹⁰ In his monograph on ‘books’, Hutchinson discerns two main types of divisions in circulated literature. There are those which we may characterise as separated entities, such as distinct individual poems, which together form part of a larger collected work (e.g. Horace’s *Odes*). Alternatively, there are those entities larger than one book, which may be divided into books (e.g. Herodotus’ or Livy’s works).⁹¹ In the case of the *Verrines*, clearly the latter conception is pertinent. However, within this conception we should

⁹⁰ Indeed, Peterson’s *OCT* (1917²) divides the *Second Actio* into five *libri*: (i) *De Praetura Urbana*, (ii) *De Praetura Siciliensi*, (iii) *De Frumento*, (iv) *qui inscribitur De Signis*, (v) *qui inscribitur De Suppliciis*. Cf. Gelzer (1969): 48–9. The titles of the *libri* are not Cicero’s, but are a product of transmission: cf. Lopez (1993: 11, on *Verr.* 2.2) ‘restat ut de titulo quo haec oratio uulgo inscribitur paucis dicam. Titulus ille ‘*De praetura Siciliensi*’ a Nonio oriri uidetur’ (cf. Non. 303.8, 339.10 in *Verrem de praetura Siciliensi*); ‘A grammaticis uidelicet usque ad codices recentiores titulus uulgatus peruenit’. Likewise, Piacente (1975: 19, on *Verr.* 2.5) ‘Incipit Lb VII (In Verrem de suppliciis add. man. recent.).’ etc. In any case, it shows that the ‘speeches’ of the *Second Actio* were regularly thought of as belonging to the same speech. So, most recently, Tempest (2007a).

⁹¹ Hutchinson (2008): 1–2. On ancient ‘books’ from Homer onwards, see esp. *ibid.* 3f., with evidence, especially papyrological. For a treatment of modern books (especially in Britain), see e.g. McKenzie *et al.* (1999–).

draw a careful distinction between collections of poems and collections of books.

This latter category might include rhetorical works, such as Cicero's own *De Inventione* or *De Oratore*;⁹² epic narratives, for example Vergil's twelve-book *Aeneid* (modelled, of course, on Homer's work); or even didactic and philosophical works, such as Lucretius' six-book *De Rerum Natura*.

However, with the *Verrines*, the collection of the various 'speeches' is self-evidently conceived by the orator himself (cf. *Orat.* 103). The fact that the *Second Actio* was undelivered and is disseminated (so far as we can tell) together as a body of five 'speeches', confirms this.⁹³ These groupings have significant consequences for the ways in which readers receive and interact with the texts.⁹⁴

At *Orat.* 103, Cicero refers to the *Verrines* as a collection of seven 'books' (*in accusationis septem libris*). Although to a modern reader it might seem odd to refer to a literary work as the sum of its parts, this conception is the way in which Cicero regularly refers to all his rhetorical and philosophical works, which consist of multiple 'books'.⁹⁵ For example, his *De Re Publica* is referred to as consisting of six books: *quoniam igitur eius rei publicae, quam optumam esse docuit in illis sex libris Scipio* (*Leg.* 1.20; cf. *Leg.* 3.4; *Tusc.* 4.1 *aliis haec locis satis accurate a nobis*

⁹² Cf. *Att.* 4.16.3, where Cicero comments on the planning and distinctness of the books in the *De Oratore*. Hutchinson (2008: 29, n. 37) notes that 'the books of philosophical and rhetorical series have separate proems unless they have dialogue continuous in time; even so cf. *Rep.* (*Att.* 4.16.2) and *Div.* 2'.

⁹³ Thus the *Verrines* can be distinguished from Cicero's other speeches, even the *Philippics*, which although they may be published simultaneously, concern distinct oratorical occasions real, or imagined (in the case of the *Second Philippic*). Although Cicero's letters to his friends often assume knowledge of one or more of his speeches (cf. e.g. *Ad Brut.* 2.3.4), these groupings are never as clear as in the case of the *Second Actio*.

⁹⁴ So, too, the group of consular speeches, which Cicero assembles and disseminates as a collection (cf. *Att.* 2.1.3 σῶμα); likewise, the *Philippics* (cf. *Ad Brut.* 2.3.4, 4.2).

⁹⁵ Cf. *liber* in *OLD*. e.g. *sermo*. . . *in nouem*. . . *libros distributus* (*Q. Fr.* 3.5.1); *in nostris de re publica libris* (*Fin.* 2.59). Cf. *Plin. Ep.* 3.5, where Pliny catalogues his uncle's works, and describes them in similar terms: e.g. *De iaculatione equestri unus*, . . . *De uita Pomponi Secundi duo*, . . . *Bellorum Germaniae uiginti*, and so forth.

dicta sunt maximeque in iis sex libris, quos de Republica scripsimus; Div. 2.3 atque his libris adnumerandi sunt sex de Re publica, quos tum scripsimus, cum gubernacula rei publicae tenebamus; Att. 6.1.8; Att. 13.19.4). Similarly, Cicero cites his philosophical works: his four-book *Academica* (*Tusc. 2.4 pro Academia autem quae dicenda essent satis accurate in Academicis quattuor libris explicata arbitramur; Nat. 1.11 iis quattuor Academicis libris satis responsum uidetur; Div. 2.1; Att. 13.19.3; Att. 16.6.4; Off. 2.8*);⁹⁶ his five-book *De Finibus* (*Tusc. 5.121 ad Brutumque nostrum hos libros alteros quinque mittemus; Div. 2.2 cumque fundamentum esset philosophiae positum in finibus bonorum et malorum, perpurgatus est is locus a nobis quinque libris, ut, quid a quoque, et quid contra quemque philosophum diceretur, intellegi posset*); his three-book *De Natura Deorum* (*Div. 1.7 ut fecimus in eis tribus libris quos de natura deorum scripsimus; Div. 2.3 quibus rebus editis tres libri perfecti sunt de Natura Deorum, in quibus omnis eius loci quaestio continetur*); the five-book *Tusculan Disputations* (*Div. 2.2 totidem subsequuti libri <sc. quinque> Tusculanarum disputationum res ad beate uiuendum maxime necessarias aperuerunt*); the non-extant two-book *De Gloria* (*Off. 2.31 nunc dicamus de gloria, quamquam ea quoque de re duo sunt nostri libri*, with Dyck (1996), ad loc.); the non-extant five-book *περὶ Τελῶν* (*Att. 13.19.4 ita confeci quinque libros—unless De Finibus*); and the three-book *De Officiis* (*Off. 3.121 quamquam hi tibi tres libri inter Cratippi commentarios tamquam hospites*

⁹⁶ Pease (1955: 151) supposes that Cicero refers to the four books of the *Academica* to draw attention to the revision on the original two-book version (the *Catulus* and *Lucullus*; cf. *Att. 12.45.1*), which he dedicated to Varro (cf. *Att. 13.13–14.1 commotus tuis litteris, quod ad me de Varrone scripseras, totam Academiam ab hominibus nobilissimis abstuli, transtuli ad nostrum sodalem et e duobus libris contuli in quattuor*). On the publication of the *Academica*, cf. Griffin (1997): 28–32; Hutchinson (2016).

erunt recipiendi; cf. *Fam.* 16.21.8; *Att.* 13.19.4).⁹⁷ Likewise, Cicero's *De Oratore* comprises three books (*Fam.* 1.9.23 *scripsi igitur Aristotelio more, quem ad modum quidem uolui, tris libros in disputatione ac dialogo De Oratore*; *Div.* 2.4; *Att.* 4.17.5; cf. *Att.* 4.16.3, which comments on the planning and distinctness of the books), as does his poem *De Temporibus Suis* (*Fam.* 1.9.23 *scripsi etiam uersibus tres libros De temporibus meis*; cf. discussion at p. 112). Consequently, when Cicero refers to the *septem libri* of the *Verrines*, he reinforces the idea that he is consciously organising the material for his readers, and is associating the 'speeches' with his rhetorical and philosophical texts, which are self-evidently aimed at readers.⁹⁸

Therefore, Cicero's division of the *Second Actio* into five 'speeches' affects the reader's reception of the texts. The 'speeches' are both collected and yet distinct (in his *Orator*, the *Verrines* are both collected as *septem libri* (§103), and isolated as individual books (§167 *ut illa sunt in quarto Accusationis*; §210 *ut nos in Accusationis secundo de Siciliae laude diximus*)).⁹⁹ Moreover, the organisation of

⁹⁷ Cf. also references to other works by number of books. e.g. *Cic. Luc.* 11 *et quidem isti libri duo Philonis, de quibus heri dictum a Catulo est, tum erant allati Alexandriam tumque primum in Antiochi manus uenerant*; §98 *et quattuor eius libri sunt de sustinendis adsessionibus, haec autem quae iam dicam [quae] sunt sumpta de primo*. Dicaearchus' *Lesbian* in three books: *Tusc.* 1.21 *Dicaearchus autem in eo sermone, quem Corinthi habitum tribus libris exponit*; *Tusc.* 1.77 *is enim tris libros scripsit, qui Lesbiaci uocantur*. Chrysippus on his two-book *De Diuinatione*: *Div.* 1.6 *accessit acerrimo uir ingenio, Chrysippus, qui totam de diuinatione duobus libris explicauit sententiam, uno praeterea de oraclis, uno de somniis*.

⁹⁸ Ovid, too, refers to some of his works by the number of constituent books: e.g. his three-book *Amores*: *Ars.* 3.343–4 *deue tribus libris, titulus quos signat AMORUM, | elige, quod docili molliter ore legas*. In this case, the poet had revised his *Amores* and reduced the number of books of poems, necessitating his reference here to the (later) three-book version.

⁹⁹ On contextual reading and its effects on the construction of meaning, Hutchinson (2008: 2) takes as an example, the *Agamemnon* and *Eumenides*, which we know were performed together in a connected tetralogy, which he argues 'obliges us to explore their relationship more pressingly than if we knew they had been performed in different years'. On the shaping of meaning as a coordination between author/orator and reader, see the discussion on reader-response criticism in the introduction, p. 10. Nisbet (1992) is incisive on the subject vis-à-vis the *Fifth Verrine*.

speeches draws parallels with the structure of many rhetorical works, and encourages a view of the set of speeches as serving some pedagogical function, appealing in particular to a readership of students. So, if we approach the *Verrines* as if they were one of Cicero's rhetorical treatises, we observe three divisions. First, the *Diuinatio* serves as a sort of preface, outlining what an ideal accuser should be (cf. *Div. Caec.* 27–39, 73, with e.g. *De Or.* 1), and prompting interest among readers for the material to follow by describing the enthusiasm of the original audience (of the delivered *First Actio*):

iam nunc mente et cogitatione prospicio quae tum studia hominum, qui concursus futuri sint, quantam auditorum exspectationem magnitudinem infamia C. Verris concitatura, quantam denique audientiam orationi meae improbitas illius factura sit. quae cum cogito, iam nunc timeo quidnam pro offensione hominum, qui illi inimici infensique sunt, et exspectatione omnium et magnitudine rerum dignum eloqui possim. (*Div. Caec.* 42)

The repeated use of language of quantification and expectation (*quantam . . . quantam, exspectationem magnitudinem, et exspectatione omnium et magnitudine rerum*), together with vivid mental imagery (*iam nunc mente, iam nunc timeo*), immerses the reader in the spectacle of the imagined trial. This creates what Fuhrmann describes as a sort of 'fiktive Mündlichkeit': the reader is the true addressee ('der wahre Adressat der Einwirkung'), and he is transposed into 'die imaginäre Gegenwart der Verhandlung' so that he may learn by what means Cicero could influence the jury.¹⁰⁰

¹⁰⁰ Fuhrmann (1990): 61. Moreover, Fuhrmann (at 60) claims that 'das kühnste Beispiel für fingierte Mündlichkeit ist die zweite Rede gegen Verres, die berühmte *Actio Secunda*.' Stroh (1975: 53) offers a similar view, although incorrectly restricts Cicero's readership to students of oratory, and argues that the disseminated speeches were replicas of the delivered versions, to maintain authenticity and 'realness': 'Also sind die jeweiligen *iudices, Quirites, und patres conscripti*, an die sich Ciceros Reden richten, ein fiktives zugleich und ein reales Publikum: fiktiv insofern, als der reale Adressat der lernende Schüler ist; real dadurch, daß dieser Schüler nur dann lernen kann, wenn der fiktive Adressat für real genommen wird'. For a contrary view to Fuhrmann, cf. Tempest (2013): 43–4; on

Second, the *First Actio* offers the reader a real, textbook example of a prosecution (deliverable in about an hour; cf. *Verr.* 32 *si utar ad dicendum meo legitimo tempore*, Plin. *Ep.* 6.2). And third, the *Second Actio* provides an expansive, imagined version.¹⁰¹ This means that we cannot take one ‘speech’ in isolation of another, but rather must read them collectively, just as Cicero’s contemporary readers must surely have done.¹⁰²

A ‘one-off’

While the presentation and structure of the *Verrines* suggests a literary artifice, the speeches show other literary characteristics besides, which cement the view that the corpus is written up and circulated specifically for readers. In particular, we learn from the *Orator* that Cicero envisages his prosecution as a ‘one-off’, a single example of *accusatio* (cf. *Orat.* 103, 167, 210). By emphasising the uniqueness and singularity of his prosecution, Cicero gives an additional literary flavour to the work; readers were regularly drawn to texts by reason of novelty and peculiarity.

Readers are regularly drawn to ‘one-off’ texts. Characterising individual speeches as works of literature holds its own fascination (cf. e.g. Isoc. 15 (*Ant.*)), but as we shall see, the *Verrines* especially stand out. The corpus offers readers a rare insight into the process of prosecuting a defendant, the assembly of evidence,

the limitations of the term ‘orality’ to describe all that was happening in a Ciceronian speech, cf. Manuwald (2006): 63.

¹⁰¹ But recall Powell and Paterson (2004), discussed at p. 24, n. 62.

¹⁰² Although we should keep in mind that while commentaries (e.g. by Asconius) existed for a number of Cicero’s speeches, the *Verrines* were probably read with the scholarly tradition not yet formed, the texts not yet elaborately annotated; cf. Hutchinson (2008): 21, n. 24. One should contrast other individual books within Cicero’s corpus, which are often approached as distinct entities; e.g. Balbus transcribed a single book of the *De Finibus* (*Att.* 13.21a.1); at *Att.* 15.2.4 the *prima disputatio Tusculana* seems a separate entity, but others are presupposed. See further Hutchinson (2008): 29.

and the interaction of leading orators. All of this is of considerable interest to readers, who are readily drawn to texts by reason of their ‘newness’. We know from the reading we see Cicero and others engaged in that ancient readers held a particular interest in new books, especially as regards Latin. For example, Cicero and Quintus read and discuss some Lucretius (*Q. Fr.* 2.10.3), and he and Atticus some Varro (*Att.* 16.11.3).¹⁰³ In this way, it is probable that the *Verrines* drew a similar interest from readers as other new Latin works of the time.

Consequently, novelty and uniqueness become pillars upon which Cicero rests his prosecution, with readerly interests squarely in view. These ‘one-off’ peculiarities describe not only the case Cicero prosecutes, but also Cicero himself as prosecutor.¹⁰⁴ In the contest with Q. Caecilius Niger for the role of prosecutor, Cicero begins by framing the case in singular terms:

si quis uestrum, iudices, aut eorum qui adsunt, forte miratur me, qui tot annos in causis iudiciisque publicis ita sim uersatus ut defenderim multos, laeserim neminem, subito nunc mutata uoluntate ad accusandum descendere. (*Div. Caec.* 1)¹⁰⁵

So Cicero emphasises the variety and novelty of the charges he is bringing against Verres (e.g. *Verr.* 2.3.10 *uarietate ac nouitate rerum et criminum*).¹⁰⁶ Moreover,

¹⁰³ Reading relationships often grounded in friendship: e.g. Sallustius, *Q. Fr.* 2.10.3; Caesar reading Cicero not generally circulated, *Q. Fr.* 2.16.5; Brutus reading Cicero, *Ad. Brut.* 2.4.3; Catullus dedicates his text to Nepos, while commenting on the excellence of the latter’s history, *Catul.* 1.1 *lepidum nouum libellum*; cf. *Ov. Pont.* 3.5.11–14, *Tr.* 4.10 for an example of friendship between poets and the ‘culture of recitation’; more generally *Sen. Rh. Contr.* 4 *pr.* 1; *Hor. Epist.* 1.20.10 *carus eris Romae donec te deserat aetas*, *Cic. Brut.* 123; even at *Hor. Epist.* 2.1.53–4 note *paene recens*.

¹⁰⁴ We shall return to consider Cicero, the prosecutor, in the next section of this chapter.

¹⁰⁵ Cicero’s speech contending that he, rather than Caecilius, will be a more suitable prosecutor of Verres is the only extant example of the genre of *diuinatio*. For explanation of the term *diuinatio*, see *Gell. NA* 2.4.1 and *Pseud.-Asc.* 186 Stangl. On the *Diuinatio* in *Caecilium* generally, cf. Craig (1985), and esp. 442, n.1 with bibliography; to that list, add Tempest (2011b), and Watson’s (2013) thesis.

¹⁰⁶ The actual charges, extensively and elaborately detailed in the *Second Actio*, concerned Verres’ alleged misconduct during his governorship of Sicily (73–71 BC), in contravention of the Sullan *lex Cornelia de repetundis*; see further the discussion below. Strikingly, Cicero does not bring a single

readers are further enticed by the gravity of the charges: Cicero tries Verres for alleged misconduct during his governorship from 73–71 BC, in contravention of the Sullan *lex Cornelia de repetundis*.¹⁰⁷ By characterising the charges against Verres as exceptional and serious, Cicero not only piques his readers' interest, but argues that the case justifies, even demands, its own unique prosecutorial strategy. Indeed, at a number of points in the undelivered *Second Actio*, Cicero signals to his readers that he is straying from expected ways of 'speaking' (*consuetudo dicendi/accusatoria*). For example, in the *Fourth Verrine*, after a considerable digression, the orator acknowledges he has wearied his audience, and been speaking in an unusual and unaccustomed manner: *non obtundam diutius; etenim iam dudum uereor ne oratio mea aliena ab iudiciorum ratione et a cotidiana dicendi consuetudine esse uideatur* (*Verr.* 2.4.109). Likewise, in the *Fifth Verrine*, Cicero

charge in the published version of the *First Actio*, his accusations are founded purely on creating a negative impression of Verres in the mind of the audience (both to the original oration, and the published version) by presenting a wide range evidence: cf. *Verr.* 33 *nunc hominem tabulis, testibus, priuatis publicisque litteris auctoritatibusque accusemus*; also 55–6, with discussion below.

¹⁰⁷ The usual one-year term of a governorship had been extended because Verres' intended successor, Q. Arrius, was needed for the war against Spartacus. Cicero alleged that Verres had stripped the province of everything of value, particularly works of art (cf. *Div. Caec.* 3 *quas res luxuries in flagitiis, crudelitas in suppliciis, auaritia in rapinis, superbia in contumeliis efficere potuisset, eas omnes sese hoc uno praetore per triennium pertulisse*; *Verr.* 2.4.33), that he had run down the military forces which it was his duty to maintain (cf. *Sal. Hist.* 4 fr. 32, with *Verr.* 2.5.5), and had illegally executed Roman citizens. Cicero even describes how Verres used to travel in a litter, resting on a maltese cushion stuffed with rose petals, dabbing his nose with a small bag of potpourri (*Verr.* 2.5.27). He was notorious for his Greek fashion, which was often ridiculed (cf. *Verr.* 2.4.54–55; 2.5.31, 40, 86, 137; the anti-Greek sentiment recalled a long-standing tradition, on which cf. e.g. Wallace-Hadrill (1998), Dyck (2001), Steel (2001): 30, and Tempest (2006): ch. 6); and he regularly partied, drank, and submitted to acts of lust (cf. *Verr.* 2.1.33; 2.3.78; 2.5.33, 80–4, 86). On Verres as the 'Greek tyrant', see Tempest (2007b): 27–36, and (2013): 57. Throughout his governorship prominent Sicilians had been complaining to Rome about him: the consuls of 72 had tried to check his behaviour with a senatorial decree, and the tribunes of 71 had carried a resolution protecting one of his victims. See generally Seager (1994): 223–8, with bibliography. Little is known of Sulla's *lex Cornelia* (presumably of 81 BC) save its existence (*Rab. Post.* 9). *Clu.* 103–4 shows that a senator could be tried *de repetundis* for accepting money *ob rem iudicandam* in 66 BC, and hence under this law (n.b. the frequent repetition of these words in the *Verrines*; cf. e.g. *Verr.* 2.2.78, 2.3.206, with Venturini (1979): 365, 372). The law was superseded by Caesar's *lex Iulia de repetundis* during his consulship in 59. For further discussion, see Riggsby (1999): 123, with bibliography. In such cases of extortion, Cicero advocates that the defence should always deny all charges against the defendant (*De Or.* 2.105).

continues the theme of *not* using standard prosecutorial techniques: *non utar ista accusatoria consuetudine, si quid est factum clementer, ut dissolute factum criminer, si quid uindicatum est seuere, ut ex eo crudelitatis inuidiam colligam. non agam ista ratione* (*Verr.* 2.5.19; cf. also 2.5.20–2 *non defendam; nullam in te inuidiam . . . omnia tibi ista concedam et remittam*). Unusual, too, is the fact that even in the delivered *First Actio*, Cicero fails to bring a single charge against Verres (cf. *Verr.* 55–6); those are reserved, in abundance, for the undelivered *Second Actio*. Striking, too, is the absence of Hortensius from the *First Actio*; he is mentioned only five times, and only once by way of direct address (cf. *Verr.* 18–19, 25–6, 33 (in direct address), 37, 38). As we shall see, young students of oratory would be particularly interested in Cicero’s commentary on (and actual) prosecutorial techniques given their relatively limited treatment in the rhetorical handbooks.

Prosecution and political careers

One of the most striking features for readers of the *Verrines* is Cicero’s commentary on the relationship between prosecution and political careers. Indeed, with his own political aspirations in view, Cicero seeks to exploit the advantages that prosecution could bring a young man aspiring to a career in Roman public life. Cicero was, however, not such a young man (he was 36); indeed, he was already reasonably well-established and experienced in the Roman oratorical scene, and by the time of publication, *designatus aedilis* for 69 (*Verr.* 2.5.36; cf. *Verr.* 24–6, where Cicero looks forward to exercising his magistracy). Nevertheless, Cicero disseminates the *Verrines* in order to reassert his place in the Roman oratorical scene, and, as we shall see, form part of a strategy to compete for first place in the contemporary and

subsequent oratorical hierarchy (Hortensius at present held the title; cf. *Orat.* 129 *summus orator*), and to re-energise his career, in broader service to his long-held aspiration to articulate a positive self-narrative of inexorable success.¹⁰⁸ In this way, readers not only witness in the figure of Cicero an example of a successful prosecutor, but also see for themselves (and are encouraged to do so) the benefits of carefully-calibrated prosecution for a career in public life. The *De Inventione* and the non-Ciceronian *Ad Herennium* confirm the existence of a youthful market: authors are interested in students of rhetoric, students are interested in authors, and students will follow with particular interest the career and work of an orator and author whose oratory so often succeeds and does such notable things for his career.

The potential benefits of ‘early-career’ prosecution were well-known, and Cicero directs his text specifically to those readers who were young aspiring politicians and who might seek to advance their careers with a prosecutorial début. Moreover, by characterising his prosecution as a ‘one-off’, as we have seen, the orator adopts a posture of the model prosecutor (although it was his first) imparting advice to students of oratory and presents his case as a model of prosecution techniques.¹⁰⁹ In particular, the *Verrines* give considerable attention to the mechanics (and burdens) of prosecution. For staging a prosecution at Rome was not an easy task and placed great demands on the prosecutor. Consequently, the disseminated speeches are particularly useful for students of oratory and other young readers given the relative paucity of rhetorical advice devoted to the task of

¹⁰⁸ Cf. Steel (2013): 262. Similar motivations compel Cicero to disseminate his consular and *post reditum* speeches, discussed in the next two chapters.

¹⁰⁹ Moreover, Cicero’s seeming reluctance to prosecute helpfully distances him from being perceived as a vindictive persona.

delivering a prosecution case (indeed, at *Orat.* 103, Cicero claims his *accusatio* was *nota*).

With the *Verrines*, Cicero draws on the convention that early-career prosecution could bring great social and political advantage to a young man aspiring to a career in Roman public life. In late republican Rome, convention dictated that a brief spell as a prosecutor early in a young man's career could be greatly beneficial for a future in Roman public life. However, the advantages of early-career prosecution were limited by narrow and precise constraints. Convention dictated that a young man should prosecute a senior political figure with a view to becoming known favourably in the community.¹¹⁰ In most cases, the man prosecuted was 'senior, a former praetor or former consul: this confirms that the search for reputation was a major factor in motivating such prosecutions'.¹¹¹ Obscure defendants and trivial crimes would not have the same effect. It was even more encouraging if there were already some general antipathy towards them in the community. Thus, Verres presents the ideal candidate: a former praetor and governor of Sicily, and his conduct defied the limits of acceptable Roman behaviour.

More speculatively, Steel contends, 'there is some indication that even when undertaken by a young man as his *début*, a prosecution needed to be justified by appeal to the motives that Cicero claims justified prosecution more generally: either

¹¹⁰ As Steel (2016: 219) notes, in most cases youthful prosecutors possessed 'considerable social and political capital in terms of their ancestry', and in the small number of cases where young men did not have consular or immediate praetorian ancestry, we can nevertheless see 'that in most cases there were some other relationships that could approximate'.

¹¹¹ Steel (2016): 219.

the interests of the *res publica*, or revenge, or the obligations of patronage.’¹¹² A

short passage from the *De Officiis* merits brief consideration:

sed hoc quidem non est saepe faciendum nec umquam nisi aut rei publicae causa . . . aut ulciscendi . . . aut patrocinii, ut nos pro Siculis . . . semel igitur aut non saepe certe. sin erit, cui faciendum sit saepius, rei publicae tribuat hoc muneris, cuius inimicos ulcisci saepius non est reprehendendum; modus tamen adsit. duri enim hominis uel potius uix hominis uidetur periculum capitis inferre multis. id cum periculosum ipsi est, tum etiam sordidum ad famam, committere, ut accusator nominere. (*Off.* 2.50)

In his discussion, Cicero claims that prosecution was seldom to be engaged in, except perhaps when it purported to be for selfless causes; namely, when in the interest of the state (*rei publicae causa*), avenging wrongs (*ulciscendi causa*), or for the protection of provincials (*patrocinii causa*; Cicero cites the example of the *Verrines*, which he calls here *Pro Siculis*).¹¹³ The conception of ‘prosecution’ described in the *De Officiis* gives the appearance of a defence: a defence of wronged parties, communities, Rome, the state, and even the gods. Making defence arguments was, after all, more laudable than making accusations (cf. *Off.* 2.49 *laudabilior est defensio*).¹¹⁴ We see the same logic at play in the *Verrines*. It is for this reason that Cicero characterises his prosecution of Verres as a defence: of Sicily (and Rome’s allies; cf. *Div. Caec.* 3), of Rome herself, of mankind, even of the gods (note the broader purpose implied by *amplius*, not just the *causa Siciliensi*, but the *causae totius ordinis et rei publicae*: *Verr.* 2.2.1, 2.2.179; cf. 2.3.4 *uerum tamen ego*

¹¹² Steel (2016): 219–20. Steel (at table 12.1, pp. 224–5) lists a number of notable examples of early-career prosecutors, with further elaboration at pp. 211–18.

¹¹³ At *Off.* 2.49–50, Cicero approves a number of other examples of appropriate (and laudable) prosecutions: the first efforts of M. Crassus, M. Antonius, P. Sulpicius’ famous prosecution of C. Norbanus, the Luculli, Julius’ prosecution of Albucius (*Pro Sardis*), and L. Fufius’ impeachment of M’. Aquilius. See further the discussion below on unacceptable prosecutions, and the perils of the tag *accusator*.

¹¹⁴ Cf. *De Or.* 1.32, where Crassus makes the power to save others (*dare salutem*) the pinnacle of his praise of eloquence.

hoc amplius suscepi quam ceteri, 2.4.53). Therefore, Cicero claims to be pursuing the case against Verres by reason of the salvation of the state, against which the defendant poses a grave threat, as the orator frequently reminds his audience (both primary and secondary) (cf. e.g. *Div. Caec.* 5 *a defendendis hominibus subleuandisque*; §9 *fateor me salutis omnium causa ad eam partem accessisse rei publicae subleuandae*; §26 *ut mihi non unus homo improbus opprimendus sit, id quod Siculi petiuerunt, sed omnino omnis improbitas, id quod populus Romanus iamdiu flagitat, exstinguenda atque delenda sit*). Moreover, in the opening to the *First Actio*, Cicero emphasises the imminence (*nunc*) of (detrimental) political change at Rome:

nunc in ipso discrimine ordinis iudiciorumque uestrorum, cum sint parati qui contionibus et legibus hanc invidiam senatus inflammare conentur, reus in iudicium adductus est C. Verres, homo uita atque factis omnium iam opinione damnatus . . . (*Verr.* 2)

In this way, Cicero styles himself a sort of ‘life-saver’ or σωτήρ.¹¹⁵ This is all very striking for the reader. To a large extent, of course, these selfless overtures are elaborate fallacies; while claiming to be a subordinate of the state, accolades radiate back towards the orator himself. Indeed, the orator repeatedly seeks to diminish his own capacity in the eyes of the reader, subordinating himself to other *exempla* (cf. e.g. *Verr.* 2.2.191 *laudantur oratores ueteres, Crassi illi et Antonii, quod crimina diluere dilucide, quod copiose reorum causas defendere solerent*; *Verr.* 2.3.3), and

¹¹⁵ In the ancient world, the function of ‘life-savers’ was considered divine and the epithet of σωτήρ was given to mortals who were worshipped as heroes and gods (cf. *Div. Caec.* 1 *sese iam ne deos quidem in suis urbibus, ad quos confugerent, habere, quod eorum simulacra . . . Verres . . . sustulisset*). As a contrast to Verres’ unjustified claim to divine honours (*Verr.* 2.2.63), Cicero stresses his own *pietas* and *fides* in his final prayer in the *Fifth Verrine*. By fulfilling the function of ‘life-saver’, Cicero plays the role of a pseudo-god for the Sicilians. However, far from claiming divine honours, he is satisfied with being the advocate of the gods, as he had advocated the cause of Sicily, Rome, and mankind (cf. e.g. *Verr.* 2.5.35 on Cicero’s keen sense of duty; *Off.* 2.49–51).

the cause of the Sicilians, and even Rome herself (e.g. *Div. Caec.* 36, 41).¹¹⁶

Engaging his readers' judgement, Cicero claims that posterity will determine to what extent he has been successful in his task (*Div. Caec.* 26 *in quo ego quid eniti aut quid efficere possim malo in aliorum spe relinquere quam in oratione mea ponere*; cf. *Marc.* 28–9), although with subtle encouragement for a favourable adjudication (at *Div. Caec.* 70 Cicero is a *remedium*; *Verr.* 34 *tum, suscepto negotio, maius mihi quiddam proposui, in quo meam in rem publicam uoluntatem populus Romanus perspicere posset*). That said, Cicero somewhat undermines these 'selfless' arguments by trying to prove his *industria* and *diligentia* as a prosecutor (cf. e.g. *Verr.* 2.3.137 *in quo meam industriam ac diligentiam spectari uolo?*) and emphasising his own superior oratorical powers (cf. e.g. *Verr.* 4 *expectatio accusationis meae*, §7 *intellegit me ita paratum atque instructum in iudicium uenire ut non modo in auribus uestris, sed in oculis omnium, sua furta atque flagitia defixurus sim*). These moments of self-promotion are no doubt motivated by a desire for political ascendancy, to establish credibility as a prosecutor, and a response to the competition with Hortensius for oratorical preeminence at Rome. Consequently, the readers of Cicero's *Verrines* are shown how to navigate the risks and rewards of prosecution, and how to mount a case in service to an upward career trajectory.

However, although prosecution could provide a high-profile entry to the public stage for an eloquent young man, the odium felt towards prosecutors meant

¹¹⁶ Cf. also *Div. Caec.* 5; *Verr.* 2.1.5; 2.3.1; 2.3.164 *sed ego habeo rationem auctoritatis meae; meminero quo animo et quo consilio ad causam publicam accesserim; non agam tecum accusatorie, nihil fingam, nihil cuiquam probari uolo me dicente quod non ante mihi ipse probatum sit*; 2.5.179ff.

that a politically ambitious man had to limit his appearances as prosecutor.¹¹⁷ Only a few known politicians went on to prosecute repeatedly, and some regular prosecutors acquired the nickname *accusator*, an epithet which suggested not simply some repeat prosecutions undertaken alongside other activities, but rather that these men were regarded as something close to expert prosecutors without a parallel political career. Certainly, we know of no political offices held by three men termed *accusator* (cf. *Brut.* 130, 131; *Off.* 2.50): M. Iunius Brutus (*RE* 50), L. Caesulenus (*RE* 1), and Servius Pola (*RE* 5).¹¹⁸ This odium against repeat prosecutors explains why prosecutors were often younger than the defending advocates; most prosecutors abandoned this type of legal activity before the odium struck.¹¹⁹ Rather, defence offered a more favourable public reception (cf. *Off.* 2.49–51).¹²⁰ Nevertheless, there could be some benefits for the aspiring orator to try his

¹¹⁷ Narducci (1997: 146) ‘in un clima che imponeva di prendere le distanze dai detestati accusatori, alcuni giovani aristocratici, tra i quali Crasso, avevano pertanto introdotto la nuova regola di condotta di accusare soltanto all’inizio della carriera, e, se si aveva successo, non più di una volta.’ Cf. David (1992): 535f.; Epstein (1987: 90–126) on *inimicitiae* in relation to prosecution. For a list of early-career prosecutors, see esp. Steel (2016): 224–5, table 12.1. Repeat prosecutors (from Alexander (1990), with van der Blom (2016) 31, n. 26): M. Iunius (*RE* 50) ‘*accusator*’ prosecuted at least twice; Cn. Domitius Ahenobarbus (*RE* 21) twice; Q. Caecilius Metellus Nepos (*RE* 96) three times; P. Clodius Pulcher (*RE* 48) four times; C. Appuleius Decianus (*RE* 22) twice; M. Caelius Rufus (*RE* 35) three times; Servius Pola ‘*accusator*’ (*RE* 5); C. Licinius Macer Calvus (*RE* 113) six times; C. Asinius Pollio (*RE* 25) twice; Ap. Claudius Pulcher (*RE* 298) twice or three times; Ap. Claudius Pulcher (*RE* 299) three times; L. Cassius Longinus (*RE* 65) twice; P. Cornelius Dolabella (*RE* 141) twice. See further the helpful table (figure 12.1) in Steel (2016: 224–5). Cf. Goldberg (2009): 77, on the depiction of repeat *delatores* in Tac. *Dial.*, also van der Blom (2016): 25ff. Cf. also Fantham (1997): 120–1, Alexander (2002): 7.

¹¹⁸ Cf. van der Blom (2016) 31, n. 27. Cicero termed Brutus and Caesulenus each an *accusator* in the *Brutus* (§§130, 131) and described how especially Brutus sullied his good name by never seeking public office and instead making prosecution his career. Caelius describes Servius Pola as someone Ap. Claudius Pulcher consults in preparation of a prosecution of Caelius: *Q. Fr.* 2.4.6; 2.11.2; *Fam.* 8.12.2–3. David (2011: 163–5) proposes that L. Licinius Crassus played a major role in his defamation of *accusatores*.

¹¹⁹ Jehne (2000) discusses this as an element of ‘Statusdissonanzen’ in the late Republic; cf. van der Blom (2016) 31, n. 28. Given the risk of being found guilty of undertaking malicious or sham prosecutions, the prosecutor needed to persuade the jury of his sound motives; cf. Powell and Paterson (2004): 12–13; Tempest (2011b): 49.

¹²⁰ Cf. van der Blom (2016) 32, n. 28. In the *De Officiis* (2.49–51), Cicero argued the advantages of defence, also guilty defendants, because it was expected and acceptable to do so, and because

hand at prosecution early in his career (e.g. *Verr. 32 et ex accusatione perficiam ut nemo umquam post hominum memoriam paratior, uigilantior, compositior ad iudicium uenisse uideatur*; *Div. Caec. 10*).

But Cicero's attempts to elide his prosecutorial efforts with this specific culture of early-career prosecution are clever sleights of hand.¹²¹ Strikingly, Cicero himself was not quite as 'early' in his career as others; indeed, by the time of the speeches' publication, Cicero had more than a decade's worth of forensic practice and experience. Indeed, at the beginning of the *Third Verrine*, Cicero admits to his expertise and experience (*firmata aetate . . . nos qui iam et quid facere et quantum iudicare possemus ostendimus*), in contrast to that of those *adulescentuli* (note the use of the diminutive for exaggerated effect, and greater impact),¹²² who begin their careers with prosecution:

<cum> minus enim praecipitur eorum uirtus et integritas qui ad hanc rem adulescentuli quam qui iam firmata aetate descendunt. illi enim, ante quam potuerunt existimare quanto liberior uita sit eorum qui neminem accusarint, gloriae causa atque ostentationis accusant: nos qui iam et quid facere et quantum iudicare possemus ostendimus, nisi facile cupiditates nostras teneremus, numquam ipsimet nobis praecideremus istam licentiam libertatemque uiuendi. (*Verr. 2.3.3*)

But while dismissing the efforts of such young men, Cicero hypocritically brings his prosecution with the same goal: *gloriae causa atque ostentationis*.

defence offered the best chance of glory and popularity. Cf. Dyck (1996): 432–6; Tatum (2013): 138–9, with bibliography.

¹²¹ Similarly, Cicero in his *Pro Caelio* makes Caelius seem much younger (and therefore less culpable) than he actually was.

¹²² On Cicero's use of diminutives generally, cf. esp. von Albrecht (2003: 107), who notes of all the orator's speeches, the greatest number (51) of diminutives is to be found in the *Verrines*; there is an interesting correlation between the incidence of diminutives and speeches which inveigh against particular individuals (viz. Verres in the case of the *Verrines*; cf. 12 diminutives in the invective, *In Pisonem*, discussed in the fourth chapter). The word *adulescentulus* has its origins in Roman comedy, and Cicero uses it several times in the speeches (e.g. *S. Rosc. 39*, *Cael. 33, 36*); cf. *TLL* vol. 1, 799–800, for further elaboration.

The contrast between Cicero's position and that of other early-career prosecutors suggests that his prosecution of Verres was not only unusual but also risky, and thus perhaps, in a career whose early stages are in general marked by caution and restraint (cf. e.g. *S. Rosc.*, which Cicero later anachronistically interprets as a provocative rebuke of Sulla (*Off.* 2.51 *et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus*)), an indication that Cicero's forensic career was not proceeding as smoothly as his later presentations of it would suggest.¹²³ As Steel notes, in the period before 70, we can see in Cicero's published speeches 'the struggle between the ideal type of the public career and what Cicero actually experienced and achieved, which was, in some important respects, deficient'.¹²⁴ There was a need, then, for Cicero to disseminate a positive self-representation among the Roman political class. Indeed, a pervasive concern of the *Verrines*, and much of Cicero's oeuvre, is establishing (and, later, maintaining) a good reputation (e.g. *Verr.* 22 *ad senatorem illum relictos esse comitiorum meorum nomine*; cf. at *Verr.* 23, where Cicero brings into focus his political ambitions, *si me aedilitate deiecissent*).¹²⁵ So we see Cicero aligning the present proceedings with other early-career efforts, in the hope that he might attract public notice and win friends and clients.¹²⁶

¹²³ Cf. Steel (2016): 223.

¹²⁴ Steel (2013): 262.

¹²⁵ On Cicero's (positive) self-representation in the *Verrines*, cf. e.g. Tempest (2011b).

¹²⁶ It is interesting to note that there was a particular advantage that a *successful* prosecutor, if a senator, acceded to his victim's rank of seniority in the senate (*De Or.* 1.24–34; *Verr.* 32, *Div. Caec.* 10). However, Cicero admits that young men are better served by acting as defence counsels, rather than prosecutors, in pursuing political office, because it generated more influential friends: cf. e.g. *Off.* 2.50 *id cum periculosum ipsi est, tum etiam sordidum ad famam, committere ut accusator nominere*; *De Or.* 1.32, where Crassus makes the power to save others (*dare salutem*) the pinnacle of his praise of eloquence. It is probably for this reason, then, that Cicero seeks to characterise his prosecution of Verres as a defence of the state (on which, see the discussion below). Cf. Fantham (2004): 102–6. For an overview of the Attic scene, cf. esp. Ober (1989).

From the example of Cicero's *Verrines*, readers are reminded of the great risks associated with prosecution more generally. According to the conventions previously discussed, it was not enough for a young man simply to choose an appropriately lofty target, with senatorial connections, and to prosecute him. He needed to prove his competence to prosecute, and for that, he needed allies. In particular, as was the case for Cicero, the prosecutor was required to show that his motives were neither malicious nor litigious. The role of supporters was an essential ingredient in this competence formula, especially in extortion cases, where the prosecutor needed to demonstrate that he had the support of the provincials behind him (cf. e.g. *Scaur.* 23–30).¹²⁷ For this reason, readers of the *Verrines* observe Cicero making frequent and obsequious capitulations to the Sicilians, whose support he covets. To avoid the appearance that he was a malicious or litigious prosecutor, Cicero needed to put forward a convincing display of support, both inside and outside the courtroom. So in the *Diuinatio*, at the end of a lengthy dismantling of Caecilius' prosecutorial qualifications (or lack thereof), Cicero acknowledges that although Caecilius amounts to 'nothing', the assistance of experienced and eloquent *subscriptores* elevates his prospects, although not enough to overcome his overall deficiencies as an orator:

esto; ipse nihil est, nihil potest: at uenit paratus cum subscriptoribus exercitatis et disertis. est tamen hoc aliquid, tametsi non est satis; omnibus enim rebus is qui princeps in agendo est ornatissimus et paratissimus esse debet. (*Div. Caec.* 47)¹²⁸

¹²⁷ Tempest (2013): 54, n. 46.

¹²⁸ Cf. *Div. Caec.* 48, where Cicero analogises the role of supporters to that of Greek actors on stage (*actoribus Graecis*), who are subordinated to the superiority of the chief actor (*multum summittere, ut ille princeps quam maxime excellat*).

Cicero himself readily claims the support of the Sicilians, who were the victims of Verres' crimes, and who had already, independently, attempted to redress the consequences of the governor's conduct. The consuls of 72 had tried to check Verres' behaviour with a senatorial decree, and the tribunes of 71 had carried a resolution protecting one of his victims.¹²⁹ Moreover, the parade of witnesses Cicero enlists in support of his case (*populi Romani, socii, and exterae nationes*), all dramatically corroborate Cicero's self-presentation as a prosecutor endorsed by the Sicilians. So Cicero claims to have benefitted from the assistance of his *amici*, who helped to repel some of Verres' *multae insidiae*: . . . *cum multae mihi a C. Verre insidiae terra marique factae sint, quas partim mea diligentia deuitarim, partim amicorum studio officioque reppulerim* (*Verr.* 3). In this way, Cicero positions himself as champion of the Sicilians, whom he had befriended since his quaestorship in 75: *cum quaestor in Sicilia fuisset, iudices, itaque ex ea provincia decessisset ut Siculis omnibus iucundam diuturnamque memoriam quaesturae nominisque mei relinquerem* (*Div. Caec.* 2). This is all useful material for Cicero's audience of young orators.

However, Cicero's own qualifications for the role of prosecutor were far from certain. Indeed, the orator had never before appeared as prosecutor, despite a handsome résumé of forensic experience. Cicero was a prosecutorial novice at 36 years of age, more than a decade after his first oratorical appearance.¹³⁰ For this reason, the *Verrines* show a continued defence of the orator's qualifications for the

¹²⁹ On which, see Seager (1994): 223–8, with bibliography.

¹³⁰ Cicero was perhaps not as unqualified for the role of prosecutor as he implies: he had in fact undertaken many defences and so had engaged with prosecutors, and had also been a quaestor for Sicily.

role of prosecutor, and in the course of Cicero's self-justifications, readers learn more about the requirements to become a good prosecutor. While it is difficult to establish whether this was one of the primary purposes for publishing the speeches, the extended treatment of Cicero's qualifications to prosecute invites readers to assess the various merits of all the individuals 'performing' on the stage: Cicero, Caecilius, Hortensius, and Caecilius' *subscriptores*. This readerly assessment of the various orators' 'performances' (real, or in the case of the *Second Actio*, imagined) and abilities correlates with the well-established culture of oratorical competition that existed at Rome. Moreover, by competing with Q. Caecilius Niger for the right to prosecute the case against Verres, Cicero is able to assert his better aptitude (*Div. Caec. 1 miratur . . . et in hac causa profecto neminem praeponendum esse mihi actorem putabit*). Moreover, these discussions of qualifications for prosecution are pertinent to young orators hoping to do the same, as part of the well-established career path, previously discussed, which emphasised the advantages of early-career prosecution for social and political advancement. In this way, Cicero's self-justifications also become 'lessons' for readers on what sorts of qualities were valued, or could be developed, in order to prosecute successfully.

Recalling the earlier discussion on the ways in which Cicero markets his *Verrines* as a 'one-off', so the orator frequently claims that this unique case demands some special extra effort of the prosecution, which he repeatedly describes as an *onus* (*Verr. 2.4.88 opus est non solum ingenio uerum etiam artificio quodam singulari*; cf. e.g. *Div. Caec. 5 onus huius laboris atque officii*, *Verr. 2.1.19 onus meum*, *Verr. 2.2.1 hoc onere suscepto*, etc.; Quint. *Inst.* 10.7.12). Indeed, in the opening paragraphs of the *Third Verrine*, previously considered, Cicero

distinguishes his own prosecutorial efforts from that of others, particularly the sort of ‘early-career’ prosecutors discussed above:

atque ego hoc plus oneris habeo quam qui ceteros accusarunt—si onus est id appellandum quod cum laetitia feras ac uoluptate, uerum tamen ego hoc amplius suscepi quam ceteri—quod ita postulatur ab hominibus, ut ab iis se abstineant maxime uitii in quibus alterum reprehenderint . . . omnia postremo quae uindicaris in altero, tibi ipsi uehementer fugienda sunt. etenim non modo accusator sed ne obiurgator quidem ferendus est is qui, quod in altero uitium reprehendit, in eo ipse reprehenditur. (*Verr.* 2.3.4)

Cicero uses comparatives (*plus oneris*, *amplius*) to distinguish the case, and himself as prosecutor, from *ceteri*. With such claims, Cicero casts himself as the Roman prosecutor *par excellence*. Moreover, as the orator goes on to say, Verres represents the very worst sort of criminal and is a sort of foil for Cicero, who represents himself in turn as a kind of guarantor, inviting scrutiny as a man whose own life bears none of the moral flaws which define Verres:

ego in uno homine omnia uitia quae possunt in homine perditio nefarioque esse reprehendo; nullum esse dico indicium libidinis, sceleris, audaciae, quod non in istius unius uita perspicere possitis. ergo in isto reo legem hanc mihi, iudices, statuo, uiuendum ita esse ut isti non modo factis dictisque omnibus, sed etiam oris oculorumque illa contumacia ac superbia quam uidetis, dissimillimus esse ac semper fuisse uidear. (*Verr.* 2.3.5)

In making these bold claims, Cicero raises the stakes of the case, and adds a certain gravitas to his prosecution. Emphasising, or even exaggerating, the difficulty of the task renders his success in the case more impressive (and memorable) for readers. The grand style of *Verr.* 2.3.4–5 suggests a desire to ‘speak’ in a manner befitting the magnitude of the case and, crucially, Cicero’s role in it.¹³¹ Cicero creates a

¹³¹ Another choice example of the grand style in the *Verrines* is found at *Verr.* 2.5.92: *o tempus miserum atque acerbum prouinciae Siciliae! o casum illum multis innocentibus calamitosum atque funestum! o istius nequitiam ac turpitudinem singularem!* Nisbet (1992: 2) particularly admires the ‘parallelism of the three resonant clauses’, marked by the repeated *o*, an emotional word in Latin,

number of symmetrical constructions, where he manipulates Latin accident to mirror the symbiotic relationship the orator describes between prosecutor and defendant.¹³² So, for example, the balancing of active and passive forms of *reprehendere* (*Verr.* 2.3.4), or the juxtaposition of *dico* and *indiciu*m (*Verr.* 2.3.5). In addition, Cicero positions himself (*ego*) in opposition to Verres, and all vices more broadly (*omnia uitia*), and argues that were he (or any prosecutor) to show inconsistency in his own conduct, that would undermine the credibility of the case and the prosecutor himself, and ultimately cause damage to the orator's *ingenium*, his reputation (cf. *Div. Caec.* 27). Obviously, this would negate one of Cicero's foremost impulses to circulating his speeches (to magnify his reputation). This is a shrewd strategy born out of necessity. This is all part of Cicero's elaborate effort to position himself as the archetypal Roman orator, and a model to be studied and imitated by young students of orators.

Textbooks and models

By presenting himself as a model prosecutor, Cicero focusses his attentions on young readers, dispensing advice to young men aspiring to public careers,

and rightly identifies the importance of declaiming a speech (often to oneself) as part of the process of its transmission from orator to a variety of groups of readers. By sounding out the text, different levels of meaning could be gauged in reperforming the work, however accurately: 'different readers must have produced different effects'. On the grand style generally, cf. *Orat.* 100–12, with e.g. Johnson (1971), von Albrecht (2003).

¹³² In contrast to the collusive relationship Cicero argues Caecilius would have had were he to have prosecuted Verres; cf. *Div. Caec.* 30 *uideo enim permulta esse crimina quorum tibi societas cum Verre eius modi est ut ea in accusando attingere non audeas*; §58 *si tu cum illo postea in gratiam redisti, si domi illius aliquotiens fuisti, si ille apud te postea cenauit, utrum te perfidiosum an praeuaricatorem existimari mauis?* Collusion between prosecution and defence (*praeuaricatio*) was a rare criminal offence, cf. Mommsen (1899): 501–3; Greenidge (1901): 468, 470–1; *RE* xxii, 2, cols. 1680 ff. Cf. e.g. *Cael.* 24, where P. Ascus is accused of *praeuaricatio* (cf. *Part. Or.* 124ff.). Caelius' accusers had claimed that Ascus was not justifiably acquitted, and that therefore Caelius, his alleged accomplice, was not cleared either; Cicero denies both the collusion and the implied connection between the two men. Cf. Dyck (2013) ad loc.

enumerating some of the many qualities and skills a good prosecutor ought to possess. With a relative paucity of other theoretical literature on prosecution, and recognising its importance for launching a career in Roman public life, students of oratory and young men planning public careers would read the *Verrines* with great enthusiasm, much as Cicero envisages young men studying, even learning by heart, some of his later published speeches (cf. e.g. *Att.* 2.1.3 *ea quae nos scribimus adolescentulorum studiis excitati*; *Q. Fr.* 3.1.11 *cum . . . meam in illum pueri omnes tamquam dictata perdiscant*).¹³³ Moreover, the literary structure of the collection, as we have seen, gives the *Verrines* the appearance of a pseudo-rhetorical textbook.

The *Diuinatio in Caecilium* is particularly fruitful ground for young orators, with extensive discussion of the qualities and characteristics of good prosecutors (cf. esp. *Div. Caec.* 27–41). In the course of the *Diuinatio*, Cicero's recollections of his own training and experience enable him to identify three key attributes which he personally has perfected: the *diligentia* necessary for preparing the trial, the *memoria* for delivering it, and the *uox* and *uires* necessary to sustain the performance (*Div. Caec.* 39 *tamen esset magnum tantam causam, tam expectatam, et diligentia consequi et memoria complecti et oratione exponere et uoce ac uiribus sustinere*). By contrast, throughout the *Diuinatio* Cicero uses 'Caecilius' as the embodiment of the failed orator: *ipse nihil est, nihil potest* (*Div. Caec.* 47) is Cicero's damning conclusion. Even unheard (*Div. Caec.* 23 *tacitus*), Caecilius is

¹³³ A number of these speeches are discussed in this connexion in chapters three and four on the consular and *post reditum* speeches, respectively. Tempest (2013: 45, n. 23) catalogues the limited (extant) material from the rhetorical handbooks on prosecution and prosecutorial techniques: *Rhet. Her.* 1.24, 2.21–4; *Inv.* 2.24, 32, 44–5, 53, 77–82, 88, 99–100, 108–9. In contrast, the treatment of defence of defence rhetoric in the theoretical literature is most comprehensive. For fuller treatment, see esp. Alexander (2002): 8–15.

unimpressive. His inability to adapt to the moment and his over-reliance on model arguments both become key themes in Cicero's critique of his opponent. This is the particular challenge Cicero raises against Caecilius:

si enim mihi hodie respondere ad haec quae dico potueris, si ab isto libro, quem tibi magister ludi nescio qui ex alienis orationibus compositum dedit, uerbo uno discesseris, posse te et illi quoque iudicio non deesse et causae atque officio tuo satis facere arbitrabor. (*Div. Caec.* 47)

Cicero shows that he is well-acquainted with the detailed rhetorical techniques of an effective prosecution as he sets himself up as an expert vis-à-vis the young and inadequate Caecilius, who provides the perfect foil to Cicero's exemplarity (*Div. Caec.* 35 *ac uide quantum interfuturum sit inter meam tuamque accusationem*; 73 *quapropter, iudices, uestrum est deligere quem existimetis facillime posse magnitudinem causae ac iudicii sustinere fide, diligentia, consilio, auctoritate*). But, as Tempest points out, 'many of Cicero's comments about delivery actually correspond to the criticisms and comments we find in his later rhetorical writings; hence we find in the *Verrines* an early exposition of Cicero's precepts'.¹³⁴

So Cicero assumes a didactic posture with Caecilius (and his reader-addressee): *cognosce ex me, quoniam hoc primum tempus discendi nactus es, quam multa esse oporteat in eo qui alterum accuset* (*Div. Caec.* 27).

In the first place, the prosecutor must possess a blameless character (*Div. Caec.* 27 *primum integritatem atque innocentiam singularem*).¹³⁵ In particular, this

¹³⁴ Tempest (2013): 52.

¹³⁵ In the same terms, Cicero had described the actor Q. Roscius (*Rosc. Com.* 26 *erat summa innocentia et integritate*), and would later characterise C. Turranius (*Phil.* 3.25 *homo summa integritate atque innocentia*).

was so as to avoid accusations of inconsistency (*Div. Caec. 27 nihil est enim quod minus ferendum sit quam rationem ab altero uitae reposcere eum qui non possit suae reddere*).¹³⁶ So Cicero reassures the *iudices* at the opening to his *Third Verrine* (*Verr. 2.3.4–5*, where the prosecutor should be free from all *uitia*; cf. discussion above). In addition, he must be a fundamentally honest character (*Div. Caec. 29 accusatorem firmum uerumque esse oportet*).

Next, the good prosecutor, Cicero argues, must possess *aliqua facultas agendi, aliqua dicendi consuetudo, aliqua in foro, iudiciis, legibus aut ratio aut exercitatio* (*Div. Caec. 35*). The anaphora of *aliqua* reinforces the insult to Caecilius' capabilities as an orator, but the presentation is memorable for the reader. In addition to a degree of natural facility (*Div. Caec. 35 facultas agendi; 39 natura*), a good education and formal training (*Div. Caec. 39 si optimis a pueritia disciplinis atque artibus studuisses, et in his elaborasses; si litteras Graecas Athenis . . . Latinas Romae . . . didicisses; 41 et qui omne tempus quod mihi ab amicorum negotiis datur in his studiis laboribusque consumam, quo paratior ad usum forensem promptiorque esse possim*), and practical experience (*Div. Caec. 41 ego, qui, sicut omnes sciunt, in foro iudiciisque ita uerser ut eiusdem aetatis aut nemo aut pauci plures causas defenderint*) were all essential requirements. Cicero suggests that a good range of practical experiences in a variety of contexts (*in foro iudiciisque*) was particularly valuable. And, just to be sure, courting divine favour was always helpful (*Div. Caec. 41 tamen ita deos mihi uelim propitios*).

This didactic passage in the *Diuinatio* also brings out a number of specific oratorical talents the prosecutor should possess. First, he must be able to narrate

¹³⁶ Cf. Catul. 16.

vividly (*Div. Caec. 27 in mentem tibi non uenit quid negotii sit causam publicam sustinere, uitam alterius totam explicare, atque eam non modo in animis iudicum sed etiam in oculis conspectuque omnium exponere*). Strikingly, Cicero speaks to the importance of presenting a case not only *in animis iudicum* but also *in oculis conspectuque omnium*. It is uncertain whether Cicero is advocating here that prosecutors should regularly write up and disseminate their speeches after delivery; however, the throw-away comment to Caecilius confirms (again) that Cicero felt it important to craft his case not only for the courtroom, but also for readers.

In addition, Cicero advises that the prosecutor should arrange and develop his arguments effectively, and with some special extra effort (*Div. Caec. 39 dicenda, demonstranda, explicanda sunt omnia; causa non solum exponenda, sed etiam grauius copioseque agenda est*). The rhetorically pleasing triad of gerundives (*dicenda, demonstranda, explicanda*) is a memorable mantra for the reader.¹³⁷ With the expansive (undelivered) *Second Actio*, the reader begins to comprehend what Cicero means by *causa . . . grauius copioseque agenda est*. Of course, as we have discussed, such a ‘speech’ could never be delivered in such a form.

Next, Cicero states that the good prosecutor must connect with his audience on an emotional level, and in particular arouse its hostility and indignation against the defendant, so that the audience might feel as aggrieved as those who actually suffered from the crimes themselves (*Div. Caec. 38 putasne te posse, id quod in huius modi reo maxime necessarium est, facere ut quae ille libidinose, quae nefarie,*

¹³⁷ In the rhetorical works, Cicero frequently groups precepts in threes. Perhaps the most famous example (appropriated from Aristotle) is the oft-cited *officium oratoris*; cf. e.g. *Opt. Gen. 3 optimus est enim orator qui dicendo animos audientium et docet et delectat et permouet. docere debitum est, delectare honorarium, permouere necessarium* (also *De Or. 2.121, 128, 310; Brut. 185, 276*, etc.). For an interesting discussion of groupings in three in another context, cf. Mayer (1991).

quae crudeliter fecerit, ea aequae acerba et indigna uideantur esse his qui audient atque illis uisa sunt qui senserunt?). Likewise, the audience should also be induced to ‘listen’ *libenter studioseque* (*Div. Caec.* 39); the doublet emphasises the imperative.

Lastly, Cicero claims that prosecution is rewarded by extensive preparation: *omnibus enim rebus is qui princeps in agendo est ornatissimus et paratissimus esse debet* (*Div. Caec.* 47; cf. *Plu. Dem.* 8, above).

Cicero’s ‘advice’ to Caecilius (and the reader) concludes with a restatement of the theme of presenting the ideal prosecutor (and himself) as Caecilius’ antithesis:

uerum ut ad te, Caecili, redeam, quam multa te deficiant uides: quam multa sint in te quae reus nocens in accusatore suo cupiat esse, profecto iam intellegis. quid ad haec dici potest? non enim quaero quid tu dicturus sis; uideo mihi non te, sed hunc librum esse responsurum, quem monitor tuus hic tenet; qui, si te recte monere uolet, suadebit tibi ut hinc discedas neque mihi uerbum ullum respondeas. (*Div. Caec.* 52)

Cicero’s statement *quam multa te deficiant uides* recalls his earlier argument *sunt multa quae Verres in me esse arbitratur, quae scit in te, Caecili, non esse* (*Div. Caec.* 22). Moreover, Cicero marks out the section for readers (*uerum ut ad te*) to reinforce his claim that Caecilius is an unsuitable choice for prosecutor because he lacks the qualities that the ideal prosecutor should possess.

To this end, Cicero uses Caecilius as a vehicle to dispense advice to his readership of aspiring orators and politicians. Caecilius illustrates an entirely inadequate figure. Cicero’s summation of Caecilius’ lack of qualifications at the end of the *Diuinatio* is highly pejorative: *quam ob rem hoc statuere, iudices, debetis, Q. Caecilium, de quo nulla umquam opinio fuerit nullaue in hoc ipso iudicio*

expectatio futura sit (*Div. Caec.* 71).¹³⁸ In this way, the *Diuinatio* becomes a sort of ‘meta-rhetorical’ speech as Cicero makes a virtue of his personal training and experience in order to win the right to prosecute Verres. Cicero’s text addresses not only Caecilius, but the reader, who is ‘subconsciously transposed into the physical environment of the trial and becomes one of the *iudices* within it’ (cf. e.g. *Div. Caec.* 42, above).¹³⁹

Closely aligned with portraying himself as a model prosecutor, Cicero envisages his speeches themselves as models of prosecution techniques; indeed, his claims that his *accusatio* is well known suggest it is circulating and being studied (or least that is his hope) by young orators (*Verr.* 2.1.29 *sed etiam populus Romanus totam accusationem causamque cognouit; Orat.* 103 *nota*). Indeed, Cicero reports that Attius, in his prosecution of Cluentius had cited *reliqua permagna auctoritas* from the *First Actio*:

est etiam reliqua permagna auctoritas, quam ego turpiter paene praeterii: mea enim esse dicitur. recitavit ex oratione nescio qua Attius, quam meam esse dicebat, cohortationem quandam iudicum ad honeste iudicandum et commemorationem cum aliorum iudiciorum, quae probata non essent, tum illius ipsius iudicii Iuniani. (*Clu.* 138)

If, indeed, the *oratio* cited at *Clu.* 138 is the *First Actio*, it perhaps refers to a passage at *Verr.* 38–40: a disparaging reference to the *iudicium Iunianum*. This suggests that the *Verrines* were being read and studied by other orators, just as Cicero had hoped.¹⁴⁰

¹³⁸ The fact that after Cicero wins the brief, Caecilius is denied the right to join him as an assistant prosecutor is telling, and perhaps even lends credence to the argument that the latter was in collusion with Verres (cf. *Div. Caec.* 12–13, 23, 29, 32, 58, 65; *Verr.* 2.1.15); on *praeuaricatio*, see the note above.

¹³⁹ Tempest (2013): 53.

¹⁴⁰ It is interesting to note that an extract from the *Second Verrine* (*Verr.* 2.2.3–4) is among the earliest Latin papyri to be found in Egypt (P. Ianda V 90, dated to 20 BC; cf. *CPL* 70–1).

Consequently, we may conclude that the *Verrines* were of particular interest to ancient students of oratory, especially those young men who were seeking to begin their political careers with a brief foray into prosecution.¹⁴¹ Critically, the contemporary rhetorical handbooks offered only limited advice and direction devoted to the task of preparing and delivering a prosecution case. There was an expectation, perhaps, that young students would acquire the necessary skills through observation and practical experience (cf. e.g. *De Or.* 3.133f., Tac. *Dial.* 34).¹⁴² Nevertheless, students could only learn so much by observation, and so model speeches served as a useful supplement to the school curriculum. Moreover, Cicero's later correspondence, and evidence in the speeches themselves, shows that he regularly published his orations in order to instruct students in the art of oratory.¹⁴³

Thus, in the *Verrines* we see Cicero adopting a didactic posture, positioning himself as both model prosecutor and teacher; and the *Verrines* become models and instructive textbooks themselves. Cicero's actions and prosecutorial strategy are to be studied and imitated. In particular, Cicero claims (at *Verr.* 48) to have devised a *certa uia atque ratio* by which he will prosecute Verres, and he hopes that a large audience (*non modo aures omnium, sed etiam oculi populi Romani*) will not only consider his efforts, but also find them instructive (cf. *Verr.* 15). By describing his prosecutorial strategy with such language, Cicero recalls a passage in the *Ad*

¹⁴¹ Cf. the discussion above. For a comprehensive discussion of prosecution techniques derived from the *Verrines*, see esp. Tempest (2006) and the treatment below. From Cicero's defence speeches, Alexander (2002) has attempted reconstructions of a number of prosecutorial speeches in the extortion trials of Fonteius, Flaccus, and Scaurus, although there are limitations, not least because Cicero frequently misrepresents his opponents' arguments (at 29).

¹⁴² Cicero (at *Brut.* 189) claims that, in his youth, he observed speakers in the forum; cf. Powell (1988): 122. Cf. further Suet. *Aug.* 26; David (1992): 336–41.

¹⁴³ Cf. e.g. Fantham (1982): 247; Butler (2002): 71–84 on the *Verrines* specifically.

Herennium where *ars* — one of the three methods (the other two being *imitatio* and *exercitatio*) by which the orator could acquire the five faculties of speaking (*inuentio, dispositio, elocutio, memoria, pronuntiatio*) — is defined in the same terms: *ars est praeceptio, quae dat certam viam rationemque dicendi* (*Rhet. Her.* 1.3). Thus, we see that Cicero implies that his prosecutorial method in the *Verrines* should be viewed as a *praeceptum*, instructive in crafting a prosecutorial case.

With the *First Actio*, the orator offers readers an example of an actual, deliverable speech. But there are a number of peculiarities to which Cicero draws his readers' attention. In the first instance, the *First Actio* is striking for the absence of any charges against Verres, save a brief elaboration in the final paragraph of the speech: *dicimus C. Verrem, cum multa libidinose, multa crudeliter in ciues Romanos atque in socios, multa in deos hominesque nefarie fecerit, tum praeterea quadringentiens sestertium ex Sicilia contra leges abstulisse* (*Verr.* 56). In a passage towards the end of the *First Actio*, the orator elaborates the novel strategy he will adopt with respect to the treatment of examination of witnesses and charges:

faciam hoc non nouum, sed ab iis qui nunc principes nostrae ciuitatis sunt ante factum, ut testibus utar statim: illud a me nouum, iudices, cognoscetis, quod ita testes constituam ut crimen totum explicem; ubi id interrogando argumentis atque oratione firmauero, tum testes ad crimen accommodem: ut nihil inter illam usitatam accusationem atque hanc nouam intersit, nisi quod in illa tum cum omnia dicta sunt testes dantur, hic in singulas res dabuntur: ut illis quoque eadem interrogandi facultas argumentandi dicendique sit. si quis erit qui perpetuam orationem accusationemque desideret, altera actione audiet: nunc id quod facimus (ea ratione facimus, ut malitiae illorum consilio nostro occurramus) necessario fieri intellegat. (*Verr.* 55)

In outlining his prosecutorial strategy, Cicero claims that he shall not give a 'continuous speech' (*perpetuam orationem accusationemque*; cf. *Verr.* 33), which will rather be reserved for the *Second Actio* (*altera actione audiet*; cf. *Verr.* 33 in

alia tempora reseruemus), emphasising that the collection of speeches is purposefully assembled for readers: the two *actiones* (and *Diuinatio*) are to be read together.¹⁴⁴ Moreover, out of necessity (*necessario*), Cicero claims he cuts short his speech and proceeds directly to the presentation of evidence and examination of witnesses (*testibus utar statim*; cf. *Verr.* 33 *nunc hominem tabulis, testibus, priuatis publicisque litteris auctoritatibusque accusemus*). In addition, Cicero outlines the usual prosecutorial strategy, and his justifications for his departure from it. He calls individual witnesses as each charge is introduced in turn (*hic in singulas res dabuntur*), rather than after all the speeches are delivered (*nisi quod in illa tum cum omnia dicta sunt testes dantur*). This will interrupt the flow of delivery, perhaps, but enable pertinent questioning, arguments, and comments to be made (*interrogandi facultas argumentandi dicendique sit*). As Cicero acknowledges, this strategy is not unprecedented (*non nouum*), but nonetheless unusual.¹⁴⁵ Cicero had an especially large number of witnesses — Tempest counts 57 named in the *First Actio*, and a further 13 in the *Second Actio* — and this demanded a great degree of ‘stage management’ on Cicero’s part.¹⁴⁶ Indeed, Cicero frequently emphasises his extensive preparations for the trial, especially the gathering of evidence, and

¹⁴⁴ At *Verr.* 33 and 55, these remarks are almost certainly later additions to the delivered version of the speech, and refer the reader to the *oratio perpetua* that is the *Second Actio* (so *Verr.* 2.1.24–5, 31; cf. discussion above).

¹⁴⁵ Pseud. Asc. (222 Stangl), commenting on *Verr.* 55, provides details of a precedent: L. Lucullus and M. Lucullus in their prosecution of L. Cotta.

¹⁴⁶ Tempest (2013): 61, n. 76; cf. also Tempest (2006): 242–7. In addition, Tempest (2013: 61, n. 77) notes that whole groups of men rose to condemn simultaneously: e.g. *Verr.* 2.2.120 (*legati* from Catina, Centuripae, Halaesa and Panhormus); *Verr.* 2.2.175 (*decumani*); *Verr.* 2.3.73, 120 (*legati* from Agyrium); *Verr.* 2.3.103 (people from Agrigentum); *Verr.* 2.3.105–6, 2.4.114 (*legati* from Aetna); *Verr.* 2.4.70 (*homines e conventu* of Syracuse); *Verr.* 2.4.104 (*legati* from Melita); *Verr.* 2.5.10 (*homines e conventu* of Syracuse); *Verr.* 2.5.158 (people from Regium and Vibo/Valentia).

organisation of witnesses (cf. e.g. *Verr.* 2.4.91 *eos enim deduxi testes et eas litteras deportavi ut de istius facto dubium esse nemini possit*).

The presentation of witnesses was a notoriously challenging exercise and, at least in Cicero's case, frequently involved a degree of manipulation and trickery.¹⁴⁷ Cicero regularly mocked such clichés of performance when it suited his purpose to do so; hence his contrived amazement at the thought that Hortensius might allude to Verres' scars (*Verr.* 2.5.32 *hic scilicet est metuendum . . . ne excitetur Verres, ne denudetur a pectore, ne cicatrices populus Romanus aspiciat, ex mulierum morsu uestigia libidinis atque nequitiae*).¹⁴⁸ From a report in the *Second Actio*, we learn that Cicero himself allegedly produced a young boy, Iunius, who stood beside his uncle in his *toga praetexta* as the latter gave evidence testifying to Verres' cruelty (*cum patruo testimonium dicente* (*Verr.* 2.1.151)). Moreover, the performance was intensified by the fact that the poverty-stricken Iunius was no longer wearing his *bullae*, the childhood locket that symbolised his free-birth: *neque erant hae lacrimae populares magis quam nostrae, quam tuae, Q. Hortensi, quam horum qui sententiam laturi sunt* (*Verr.* 2.1.153). The reference to tears was a common and persuasive feature in emotional appeals.¹⁴⁹

¹⁴⁷ So Cicero accused Fonteius' prosecutors of preparing their witnesses at home (*Font.* 22). Quintilian gives several further anecdotes (*Inst.* 6.1.30), and even ventures a number of defences to be used against them (*Inst.* 6.1.46–8). For fuller discussion of 'stage management', see Hall (2007): 229–32.

¹⁴⁸ This was a strategy, to which Cicero alludes at *Verr.* 2.5.3, that M. Antonius had used to great effect in the trial of M'. Aquilius by dramatically revealing his client's scarred chest. As Tempest notes (2013: 62, n. 81), the technique was 'part of a broader appeal regarding the defendant's military achievements, used by Cicero elsewhere in the speeches (e.g. *Rab. Post.* 36)'; cf. Quint. *Inst.* 6.1.21 *periclitantem uero commendat dignitas et studia fortia et susceptae cicatrices et nobilitas et merita maiorum*.

¹⁴⁹ In his rhetorical works, Cicero consistently claims that failure to display emotions, when appropriate, is damaging (esp. *Brut.* 278–9, on the dispassionate M. Calidius), and he tends to the view that to display them convincingly the orator must actually feel them (esp. *De Or.* 2.188–96, cf. *Orat.* 132 and more generally Wisse (1989): 257–69). Accordingly, we often see the advocate in tears: e.g. *Rab. Post.* 47; *Planc.* 104; *Mil.* 105 *sed finis sit; neque enim prae lacrimis iam loqui*

Another striking feature of Cicero's presentation of evidence is his systematic use of rhetorical *praeteritio* in the *Second Actio*. As has been discussed, released from the restrictions of delivery, Cicero's five-part *Second Actio* offers an expansive display of prosecutorial techniques. The orator's 'selective' presentation of evidence in his case against Verres shows its effectiveness for proving guilt: the implication being that in addition to the extensive list of charges brought against the defendant, and alleged crimes committed, there are more left unsaid, which the audience (reader, in the case of the *Second Actio*) must imagine for themselves. Cicero uses such expressions as *praetermittam . . . praeteribo* (*Verr.* 2.1.32; cf. 2.1.43ff.), *dicam paulo* (*Verr.* 2.2.176), *quid amplius uultis?* (*Verr.* 2.3.152), and *iam enim mihi non modo breuiter de uno quoque dicendum, sed etiam praetereunda uidentur esse permulta* (*Verr.* 2.4.97), as part of his 'selective' presentation of crimes and charges.¹⁵⁰

Moreover, the volume of evidence Cicero presents in his case against Verres suggests that the burden of proving a man's guilt was substantial, and that the presentation of evidence was an important component.¹⁵¹ In the *First Actio*, when Cicero justifies his strategy of omitting a long opening speech, it serves his purpose

possumus, et hic se lacrimis defendi uetat (from a version of the speech, it is commonly thought, that was undelivered; cf. e.g. Hutchinson (2010): 104–6), also 92; cf. *Planc.* 76, where Cicero is mocked by an opponent for tears shed in a previous defence. Cicero often describes others in tears besides: e.g. *Font.* 46 (the defendant's family); *Clu.* 201 (the defendant's own); *Planc.* 104 (the tears of the court-magistrate, the jury (as well as Cicero's own)). For further discussion of emotional appeals and the use of tears, cf. Winterbottom (2004): 217–27.

¹⁵⁰ Other examples of *praeteritio* may be found at e.g. *Verr.* 2.1.33 *sileatur . . . nulla mentio fiat*; *Verr.* 2.2.68, 82 *non omnia*, 118 *pauca ex aliis generibus*; *Verr.* 2.3.53, 58, 59, 84, 106, 163, 219; *Verr.* 2.4.49 *neque ego nunc istius facta omnia enumerare conor neque opus est nec fieri ullo modo potest; tantum unius cuiusque de uaria improbitate generis indicia apud uos et exempla profero* (Cicero describes his strategy of using examples of Verres' various misdeeds, rather than recounting everything (*facta omnia enumerare*)); *Verr.* 2.4.105, 116, 136; *Verr.* 2.5.4, 11, 34, 114. On *praeteritio* generally, cf. Lausberg §§882–5.

¹⁵¹ Cf. Butler (2002) on written evidence, and Tempest (2006): ch. 8, on the role of witnesses.

to suggest that the evidence was all that mattered in a court of law (*Verr.* 27). Yet, one must wonder whether simply presenting a mass of evidence was enough to make a case; there was always a very real risk that a witness may not be believed. Of course, the point is moot for the case against Verres, since an official verdict never needed to be reached. Moreover, as we see in meticulous detail in the *Verrines*, it seems that it was the *presentation* of the evidence that was integral to the success of the speech.

As we have stated at a number of points in this discussion, the rhetorical literature offered young students of oratory very few guidelines on how to bring a prosecution. Thus, in publishing his *Verrines*, Cicero attempts to augment the paucity of pedagogical material by providing his own ‘lessons’ on prosecution, mixing explicit didactic comment with exemplary display. So Cicero concludes his *Fifth Verrine*:

omnium nunc oculi coniecti sunt hoc ipso tempore in unum quemque nostrum, qua fide ego accusem, qua religione hi iudicent, qua tu ratione defendas. de omnibus nobis, si qui tantulum de recta regione deflexerit, non illa tacita existimatio quam antea contemnere solebatis, sed uehemens ac liberum populi Romani iudicium consequetur. (*Verr.* 2.5.176)

Therefore, the *Verrines* as a group of speeches produce what is essentially a ‘meta-rhetorical’ collection of texts for readers: the precepts Cicero has provided in discourse (in the *Diuinitio in Caecilium*) are self-consciously put into practice in the main trial, and see further elaboration in the fictional *Second Actio*.¹⁵² Thus, the student of oratory reading the *Verrines* receives a two-fold advantage by engaging with a text which both demonstrates and dictates how to stage a prosecution.

¹⁵² Tempest (2013): 71.

Competition with Hortensius

As we have seen at various points in our discussion, forensic activity played an important role in Roman public life, and was the basis for a highly successful political career. Given the stakes of the case, and its notoriety, it is probable that many of the readers of the *Verrines* were those aspiring to a political career, and thus interested in the oratorical scene in Rome.¹⁵³ So Tacitus has Maternus say that people would read speeches because they believed their own interests were affected by politicians and famous figures:

. . . quia quanto quisque plus dicendo poterat, tanto facilius honores adsequebatur, tanto magis in ipsis honoribus collegas suos anteibat, tanto plus apud principes gratiae, plus auctoritatis apud patres, plus notitiae ac nominis apud plebem parabat. (*Dial.* 36.4)¹⁵⁴

The relationship between Cicero and Hortensius was particularly interesting for readers. Both men were significant public figures; Cicero indicates that Hortensius was the pre-eminent Roman orator of the day (*Orat.* 129 *summus orator*; cf. *Div. Caec.* 44 *homine disertissimo et ad dicendum paratissimo*). Moreover, at the end of 70, both orators were standing for election—Hortensius for the consulship, Cicero for the aedileship—and these elections seem to have been a major factor in why each orator appeared in the case at all (*Verr.* 37 *erit tum consul*

¹⁵³ Riggsby's (1999: 228, n. 1) contention that 'the audience of Cicero's published speeches had a similar make-up to that of the jury members of the original audiences' is entirely inadequate and greatly understates the diverse range of consumers and contexts in which the speeches were read. On Roman reading, cf. Cavallo (1999). The range of readers we know about in detail is limited by a lack of evidence in Latin papyri (far less than is supplied by Greek papyri). Cf. *Att.* 13.21a.2, 22.3; *Hor. Epod.* 8.15–16, with Watson (2003) ad loc. Cf. also e.g. *Prop.* 3.3.19–20, *Ov. Am.* 2.1.5, 11.31, *Tr.* 2.253–64.

¹⁵⁴ Vergil expresses similar views in the proem to his *Third Georgic*: *temptanda uia est, qua me quoque possim | tollere humo uictorque uirum uolitare per ora* (*G.* 3.8–9), cited by *Plin. Ep.* 5.8.3; cf. *Ecl.* 6.9–10 *si quis tamen haec quoque, | si quis captus amore leget*; *Ov. Tr.* 14.27; *Cic. Tusc.* 1.34 *uolito uiuos per ora uirum* = Ennius frag.; *Ov. Ars.* 1.205–16. Cf. van den Berg (2014: 186–207) for useful discussion of Maternus' second speech in *Dial.*

Hortensius cum summo imperio et potestate, ego autem aedilis). For, as Steel notes, ‘the acquisition of elected office required candidates to develop a public profile’.¹⁵⁵

In the *Verrines* readers observe two significant figures jostling for oratorical supremacy (cf. *Verr.* 35 *ista tua intolerabilis potentia, et ea cupiditas qua per hosce annos in quibusdam iudiciis usus es*). The rivalry between the two orators had been building since the previous decade, as Cicero acknowledges in a particularly striking passage from the *Diuiatio*:

numquam ille me opprimet consilio, numquam ullo artificio peruertet, numquam ingenio me suo labefactare atque infirmare conabitur. noui omnes hominis petitiones rationesque dicendi; saepe in isdem, saepe in contrariis causis uersati sumus. ita contra me ille dicet, quamuis sit ingeniosus, ut nonnullum etiam de suo ingenio iudicium fieri arbitretur. (*Div. Caec.* 44)

As this passage shows, the competition between the two men was fierce; the double anaphora (*numquam; saepe*) presents a striking juxtaposition. Cicero knows all Hortensius’ tricks, and is not intimidated. So Cicero stakes his claim as the superior orator:

uidet enim, si a pueris nobilibus, quos adhuc elusit, si a quadruplatoribus, quos non sine causa contempsit semper ac pro nihilo putauit, accusandi uoluntas ad uiros fortes spectatosque homines translata sit, sese in iudiciis diutius dominari non posse. (*Div. Caec.* 24)

Thus, the contest for oratorical pre-eminence finds its zenith in the present case, where Cicero variously describes his interactions with Hortensius using military metaphors (e.g. *Verr.* 33 *res omnis mihi tecum erit, Hortensi . . . pugnare contra me instituisti*; cf. *Brut.* 319 *certamen*).¹⁵⁶ But these combative interactions have resonance beyond the present proceedings. Following a successful prosecution

¹⁵⁵ Steel (2016): 220.

¹⁵⁶ For further discussion of single combat imagery, see generally Oakley (1985).

(and victory over Hortensius), Cicero is empowered to assert his oratorical credentials and claim superiority in the oratorical scene at Rome, now and subsequently. Readers, especially those looking to embark upon their own political and oratorical careers, follow the developments with great interest as they seek to advance in the scene themselves.

A few words in conclusion. In this chapter we have examined a number of ways in which Cicero actively seeks to engage with readers by publishing his *Verrines*. In particular, we have seen that by characterising the collection of speeches as a single, ‘one-off’ *accusatio*, Cicero gives a ‘literary’ quality to the text: readers encounter something novel and unique. Moreover, the orator further entices readerly interests because his ‘one-off’ *accusatio* demonstrates the advantages of singular, targeted prosecutions for young orators, tapping into a well-established culture of early-career prosecution. And, as we have seen, all of this reflects positively back on Cicero, who seeks to assert his oratorical and political credentials among the political class, who were instrumental to his social and political ascendancy at Rome. Consequently, as he commands the attention of readers, and frequently restates his prosecutorial credentials, Cicero adopts a posture of the model prosecutor (even though it was his first prosecution), imparting advice to students of oratory, and presents his case as a model of prosecution techniques.

3. THE CONSULAR SPEECHES

Next in our survey of Cicero's speeches is a collection of orations from his consular year (63 BC). In contrast to the *Verrines*, helpful evidence from Cicero's correspondence with Atticus constructs a picture of the circulation of the speeches of 63. In the June of 60, Cicero writes to Atticus: *oratiunculas autem et quas postulas et pluris etiam mittam, quoniam quidem ea quae nos scribimus adolescentulorum studiis excitati te etiam delectant* (*Att.* 2.1.3). Later in the same letter, Cicero goes on to say that he has assembled for Atticus' perusal a *σῶμα* of ten speeches plus *duae breues*, which are *quasi ἀποσπασμάτια*.¹⁵⁷ The conception of these speeches grouped together as a *σῶμα* is significant.¹⁵⁸ The speeches, although representing distinct, oratorical occasions, are linked by their common 'consular' content: Cicero calls them *consulares*.¹⁵⁹ Moreover, the three years between the

¹⁵⁷ Cicero lists the following 12 speeches at *Att.* 2.1: the four *Catilinarian* speeches; *De Lege Agraria* 1 and 2 (and 3 and 4, which are not extant); *De Othone* (fr. orat. 209–14 Crawford); *Pro Rabirio Perduellionis Reo*; *De Proscriptorum Filiis* (fr. orat. 201–7 Crawford); the speech delivered on resigning his province (not extant). Interestingly, the *Pro Murena* and *Pro C. Pisone* are not included.

¹⁵⁸ As we saw in the introduction, Cicero consciously organises a number of his speeches into groups or 'sets': e.g. the *Verrines* (considered in the previous chapter, which are *accusationis septem libris* (*Orat.* 103)); the *Philippics* (cf. *Ad. Brut.* 2.3.4, 4.2). The *post reditum* speeches (the subject of the next chapter) are not conceived as a group in the same terms, and are published in a more piecemeal (and immediate) fashion; nevertheless, the continuous and cumulative articulation of an 'exilic narrative' binds together the speeches of the early to mid-fifties.

¹⁵⁹ Whilst it is not included in the set at *Att.* 2.1, I also discuss the *Pro Murena* in this chapter on account of its related and inherently political subject matter. The *Pro Murena* is related to the other listed speeches not only because of its common 'consular' content, but also because it gives considerable evidence of catering for readers, especially young students of oratory (picking up Cicero's comments on the other speeches at *Att.* 2.1.3). Specifically, the *Pro Murena* offers readers an incisive commentary on electioneering, in a striking parallel with the explicitly didactic, and uncertainly authored, *Commentariolum Petitionis* (often presumed to be Cicero's brother, Quintus, but that is speculative). Fantham (2013: 4) posits several reasons for Cicero's non-inclusion of the speech in the list at *Att.* 2.1.3), and unconvincingly suggests 'the hectic nature of political life in and after the Catilinarian crisis would itself be sufficient to explain why Cicero does not dwell on this speech in his later career'. As she notes, the speech and trial are never mentioned in conventional ancient discussions of Cicero's consulship nor narratives such as Sallust's monograph on the Catilinarian conspiracy, or in Dio or Appian, and only appears twice, incidentally, in Plutarch (*Cic.* 35.3 Δικιννίῳ δὲ Μουρήνῃ φεύγοντι δίκην ὑπὸ Κάτωνος βοηθῶν, καὶ φιλοτιμούμενος Ὀρτήσιον ὑπερβαλεῖν εὐήμερήσαντα, μέρος οὐδὲν ἀνεπαύσατο τῆς νυκτός, ὥς ὑπὸ τοῦ σφόδρα φροντίσαι καὶ

delivery and circulation of the speeches is striking. There is no evidence to suggest that the speeches had been published previously; certainly Atticus had not previously viewed them (*isdem ex libris perspicies et quae gesserim et quae dixerim*). This suggests that the collection is written up and disseminated specifically for readers.¹⁶⁰ Indeed, as Cicero later claims (*Brut.* 91–2), the publication of speeches represents a distinct, conscious act, quite apart from the delivery of the original versions. And, as we shall see, several of the published consular speeches show signs of revision and repackaging for readers (cf. e.g. *Cat.* 4.20–2; *Mur.* 57).¹⁶¹

Thus, Cicero's published set of consular orations raises several significant questions: why should the orator wish to circulate these speeches after such an interval of time, and conversely, who might have been reading them, and for what purpose? The same letter to Atticus (*Att.* 2.1) is illuminating. Cicero's first impulse to publication is clearly grounded in self-preservation: he wishes to justify

διαγρυπνῆσαι κακῶθεις ἐνδεέστερος αὐτοῦ φανῆναι.; *Cic.* 50.5 (referring to *Mur.* 60–6; cf. *Fin.* 4.74)). However, as Fantham later admits (at 5), 'with its variety of material and witty mockery of the technicalities of law and impracticality of Stoic absolutism, the *Pro Murena* was a model for students of eloquence, as the twenty-four references and quotations in Quintilian's *Institutio*—as many as the references to all four speeches *In Catilinam*—indicate.' Lintott (2013: 186) writes 'whatever anxieties Cicero may have had . . . the speech was successful and the published version much admired later'. Therefore, we cannot know for certain why the *Pro Murena* was not listed in *Att.* 2.1. Berry (1996: 56, n. 264) concedes that while there may be certain parallels between the *Pro Sulla* and the *Pro Murena* (as Rosenberg (1902): 10f. argues; e.g. references to *seueritas* and *lenitas* at *Mur.* 3, 6, and *Sul.* 8; the two speeches were delivered within a few months of each other), nevertheless, these resonances just as probably show that which speech Cicero published first (whether *Pro Murena* or *Pro Sulla*) could have been in the orator's mind when he came to write up the other at a later date. The *Pro Murena*, then, is 'irrelevant to the date of publication of *Pro Sulla*' (ibid). Cf. Berry (2006): 153.

¹⁶⁰ Ancient readers regularly read speeches in 'sets'; so Cicero himself compares Demosthenes' *De Corona* and Aeschines' *Against Ctesiphon* in his preface to a lost translation of the two speeches (cf. esp. *Opt. Gen.* 19–23). In addition, Cicero's letters to his friends often assume knowledge of one or more of his speeches (cf. e.g. *Ad Brut.* 2.3.4).

¹⁶¹ So Stroh (1975: 50): 'Im übrigen haben wir bekanntlich eine Reihe von Zeugnissen, die auf eine faktische Diskrepanz von geschriebener und gesprochener Rede hinweisen. Ganze Reden sind nie gehalten worden; Cicero selbst bezeugt in seinen Briefen Zufügungen bei der schriftlichen Redaktion.'

retrospectively the ‘illegal’ execution of the Catilinarian conspirators over which he presided. More broadly, the publication of the speeches is part of a sustained effort to recast his consulship in a positive light, and to give canonicity to his consular ‘achievements’. Indeed, Cicero writes that he hopes to come across as a politically significant figure, and as a significant orator, in imitation (rivalry?) of Demosthenes (*Att.* 2.1.3 *ut σεμνότερός τις et πολιτικώτερος uideretur*).¹⁶² There is a pedagogical dimension too: Cicero writes that he is publishing versions of his consular speeches to meet a perceived demand for the material among young men (*Att.* 2.1.3 *ea quae nos scribimus adolescentulorum studiis excitati*). In this way, we may observe how Cicero positions his written speeches as practical examples for study and imitation by young students of oratory. Expanding focus beyond the list of speeches given at *Att.* 2.1, we see how Cicero fashions his *Pro Murena*, another ‘consular’ speech, specifically for young or relatively young readers by reason of the speech’s close connection with the *Commentariolum Petitionis*, a handbook instructive in campaigning for elected office. Consequently, we may see how Cicero publishes his consular speeches with objects in view beyond the scope of the original oratorical occasions, and that his speeches are not simply an interaction between orator and jury, but with a wide (and at times nebulous) network of readers.¹⁶³

¹⁶² For Cicero, Demosthenes represents the *oratorum... princeps* (*Brut.* 141); cf. *Opt. Gen.* 13; *De Or.* 1.155.

¹⁶³ In my view, Stroh’s (1975: 52–3) interpretation of the published speeches as exclusively for didactic purposes to be read and studied by young students of oratory (Sie gelten überall nur als eines: als exempla, Musterstücke der Redekunst, weniger für das allgemeine Publikum bestimmt, als vielmehr ganz speziell für die studierende Jugend, mit anderen Worten: für die Zwecke der rhetorischen Bildung; cf. Achard (2000) for a similar view) is much too restrictive. Certainly, as we shall see here and in the next chapter (and have already seen with the *Verrines*), there is a pedagogical impulse to publication; but this is not the only motivation to publish the speeches. Moreover, even if Cicero’s primary goal in publishing some or all of these speeches were didactic, as readers encounter the texts they form their own views on the material (cf. discussion on reader-response criticism in the introduction, p. 10). Equally, Dyck’s view (2008a: 10) that in publishing the consular speeches, Cicero is making a break with past practice, ‘with something different in

A σῶμα of ‘consular’ speeches for readers

To return to the letter with which we began our discussion, we learn several important things about the publication of the *consulares*, their readers, and readerly interests:

oratiunculas autem et quas postulas et pluris etiam mittam, quoniam quidem ea quae nos scribimus adolescentulorum studiis excitati te etiam delectant. fuit enim mihi commodum, quod in eis orationibus quae Philippicae nominantur enituerat tuus ille ciuis Demosthenes et quod se ab hoc refractariolo iudiciali dicendi genere abiunxerat ut σεμνότερός τις et πολιτικώτερος uideretur, curare ut meae quoque essent orationes quae consulares nominarentur. quarum una est in senatu Kalendis Ianuariis, altera ad populum de lege agraria, tertia de Othone, quarta pro Rabirio, quinta de proscriptorum filiis, sexta cum prouinciam in contione deposui, septima qua Catilinam emisi, octaua quam habui ad populum postridie quam Catilina profugit, nona in contione quo die Allobroges indicarunt, decima in senatu Nonis Decembribus. sunt praeterea duae breues, quasi ἀποσπασμάτια legis agrariae. hoc totum σῶμα curabo ut habeas. et quoniam te cum scripta tum res meae delectant, isdem ex libris perspicies et quae gesserim et quae dixerim; aut ne poposcisses. ego enim tibi me non offerebam. (*Att.* 2.1.3)

The conception of the *consulares* as a σῶμα is significant; clearly the collection exists *for* readers. The common ‘consular’ content of the collection of ten speeches (and two short ones) cumulatively builds a positive image of Cicero’s consulship, presenting a variety of (favourable) angles on the ‘achievements’ of the year. The corpus of ten speeches includes mostly public speeches, with the exception of the *Pro Rabirio Perduellionis Reo*, the one legal defence among the *consulares* listed here. That speech, however, is related to the others because Cicero delivered it

mind’, seems altogether to exclude the possibility of a (conscious) pedagogical dimension to the present texts. Referring, as Cicero does at *Att.* 2.1.3, to the *studia adolescentulorum* as a reason for writing up and disseminating his speeches, surely this is just as pertinent to the present σῶμα of consular speeches as the orator’s previously-disseminated speeches.

before a public assembly (*concilium plebis*); the speech also includes a strong argument about public policy.¹⁶⁴

Although Cicero himself conceives the collection as a *σῶμα* (cf. e.g. *Orat.* 103 on the *Verrines*), we see others engaging with the speeches in a similar way in Cicero's lifetime, and in the next century; so in the first century AD, the Elder Pliny shows familiarity with the speeches as a consular collection:

. . . e tota uita tua consulatus tantum operibus electis? te dicente legem agrariam, hoc est alimenta sua, abdicarunt tribus, te suadente Roscio theatralis auctori legis ignouerunt notatasque se discrimine sedis aequo animo tulerunt, te orante proscriptorum liberos honores petere pudit, tuum Catilina fugit ingenium, tu M. Antonium proscripsisti. (*Nat.* 7.116–17)¹⁶⁵

Although disparate in various ways, Cicero's grouping together of the speeches emphasises their common political and 'consular' content, and helps to further the orator's desire to control his consular legacy as part of what Rawson calls his 'propaganda campaign' to impugn and inveigh against P. Clodius Pulcher, whose attacks on Cicero's consulship had severely affected the orator's reputation.¹⁶⁶

¹⁶⁴ See Gelzer (1969): 76–9; Lintott (2008): 136. As noted above, I have included the *Pro Murena* in this discussion, although it is not listed at *Att.* 2.1.3, and there is no reason to suppose it was published with the other *consulares*. Nevertheless, the *Pro Murena* should be considered here on account of its common 'consular' content, and its internal evidence of adaptation for readers, especially students. See the appendix for treatment of other speeches from the oeuvre not considered elsewhere.

¹⁶⁵ Cf. Rouse and Reeve in Reynolds (1983): 55; and McDermott (1972a) (esp. on the Pliny passage) 284, n. 25, claiming that Pliny's words merely show an expected familiarity with Cicero's *opera omnia*; it is not surprising that the corpus was dissolved in later centuries, the speeches of greatest interest being detached for separate transmission (cf. Zetzel (1973): 230 n. 21 (cited in Dyck (2008a): 10, n. 62): 'the composition of the various collections of Cicero's speeches in antiquity is a problem that has not been adequately studied'). See further Shackleton Bailey (1965): 345ff.; Dyck (2008a): 10; Stroh (1975): 52–3; La Bua (2019): 71–2.

¹⁶⁶ Rawson (1975): 140. Cicero's animosity towards Clodius began with events in early December 62. Clodius (*RE* vol. 3, 466–7), disguised as a woman, attended the Bona Dea cult celebrations being held at Caesar's house, access to which was prohibited to men. Clodius was accused of crime against religion (*religio Clodiana*), but acquitted after a financial consideration by Crassus and protests from the *plebs urbana*. Although Clodius' actions were no doubt motivated by his relationship with Caesar's wife Pompeia, the altercation was clearly also staged as a provocation to Cicero: the unlawful trespass occurred on the eve of the anniversary (on 5 December) of the execution of the Catilinarian conspirators, felt not only among the *plebs* to have been unlawful, for the carrying out of

Thus with the written versions of these speeches we see Cicero actively interested in crafting texts specifically for readers, as part of a wider programme of self-fashioning: he seeks to promulgate a positive self-image, to create a lasting consular legacy and justify past actions and attitudes, now under scrutiny.¹⁶⁷

A year in review: self-justification and legacy

In the few years following his consulship, the political and social climate at Rome began to shift radically. By 60, the situation was so critical that it demanded that Cicero make a strong show of self-defence to redress relentless criticism from Clodius, among others, for the executions of the Catilinarian conspirators without first affording the conspirators the opportunity for the right of appeal to a citizen assembly before punishment (*prouocatio*), a clear violation of the *lex Sempronia de capite ciuis Romani* of 123, which expressly forbade the execution of Roman citizens *iniussu populi*.¹⁶⁸ Thus, in the face of staunch criticism, we see Cicero

which the then consul Cicero had also used alleged omens from the Bona Dea (cf. Plu. *Cic.* 20, with Lintott (2013) ad loc.; Verg. *Ecl.* 8.105–6 *aspice, corripuit tremulis altaria flammis | sponte sua, dum ferre moror, cinis ipse. bonum sit!*). Servius (ad Verg. *Ecl.* 8.105–6) notes that it was mentioned in Cicero's poem on his consulship (and probably also in the prose memoir; on which cf. the next chapter, and discussion below on 'consular narrative'); also Dio 37.35.4). On the 'propaganda campaign', cf. Berry (1996): 54–5, with notes. On Clodius, see esp. Tatum (1999).

¹⁶⁷ Cf. Stroh (1975: 51): 'In der geschriebenen Rede, so meint man, gehe es Cicero vor allem darum, seine eigene politische Haltung zu rechtfertigen bzw. für bestimmte Gedanken und Grundsätze in einer Weise zu werben, die über das in der jeweiligen Redesituation Erforderte hinausgehe . . . die Catilinarier möchte man im Hinblick auf die Verteidigung des umstrittenen Konsulatsjahres bearbeitet sein lassen.'

¹⁶⁸ As Dyck (2008a: 207) notes, the Roman prison (*carcer*) was not designed for long-term detention, being only seven metres in diameter (Sal. *Cat.* 55.3–4; cf. *Cat.* 2.22 *quos ego a Catilina non reuoco; nam neque ab eo diuelli possunt et pereant sane in latrocinio, quoniam sunt ita multi ut eos carcer capere non possit*), since imprisonment was not a regular punishment under Roman criminal law (cf. Mommsen (1899): 960–3). Accordingly, detaining the conspirators, who had been taken into custody on 3 December, posed a problem. Escapes had already been planned (*Cat.* 4.17), and external allies existed (*Cat.* 4.6). In order to secure political support, Cicero chose to refer the question of which proposal to adopt to the senate: for execution (proposed first by Silanus, then Catulus and Cato) or for imprisonment (as proposed by Caesar) (cf. *Cat.* 2.26; Drummond (1995): 110). For further discussion, cf. Dyck (2008a): 207–9, 224. On the *lex Sempronia*, cf. *Rab. perd.* 12

interested to use his written speeches to promulgate a positive self-image and favourable ‘consular narrative’.¹⁶⁹ But because of the change in political climate, and to serve better these new aspirations of self-justification and self-promotion, it would not do for Cicero simply to publish the very same speeches that were delivered in 63; some adaptation of the material was required. And indeed the time between the delivery and publication of the *consulares* — nearly three years (cf. *Att.* 2.1.3) — suggests there was ample time for such revision to occur.¹⁷⁰ Revising speeches for publication was, as we saw with the *Verrines*, not an unusual practice; the delivered and circulated versions of speeches could differ (sometimes markedly), responding to new audiences who might engage with the texts in fresh and different ways.¹⁷¹ Although a degree of caution should be exercised in speculating which portions of the speeches were revised, added, or otherwise adapted for publication (if any), there are several passages in the disseminated consular corpus that strongly suggest they were not delivered in 63.¹⁷²

ne de capite ciuium Romanorum iniussu uestro iudicaretur (with *TLRR* 220–1); also Lintott (1999b): 170.

¹⁶⁹ So, too, with the *post reditum* speeches, considered in the next chapter.

¹⁷⁰ Cf. esp. Lintott (2008): 17f., who argues in particular that the *Fourth Catilinarian* is ‘manifestly a cento’. McDermott (1972a) argues the alternative view: that the speeches were published immediately after delivery in 63, without subsequent revision. Likewise, Cape (1995): 259, n. 20 (with a slightly qualified view). But, as Berry (1996: 55, n. 258) rightly observes, ‘immediate publication is conceivable (the various speeches against Catiline could have been circulated individually after the delivery of each); nevertheless, the collection of four *Catilinarians* which survives is clearly anachronistic, and so must reflect the version which Cicero produced in 60 rather than any version published in 63.’ Draheim (1917) (cited in Dyck (2008a): 11) points to a number of passages in the written versions which he claims as ‘expansions’ vis-à-vis the delivered speeches; von Ungern-Sternberg (1971) and Offermann (1995) make the case for several revisions in the *First Catilinarian* speech.

¹⁷¹ For discussion of the desirability of editing a speech, and of the differences between the spoken and written versions, cf. Quint. *Inst.* 12.10.49ff.; Berry (1996): 57, n. 269. On the *Verrines*, see chapter 2. Recall the discussion in the introduction on the distinct, separate activities of delivering a speech (usually not from a script; but cf. *Planc.* 74 (on the *Red. Sen.*), *Phil.* 10.6 (Fufius Calenus), *Fam.* 10.13 (Cicero)) from its subsequent writing up (cf. *Brut.* 91–2, etc.), with Lintott (2008): ch. 2.

¹⁷² So Dyck (2008a: 11) rightly warns, however, ‘the analyst must be on guard against falling into essentially subjective judgments of what Cicero may or may not have feared at a given time and the like.’ Berry (2006: 153–4) notes the interesting fact that ‘the four speeches are almost identical in

In this vein, a close inspection of some of the consular speeches reveals traces of revision and recasting for readers.¹⁷³ With the *Catilinarians*, as Berry notes, the pervasive element of *apologia* strongly suggests that those speeches were rewritten to take account of the increasing vulnerability of Cicero's position, which, according to a non-extant letter to Pompey (cf. e.g. *Sul.* 67), had not at the time been fully apparent to him.¹⁷⁴ So, for example, in the *First Catilinarian* Cicero appears to 'predict' (*uideo* is providential) the precariousness of his situation in 60:

tametsi uideo, si mea uoce perterritus ire in exsilium animum induxeris, quanta tempestas inuidiae nobis, si minus in praesens tempus recenti memoria scelerum tuorum, at in posteritatem impendeat. sed est tanti, dum modo tua ista sit priuata calamitas et a rei publicae periculis seiungatur. (*Cat.* 1.22)¹⁷⁵

This passage perplexes. Is it plausible to suppose that the possible *inuidia* from the Catilinarian affair was already anticipated by Cicero at this time [*minus* suggests at the least not very much in the immediate future (*in praesens tempus . . . impendeat*)]? This emphatic statement of fear and ill-will towards the then-consul seems at great odds with the commanding position Cicero actually held in 63.

length' and that this 'may be a further factor in favour of revision', although the question cannot be answered with certainty.

¹⁷³ For a more thorough treatment of the 'texts' of Cicero's speeches, and possible differences between delivered and published versions, see the discussions in the introduction (general), and on the *Verrines* and *post reditum* speeches in chapters two and four respectively. See also the comprehensive discussion in Lintott (2008): 15–32, esp. 17–19 on the consular speeches, with particular emphasis on the historical implications.

¹⁷⁴ Berry (1996): 55, with notes; also (2004): 80. On the letter to Pompey, see Berry (1996) ad *Sul.* 67: *hic tu epistulam meam saepe recitas quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi*. On 'famous' letters, and the question of their circulation, see the discussion above. So Cornelius Nepos, writing a biography of Atticus c. 34 BC (before Atticus' death in 32; and possibly revised again in 27 to reflect Augustus' (Octavian) ascendancy), exaggerates Cicero's prophetic powers (*diuinitio*) of future controversy surrounding the actions of the consular year: *et facile existimari possit prudentiam quodam modo esse diuinationem. non enim Cicero ea solum quae uiuo se acciderunt futura praedixit, sed etiam quae nunc usu ueniunt cecinit ut uates* (Nep. *Att.* 16.4).

¹⁷⁵ Hence, perhaps, Cornelius Nepos' characterisation at *Att.* 16.4.

Moreover, the statement rings of reality, rather than hyperbole.¹⁷⁶ Certainly, in the version of the speech given in 63 there was a need to persuade the senate of the threat Catiline and his conspirators posed, but here the fear expressed is deeply personal (*mea uoce . . . nobis*). Much more probable, then, is that references to *inuidia* here (and again at *Cat. 2.15 huius inuidiae falsae atque iniquae tempestatem*) indicate later insertion when the consular speeches were published together as a corpus in 60. But we cannot be completely certain.¹⁷⁷

Another, clearer example of revision is found in the *Third Catilinarian*, where Cicero seeks to justify, retrospectively, his sanctioning the execution of P. Lentulus. In the space of two short chapters (*Cat. 3.14, 15*), Cicero twice mentions that Lentulus had abdicated his praetorship:

nam P. Lentulus, quamquam patefactis indiciis, confessionibus suis, iudicio senatus non modo praetoris ius uerum etiam ciuis amiserat, tamen magistratu se abdicauit, ut quae religio C. Mario, clarissimo uiro, non fuerat quo minus C. Glauciam de quo nihil nominatim erat decretum praetorem occideret, ea nos religione in priuato P. Lentulo puniendo liberaremur (*Cat. 3.15*).¹⁷⁸

However, the restatement of Lentulus' abdication of his rights at *Cat. 3.15* (above) extends not only to the praetorship but also to the rights attached to citizenship. Moreover, the claim is made with reference to the parallel case of C. Marius and C. Glaucia. It was an infringement of the *leges de prouocatione* to put a citizen to death without his first being able to exercise his right to be heard by the people (cf.

¹⁷⁶ The metaphor of a storm (*tempestas*) to describe disordered circumstances is a *topos* in Cicero (cf. e.g. *Clu. 94 omnibus inuidiae tempestatibus concitatum*; *Mur. 4 uideo maximas rei publicae tempestates*, discussed below). Cf. Sjöblad (2009): 133–4.

¹⁷⁷ So Draheim (1917): 1063–4, and to a lesser extent, Kennedy (1972): 177 (these passages 'could have been added'). For the contrary view, cf. Dyck (2008a: 107), who argues that *inuidia* is 'hypothetically framed' here, and 'makes perfect sense' as a construction in 63. Dyck's certainty must surely be questioned.

¹⁷⁸ Cf. *Cat. 3.14 atque ita censuerunt ut P. Lentulus, cum se praetura abdicasset, in custodiam traderetur*.

De Or. 2.106, 132). Therefore, the qualification at *Cat.* 3.15 seeks to abrogate Cicero from any illegal or dubious activity. It is striking, however, that this qualification at *Cat.* 3.15 is made so close to the other reference about Lentulus at *Cat.* 3.14. Moreover, the claim that Lentulus had lost the *ius ciuis* seems problematic; the debate of 5 December suggests that that was still an issue.¹⁷⁹ In addition, at *Cat.* 3.15 Cicero uses the phrase *in priuato P. Lentulo puniendo* as if it were already decided that Lentulus should be punished; at *Cat.* 4.5 Cicero argues that the senate's previous acts constitute a *praeiudicium* against the conspirators, but he does not claim either that the senate had explicitly stripped them of citizenship or voted that they were to be punished. In this way, the passage at *Cat.* 3.15 looks like a retrospective justification added after the conspirators had been punished. Barlow argues that this passage was added when the speech was published in 60 in order to counter the criticism that in executing Lentulus whilst in office Cicero had committed sacrilege (a Roman magistracy was considered sacred).¹⁸⁰

Of the *Catilinarians*, however, it is the fourth speech which shows most evidence of revision; indeed, Lintott strongly argues for its reading as a fiction.¹⁸¹

¹⁷⁹ Dyck (2008a): 11.

¹⁸⁰ Barlow (1994), esp. 182–3. Cf. also Dyck (2008a): 188 ad *Cat.* 3.15; Berry (2006: 153; 311), who is inclined to this view, although non-committal; Drummond (1995): 97–102.

¹⁸¹ Lintott (2008): 17–18. For Lintott, the *Fourth Catilinarian* as a whole is a 'fiction': a combination of an introductory *relatio* with an *interrogatio* in the course of a debate. He speculates 'it may be plausibly argued that the speech from *Cat.* 4.7 onwards is *ex post facto* invention, whether Cicero had intervened to ask the senate to choose between the motions of Silanus and Caesar or not'. Fuchs (1959) is also incisive; he argues for a reading of *Cat.* 4.19–24 as a *post factum* literary creation, where §18 has effectively been recast as §§19 and 24 (he notes the close similarities in the two passages), and that §§20–3 have been added. It is also interesting to note Plutarch's comments on the speech (*Cic.* 21.3–4); he interpreted the *Fourth Catilinarian* as an intervention in mid-debate but stated that after this it was in fact Catulus who then responded to Caesar's new proposal, before the debate reached Cato. Gelzer (1969: 97–9) also believed that the *Fourth Catilinarian* was a fiction but that the later intervention by Cicero had been genuinely made. On Cicero's speeches as examples of 'fiktive Mündlichkeit', see Furhmann (1990).

Specifically, he argues that the *exordium* reads as though it were a recapitulation of the text of a *senatus consultum*, a sort of consular *relatio*.¹⁸² So in our version of the *Fourth Catilinarian*, Cicero cautiously introduces the subject of the punishment of the leading Catilinarian conspirators, culminating: *sed ego institui referre ad uos, patres conscripti, tamquam integrum, et de facto quid iudicetis et de poena quid censeatis; illa praedicam quae sunt consulis* (*Cat.* 4.6).¹⁸³ Here (at *Cat.* 4.6), Dyck notes that Cicero represents the matter as virtually pre-determined, however, by the senate's previous actions; using judicial language, Cicero cites a series of events which he takes as *praeiudicia* of the captured conspirators' guilt: the Allobroges and Volturcius are *indices*, the conspirators *rei* (cf. *Cat.* 4.5 *haec omnia indices detulerunt, rei confessi sunt, uos multis iam iudiciis iudicauistis*).¹⁸⁴ But, foremost, Cicero is keen to stress his *own* role in the determination of the fate of the conspirators, as a later letter to Atticus (in 45) makes plain, complaining about the version of events narrated in Brutus' *Cato: me autem hic (sc. Brutus) laudat quod rettulerim, non quod patefecerim, cohortatus sim, quod denique ante quam consulerem ipse iudicauerim* (*Att.* 12.21.1). This sheds light on Cicero's desire to show greater agency in making directions to the senate vis-à-vis the punishment to

¹⁸² Lintott (2008: 17) proposes that the text of *Cat.* 4.6 might match the expected formulaic words of a *senatus consultum* (if there had been one): *quod M. Tullius consul uerba fecit de coniuratis, quo modo in eos uindicari oporteret*.

¹⁸³ In fact, a consul was expected to refer a *res integra* for deliberation to the senate (cf. *Cat.* 3.7 *negavi me facturum ut de periculo publico non ad consilium publicum rem integram deferrem*). This was the preliminary to a formal consultation of the senate, that is, the request for members' opinions in order of seniority, one which defined the topic to be decided but did not require a lengthy expression of opinion from the presiding magistrate. Cf. Lintott (1999a): 77–8. As consul, Cicero had the right to summon meetings of the senate (cf. e.g. *Cat.* 3.7 *cogere senatum*), and lay business before it (*referre ad senatum*; cf. *Cat.* 2.26). As Dyck (2008a: 207) notes, the *Fourth Catilinarian* 'remains the sole example of remarks by a presiding consul in connection with business he has referred to the senate'.

¹⁸⁴ Dyck (2008a): 215–16, ad loc. Intriguingly, Sallust attributes this reasoning to a speech of Cato, not Cicero (*Sal. Cat.* 52.36); perhaps Cicero appropriating here to make himself look better? Cf. Sillett (2015): 66–8.

be meted against the conspirators, while *Cat.* 4.6 may retrospectively draw focus away from the difficulty that Cicero had almost certainly contravened the *lex Sempronia*.¹⁸⁵ So later in the same speech, Cicero deftly ascribes to Caesar his own view that *hostes* cannot be *ciues* and so are outside the protection of C. Gracchus' *lex Sempronia* (*Cat.* 4.10 *at uero C. Caesar intellegit legem Semproniam esse de ciuibus Romanis constitutam; qui autem rei publicae sit hostis eum ciuem esse nullo modo posse*).¹⁸⁶

Another probable addition found in the circulated version of the *Fourth Catilinarian* is a passage which brings out the *inimicitiae* against Cicero. As we saw with the 'prophetic' references to *inuidia* at *Cat.* 1.22 and 2.15, so the discussion of the *inimicitiae* that would result for Cicero (*Cat.* 4.20ff.) is an *ex post facto* creation, as Fuchs notes, which provided the orator with an opportunity to defend himself against attacks on his actions as consul.¹⁸⁷ Winterbottom argues that these additions are to the version of the speech published in 60 which deal with topics proper to a judicial speech (his brother's distress, the entrusting of his son to the care of the group etc.).¹⁸⁸ Perhaps Cicero recasts the speech to satisfy the demand for judicial speeches amongst young readers in the classroom (cf. *Att.* 2.1.3)? These probable revisions to the text of the *Fourth Catilinarian*, then, amount to an attempt to promulgate a more positive view of Cicero's role in the handling of the

¹⁸⁵ On the *lex Sempronia*, cf. the note above, p. 80. So Plutarch later emphasises Cicero's important contribution: οὔσης δὲ τῆς γνώμης ἐπεικοῦς καὶ τοῦ λέγοντος εἰπεῖν δυνατωτάτου, ῥοπήν ὁ Κικέρων προσέθηκεν οὐ μικράν (*Cic.* 21.2).

¹⁸⁶ Cf. Lintott (1999b): 169–71.

¹⁸⁷ Fuchs (1959): 466f. Cf. e.g. *Sul.* 2 for the opportunities given to Cicero of speaking about his own glory in 62 BC; *Att.* 1.14.3–4 for his performances being known to Atticus.

¹⁸⁸ Winterbottom (1982b): 62.

conspirators, and more broadly, as part of a programme of self-fashioning in defence of his reputation, which was under fire from Clodius.

It is worth considering here, briefly, the *Pro Murena*, a speech not listed at *Att.* 2.1.3, but which shows some evidence of adaptation for readers. At *Mur.* 57, the orator includes a *titulus* (DE POSTVMI CRIMINIBUS, DE SERVI ADVLESCENTIS) which marks an abridgement made by the orator himself (cf. Plin. *Ep.* 1.20.7 . . . [orationes] *Ciceronis pro Murena, pro Vareno in quibus brevis et nuda quasi subscriptio quorundam criminum solis titulis indicatur ex his apparet eum permulta dixisse, cum ederet omississe*). Here Cicero conspicuously redacts his reply to some of the less important charges, indicating their omission by a heading.¹⁸⁹ This selective presentation allows the orator to refine the speech to present a more compelling case.¹⁹⁰ Moreover, striking similarities between sections of the *Pro Murena* and a rhetorical pamphlet on electioneering, the *Commentariolum Petitionis*, suggest the written speech (at least later) served some sort of pedagogical function.

¹⁸⁹ Berry (1996: 58) gives as another example *Font.* 20 DE CRIMINE VINARIO. DE BELLO VOCONTIORUM. DE DISPOSITIONE HIBERNORUM. Here Cicero omits three sections from the published version of the speech. *Cael.* 19 (DE TESTE FVFIO) presents a more dubious example; the *titulus* only appears in Σ (m. 2 in cod. Paris. 14749; notes from Cluny 496 (lost) written in the hand of Nicolas of Clamanges). Moreover, the only indication (if it is one) of an omission here is *tamen* at *Cael.* 20. Austin (1960) and Dyck (2013) *ad loc.* are both unconvinced it is an abridgement made by Cicero himself (cf. Plin. *Ep.* 1.20.7, above), but rather a reader's note on the content of the paragraph.

¹⁹⁰ But despite these 'touch-ups', the orator is careful to ensure that the disseminated version retains the performative qualities present in the delivered speech. So at *Mur.* 6 Cicero says *ac de officio defensionis meae ac de ratione accusationis tuae fortasse etiam alia in parte orationis dicendum nobis erit*. The key word here is *fortasse*, which suggests a degree of spontaneity: *perhaps* Cicero will deal with these things later in his speech (and indeed he does: *Mur.* 67f.). The orator is, or appears to be, responding to the needs of the moment, giving an 'oral' dimension to the written script (cf. Stroh (1975), Achard (2000), who overstate the need for the written speech to remain essentially 'oral').

So far we have observed a number of examples of revision and adaptation in the published consular speeches (some examples more speculative than others). With the consular speeches, as we have seen, Cicero is particularly interested to redress the critical situation of 60, by disseminating a positive self-image and favourable ‘consular narrative’.¹⁹¹ Moreover, circulating a positive vision of his consulship held benefits not only in the immediate term, but also in the future by perpetuating a consular legacy to be admired in posterity. In particular, Cicero was concerned that his consular ‘achievements’ not appear the result of chance (cf. e.g. *Cat.* 3.29 *ita me . . . tractabo ut meminerim semper quae gesserim, curemque ut ea uirtute non casu gesta esse uideantur*; *Sul.* 83 *casu magis et felicitate a me quam uirtute et consilio gesta esse uideantur?*).¹⁹² Consequently, Cicero needed to show agency (in order to claim credit), but without doing so conspicuously. Thus, the orator shows interest in having his ‘achievements’ memorialised through literature (and preferably through the writings of others):

¹⁹¹ As Harriet Flower (2006: 102) notes, Cicero worked hard to recalibrate his image in a favourable light; his own version of his suppression of Catiline ‘needed to be elaborated and fitted into a suitable frame of edifying historical precedents. At the same time, Cicero could cast himself as a Roman politician in a tradition upheld by such distinguished earlier leaders as the patrician Scipio Nasica and even the great popular general Marius himself.’ In the next chapter, we will observe similar aspirations of constructing a positive narrative of self-praise with the *post reditum* speeches, in that case as part of a broader effort to overcome the humiliation of exile and to restore himself to a position of prominence and influence in the Roman social and political milieu.

¹⁹² Cf. also *Fam.* 5.2.8 (mid-January 62 to Metellus Celer) *quis esset qui me in consulatu non casu potius existimaret quam consilio fortem fuisse?*; *Att.* 1.20.3 (May 60) *reliqua sic a me aguntur et agentur ut non committamus ut ea quae gessimus fortuito gessisse uideamur*. On the phrase *esse uideatur*, cf. Berry (1996: 137) ad *Sul.* 3, with Quint. *Inst.* 9.4.73 ‘*esse uideatur*’, iam nimis frequens, 10.2.18 *noueram quosdam qui se pulchre expressisse genus illud caelestis huius in dicendo uiri sibi uiderentur si in clausula posuissent ‘esse uideatur’*; Tac. *Dial.* 23 *nolo inridere “rotam Fortunae” et “ius uerrinum” et illud tertio quoque sensu in omnibus orationibus pro sententia positum “esse uideatur”*.

quibus pro tantis rebus, Quirites, nullum ego a uobis praemium uirtutis, nullum insigne honoris, nullum monumentum laudis postulabo praeterquam huius diei memoriam sempiternam. in animis ego uestris omnis triumphos meos, omnia ornamenta honoris, monumenta gloriae, laudis insignia condi et conlocari uolo. nihil me mutum potest delectare, nihil tacitum, nihil denique eius modi quod etiam minus digni adsequi possint. memoria uestra, Quirites, nostrae res alentur, sermonibus crescent, litterarum monumentis inueterascent et corroborabuntur; eandemque diem intellego, quam spero aeternam fore, propagatam esse et ad salutem urbis et ad memoriam consulatus mei, unoque tempore in hac re publica duos ciuis exstitisse quorum alter finis uestri imperi non terrae sed caeli regionibus terminaret, alter huius imperi domicilium sedisque seruaret. (*Cat.* 3.26)¹⁹³

In this striking passage from the peroration to the *Third Catilinarian*, Cicero seems to eschew all worldly honours and any interest in a material reward (note the striking anaphora *nullum . . . nullum . . . nullum*; cf. also *Cat.* 1.18), as part of a broad strategy of diminishing his own capacity in a false show of humility (observable in many of Cicero's speeches). However, a closer reading shows Cicero's attempts to enhance the *memoria* of his consulate with a literary commemoration (cf. a parallel passage at *Cat.* 4.23 *nihil a uobis nisi huius temporis totiusque mei consulatus memoriam postulo*). One might compare a pertinent passage in the *Pro Archia* (delivered in 62, but probably published before the *Catilinarians*) where Cicero explicitly states that the purpose of his dissemination of his works is for literary memorialisation:

consiliorum relinquere ac uirtutum nostrarum effigiem nonne multo malle debemus summis ingeniis expressam et politam? ego uero omnia quae gerebam iam tum in gerendo spargere me ac disseminare arbitrabar in orbis terrae memoriam sempiternam (*Arch.* 30).¹⁹⁴

¹⁹³ Cf. also *Sul.* 26 *sibi haberent honores, sibi imperia, sibi prouincias, sibi triumphos, sibi alia praeclarae laudis insignia; mihi liceret eius urbis quam conseruassem conspectu tranquillo animo et quieto frui. quid si hoc non postulo?*

¹⁹⁴ Notice *orbis terrae* — Cicero is concerned not only with literary immortalisation, but also spatial impact. Of course, these concerns are not unique to Cicero; we can see the orator fitting in with the concerns of other authors of the century. Horace, for example, analogises his poetry to a swan, which flies over seas and continents, so that it travels to the reaches of the empire, and will find recognition even amongst the barbarian peoples (*Carm.* 2.20; cf. Hutchinson (2008): 34). The swan's miraculous

Furthermore, as Dyck notes, *Cat.* 3.26 describes three stages of memorialisation, from less to more public and permanent: *memoria, sermo, litterarum monumenta*. As we shall see with the *post reditum* speeches in the next chapter, writing (positively) about oneself posed great risks to the author. Written oratory posed additional challenges as a vehicle to articulate a narrative of self-praise. So we see Cicero's apparent reticence to take up the task. Indeed, Cicero approached various authors in hopes of securing a worthy literary account of his consulship, including Archias (*Arch.* 28), Posidonius (*Att.* 2.1.2), and L. Lucceius (*Fam.* 5.12; cf. *Att.* 4.6.4), but to no avail.¹⁹⁵

So, in the three years 62 through 60, we find Cicero himself composing a number of texts on the topic of his consulship. Moreover, a letter to Atticus in February 61 (*Att.* 1.14.4) indicates that Cicero was in the regular habit of speaking and writing enthusiastically about his consular achievements in 63. Cicero's extensive programme of writing about his own consulship begins with an elaborate letter to Pompey, which is now lost but which seems to have resembled a sort of 'mini-treatise', which described and glorified his actions as consul (cf. *Sul.* 67; *Planc.* 85 with Schol. Bob. ad loc. (167.23–30 Stangl)). *Fam.* 5.7 (addressed to Pompey, April 62) seems to be a response to Pompey's apparently less than enthusiastic reception of Cicero's letter. Later (c. 61?), Cicero composes a prose

death and perhaps also its feathers made it a symbol of immortality along the lines of the phoenix (cf. *Carm.* 3.30, where Horace concentrates on the extent of the empire *in time* rather than in space). So too Milton (*Paradise Lost* 1.13ff.): 'my adventurous Song, | That with no middle flight intends to soar | Above th' Aonian Mount, while it pursues | Things unattempted yet in Prose or Rhime'.

¹⁹⁵ Riggsby (2008: 267ff.) suggests that by getting others to write about him, and particularly in Greek (a 'foreign' language), and with foreign distribution and re-authoring, Cicero hoped he might mitigate potential criticism. Ultimately, Cicero's attempts were fruitless and he had to resort to other means to commemorate his consular 'achievements' in his lifetime. Pliny presents another interesting example; cf. e.g. Gibson (2003b), esp. 240–1, Mayer (2003).

‘sketch’ (ὑπόμνημα) in Greek on his consulship (cf. *Att.* 1.19.10; 1.20.6; 2.1.1), then in 60, an epic poem in Latin, the *De Consulatu Suo*, and in the mid-50s (c. late 56?), the *De Temporibus Suis*, on his exile and return (cf. *Fam.* 1.9.23, with extended discussion in the next chapter).¹⁹⁶ *Att.* 1.19.10 suggests Cicero was contemplating a further effort in Latin, but there is no evidence this ever came to fruition.¹⁹⁷

These generically varied texts, which both explicitly and implicitly seek to fashion a positive image of Cicero’s consulship, provide a context in which we might read the published speeches from the same period. Moreover, the fact that there is evidence of Cicero’s hopes to memorialise his consulship found within the *consulares* themselves (as we have seen at various points in this discussion), shows that this was a pervasive concern. Consequently, we can see that the orator publishes his consular speeches in the short term as part of an attempt to rebut Clodius’ damaging attacks, and more broadly, in order to craft and effect a positive consular legacy.

A ‘Roman Demosthenes’?

As part of these self-fashioning strategies in the consular speeches we also see Cicero aiming at the position of top Roman orator, in rivalry of Demosthenes, with whom Cicero draws explicit comparison in *Att.* 2.1.3. Competition, as we saw with the *Verrines* and Cicero’s contest with Hortensius, was an intrinsic part of the

¹⁹⁶ The *De Consulatu Suo* is a particularly intriguing work; on which, cf. esp. Courtney (1993): 156, 173f. The epic was written in 60 and (self-evidently) sought to defend and glorify Cicero’s actions as consul in suppressing the Catilinarian conspiracy; cf. Volk (2013), esp. 99–110.

¹⁹⁷ Further helpful discussion may be found in Volk (2013): 94ff. For further consideration of Cicero’s recording of his consulship, cf. Steel (2005): 49–63; more generally on Ciceronian self-presentation (or ‘self-fashioning’) across his oeuvre, cf. Dugan (2001): 35, n. 1, with bibliography (esp. Greenblatt (1980); Dugan (2005) (on Cicero’s rhetorical works); Kurczyk (2006), with discussion of *De Consulatu Suo* at 76–103.

practice of oratory in Rome.¹⁹⁸ Moreover, from *Att.* 2.1.3 we learn that in publishing his consular speeches, Cicero desires not only to promulgate a view of himself as the pre-eminent Roman orator, but also to fashion himself a model orator, an exemplum whose speeches are studied and imitated by young students. For Cicero, Demosthenes represents the *oratorum...princeps* (*Brut.* 141), whose speeches are widely read by young and aspiring orators as models by which they might learn the art of rhetoric. For this reason, Cicero seeks to cultivate such an image in imitation of Demosthenes. In the letter to Atticus, the orator writes that he hopes to come across as a politically significant figure, and as a significant orator. Indeed, Cicero's admiration for Demosthenes is a pervasive theme in his writings. For example, in the preface to his now-lost translations of Demosthenes' *De Corona* and Aeschines' *Against Ctesiphon*, Cicero describes Demosthenes' importance as an oratorical model: *ex quo intellegitur, quoniam Graecorum oratorum praestantissimi sint ei qui fuerint Athenis, eorum autem princeps facile Demosthenes, hunc si qui imitetur, eum et Attice dicturum et optime, ut, quoniam*

¹⁹⁸ Cf. the various discussions of oratorical competition in the introduction and chapter on the *Verrines*. Quintilian depicts Cicero and Demosthenes more or less equal in merit, but gives Demosthenes the advantage *in hoc, quod et prior fuit et ex magna parte Ciceronem quantus est fecit* (10.1.108; note the present tense of *est*). Although in any case, second and lower places are worth having (*Orat.* 3–6); cf. Hutchinson (2013): 30, 39ff. Which of Cicero and Demosthenes was superior itself became contentious (Quint. *Inst.* 10.1.105); the Greek Caecilius' work on the comparison between them (Plu. *Dem.* 3.1–2) probably involved his views on the relation between Atticism and Asianism, not to Cicero's advantage. Pliny the Younger is effusive in his praise for Cicero (of whom he says, *nihil peccat, nisi quod nihil peccat*, *Ep.* 9.26.1) and Demosthenes (*Demosthenes ipse, ille norma oratoris et regula*, *Ep.* 9.26.8) alike. Cicero's younger contemporary Calvus strove with him over the first place in Roman oratory, and himself followed Demosthenes' example: so the Elder Seneca (*Contr.* 7.4.6, 8; Cicero creates a different impression, *Brut.* 283–5, 288–9); occasionally Calvus is judged the best of Roman orators (Quint. *Inst.* 10.1.115). At an earlier stage, Cato had been called 'Demosthenes' (Diod. Sic. 34/5 fr. 33.3 Dindorf ὁ ἐπικληθεὶς Δημοσθένης; not in *ORF*) or the 'Roman Demosthenes' (Plut. *Cat. Mai.* 4.1 = *ORF* 8 T 9) cf. Astin (1978): 149; Gruen (1992): 57; Bishop (2016). Moreover, Demosthenes was considered in the canon of ten Attic orators (the other nine being Lysias, Isaeus, Hyperides, Isocrates, Dinarchus, Aeschines, Antiphon, Lycurgus, and Andocides), a list of recommended authors that probably reached its final form in the second century AD (cf. Harpocration Λέξεις τῶν δέκα ῥητόρων).

Attici nobis propositi sunt ad imitandum, bene dicere id sit Attice dicere (*Opt. Gen.* 13). Moreover, Cicero writes at *De Or.* 1.155 *ut summorum oratorum Graecas orationes explicarem* (so Quint. *Inst.* 10.5.2 *uertere Graeca in Latinum ueteres nostri oratores optimum iudicabant*).¹⁹⁹ In this way, Cicero wishes to offer himself as a ‘Roman’ version of the most revered Attic orator; the perfect model orator for the *adulescentuli* reading his speeches (*Att.* 2.1.3).²⁰⁰

With these considerations in view, if we approach the consular speeches, we might note a number of Demosthenic connections. One particularly choice example is the *Pro Rabirio Perduellionis Reo*, one of the consular speeches listed at *Att.* 2.1.3, which shows a degree of imitation of Demosthenes’ famous *De Corona*. In the disseminated version of the *Pro Rabirio Perduellionis Reo* (we cannot know how closely this resembled the delivered speech) Cicero begins his speech with a prayer. This is striking and unusual. But, on closer inspection, Cicero’s prayer is not only unusual, but an imitation of the famous’ opening to Demosthenes’ invective against Aeschines, the *De Corona* — a speech with which students of oratory at Rome (Cicero’s prime readership: *Att.* 2.1.3) would have been very familiar, and may even have learnt by heart (cf. *Q. Fr.* 3.1.11). A close comparison of the two passages is fruitful.

¹⁹⁹ Quintilian reports (*Inst.* 10.5.2) that Cicero was an avid translator of Greek material for a Latin audience. Part of Cicero’s *Timaeus* version is extant; he also translated *Protagoras* and (as a young man) Xenophon’s *Oeconomicus* (cf. *Off.* 2.87), and his *De optimo genere oratorum* (not mentioned by Quintilian) is a preface to a translation of Demosthenes and Aeschines. So Suetonius (*Rhet. Gramm.* 25.3) *Cicero ad praeturam usque Graece declamauit, Latine uero senior quoque*. On Cicero’s own education see Kaster (1995): 275, with bibliography.

²⁰⁰ Indeed, Cicero writes that his translations of Demosthenes and Aeschines are meant to serve pedagogic goals, rather than selfish ones: *putavi mihi suscipiendum laborem utilem studiosis, mihi quidem ipsi non necessarium* (*Opt. Gen.* 13). On Cicero as ‘Roman Demosthenes’, cf. e.g. Manuwald (2007, vol. 1): 129ff.; Dugan (2005): 253, 315–31; van der Blom (2010): 304–5.

Demosthenes begins his *De Corona*, unusually, by invoking the gods, thereby impressing upon his audience his piety and integrity, traits that inspire trust and lend credibility to his appeal to divine intervention later in the speech (cf. 18.192–4, 195 θεῶν):

Πρῶτον μὲν, ὃ ἄνδρες Ἀθηναῖοι, **τοῖς θεοῖς εὐχομαι πᾶσι καὶ πάσαις**, ὅσῃν εὐνοίαν ἔχων ἐγὼ διατελῶ τῇ τε πόλει καὶ πᾶσιν ὑμῖν, τοσαύτην ὑπάρξει μοι παρ’ ὑμῶν εἰς τουτονὶ τὸν ἀγῶνα, ἔπειθ’ ὅπερ ἐστὶ μάλισθ’ ὑπὲρ ὑμῶν καὶ τῆς ὑμετέρας εὐσεβείας τε καὶ δόξης, τοῦτο παραστήσαι τοὺς θεοὺς ὑμῖν, μὴ τὸν ἀντίδικον σύμβουλον ποιήσασθαι περὶ τοῦ πῶς ἀκούειν ὑμᾶς ἐμοῦ δεῖ (σχέτλιον γὰρ ἂν εἴη τοῦτό γε), ἀλλὰ τοὺς νόμους καὶ τὸν ὄρκον, ἐν ᾧ πρὸς ἅπασιν τοῖς ἄλλοις δικαίοις καὶ τοῦτο γέγραπται, τὸ ὁμοίως ἀμφοῖν ἀκροάσασθαι (18.1–2).

This is a striking opening to Demosthenes’ most famous speech; Athenian forensic speeches seldom begin with a prayer.²⁰¹ Moreover, although Wankel considers εὐχομαι τοῖς θεοῖς πᾶσι καὶ πάσαις a ‘sakrale Formel’, Demosthenes’ use of it at the opening of his speech is the only such occurrence as an opening.²⁰² Indeed, a letter ‘on political harmony’ assigned (falsely?) to Demosthenes notes the significance of this invocation:

Παντὸς ἀρχομένῳ σπουδαίου καὶ λόγου καὶ ἔργου, ἀπὸ τῶν θεῶν ὑπολαμβάνω προσήκειν πρῶτον ἄρχεσθαι. **εὐχομαι δὴ τοῖς θεοῖς πᾶσι καὶ πάσαις**, ὅ τι τῷ δήμῳ τῷ Ἀθηναίων ἄριστόν ἐστι καὶ τοῖς εὐνοοῦσι τῷ δήμῳ καὶ νῦν καὶ ἐς τὸν ἔπειτα χρόνον, τοῦτ’ ἐμοὶ μὲν ἐλθεῖν ἐπὶ νοῦν γράψαι τοῖς δ’ ἐκκλησιάσασιν Ἀθηναίων ἐλέσθαι. (*Ep.* 1.1)

Dionysius of Halicarnassus, a Greek rhetorician in the next generation after Cicero, much admired the passage from *De Corona*, which he cites (viz. πρῶτον μὲν, ὃν

²⁰¹ Cf. Lycurg. *Leocr.* 1–2; and repetition at Dem. 18.8, βούλομαι **πάλιν** τοὺς θεοὺς παρακαλέσαι καὶ ἐναντίον ὑμῶν εὐχομαι, **πρῶτον** μὲν, ὅσῃν εὐνοίαν ἔχων διατελῶ τῇ πόλει, τοσαύτην ὑπάρξει μοι εἰς τουτονὶ τὸν ἀγῶνα . . . ; cf. also Plat. *Tim.* 27c . . . ἀνάγκη θεοὺς τε καὶ θεὰς ἐπικαλουμένους εὐχεσθαι . . .

²⁰² Wankel (1976: 108); cf. e.g. Aeschin. 1.116 εὐχομαι τοῖς θεοῖς πᾶσι καὶ πάσαις, although note that this passage comes at a transitional point in Aeschines’ speech *Against Timarchus* between his ‘narrative’ dealing with Timarchus’ career (§§1–115) and his rebuttal of the alleged arguments of the defence (§§117–76), not at the opening (as in Demosthenes’ *De Corona*).

ἄνδρες Ἀθηναῖοι, τοῖς θεοῖς εὐχομαι πᾶσι καὶ πάσαις) as an example of stylistic and rhythmic brilliance (cf. *De Compositione Verborum* 18; 25). It is probable that this speech (at the very least its opening paragraphs) was well known (even committed to memory) by Cicero's readers.²⁰³ Those already acquainted with the *De Corona* would most likely notice the parallels with the *exordium* to Cicero's *Pro Rabirio Perduellionis Reo*:

quae cum ita sint, **primum**, quod in tanta dimicatione capitis, famae fortunarumque omnium fieri necesse est, ab Iove Optimo Maximo **ceterisque dis deabusque immortalibus**, quorum ope et auxilio multo magis haec res publica quam ratione hominum et consilio gubernatur, pacem ac ueniam peto precorque ab eis ut hodiernum diem et ad huius salutem conservandam et ad rem publicam constituendam inluxisse patiantur. deinde uos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit, oro atque obsecro . . . (§5)

Here, Cicero chooses not only to imitate Demosthenes' reverential tone, but even chooses the same vocabulary, offering direct Latin translations of certain key Greek words: *primum* for πρῶτον; *ceterisque dis deabusque immortalibus* for τοῖς θεοῖς . . . πᾶσι καὶ πάσαις. The connections between the two speeches are striking and encourage the reader to formulate a view that he is reading a work by the 'Roman Demosthenes'.²⁰⁴ This illustrates how Cicero cultivates for himself a *persona* of a

²⁰³ Although a slightly tenuous analogy, one can perhaps liken the situation of ancient familiarity with 'famous' speeches to the widespread familiarity with 'famous' speeches in the modern era (e.g. Martin Luther King Jr.'s 'I have a dream', John F. Kennedy's 1961 inaugural address ('My fellow Americans: ask not what your country can do for you — ask what you can do for your country.'), to choose but two examples from the modern American political canon).

²⁰⁴ Stroth (1975): 52. Weische (1972: 66) too notes the similarity of *Rab. Perd.* 5 with Dem. 19.297 τῶν θεῶν ὑμῖν μαντείαν ἀναγνώσομαι, οἵπερ ἀεὶ σφῶνσι τὴν πόλιν πολλῶν προεστηκότων μᾶλλον, observing the 'feierliche Ton' in each passage and 'Synonymenverbindungen' between the two, although the connection with 18.1-2 seems altogether much closer on account of its linguistic resemblance. Cf. also *Div. Caec.* 43 *si quid ex uetere aliqua oratione, Iouem ego optimum maximum aut uellem, si fieri potuisset, iudices aut aliquid eiusmodi, ediscere potueris, praeclare te paratum in iudicium uenturum arbitraris*. There is perhaps a slightly less overt connection between Dem. 18.1-2 and the opening to Cicero's *Pro Murena* (esp. §§1-2 *precatus a dis immortalibus sum . . . idem precor ab isdem dis immortalibus . . . quae cum ita sint, iudices, et cum omnis deorum immortalium potestas . . .*). Cf. also Hermog. 327.2, 353.22. Invocation of gods and goddesses also features prominently in the prefaces to poems, both Greek and Latin (e.g. Homer, Theognis, Ennius, Vergil),

Roman version of Demosthenes, and aspires to a status by which he might command the *auctoritas* to educate his readers, inviting them to admire his disseminated speeches as oratorical models.²⁰⁵

Publication to meet demand

As we have noted several times in the discussion, *Att.* 2.1 is incisive in helping to interpret Cicero's motivations for publishing the *consulares*, and the ways in which he adapts his speeches specifically for readers. While the letter is addressed to Atticus — and we cannot know whether that letter saw further circulation — it no doubt informed Atticus' own reading of the speeches, and probably affected

and to Livy's *Ab Urbe Condita* (pr. 13 *cum bonis potius ominibus uotisque et **precationibus deorum dearumque** si, ut poëtis, nobis quoque mos esset, libentius inciperemus, ut orsis tantum operis successus prosperos darent*), where the historian shows himself a creative artist, a poet rather than a researcher. Weische (1972: 52–70) proposes a number of other Demosthenic imitations in the consular speeches: Dem. *Phil.* 3.36 and *Cat.* 1.3; Dem. *Ol.* 1.23 and *Cat.* 4.23 (on which, see discussion above); Dem. 18.62–4 (*De Corona*) and *Rab. perd.* 20–2; Dem. 18.97 (*De Corona*) and *Rab. perd.* 21; Dem. 19.259–62 (*De Falsa Legatione*) and *Cat.* 4.6 (on which, see above); and Dem. 19.136 (*De Falsa Legatione*) and *Mur.* 35.

²⁰⁵ Recalling the discussion in the introduction, the reading of model speeches was of intrinsic importance to the training of young Roman orators, who would learn their craft by studying oratorical *exempla*. Indeed in Cicero's *De Oratore* (2.90) Antonius discusses the imitation of models, an exercise which involved both careful contemplation of an orator's written speeches as well as hearing him speak in situ: *ergo hoc sit primum in praeceptis meis, ut demonstremus, quem imitetur atque ita ut, quae maxime excellant in eo, quem imitabitur, ea diligentissime persequatur*. But the practice of reading model speeches and imitating them was inherited from the Greeks; some choice papyrological evidence is incisive, demonstrating how the speeches of Demosthenes, for example, served as the subject of declamations (cf. discussion above in the introduction, with Kremmydas (2007)). Furthermore, Cicero notes how Brutus used to read Demosthenes with his teacher Pammenes (and subtly adds his own speeches to his reading list): *et hunc tu oratorem* [i.e. Demosthenes] *cum eius studiosissimo Pammene, cum esses Athenis, totum diligentissime cognouisti nec eum dimittis e manibus et tamen nostra etiam **lectitas*** (*Orat.* 105; the choice of the iterative verb, *lectito*, is striking; cf. *Att.* 12.18.1 *etenim habeo non nullos ex iis quos nunc lectito auctores*; *De or.* 1.95 *hic est iam Crassus aut, si quis pari fuerit ingenio pluraque quam hic et audierit et lectitarit et scripserit, paulum huic aliquid poterit addere*). Moreover, we read of boys learning literature by heart, memorising the most important works (Cicero contends that his own featured prominently among them: cf. e.g. *Q. Fr.* 3.1.11 on his *In Pisonem*); cf. Hutchinson (2008): 35. Zielinski (1929: 344–6) cites references to the use of Cicero in rhetorical schools of the early imperial period. Eventually, however, Cicero's reputation came to depend on *style* rather than content: Winterbottom (1982). Cf. Corbeill (2002): 215, n. 63. Cf. Bishop (2016), who discusses the connections between Demosthenes and Cicero in the rhetorical works (esp. *Brutus* and *Orator*).

Atticus' own dissemination of the speeches among friends and relatives (Atticus was a regular publisher of Cicero's speeches).²⁰⁶

It is unusual, but not exceptional, for Cicero's letters to introduce larger (collected) works. *Fam.* 9.8, for example, is sent together with a final edition of the four-book *Academica* (an earlier version contained only two books: *Att.* 8.19.3); the letter dedicates the rhetorical work to Varro (the letter's addressee), and is a supposed reciprocation of Varro's promise (two years earlier) that he would dedicate his *De Lingua Latina* to Cicero (*Fam.* 9.8.1 *tamen ego exspectatione promissi tui moueor*; cf. *Att.* 13.12.3; *Acad.* 1.c).²⁰⁷ In each case, these letters guide the recipients' (and our) reading of the orations. Young political hopefuls, students of oratory and rhetoric, and others, perhaps already socially established, interested in (and concerned by) the rapid disintegration of Roman republican governance and

²⁰⁶ I do not wish to overstate the extent to which reading *Att.* 2.1 influenced Cicero's contemporaries' reading of the speeches themselves. Scholarship is divided on the question of publication of the letters, although the case against would seem more compelling (on which, cf. esp. Hutchinson (1998)). There were some letters known to have circulated and been read by those other than the explicit addressees: e.g. a non-extant letter sent by Cicero to Pompey in Asia (in 62?), which contained a detailed record of the events of Cicero's consulship (cf. *Sul.* 67, with Berry (1996) ad loc.); also, *Fam.* 5.12 to Lucceius, which seems to have been known at least by Atticus (*Att.* 4.6.4; cf. Shackleton Bailey (1977): 318, Hall (1998)). But Cicero is especially unlikely to have sought the circulation of letters to Atticus. In any case, whether or not *Att.* 2.1 was read by the consumers of the consular speeches does not diminish the importance of the letter for our purposes, revealing much about the publication and readership of the orations. On Atticus in general, see Shackleton Bailey (1965): 3–58 (on 'Atticus and Cicero'). On Atticus as Cicero's publisher, see, still, Sommer (1926), and Phillips (1985–6): esp. 229 (although Phillips raises doubts about whether Atticus actually was publishing Cicero's works as early as 60). On Atticus as collaborator and editor of Cicero's works, see Gurd (2007): 52–3, esp. n. 10 and bibliography, and the discussion in the introductory chapter to this thesis.

²⁰⁷ Another example worth noting (not a letter), is Cicero's *De Optimo Genere Oratorum*, which is a preface to his now-lost Latin translation of Dem. 18 (*De Corona*) and Aesch. 2 (*Against Ctesiphon*). Mayer (2003: 229f.) notes the similarity with Pliny's practice of writing letters to complement the speeches by 'giving something of the flavour of the occasion, the background, or the result'.

in the relationships between its chief antagonists, all figure among Cicero's readers.²⁰⁸

The importance of the addressee in the production of written texts may be seen in other Roman literature. Vergil, for example, dedicates his four-book *Georgics* to Maecenas, a close friend to Octavian (Augustus) and the chief patron of letters of the time (cf. *G.* 1.2, 3.41, 4.2), whom the poet suggests demanded the work (*G.* 3.40–1 *interea Drydum siluas saltusque sequamur | intactos, tua, Maecenas, haud mollia iussa*), although, as Mynors observes, 'a poet who has laid his aspirations before his patron and received the great man's approval may thereafter feel, and speak, as though he had been given his orders'.²⁰⁹ In the case of the consular speeches, though not internally addressed to Atticus, Cicero tells us how Atticus delights in reading the orator's speeches (*te etiam delectant . . . et quoniam te cum scripta tum res meae delectant*).²¹⁰ While the veracity of these claims must be tempered by an objective lens — indeed, Cicero admits to sending a few extra speeches which Atticus had not asked for (*et pluris etiam mittam*) — the role of the addressee in publication affirms the important role of consumers.

So we learn from *Att.* 2.1 that one of the reasons for the publication of the *consulares*, or so Cicero claims, is to sate Atticus' curiosity, to meet a demand for the material (*quas postulas . . . aut ne poposcisses*), rather than to feed the orator's

²⁰⁸ Cicero's published consular speeches had many admirers beyond the classical audience discussed here. On Cicero's later readers (with particular attention to the *Catilinarians*), see the discussion in Dyck (2008a): 14–16.

²⁰⁹ Mynors (1990): 187. Cf. Verg. *E.* 8.11–13; Hor. *Epod.* 14.5 *candide Maecenas, occidis saepe rogando*, *Ep.* 1.1.2–3; Prop. 3.9.52 *crescet et ingenium sub tua iussa meum*.

²¹⁰ Cf. The opening to the Younger Pliny's letter to Tacitus (*Ep.* 6.16), where the former thanks the latter for asking for an account of the eruption of Vesuvius (in AD 79), to ensure the memorialisation of Pliny's dead uncle: *petis ut tibi auunculi mei exitum scribam, quo uerius tradere posteris possis. gratias ago; nam uideo morti eius si celebretur a te immortalem gloriam esse propositam*. On which, cf. Jones (2001), Berry (2008).

desire for self-aggrandisement (*ego enim tibi me non offerebam*). Moreover, in a later letter to Atticus, Cicero writes that Atticus has requested two other(?) speeches, perhaps the *Pro Murena* and *Pro C. Pisone* from the consular year: *orationes autem me duas postulas; quarum alteram non libebat mihi scribere qui absciram, alteram ne laudarem eum quem non amabam* (*Att.* 2.7).²¹¹ Suspect as these claims may seem, Cicero's comments do suggest that there was at least some demand for his speeches. As we shall see, one important market was young students of oratory, whose enthusiasm (for reading his speeches) Cicero claims at *Att.* 2.1.3 encouraged him to write up his *consulares*.

Other consumers of the speeches include those who were interested in Cicero's treatment of momentous political events. In particular, Cicero's consular orations provide one of the most complete and comprehensive accounts of the so-called 'Catilinarian conspiracy'. Sallust's *Bellum Catilinae*, for example, seizes upon the historical potential of the speeches, although, as Sillett observes, where the Ciceronian texts are 'keen to emphasise the consul's own agency in subduing Catiline's conspiracy, Sallust's abiding interest is the separation and distinct development of the characters of Catiline and Cicero, alongside other figures in the drama'.²¹²

²¹¹ Shackleton Bailey (1965 (vol. 1): 365) argues that the ten-month interval between this letter (*Att.* 2.7) and *Att.* 2.1 makes it unlikely that Atticus' request was connected with the list of 'consular' speeches. If not, the first speech mentioned might be the *In Clodium et Curionem* (cf. *Att.* 3.12), the second the one delivered in the senate in February 61 (cf. *Att.* 1.14.4; *Orat.* 210 *ut in senatu de consulatu meo*), which presumably contained some compliments to Crassus. Shackleton Bailey writes that if the first of these two speeches had been the *Pro Murena* after all, Cicero might have written something like *quia amicos perstrinxeram* (rather than *qui absciram*), with reference to Cato and Sulpicius Rufus. But this is all purely conjecture.

²¹² Sillett (2015): 46–7. Dyck (2008a: 182–3) notes the symmetries between *Cat.* 3.12 and *Sal. Cat.* 44.5, which both cite a letter by Lentulus given to Volturcius for Catiline; the wording differs, but the substance is the same.

Further evidence of readers engaging with the consular speeches is indicated in citations found in other works. In particular, a number of stock phrases emerge from the speeches. The opening to the *First Catilinarian* is a particularly choice example, with its emotionally charged apostrophe to Catiline, who is addressed without praenomen.²¹³ The striking rhetorical question (*quo usque tandem abutere, Catilina, patientia nostra?* (*Cat.* 1.1)) appears in a number of texts, showing familiarity. So Dyck notes Sallust's clever *uariatio* of the line in the revolutionary speech he gives to Catiline (*Cat.* 20.9 *quae quo usque tandem patiemini, o fortissimi uiri?*).²¹⁴ The Elder Seneca reports that Cicero's son, Marcus, cited the opening sentence of the *First Catilinarian*, probably to show familiarity with his father's oratory (Sen. *Suas.* 7.14 'age,' inquit 'non putas me didicisse patris mei: quo usque tandem abutere, Catilina, patientia nostra?'). Likewise, the famous *o tempora, o mores!* (*Cat.* 1.2), which Dyck describes as 'Ciceronian property' (cf. *Verr.* 2.4.56, *Dom.* 137, *Deiot.* 31; *Phil.* 8.23 *ubi est ille mos uirtusque maiorum?*), appears in a number of works by later authors (e.g. Sen. *Suas.* 6.3; Mart. 9.70).²¹⁵

Consequently, the speeches and references to them in other works suggest that there was a demand for the consular material Cicero commits to writing.

However, it is Cicero's younger readers, who are students of oratory and aspiring

²¹³ Cf. *Cat.* 2.1, where Catiline is treated more formally in third-person reference (*L. Catilinam*). As Berry (1996: 127) notes, in the *Pro Sulla*, Catiline is nowhere dignified with a *praenomen*. On naming conventions, cf. *RE* 16.1648.35ff, Salway (1994), Dickey (2002).

²¹⁴ Dyck (2008a): 63. Cf. also Apul. *Met.* 3.27 (where parodic citation continues), with von Albrecht (1989): 174; Tac. *Ann.* 1.13, 28. On the phrase, cf. esp. Malcolm (1979): 219–20, who (with reference to Liv. 6.18.5) supposes the phrase was actually Catiline's; this seems improbable given the absence of supporting material in ancient scholarship on the *First Catilinarian*, especially in Quintilian (who quotes the line twice: *Inst.* 4.1.69, 9.2.7). See the extended discussion in Sillett (2015): 53f. On Sallust generally, cf. Syme (1964).

²¹⁵ Dyck (2008a): 66. For exclamations with *o* cf. generally Winterbottom (2004): 223, n. 38.

politicians who are of most interest. As we shall see, Cicero fashions a number of his consular speeches specifically for this young market of readers.

Lessons on campaigning

As has already been mentioned, the inherently political nature of Cicero's *consulares* marks out them out as especially useful texts for the aspiring Roman politician. In particular, the reader might observe how Cicero exploits the prestige and authority attached to his position as consul to negotiate a number of testing political and judicial situations. *Inter alia*, Cicero's consular year was marked by allegations of electoral corruption (*Pro Murena*) and conspiracy (*In Catilinam* 1–4). But more significant even than these varied and intriguing oratorical situations is the way in which Cicero invites his reader to consider, through the lens of a *consularis*, the importance of speaking well for political success.²¹⁶

In the *Pro Murena*, Cicero impresses upon his readers the importance of rhetoric for a successful political career: *gravis etiam illa est et plena dignitatis dicendi facultas quae saepe ualuit in consule deligendo, posse consilio atque oratione et senatus et populi et eorum qui res iudicant mentis permouere* (§24; note the tripartite division of the audiences of the Roman orator's three functions, addressing the senate, people, and juries of law courts). Cicero's choice of the word *permouere* is calculated, for elsewhere he argues for persuasion as one of the three aspirations of oratory (cf. *Opt. Gen.* 3–4, *Brut.* 276 etc., following Aristotle). In this way Cicero uses his position as orator and especially as consul to render his

²¹⁶ Cf. the extended discussion in the second chapter on the *Verrines* on the importance of prosecution, in particular, for oratorical careers. See also van der Blom (2016) for general discussion of oratory and political careers.

audience *attenti* and *beniuoli* to his arguments (cf. *Rhet. Her.* 1.6: *id ita sumitur, ut attentos, ut dociles, ut beniuolos auditores habere possimus*).

The near-contemporary *Commentariolum Petitionis* — a handbook of electioneering which purports to be addressed to M. Cicero by his younger brother Quintus during his campaign for the consulship of 63 (*Quintus Marco fratri s.d.*) — suggests that there was a market for such materials among readers.²¹⁷ The *Commentariolum* is a peculiar and intriguing text; it seems to correspond with the few extant passages of Marcus' lost invective, *In toga candida*, as well as several passages in the *Pro Murena*.

For example, one might compare *Mur.* 44

non placet mihi inquisitio candidati, praenuntia repulsae, non testium potius quam suffragatorum comparatio, non minae magis quam blanditiae, non denuntiatio potius quam persalutatio, praesertim cum iam hoc nouo more omnes fere domos omnium concursent et ex uoltu candidatorum coniecturam faciant quantum quisque animi et facultatis habere uideatur.

with similar language at *Comm. Pet.* 34–5

nam ex ea ipsa copia coniectura fieri poterit quantum sis in ipso campo uirium ac facultatis habiturus . . . in saluatoribus, qui magis uulgares sunt et hac consuetudine quae nunc est <ad> pluris ueniunt . . .²¹⁸

The *blanditiae* mentioned at *Mur.* 44 also feature in a similar passage in the *Commentariolum* (§42 *sed opus est magno opere blanditia, quae, etiam si uitiosa est et turpis in cetera uita, tamen in petitione necessaria est*). Several other

²¹⁷ As we observed in the introduction, although the work is addressed (perhaps spuriously?) to Marcus in the epistolary form, it is a treatise. Indeed, at the end of the *Commentariolum* M. is asked by Q. to improve it, as if for publication: (§58) *haec sunt quae putauit non melius scire me quam te sed facilius his tuis occupationibus colligere unum in locum posse et ad te perscripta mittere. quae tametsi scripta ita sunt ut non ad omnes qui honores petant sed ad te proprie et ad hanc petitionem tuam ualeant, tamen tu, si quid mutandum esse uidebitur aut omnino tollendum, aut si quid erit praeteritum, uelim hoc mihi dicas*.

²¹⁸ Although there are 'erkennbaren sprachlichen Parallelen' between the two passages, Laser (2001: 156) argues that they 'unterscheiden . . . in ihrer Intention'. Nevertheless, both passages share a focus on 'die zunehmende Unverbindlichkeit der Beziehungen' (157; viz. *in saluatoribus*).

connections may also be observed: *Comm. Pet.* 17 *deinde ut quisque est intimus ac maxime domesticus, ut is amet <et> quam amplissimum esse te cupiat ualde elaborandum est, tum ut tribules, ut uicini, ut clientes, ut denique liberti, postremo etiam serui tui* and *Mur.* 69 *omitto clientis, uicinos, tribulis, exercitum totum Luculli qui ad triumphum per eos dies uenerat;*²¹⁹ *Comm. Pet.* 24 and *Mur.* 47 (verbatim) *in suis uicinitatibus et municipiis gratiosi; Comm. Pet.* 56 *ut uideare accusationem iam meditari* and *Mur.* 43 *accusatione meditari uisus est.*

However, perhaps the most compelling case for reading a relationship between the works is to be found by comparing *Mur.* 68–73 and *Comm. Pet.* 34–8, both of which deal with *adsectatio* (attendance on clients). If we acknowledge a relationship between the two works (and most scholars would) we must admit that *Mur.* 68–73 had a particularly close relationship with the *Commentariolum*: either Cicero when he wrote *Mur.* 68–73 had the pamphlet in mind or else the author of the *Commentariolum* had made a close study of the *Pro Murena*.²²⁰ In either case, it would seem entirely plausible to read a pedagogical dimension into Cicero's *Pro Murena* given its relationship with and the corresponding function of the *Commentariolum*.

With this in view, we might observe how Cicero likens the precarious task of aspiring politicians (and orators; the two cannot be entirely unconnected occupations) to that of sailors being buffeted by severe storms:

²¹⁹ Although perhaps this grouping of words is a commonplace, as is contemplated by Nardo (1970: 17); cf. *S. Rosc.* 47, *Caec.* 57, *Har. resp.* 56, *Vat.* 39, *Planc.* 43.

²²⁰ Cf. Nisbet (1961b): 86.

quod si e portu soluentibus ei qui iam in portum ex alto inuehuntur
praecipere summo studio solent et tempestatum rationem et praedonum et
locorum, quod natura adfert ut eis faueamus qui eadem pericula quibus
nos perfuncti sumus ingrediantur, quo tandem me esse animo oportet
prope iam ex magna iactatione terram uidentem in hunc cui uideo
maximas rei publicae tempestates esse subeundas? (*Mur.* 4)

Fantham argues that combining metaphor and circumstance, Cicero ‘represents himself as coming in sight of land after being buffeted by a great tempest and so bound to give all practical and moral support to the man now forced to undergo the greatest political storms.’²²¹ Consequently, *Mur.* 4 may be read through a pedagogical lens: it highlights Cicero’s own educational task, likening the young orator’s quest for oratorical success to that of a sailor captaining a ship in a stormy tempest. That Cicero is in a unique position (as the present-day consul) to offer such guidance is strikingly highlighted in the passage (*ex magna iactatione terram uidentem*). The passage ambiguously offers consolation both to those aspiring to political office (*maximas rei publicae tempestates*) and to those learning the art of oratory.²²²

And we observe similar posturing in Cicero’s *Second Catilinarian*, where in the *peroratio* the orator aims to dissipate fear and build confidence in his audience, just like a general (cf. §§11, 28). In spite of his previous warning (§6 *seueritatem*

²²¹ (2013): 91–2. One may also note that this comparison is quoted in full (omitting *ei*) by Quintilian at *Inst.* 5.11.23, discussing *parabola*. On *tempestat* in connection with *inuidia*, cf. the discussion above (and *Cat.* 1.22, 2.15).

²²² One might compare similar advice offered to lovers by Ovid: *tempora qui solis operosa colentibus arua, | fallitur, et nautis aspicienda putat; | nec semper credenda Ceres fallacibus aruis, | nec semper uiridi | concaua puppis aquae, | nec teneras semper tutum captare puellas: | saepe dato melius tempore fiet idem.* (*Ars.* 1.399–404). Cf. too Hesiod’s advice on when sailing was safe and when unsafe (*Op.* 618–94, with West (1978): 313–26). Such nautical imagery is a *locus* in didactic poetry; e.g. Verg. *G.* 1.303f.; Ov. *Rem.* 811–14 (cf. 70, 397f.). Henderson (1979: 45–46) writes that ‘the ship is a favourite “progress-image” of poetry, like the chariot. It may symbolise the advance towards completion of the work of art itself, or of the programme of the work (here the voyage towards emancipation of the *decepti*).’

res ipsa flagitat), Cicero will pursue a policy of *lenitas* unless forced from his course by *impendens patriae periculum*. He concludes by claiming that his confidence is based on signs from the gods; only at *Cat.* 3.18–22 will he provide a concrete foundation for the view of divine providence adumbrated here.

Thus, with the ‘consular’ speeches, readers and readerly interests again come to the fore. A significant letter to Atticus (*Att.* 2.1) reveals a number of motivations for writing up and disseminating some of the speeches from the consular year, three years after their delivery, and sheds light on the sorts of readers who engaged with the texts. So with the speeches we see a pervasive desire to craft a positive and memorable consular narrative. Cicero is especially interested to broadcast an image of himself as a politically significant figure, and as a significant orator (cf. Demosthenes, who is specifically mentioned at *Att.* 2.1.3). A number of difficulties had arisen in the intervening years, not least a vocal assault from Clodius over Cicero’s role in the ‘illegal’ execution of the Catilinarian conspirators. Publishing the speeches from the consular year, with the benefit of the passage of time (nearly three years), allowed Cicero to recast and revise the material to present himself in a more positive light, and to justify previous action. As a result, we see a number of revisions to the extant texts (cf. e.g. *Mur.* 57, *Cat.* 4.19–24).

Moreover, we find a number of references to the speeches in other works, which suggests that there was a demand for the consular material Cicero commits to writing (Cicero suggests that Atticus had demanded the production in the first place: *Att.* 2.1.3 *postulas*). There seems a particular interest among younger readers, who are explicitly mentioned at *Att.* 2.1.3, and whose enthusiasm in reading Cicero’s oratory is cited as an impulse to disseminate more. So we observe didactic elements

in a number of the speeches, as Cicero seeks to use his written oratory as vehicles for rhetorical (and political) education. In a speech which enjoys a close relationship with a political handbook (*Comm. Pet.*), Cicero impresses upon the young political hopefuls reading his *Pro Murena* the importance of rhetoric for a political career (e.g. §24).

4. THE *POST REDITUM* SPEECHES

As can be seen from the contemporaneous composition of the *De Temporibus Suis*, and his (futile) attempts to compel others to write about him, the *post reditum* speeches (that is, those delivered in the years immediately following the orator's return to Rome in 57) belong in a context where Cicero is keen to reverse the disgrace of his exile by perpetuating and circulating a narrative of self-praise.²²³ In contrast to the period immediately following the consulship (62–60), a letter to the historian L. Lucceius in April 55 (*Fam.* 5.12) shows that Cicero is not only interested in memorialising his consulship and his role in thwarting the Catilinarian conspiracy, but also what followed, particularly his exile and return (cf. *Fam.* 5.12.4 *usque ad reditum*). The publication of the *post reditum* speeches enables Cicero to tell his own 'exilic narrative', with the aim of re-establishing his consular persona of 'saviour of the state'. Cicero casts himself as a victim and uses his 'narrative of loss' to counteract potential audience prejudice aroused by the orator's opponents, particularly P. Clodius Pulcher, and the negative connotations associated with his exile.²²⁴

²²³ It should be noted that there is no indication that these speeches are formed into an organic entity for the benefit of readers, like the *Verrines* or even the *σῶμα* of the consular speeches; but their absorption in the same material draws them together as a group, even more than the consular speeches. The consular speeches are primarily united by chronology, i.e. by a stage in Cicero's life; the same is true of these speeches, but in a more unexpected and interesting way—success and glory crafted out of disaster. In a strict sense, as Grillo (2015: 7) notes, the *post reditum* speeches are the four orations directly connected with Cicero's return (namely, *Post Reditum in Senatu*, *Post Reditum ad Populum*, *De Domo Sua*, and the *De Haruspicum Responsis*). More broadly, however, the term often refers to the fourteen speeches composed between 57 and 52 given their common themes of exile and return; this chapter adopts the latter conception. The specific speeches treated in this chapter include: *Post Reditum in Senatu*, *Post Reditum ad Populum*, *De Domo Sua*, *Pro Sestio*, and *In Pisonem*. A number of other speeches are considered in the appendix.

²²⁴ Cf. Gray (2011: 16), with the discussion below, on the need for the orator to manufacture a 'crisis of victimization' in order to render his 'autobiographical' self-praise acceptable to readers.

Moreover, following an absence from the Roman oratorical scene, Cicero desires to consolidate and reassert his position as top orator. The publication of written versions of the speeches enables Cicero to broaden the scope of his oratorical sphere of influence, to commend himself as orator *par excellence*, as a skilful *patronus* worthy of being cultivated by potential clients or read by advocates in training.²²⁵ In particular, correspondence from the period shows how Cicero is interested in the utility of the *post reditum* speeches (especially the *In Pisonem*) for young readers. Cicero is publishing his speeches in a ‘model-seeking’ culture and wishes to position himself as an *exemplum* to be admired and imitated. As we canvassed in the introductory chapter, reading model speeches was of central importance to the training of young Roman orators, who would learn their craft by studying oratorical *exempla* (cf. esp. *Rhet. Her.* 4.1–10; *De Or.* 2.90). So Cicero advertises his invective against Piso, which he envisages Roman school boys are memorising as part of their oratorical training (cf. *Q. Fr.* 3.1.11 *cum . . . meam in illum pueri omnes tamquam dictata perdiscant*). In publishing his *In Pisonem*, Cicero is keen to inspire and impress students by emphasising his relationship with Demosthenes. The *In Pisonem* is a reply to an attack made by L. Calpurnius Piso; the two speeches exhibit a striking likeness to the contest between Demosthenes and Aeschines described in the *De Corona* and *Against Ctesiphon*. But not only does our version of the *In Pisonem* further emphasise Cicero’s Demosthenic qualities, the speech also fashions itself as a work of ‘read’ literature; writing replies was a feature of much classical literature. The length of the disseminated version of the invective is also striking, surely much too long to have been delivered in the senate

²²⁵ Cf. Dyck (1998): 221; Steel (2005): 23.

in this form. In this way, the published speech gives the appearance of a text that has been adapted for readers.

In this chapter we shall explore, in new and varied ways, how Cicero makes deliberate and conscious choices to publish versions of his *post reditum* speeches, tailoring his efforts to specific readers and audiences. The results offer us an enhanced view of this formative and precarious moment in Cicero's life, and elaborate his desire to reconstruct the politics of the past (to his advantage) and to shape a legacy for the future.

Crafting an 'exilic narrative'

Foremost, Cicero publishes his *post reditum* speeches to redress a substantial publicity challenge: his exile from Rome. In March 58, P. Clodius Pulcher, tribune of the plebs, introduced a law (the *Lex Clodia de capite ciuis Romani*) threatening exile to anyone who executed a Roman citizen without a trial (*Sest.* 25–6, 53–4).²²⁶ Cicero — having executed members of the Catilinarian conspiracy four years before (without formal trial) — was clearly the intended target of the law. The environment becoming increasingly hostile, and on the advice of friends, Cicero fled Rome secretly for Sicily (*Plut. Cic.* 31.5–6). A further law, *de exsilio Ciceronis*, mentioned Cicero by name and confiscated his property (*Sest.* 64–5; cf. *Att.* 3.2, 4).²²⁷ The psychological impact on Cicero was significant; a letter the orator writes

²²⁶ Cf. Kaster (2006): 395 n. 4. Recall discussion in the previous chapter of the *lex Sempronia*, which Cicero had probably contravened by executing the Catilinarian conspirators, without trial, or an *s.c.u.*

²²⁷ Cf. also *Dom.* 47, 62, 81, 106–16; *Fam.* 14.4.2. Kaster (2006: 396 n.8; also 397 n.9) argues that were this law not passed, Cicero would theoretically have been free to return to Rome whenever he chose. As a result, Clodius promulgates the law immediately after Cicero's departure in late March 58. In Cicero's first letter to Atticus on the way into exile suggests that he had seen a copy of the bill (*Att.* 3.1, c. 22 March (Shackleton Bailey)). Lintott (2013: 180) is sceptical of this view. Cf. also Nisbet (1961a): ix ff.; Shackleton Bailey (1965): 227–32.

to Atticus during his first few months away from Rome (c. April 58) reveals a profoundly affected man:

quod me ad uitam uocas, unum efficis ut a me manus absteineam, alterum non potes ut me non nostri consili uitaeque paeniteat. quid enim est quod me retineat, praesertim si spes ea non est quae nos proficiscentis prosequatur? non faciam ut enumerem miseras omnis in quas incidi per summam iniuriam et scelus non tam inimicorum meorum quam inuidorum, ne et meum maerorem exagitem et te in eundem luctum uocem; hoc adfirmo, neminem umquam tanta calamitate esse adfectum, nemini mortem magis optandum fuisse. cuius oppetendae tempus honestissimum praetermissum est; reliqua tempora sunt non iam ad medicinam sed ad finem doloris. (*Att.* 3.7.2)

Cicero's morose prose describes a broken man with little hope for his future (cf. *Att.*

3.27 (c. February 57) *ex tuis litteris et ex re ipsa nos funditus perisse uideo*).²²⁸

Cicero's exile highlighted for him the inherent instability, ambiguity, and danger posed by his consulate, his crowning glory, which had ironically precipitated his greatest personal and political disaster. In an anguished letter to his brother from exile in Thessalonica in June of 58, Cicero wrote: *meus ille laudatus consulatus mihi te, liberos, patriam, fortunas, tibi uelim ne quid eripuerit praeter unum me* (*Q. Fr.* 1.3.1).²²⁹

Overcoming the negative connotations associated with exile — the potentially irrecoverable humiliation, and the charge that departure from Rome signalled some sort of misbehaviour, and even cowardice — was a significant publicity challenge (cf. e.g. *Att.* 3.7.2, above). As James May notes, 'to acquire *auctoritas*, as well as *gratia*, *gloria*, *existimatio*, and *dignitas*, a Roman had to

²²⁸ *Att.* 3.27, the last of the extant letters from Cicero's exile, was written when Clodius and his allies blocked passage of a law for the orator's recall in the assembly on 23 January 57. Q. Cicero, the orator's brother, nearly lost his life in the rioting. Cf. esp. Hutchinson (1998) on Cicero's letters from exile and the strategies deployed in them to win sympathy.

²²⁹ On exile, its effects, and useful prosopography of Roman exiles, cf. generally Kelly (2006).

prove, by means of his own actions or his ancestors', that his ethos deserved to be respected.'²³⁰ As a result, the speeches from this period are often as much *apologiae* on behalf of Cicero as political deliberations or defences of clients. Faced with doubt and anxiety about his own status in the state, Cicero consciously and very skilfully develops a network of recurring themes calculated to justify his own actions and portray his character in the most favourable terms.

Cicero's return from exile is the foundation (albeit an unstable one) upon which the orator attempts to rebuild his consular persona of 'saviour of the state' and to enhance his *auctoritas* as part of a wider programme of literary memorialisation (cf. e.g. *Fam.* 5.12.1 *commemoratio posteritatis, spes quaedam immortalitatis*), although he suggests (disingenuously) that his literary activity is without political motivation (*Q. Fr.* 3.5.4 *abduco equidem me ab omni rei publicae cura dedoque litteris*). In particular, as we shall see, he publishes the *post reditum* speeches with a view to crafting an 'exilic narrative', to minimise the negative effects of his exile and place his actions in as positive a light as possible. These aspirations are helpfully revealed in the orator's correspondence. In particular, several letters from the early to mid-50s show a continuing interest in having a *written* record of Cicero's consulship, his role in destabilising the Catilinarian conspiracy, and perhaps most significantly, the period of time between the conspiracy and his return from exile (cf. e.g. *Fam.* 5.12.4 *a principio enim coniurationis usque ad reditum*).²³¹

²³⁰ May (1988): 7.

²³¹ As we canvassed in the previous chapter on the consular speeches, in the afterglow of his consulship Cicero shows great interest in having the year written about. Cicero's search for a poet to compose verses on the theme is supposed to have motivated his (successful? cf. Alexander (1990: 115)) defence of the relatively unknown poet A. Licinius Archias in 62. The orator sought from

The most significant of these letters is one written to the historian L. Lucceius in April 55 (*Fam.* 5.12). Cicero writes to Lucceius in the hope that the historian might compose a work on the orator's exile and return.²³² Although the letter is addressed to Lucceius, it speaks more broadly to Cicero's motivations for a literary record of his consulship, exile, and return. As we shall see, this letter helps us to decode the disseminated versions of Cicero's *post reditum* speeches: the conscious ways in which the orator adapts his oratory into written texts for readers. We learn that the orator seeks *laus* (§2), and contemporary accolades (§9 *gloriola nostra*), as well as to be commemorated by posterity (§1 *commemoratio posteritatis*) with a hope of 'immortality' (§1 *spes quaedam immortalitatis*). However, the letter makes plain that Cicero is most interested in his contemporary readers and in promulgating a written narrative of his exile and return; his consulship has already been written about extensively (much of it by Cicero himself, as we saw in the previous chapter).²³³ The importance on Cicero's own

Archias a laudatory poem of the sort the poet had composed for other Roman statesmen such as Marius and Lucullus (*Arch.* 28, 31). However, it would appear Archias did not accept the brief (cf. *Att.* 1.16.15 (July 61): *Archias nihil de me scripserit*). Undeterred, in 60, Cicero expresses similar concerns to Atticus, to whom he sends a corpus of consular speeches as a record of the year and his achievements (cf. *Att.* 2.1.3, and chapter three of this thesis). On the *Pro Archia*, cf. esp. Dugan (2001), and on Cicero as a model to be fully realised and exploited in the Augustan age; also, Narducci (1997): 3–18, on Cicero's use of text (philosophical, rhetorical, and oratorical), with particular focus on the *Pro Archia*, to shape the nature of political discourse.

²³² This was not such a bold request. There is evidence in Cicero's correspondence of others seeking out (Cicero's) praise in the same way that the orator does with Lucceius. Cf. letters from Lentulus (*Fam.* 12.14.6f., which includes a list of his accomplishments) and Trebonius (*Fam.* 12.16). *Att.* 2.1.2 shows Cicero seeking a similar work from the Greek historian, Posidonius (to no avail). Riggsby (2008: 267ff.) suggests that by getting others to write about him, and particularly in Greek (a 'foreign' language), and with foreign distribution and re-authoring, he would avoid a number of the ethical difficulties associated with 'autobiography' and mitigate other potential criticism.

²³³ Cf. the discussion in the previous chapter on Cicero's construction of a 'consular narrative' through his own speeches and other writings. Cicero's extensive programme of writing about his own consulship begins with an elaborate letter to Pompey, which is now lost but which seems to have resembled a sort of 'mini-treatise', which described and glorified his actions as consul (cf. *Sul.* 67; *Planc.* 85 with Schol. Bob. ad loc. (167.23–30 Stangl). *Fam.* 5.7 (Cicero to Pompey, April 62) seems to be a response to Pompey's apparently less than enthusiastic reception of Cicero's letter. Later (c. 61?), Cicero composes a prose 'sketch' (ὑπόμνημα) in Greek on his consulship (cf. *Att.*

efforts is assiduously emphasised. Cicero repeatedly emphasises his personal stake in the events he wishes written about (e.g. §1 *nomen; res nostras; ciuilem coniurationem . . . causam illam totam et tempus; uno in argumento unaque in persona*). Moreover, there is an urgency and desperation to Cicero's appeal (e.g. §1 *festinationi meae, quam celerrime, ad properationem meam*, §2 *statim*, §9 *festinatio*), reinforcing its (immediate) importance for the orator.²³⁴ In this way, the letter to Luceius shows Cicero's desire for a favourable 'retelling' of his exile and return to be deployed as vehicle to launch his return to apex of political life in Rome (*contra Q. Fr.* 3.5.4, above).

But despite Cicero's best efforts, there is no evidence that Luceius ever acceded to the orator's request (cf. *Att.* 4.9.2).²³⁵ Instead, Cicero must embark upon

1.19.10; 1.20.6; 2.1.1), then in 60, an epic poem in Latin, the *De Consulatu Suo*, and in the mid-50s (c. late 56?), the *De Temporibus Suis*, on his exile and return (cf. *Fam.* 1.9.23). *Att.* 1.19.10 suggests Cicero was contemplating a further effort in Latin, but there is no evidence this ever came to fruition. Further helpful discussion may be found in Volk (2013): 94ff. For further consideration of Cicero's recording of his consulship, cf. Steel (2005): 49–63; more generally on Ciceronian self-presentation (or 'self-fashioning') across his oeuvre, cf. Dugan (2001): 35 n.1, with bibliography (esp. Greenblatt (1980); Dugan (2005) (on Cicero's rhetorical works); Kurczyk (2006), with discussion of *De Consulatu Suo* at 76–103. On the *De Temporibus Suis*, see further the discussion below. One is perhaps obliquely reminded of Kenneth Grahame's Mr Toad and his penchant for self-congratulatory speeches and songs; Toad's triumphant return to Toad Hall famously occasions the composition (but surprising non-delivery) of 'Toad's Last Little Song', a hymn of self-love, excess, and self-indulgence (p. 297, cf. pp. 298–300 in Gauger and Jacques (edd.) (2009)).

²³⁴ We might note how this urgency affects Cicero's publication of the *post reditum* speeches. Unlike the consular speeches, which were unusually disseminated several years following delivery (cf. esp. *Att.* 2.1.3), there is no evidence to suggest the same was true for the *post reditum* orations. Indeed, speed of publication of the speeches was highly desirable given the immediate need to counteract the negative connotations of exile and Cicero's persistently-vocal detractors (Clodius most prominent among them). Moreover, references in letters to Atticus (*Att.* 4.1, 4.2) to the *Red. Sen.*, *Red. Pop.*, and *Dom.* in the days and weeks following delivery of the speeches strongly suggests that the circulation of the orations was almost immediate. On Cicero's publication strategies more generally, cf. e.g. Settle (1962): 1–67 (esp. 44–5), 170–203, 218–22 (on the *post reditum* speeches); Berry (1996): 58; Frazel (2004): 133.

²³⁵ Cicero's correspondence with Atticus suggests that others were aware of Cicero's literary aspirations, and even of the letter to Luceius: *epistulam Luceio quam misi, qua meas res ut scribat rogo, fac ut ab eo sumas (ualde bella est) eumque ut approperet adhorteris et quod mihi se ita facturum rescipsit agas gratias* (*Att.* 4.6.4). Cf. Shackleton Bailey (1977): 318. Hall (1998) suggests that Cicero's pride in the letter (viz. *ualde bella est*) is as much because of the subtlety of the delicate request it makes as it is on account of its stylistic finish.

the precarious task of writing his ‘exilic narrative’ *himself*, as he speculates he might:

quod si a te non impetro, hoc est, si quae te res impedi-erit (neque enim fas esse arbitror quicquam me ro-gantem abs te non impetrare), cogar fortasse facere quod non nulli saepe reprehendunt: scribam ipse de me, multorum tamen exemplo et clarorum uirorum. (*Fam.* 5.12.8)

Cicero’s self-fashioned ‘exilic narrative’ finds expression in a range of the orator’s literary works from the *post reditum* period, not only the speeches. Significant among these is the *De Temporibus Suis*, an epic poem specifically directed to promulgating the orator’s ‘exilic narrative’ to his political and social advantage. As was noted at the outset of this discussion, Cicero’s contemporaneous composition of the *De Temporibus Suis* shows the context in which the written speeches of the period are circulating. In contrast to the *De Consulatu Suo*, an epic written in 60 and which (self-evidently) sought to defend and glorify Cicero’s actions as consul in suppressing the Catilinarian conspiracy, the *De Temporibus Suis* (written c. 56?) focuses attention on his ‘triumphant’ return to Rome after the misery of exile.²³⁶

²³⁶ Harrison (1990: 456ff.) catalogues the references to the *De Temporibus Suis* made by Cicero himself (*Fam.* 5.12.8, 1.9.23; *Q. Fr.* 2.16.5, 2.7.1, 3.1.24). Perhaps one might add *Att.* 4.8a.3 (November 56; *de poëmate quod quaeris, quid si cupiat effugere? quid? sinam?*), which surely cannot refer to the *De Consulatu Suo*, which was written (and published), four years earlier. This suggests, too, that the *De Temporibus Suis* is as-yet unpublished in late 56 (which is consistent with Cicero’s remarks in *Fam.* 5.12.8, etc.). However, Harrison’s contention that the poem is composed in 55-54 seems to me a little too late (*Att.* 4.8a.3, *inter alia*, suggests it was in formation as early as 56). However, he is certainly right to question the reliability of other supposed references to the poem in post-Ciceronian writers, many of which he convincingly shows to refer to the *De Consulatu Suo* (Pseud.-Sal. *Invec. in. Cic.* 2.3, 4.7 (?*De Consulatu Suo*); Quint. *Inst.* 11.1.23-4 (?*De Consulatu Suo*)). It is most probable that (at best) the *De Temporibus Suis* saw a small circulation (if it were published at all; cf. esp. *Att.* 4.8a.3 (above); also Shackleton-Bailey (1971): 91, and Rawson (1975): 145), but Caesar had read the work (*Q. Fr.* 2.16.5, and was less than impressed: he describes Cicero’s verses as ῥαθυμότερα). Dugan (2001: 71) notes how in the *Pro Plancio* Cicero pointedly refuses to quote from the *De Temporibus Suis*, saying that to do so was not in accordance with the practice of the courts: *nolo cetera, quae a me mandata sunt litteris, recitare: praetermitto, ne aut proferre uidear ad tempus, aut eo genere uti litterarum, quod meis studiis aptius quam consuetudini iudiciorum esse uideatur* (*Planc.* 74). Cf. Courtney (1993): 173f. However, this is largely peripheral to our broader argument — that Cicero was keenly interested in writing about his exile and return (in the absence of others taking on the task; cf. the above discussion). On the *De Consulatu Suo* (and its generic inventiveness), cf. Volk (2013), esp. 99–110. See also Courtney (1993): 156, who contends

Although it remains uncertain whether the *De Temporibus Suis* saw a wide dissemination (if any) — and no fragments of the poem survive — the very fact of its composition is significant and shows that Cicero is keenly interested in having a favourable account of his exile and return disseminated. Moreover, as Volk writes, ‘in the three years 62 through 60, we find the author composing a number of texts on the topic [of his consulship] and hatching various schemes to have others write as well. What exact genre such a treatment was going to take, and in what language it was going to be written, seem to have been only secondary considerations.’²³⁷ The same would seem true of Cicero’s subsequent literary treatment of his exile and return in the 50s.

But, as is evident from Cicero’s apparent reticence to undertake the task, and the various reassurances he offers others, writing about oneself was an inherently risky business. The lukewarm response to the *De Temporibus Suis*, and its limited dissemination (if at all) beyond Cicero’s immediate circle of friends and relatives, point to the great challenges of writing about oneself. In particular, the issue of reliability and credibility for readers looms large. This is, of course, a potential weakness of all autobiographical texts, not just those from antiquity.²³⁸ Cicero

that Cicero called his poem the *Consulatus Suus* and not, as is generally supposed, the *De Consulatu Suo*. On Cicero’s poetry, and its reception, cf. e.g. *Off.* 1.77 *illud autem optimum est, in quod inuadi solere ab improbis et inuidis audio: ‘cedant arma togae, concedat laurea laudi.’*

²³⁷ Volk (2013): 94. Moreover, Cicero’s remarks to Atticus in February 61 (*Att.* 1.14.4) indicate that the orator was in the regular habit of speaking and writing enthusiastically about his consular achievements in 63. Cf. the discussion on crafting a ‘consular narrative’ in the previous chapter on the consular speeches.

²³⁸ For convenience, I use the term ‘autobiography’ to describe these self-reflexive texts. However, there are no Latin discussions of autobiography as a literary genre, only texts which discuss narrating some or all of one’s own life as a social/political practice (cf. esp. *Fam.* 5.12.8, *Tac. Agr.* 1). Of course, there are many texts with some autobiographical function. Lyric poetry, for example, is largely a series of first-person fragments (which were not so readily read as fiction as they are today). Caesar’s *commentarii* on his own military campaigns in Gaul and then during the Civil War gave rise to his autobiographical *Gallie Wars* and *Civil War*. Cf. the excellent discussion on Caesar and his *commentarii* in Riggsby (2006): 133–55; also Flower (2015). In the *Brutus*, Cicero

frames autobiography the lack of *uerecundia* (cf. *Fam.* 5.12.8): a concern to maintain the proper balance in observing the interests and face between the parties to any social transaction, especially as viewed in terms of their respective statuses (cf. *Tac. Agr.* 1).²³⁹ Moreover, the narrative may offer a selective, favourable presentation of events. Perhaps it may be in ignorance of the laws of history (*Fam.* 5.12.3 *leges historiae neglegas*), even untruthful (*Fam.* 5.12.3 *concedet ueritas largiare*).

Oratory as autobiography presented additional challenges. *Prima facie*, oratory (especially forensic oratory) would not seem an appropriate genre for such material: the orator must ‘speak’ *ad causam* not *per se*. However, the rhetorical handbooks indicate that in crafting his speech, an orator was to be guided by an assessment of appropriateness to the oratorical occasion (cf. *Orat.* 70, 74 *ut enim in uita sic in oratione nihil est difficilius quam quid deceat uidere. πρέπον appellant hoc Graeci, nos dicamus sane decorum . . . decere quasi aptum esse consentaneumque tempori et personae*; cf. §§70–4 more generally). Yet these rhetorical discussions of *decorum* principally relate to the *officia oratoris* and to the first, delivered versions of orations. With the subsequent written version of a speech, and with the benefit of time and space removed from the occasion of its

catalogues other examples of Latin autobiographical texts: M. Aemilius Scaurus’ (cos. 115) three-book *De Vita Sua* (*Brut.* 112), P. Rutilius Rufus’ (cos. 105) five-book *De Vita Sua* (*Brut.* 112), and Q. Lutatius Catulus’ (cos. 102) *Liber De Consulatu et De Rebus Gestis* (*Brut.* 132). L. Cornelius Sulla is also known to have written a twenty two-book memoir (cf. esp. *Plut. Sul.* 37, *Suet. Gramm. Rhet.* 12.1–2). For extant frags. of these works, cf. *HRR* 1.185–194 (Scaurus, Rufus, Catulus), 195–204 (Sulla = *Gell.* 1.12.16, 20.6.3; *Prisc. Inst.* 9). See further, e.g., Pelling (2009). Sulla’s memoirs were especially influential for later writers, esp. Velleius Paterculus, Plutarch, and Appian, who allegedly read and appropriated many of Sulla’s autobiographical techniques in their own narration of events from the Social War, Mithridatic War, or Civil War: cf. Smith (2009): 79, with bibliography, and Tatum (2011): 163 n.10, with bibliography. On ancient ‘autobiography’ generally, cf. Misch (1950), Riggsby (2008), Too (2008): 4, nn. 10–11, and Gray in Marasco (2011), with the discussion below.

²³⁹ On *uerecundia* and the art of social worry, cf. esp. Kaster (2005): 13–27, 61–5.

original delivery, a more compelling case can be made for the latter version of a speech taking a somewhat liberal adherence to rhetorical prescription (cf. e.g. Isocr. 15.10 (*Antidosis*)). In any case, the Latin rhetorical conception of *decorum* was somewhat ambiguous (=πρέπον, perhaps with a degree of Gorgian καιρός?: ‘fitting’ and ‘timely’), and in the written versions of speeches we see how the complexity of the relationship between an oratorical occasion (or its literary reimagining) and an orator could legitimise a variety of rhetorical strategies.²⁴⁰ Specifically, writing (or ‘speaking’) about oneself could be a viable course of action. For Quintilian (relying on Cicero, *inter alios?* (*sed ego cum auctoritate summorum oratorum magis ducor*)), speaking about oneself was acceptable provided the oratorical occasion allowed it: *tum pertinere ad causam puto quidquid ad dicentem pertinet, cum sit naturale ut iudices iis quos libentius audiunt etiam facilius credant* (*Inst.* 4.1.12; cf. Cels. *Rhet.* fr. 8 Marx). Indeed, as Kurczyk observes, a few of Cicero’s Roman contemporaries seem to have employed (successful) rhetorical strategies involving self-advertisement.²⁴¹ In particular, Quintilian identifies two orators, Messala Corvinus and Asinius Pollio, these much younger than Cicero, who each spoke (and wrote?) about themselves in their speeches (or at least, in the *exordia* (e.g. *S. Rosc.* 1–5); cf. *Inst.* 4.1.6–12).²⁴² But, of course, certain conditions needed to be met for such a strategy to be justifiable, and to mitigate potential criticism. The orator was not simply able to fly in the face of all rhetorical expectation and prescription.

²⁴⁰ Cf. esp. Too (2008): 100–1 on the ἀκαρία of written discourse, with bibliography.

²⁴¹ Kurczyk (2006): 122.

²⁴² On Messala’s *exordia*, cf. esp. Tac. *Dial.* 20.1 *quis nunc feret oratorem de infirmitate ualetudinis suae praefantem? qualia sunt fere principia Coruini*; and for Pollio’s speech *Pro Urbiniae Heredibus*, cited by Quintilian at *Inst.* 4.1.11, cf. *ORF*⁴ fr. 174.7.

One important way in which the orator could justify his self-focus was by framing the material as interesting and arresting for his audience and, in the case of written oratory, his readers. Isocrates' fictional defence, the *Antidosis*, presents a good example from the Greek canon.²⁴³ Isocrates' 'speech' sought to address the 'lies' spread about him by his detractors after he lost a prior, historical liturgy trial.²⁴⁴ The *Antidosis* offers a defence of Isocrates' life, character, and work, which he justifies as a strategy — albeit it unconventional (esp. Isocr. 15.1, 179) — to gain the attention and favour of his audience (of readers) (cf. e.g. *Sul.* 15–35).²⁴⁵ Moreover, Isocrates explicitly states that he composes his *Antidosis* to give readers an image of his disposition and the other aspects of the life he had lived (15.6–7):

(6) ἡσθημένος δ' ὥσπερ εἶπον πλείους ὄντας ὧν ὥοιμην τοὺς οὐκ ὀρθῶς περὶ μου γινώσκοντας, ἐνεθυμούμην πῶς ἂν δηλώσαιμι καὶ τούτοις καὶ τοῖς ἐπιγιγνομένοις καὶ τὸν τρόπον ὃν ἔχω καὶ τὸν βίον ὃν ζῶ καὶ τὴν παιδείαν περὶ ἣν διατρίβω, καὶ μὴ περιίδοιμι περὶ τῶν τοιούτων ἄκριτον ἔμμαντον ὄντα, μηδ' ἐπὶ τοῖς βλασφημεῖν εἰθισμένοις ὥσπερ νῦν γενόμενον. (7) σκοπούμενος οὖν εὗρισκον οὐδαμῶς ἂν ἄλλως τοῦτο διαπραξόμενος, πλὴν εἰ γραφείη λόγος ὥσπερ εἰκὼν τῆς ἐμῆς διανοίας καὶ τῶν ἄλλων τῶν ἐμοὶ βεβιωμένων· διὰ τούτου γὰρ ἤλπιζον καὶ τὰ περὶ ἐμὲ μάλιστα γνωσθήσεσθαι, καὶ τὸν αὐτὸν τοῦτον μνημεῖόν μου καταλειφθήσεσθαι πολὺ κάλλιον τῶν χαλκῶν ἀναθημάτων.²⁴⁶

In this way, Isocrates marks out his 'speech' as a text explicitly catering for readers, and one that will help to promulgate his own version of his life and achievements, and to rebut personal attacks against him. The description of his speech as an 'image' (§7 εἰκὼν) — a visual term to describe a literary image (cf. §6 δηλώσαιμι,

²⁴³ On the 'fictional status' of the speech, and its controversy, cf. esp. Too (2008): 2–4, with literature. Isocrates was no doubt an important model for Cicero; cf. esp. *Brut.* 32–4.

²⁴⁴ For background to the speech, cf. Too (2008), esp. 4–8.

²⁴⁵ See 15.1, where Isocrates' choice of ἀναγνωσθήσεσθαι acknowledges that the speech was a literary composition, which was to be read as though it were a legal defence. Cf. §59 ἀνάγωθι, §65 ἀνάγωθι, §67 ἀκηκόατε, §72 ἀνάγωθι; also Isocr. 5.1.

²⁴⁶ Cf. Hor. *Carm.* 3.30.1–5 *exegi monumentum aere perennius | regalique situ pyramidum altius, | quod non imber edax, non Aquilo impotens | possit diruere aut innumerabilis | annorum series et fuga temporum.*

with *LSJ*) — is striking, and draws attention to the fact that the orator is constructing the text as a vehicle for self-representation.²⁴⁷ The orator's self-produced image is generated in response to, and against the background of, a particular social and political environment. This affected the very composition of the written version of a speech in numerous ways.²⁴⁸ In Cicero's case, following a humiliating exile and fall from grace, his speeches were disseminated in an attempt to perpetuate a narrative to restore and reinvent his image. Oratory was, after all, one of the primary vehicles of social and political advancement, not least for *nouī homines* like Cicero, whose *auctoritas* relied less on the importance of his ancestors, but rather his own achievements.²⁴⁹

Cicero offers similar justifications at *Fam.* 5.12.4–5: he is confident that the subject of his exile and return will be of great interest to readers. The orator argues that learning more about his misfortunes will arrest the reader's attention: *nihil est*

²⁴⁷ One is perhaps reminded of the words which Tacitus (at *Ann.* 15.62.2) puts into Seneca's mouth before his suicide: *imaginem uitae suae*. This section (Isocr. 15.7) evokes the language of visual art, although Isocrates establishes the superiority of *literary* art. Too (2008, ad loc.) points out that *eikōn* was often used to denote a statue (cf. e.g. Herod. 2.130.1; 2.143.3). For the analogy between visual and verbal art in ancient Greece, see Harriott (1969): 92–104. Self-representation, more generally, was a feature of many Attic speeches. Cf. e.g. Lys. 16.9 ἐν δὲ ταῖς δοκιμασίαις δίκαιον εἶναι παντὸς τοῦ βίου λόγον διδόναι; Lys. 24.1 τοῦ βίου λόγον; and esp. Dem. 18, with discussion below. See further Too (2008): 8–11.

²⁴⁸ Indeed, many Greek orators composed written versions of speeches adapted for reading audiences (e.g. Antiph. *Tetr.*; Lys. 14, 15; Dem. 18, and perhaps 21); cf. Too (1995): 81. In the case of the *Antidosis*, an explicitly fictional legal speech (§1 ἐν ἀπολογίᾳ σχήματι), Isocrates claims originality and distinctiveness; such claims of 'newness' and originality were somewhat conventional in Attic oratory (and indeed in much Latin oratory, especially Cicero) but nonetheless marked out how the orator must handle otherwise familiar themes, material, and literary forms in a new fashion — 'making old things new' — recognising the need to present the material as targeted to new reading audiences.

²⁴⁹ On the hinderance of *nouitas* and the importance of political office to the *nouus homo*'s *auctoritas*, cf. *Comm. Pet.* 13 *quoniam quae subsidia nouitatis haberes et habere posses exposui, nunc de magnitudine petitionis dicendum uidetur. consulatum petis, quo honore nemo est quin te dignum arbitretur, sed multi qui inuideant; petis enim homo ex equestri loco summum locum ciuitatis, atque ita summum forti homini, diserto, innocenti multo idem ille honos plus amplitudinis quam ceteris adferat*. On oratory and careers, cf. Steel (2016), van der Blom (2016); on new men, cf. esp. Wiseman (1971).

enim aptius ad delectationem lectoris quam temporum uarietates fortunaeque uicissitudines . . . in legendo tamen erunt iucundae (Fam. 5.12.4). The reference here to *delectatio* is particularly striking. Securing a sympathetic response from his readers was a part of a formula for ensuring the lasting impact of the text and its author. So, in an earlier letter to Atticus (October 57), Cicero emphasises the emotive force of his *De Domo Sua*, perhaps in an attempt to highlight his connection with Demosthenes (Att. 4.2.2 *tum profecto dolor et <rei> magnitudo uim quandam nobis dicendi dedit*).²⁵⁰ Moreover, Cicero cites the case of Themistocles' exile and return, which the orator claims awakened the enthusiasm of readers on account of its subject matter (§5 *cuius studium in legendo non erectum Themistocli fuga redituque retinetur?*).²⁵¹

Cicero's frequent claims that his exilic narrative is interesting for readers are perhaps suggestive that in publishing his *post reditum* speeches he is meeting (or

²⁵⁰ Cf. *De Or.* 1.260 . . . *imiteturque illum, cui sine dubio summa uis dicendi conceditur, Atheniensem Demosthenem, in quo tantum studium fuisse tantusque labor dicitur, ut primum impedimenta naturae diligentia industriaque superaret* . . . For more on the connection with Demosthenes see chapter three and the discussion below on the *In Pisonem*. For further discussion of Att. 4.2.2 and *Dom.*, see below.

²⁵¹ Although, perhaps Themistocles was not the best model. His exile and 'return' was somewhat different from Cicero's; after being exiled in 470, he defected to Persia and became governor of Magnesia where he died in 450 without ever returning to his homeland (although Aristotle falsely claimed that Themistocles returned and was in Athens in 462-461 (*Ath. Pol.* 25)). But Fam. 5.12.7 lists further examples of Greek texts and artworks, which celebrate the lives and achievements of influential individuals, and which might serve as models for Lucceius. Cicero's reference (at Fam. 5.12.5) to 'enthusiasm in reading' (*studium in legendo*) recalls how the *studia* of his readers (especially the young ones) spurred him to publish his consular speeches (cf. Att. 2.1.3 *oratiunculas autem et quas postulas et plures etiam mittam, quoniam quidem ea quae nos scribimus adolescentulorum studiis excitati te etiam delectant*). Arresting the attention and arousing the enthusiasm of readers is, of course, a goal of any author, not just historians. In his *De Inuentione*, Cicero specifically discusses attention and oratory: *attentos autem faciemus, si demonstrabimus ea, quae dicturi erimus, magna, noua, incredibilia esse, aut ad omnes aut ad eos, qui audient, aut ad aliquos inlustres homines aut ad deos immortales aut ad summam rem publicam pertinere* (1.23). Cf. the *Partitione Oratoria*, in which Cicero restates the three aims for the *exordium* (§28), and argues that the audience's attention is secured by presenting material that is *magna, necessaria*, or *coniuncta cum ipsis* (§30). On the *studia* of Cicero's young readers, cf. esp. chapter three and the discussion on Att. 2.1.3 therein. On staging returns, cf. esp. Luke (2014). Cf. e.g. Andoc. 1.80 on the laws and practices associated with the restoration of exiles in Athens.

inducing?) a demand for the material. Recalling his comments on the publication of his consular speeches — as a σῶμα requested by Atticus (cf. *Att.* 2.1.3 *quas postulas*) — Cicero claims he disseminates his *post reditum* speeches to an interested readership, albeit perhaps with more haste (cf. *Fam.* 5.12.1 *festinationi meae, quam celerrime*, etc.) and more artistic licence (cf. *Fam.* 5.12.3 *concedet ueritas largiare*) than previously. Naturally, it was quite regular to write about things that others wished to read (recall Plin. *Ep.* 6.16.1, discussed at p. 100, n. 210 above); of course, there are numerous examples, both ancient and modern, of texts which have seen a paucity of willing or interested readers. Similar reasoning no doubt informed Cicero's eagerness to write about his exile and return, perhaps in the hope that it might supply an historian such as Luceius with material for a future work on his life and achievements.²⁵² Indeed, Cicero had previously (unsuccessfully) attempted the same with his own writings on his consulship. In 60, Cicero writes how he had sent a Greek prose account of his consulship to, among others, the historian Posidonius, in the express hope that the Greek author would use it as the source of a longer historiographical work — but to no avail (*Att.* 2.1.2 *quamquam ad me rescripsit iam Rhodo Posidonius se, nostrum illud ὑπόμνημα <cum> legere<t>, quod ego ad eum ut ornatiushabere<t> de isdem rebus scriberet miseram, non modo non excitatum esse ad scribendum sed etiam plane deterritum*; cf. *Att.*

²⁵² Julius Caesar's *commentarii* present the classic example; cf. Riggsby (2006): 133–55; Flower (2015). For example, Suetonius (*Jul.* 56) claims that Cicero's *Brutus* (at §262) used material from Caesar's *commentarii*: *de commentariis Caesaris Cicero in eodem Bruto sic refert: commentarios scripsit ualde quidem probandos; nudi sunt, recti et uenusti, omni ornatu orationis tamquam ueste detracta; sed dum uoluit alios habere parata, unde sumerent qui uellent scribere historiam, ineptis gratum fortasse fecit, qui illa uolent calamistris inurere, sanos quidem homines a scribendo deterruit.*

1.19.10, 1.20.6, 2.1.1).²⁵³ Instead, Atticus himself attempted a short Greek narrative of his friend's achievements (*Att.* 2.1.1; cf. *Nep. Att.* 18.6), which Cicero described as *horridula . . . atque incompta* while still claiming to have read it with pleasure (*Att.* 2.1.1 *legi enim libenter*). In another letter to Atticus, penned the moment Cicero returned to Rome (4 September 57), Cicero gives a full account of his exile and return because he feels his correspondent will enjoy reading about it: *nunc . . . ea scribam breui quae te puto potissimum ex meis litteris uelle cognoscere* (*Att.* 4.1.4).²⁵⁴ In addition, a letter to P. Cornelius Lentulus Spinther in December 54 suggests demand for the Cicero's speeches and other writings: *quod rogas ut mea tibi scripta mittam quae post discessum tuum scripserim, sunt orationes quaedam, quas Menocrito dabo, neque ita multae, ne pertimescas* (*Fam.* 1.9.23). It is uncertain which *orationes* Cicero refers to here; there are twelve extant from the period of return from exile and the delivery of the *Pro Scauro* in late 54. But nevertheless this would seem to confirm Cicero's claims that his exilic narrative was of interest to others.²⁵⁵ As we have observed at each stage of this inquiry, the allure of perpetuating and memorialising his achievements was a constant aspiration for this orator.

²⁵³ Volk (2013: 95, n.11) suggests that Cicero may have been less than serious in his attempts to have Posidonius write more extensively on the orator's consulship. 'The humble genre of the ὑπόμνημα/*commentarius* liked to present itself as a rough source for more literary treatment, but this may have been little more than a convention; what Cicero was really after may simply have been Posidonius' praise and approval'. Cf. Pelling (2009): 43 on 'that distinctive *commentarii*-pretence', and (2006): 17, specifically on Cicero. But this supposed indifference would seem inconsistent with the orator's other, and sustained, efforts to have the consulship (and later, exile and return) written about (on which, see above).

²⁵⁴ For discussion of *Att.* 4.1 (with *Sest.* 131), see below.

²⁵⁵ On Lentulus (*RE* 238; *MRR* 3.69) and his significance for Cicero's restoration, cf. e.g. *Red. Sen.* 5, 8–9, 24–8 (cited by Cicero at *Fam.* 1.9.4); *Red. Pop.* 11, 15, 18; *Dom.* 7, 9, 30, 70; *Har. Resp.* 13; *Sest.* 70; *Pis.* 80; *Mil.* 39; with discussion below. Lentulus also featured significantly in Cicero's *De Temporibus Suis* (*Fam.* 1.9.23).

Another important justification for inclusion of autobiographical material in a speech was as a necessary response to the tactics of an opponent. Often, a defence speech might compel the orator to undertake not only a defence of his client (if there was one), but also an autobiographical defence of his past career. In this way, the *causa* could be intimately connected with the person of the orator. So Cicero rebukes Clodius' criticisms of his speaking habits: *et quoniam hoc reprehendis, quod solere me dicas de me ipso gloriosius praedicare, quis umquam audiuit, cum ego de me nisi coactus ac necessario dicerem?* (*Dom.* 93). Demosthenes' *De Corona* — a speech much admired by Cicero (cf. e.g. *Orat.* 26 *in illa pro Ctesiphonte oratione longe optima*) — offers a particularly good example of the strategy of speaking about oneself in response to the tactics of one's opponent.²⁵⁶ Although Demosthenes argues that talking about oneself is ordinarily unacceptable, he does so in this speech out of necessity, compelled by the tactics and posturing of his rival, Aeschines (cf. 18.3–4, 34).²⁵⁷ Specifically, as Gray observes, the orator (and autobiographer) 'needs to manufacture a crisis of victimization in order to allay the envy that comes naturally to strangers in order to restore the balance of his relations with the potentially envious audience. Friends might tolerate self-praise, but not strangers.'²⁵⁸ In this way, Demosthenes takes advantage of his self-

²⁵⁶ On the *De Corona* and Cicero's admiration/imitation cf. also *Att.* 2.1.3, with *Plut. Cic.* 24.6 and the extended discussion in the third chapter.

²⁵⁷ As Yunis (2001: 108) observes, 'praising himself is necessary to justify the crown, and to do it without offending the audience becomes a central rhetorical problem of the speech, as Aeschines (3.241) foresaw'. At 18.4, Demosthenes begins to mitigate the problem before it arises: he alerts the audience to the coming unpleasantness, which the speaker will do his best to minimise (ὥς μετριώτατα), reveals why circumstances have made self-praise inevitable (ἀναγκασθήσομαι), and shifts the blame onto Aeschines (τοῦτου τὴν αἰτίαν).

²⁵⁸ Gray (2011): 16. So Plutarch, in his work *De Se Ipsum Citra Invidiam Laudando*, prescribes that self-praise is only acceptable where one is defending oneself, where one has been unfortunate or wrongfully treated (cf. *Moral.* 539 a ff.). The very term for self-praise, *περιαντολογία* (*Plut. Moral.* 539 e), comes from the softened expression 'to speak about myself' that Demosthenes uses in *De Corona* (§§4 and 321); and it is probable that the whole topic was suggested to the rhetoricians by

diagnosed position of vulnerability to give coverage to his whole life and public achievements (cf. 18.8 μέλλων δὲ τοῦ τ' ἰδίου βίου παντός, ὥς ἔοικε, λόγον διδόναι τήμερον καὶ τῶν κοινῇ πεπολιτευμένων). Likewise, Cicero takes a similar approach and exploits his rivalries with Clodius, Piso, and others, to legitimise his self-fashioning strategies in the *post reditum* speeches.

In his letter to Luceius, Cicero suggests that his ‘exilic narrative’ should balance self-praise with attacks on his enemies (*Fam.* 5.12.4 *multorum in nos perfidiam, insidias, prodicionem notabis*). This balancing act of praise and blame was, of course, the essence of ancient invective.²⁵⁹ In the *In Pisonem*, for example, Cicero takes advantage of the uncertain generic status of ‘invective’ to use his speech to discredit Piso, and to attempt to restore his own reputation at the expense of Piso’s; Piso becomes a sort of ‘anti-Cicero’.²⁶⁰ As Nisbet, *inter alios*, has recognised, the *In Pisonem* is a text concerned with appearance and representation, or perhaps more accurately, ‘misrepresentation’.²⁶¹ Of course, one of Cicero’s primary motivations for drafting his own ‘exilic narrative’ was in order to reassert his political authority in Rome. Taking down opponents, particularly those responsible for his exile, served both aspirations.

that oration. Cf. esp. *Rhet. Alex.* 1442a.8–14 τοὺς μὲν γὰρ μήτε εὖ μήτε κακῶς διακειμένους αὐτοὺς μὲν συντόμως ἐπαινετέον καὶ τοὺς ἐναντίους κακολογητέον. δεῖ δὲ αὐτοὺς ἐκ τούτων ἐπαινεῖν | ὧν μάλιστα μέτεστι τοῖς ἀκούουσι, λέγω δὲ φιλόπολιν, φιλέταιρον, εὐχάριστον, ἐλεήμονα καὶ τὰ τοιαῦτα, τὸν δ' ἐναντίον κακολογεῖν ἐκ τούτων ἐφ' οἷς οἱ ἀκούοντες ὀργιοῦνται, ταῦτα δ' ἐστὶ μισόπολιν, μισόφιλον, ἀχάριστον, ἀνελεήμονα καὶ τὰ τοιαῦτα.

²⁵⁹ On the role of praise and blame in Roman rhetoric, cf. esp. the invaluable edited volume by Smith and Covino (2011). On ancient invective more generally, see the discussion below.

²⁶⁰ Cf. Dugan (2001): 60ff., esp. 63 ‘Piso, the anti-Cicero’ – p. 69.

²⁶¹ Nisbet (1961a): xvi. Cf. Dugan (2001): 70ff. ‘If the *In Pisonem* could not hope to achieve actual mastery over Cicero’s foes or his own past, the text does nevertheless provide a representation of such an achievement. This act of mimesis appears to have given Cicero the immediate personal satisfaction of causing Piso a slight diminution of prestige while also serving longer-term political ambitions.’

In addition, Cicero argues that some, particularly forensic, speeches will necessitate self-defence because the subject of attack and accusation is intimately connected with the orator himself. So in his defence of Sestius, Cicero's justification for concentrating substantial attention on himself is that the principal charge against his client was his use of armed force during his tribunate to counter opposition to the orator's recall from exile. Cicero thus presents the charges against Sestius as charges against himself: *P. Sestius est reus non suo, sed meo nomine* (*Sest.* 31). Indeed, the *Pro Sestio* is a speech of considerable length (§31 *haec mea oratio tam longa*), which devotes greater attention to Cicero himself than to Sestius (§§15–55, 117–31 concern Cicero's exile and return). The length of the speech, and its substantial digressions, raise questions about whether the speech was expanded for publication. Large portions of the written version appear to serve no immediate purpose within the context of the trial; they provide a political manifesto seemingly angled towards a wider audience of readers, particularly aspiring politicians.²⁶²

But even if the orator could convince his readers that the oratorical situation had demanded a self-focused approach, he still needed to tread carefully (or give the appearance of doing so). So in his *De Corona* Demosthenes promises to take a measured approach, which he claims will appease his audience (18.4 *πειράσομαι μὲν οὖν ὥς μετριώτατα τοῦτο ποιεῖν*). Moreover, Demosthenes placates his audience by mixing praise for himself with praise of the audience: if he were heroic for resisting Philip, so too were the audience, since they adopted his policy and sacrificed to implement it.²⁶³ Likewise, Cicero often offers similar concessions to

²⁶² Cf. Kurczyk (2006): 230–40. For discussion of possible expansion of the speech for publication, cf. Nisbet (1965): 66. Berry (1996): 57; Lintott (2008): 29.

²⁶³ Cf. e.g. Dem. 18.80, 87–8, 199–210 (esp. §206), 304–5, with Yunis (2001): 109, 224, et passim.

mitigate potential criticism for what might be deemed otherwise unacceptable self-aggrandisement.²⁶⁴ In particular, his explicit self-praise is typically referential and collective (cf. e.g. *Red. Pop.* 16).

With all these autobiographical considerations (and risks) in view, a close examination of the *post reditum* speeches shows the different and complimentary ways in which Cicero crafts his ‘exilic narrative’. A survey of the speeches, as we shall see, shows that the narrative is built-up cumulatively; the published speeches complement each other in varied ways, adapted to each oration’s particular context and genus (forensic, deliberative, epideictic). A ‘standard version’ of the narrative emerges, which had probably been conceived during the orator’s absence from Rome (cf. e.g. *Planc.* 74 *de scripto*).²⁶⁵ Common to all these speeches is Cicero’s sustained positive self-presentation articulated through an exilic narrative which is, as has been stated, an attempt to restore his social and political standing in Rome, whilst asserting his superior oratorical credentials.

The narration of Cicero’s exile begins from the very moment of his return to Rome on 4 September 57 with a pair of speeches he gives to the senate and people respectively (the *Post Reditum in Senatu* on 5 September, and the *Post Reditum ad Populum* on 7 September(?); cf. *Att.* 4.1).²⁶⁶ These two speeches were delivered, ostensibly, to fulfil the formal necessity of giving thanks to those who had rendered

²⁶⁴ However, there are some indications that perhaps Cicero’s speeches over-indulged in self-praise. Cf. e.g. *Har. Resp.* 17; *Prov.* 44; *Pis.* 72ff.; *Planc.* 95. Moreover, Plutarch makes the interesting (and unsubstantiated?) claim that Cicero made himself unpopular with excessive self-praise in the *Catilinarians* (*Cic.* 24; also *Cic.* 51.2).

²⁶⁵ Cf. Kaster (2006): 8 n.16.

²⁶⁶ On the different presentations of Cicero’s return in his letters as opposed to the speeches, cf. esp. Ash (2007b): 212–14, with *Pis.* 52 and *Att.* 4.1.5.

mercy for his recall, and to present the orator to the public.²⁶⁷ But, especially in disseminated form, the speeches also seek to negate the orator's 'guilt' by a reinterpretation of his exile, in the hope that it might restore himself and his reputation as much as possible. Moreover, a contemporaneous letter to Atticus, written on the day of Cicero's return to Rome (4 September 57), reveals that the orator is keen to re-establish himself within the social and political milieu of late republican Rome. The orator uses the metaphor of a 'second birth' as the foundation for the narrative: *alterius uitae quoddam initium ordimur* (*Att.* 4.1.8; cf. *Red. Sen.* 27 *illo die quem P. Lentulus mihi . . . natalem constituit*, *Red. Pop.* 5 *a parentibus . . . paruius sum procreatus; a uobis natus sum consularis*; *Sest.* 131, below).²⁶⁸

²⁶⁷ On the publication of the two speeches (particularly the *Post Reditum ad Populum*) cf. esp. Lintott (2013), Walters (2017). There is no reason to suppose that the speeches were delayed in publication after delivery. As was his habit, and as has been discussed elsewhere in this thesis, Cicero circulated speeches intended for publication as soon as possible after delivery, with the prominent exception of the consular speeches (recall *Att.* 2.1.3). Whether the *Red. Pop.* was delivered at all has been the subject of much debate; Walters (2017: 90–5) makes a case for a speech delivered before the *contio* (Lintott (2013): 13 the converse). Certainly we know that the *Red. Sen.* was delivered on the day after Cicero's return (i.e. 5 September 57: *postridie*, *Att.* 4.1.5). Whether, as Walters argues, the *Red. Pop.* was written up and disseminated around Italy before it was even delivered seems doubtful. Incidental evidence that points to an abundance of cheap grain (*Red. Pop.* 18; cf. *Red. Sen.* 34; *Dom.* 14 *subito illo ipso die carissimam annonam necopinata uilitas consecuta est*) and Cicero's claims (at *Red. Pop.* 3) that his recall included the restoration of all his property, which he argues make sense only if we assume that the speech was composed before he arrived at Rome, are unconvincing support for the contention of a pre-delivery circulation. But that Cicero crafted a *commentarius* of the speech is very probable, especially given the fact that the senate version was written up and read out (*Planc.* 74), and that the first moments of his re-entry to Rome were crucial for making a positive impression and beginning his restoration to Roman political and social life.

²⁶⁸ The conception of an exile rebranding and reinventing with a 'second birth' upon return is a favourite of Cicero's: cf. e.g. *Att.* 3.20.1 (October 58) *ad quae recuperanda, per fortunas, incumbe, ut facis, diemque natalem reditus mei cura ut in tuis aedibus amoenissimis agam tecum et cum meis*; *Att.* 6.6.4 (August 50) *propter hanc παλιγγενεσίαν nostram* (*παλιγγενεσίαν* suggests that, whereas between 63 and 58 Cicero's position was such that nothing could enhance it (cf. *Fam.* 3.7.5 *ita et cepi et gessi maxima imperia ut mihi nihil neque ad honorem neque ad gloriam adquirendum putarem*), in 57 he had started, as it were, afresh). Recall, of course, that infamous verse from the *De Consulatu Suo* (=Juv. *Sat.* 10.122): *o fortunatam natam me consule Romam!* Cf. *Flacc.* 102 *o Nonae illae Decembres quae me consule fuistis! quem ego diem uere natalem huius urbis aut certe salutare appellare possum* (cf. also e.g. *Suet. Cal.* 16.4). However, the metaphor is not unique to Cicero. Sallust (*Hist.* 2. fr. 43.3), for example, makes another returned exile describe himself as *bis genitus*. Cf. also Plaut. *Capt.* 891 *iterum natus uideor*; *Bell. Afr.* 90.3 *se eo demum die natos praedicantes*; Liv. 6.1.3 *clariora deinceps certioraque ab secunda origine uelut ab stirpibus laetius feraciusque renatae urbis gesta domi militiaeque exponuntur*, with Oakley (1997: 386, ad loc.), who

Given Cicero's urgency to publish (cf. *Fam.* 5.12.1 etc., above), and the fact that the *Post Reditum in Senatu* was (unusually) read from a script (cf. *Planc.* 74 *recitetur oratio, quae propter rei magnitudinem dicta de scripto est*), the disseminated versions probably look quite similar to the delivered versions.²⁶⁹ But, nonetheless, given that consumers encountered the texts outside the oratorical space of first delivery, and that the two orations deal with essentially the same material, readers were bound to interact with the speeches simultaneously and in new ways from the original audiences. No doubt readers of the speeches would have observed Cicero's sustained efforts to craft a positive, self-enhancing exilic narrative. For example, as the Bobbio Scholiast claimed, Cicero's driving interest in the *Post Reditum ad Populum* was 'to attend to his own reputation' (Schol. Bob. 110.7 *Stangl gloriae suae consulens*).

Together, the two speeches are addressed in the first instance to senators and the people alike; but the disseminated versions sought to reach as wide an audience of readers as possible in order to begin to redress Cicero's great publicity challenge of recovering from the shame and humiliation that regularly attached to exiles. Certainly, in the case of the *Post Reditum ad Populum*, Cicero is thinking not only of those present in the *contio* but the whole *populus Romanus*:

uestros denique honores, quos eramus gradatim singulos adsecuti, nunc a uobis uniuersos habemus, ut quantum antea parentibus, quantum dis immortalibus, quantum uobismet ipsis, tantum hoc tempore uniuersum cuncto populo Romano debeamus. (*Red. Pop.* 5)²⁷⁰

rightly notes that the reasons for the rebirth of Rome in 390 BC are very different from those offered by Cicero. Cf. Weinstock (1971): 188–91.

²⁶⁹ Cicero's rationale for writing up the *Post Reditum in Senatu* before delivery was the *magnitudo* of the subject matter (*Planc.* 74), which again emphasises the importance for the orator of promulgating his own narrative in service to his quest to restore himself to the apex of the Roman political and social pyramid.

²⁷⁰ There is general scholarly consensus that contional speeches (i.e. those delivered in the *contio*) were treated by Roman orators as addressed to audiences symbolically representative of the *populus*

Moreover, as Walters rightly concludes, ‘detached from the uncertainties of delivery, Cicero had constructed in the isolated safety of the page something not easily possible in the packed forum that greeted his immediate return: by cashing in on established conventions he was able to coopt the symbolic support and authority of the entire Roman people’.²⁷¹

Both speeches link Cicero’s effusive displays of gratitude with a positive self-presentation: the ideal foundation upon which to craft a positive narrative of his exile, and to focus attention on his importance for the health of the *res publica*, as its ‘saviour’ (cf. e.g. *Dom.* 26 *ciuis, quem ad modum omnes iam di atque homines iudicarunt, conseruatoris rei publicae*).²⁷² Most strikingly, as May observes, Cicero ‘evaluates the efforts of those who rallied for his return as a recognition and confirmation of *his* actions and *his own* integrity (emphasis added)’.²⁷³ In heaping praise on his supporters, he surreptitiously accords it to himself. A good example is Cicero’s assessment of Lentulus in the speech before the senate:

Romanus as a whole. Kaster (2006: 183) notes the significance of the *contio* as ‘a channel of communication between mass and elite’. For further discussion, cf. e.g. Hölkeskamp (1995); Millar (1998); Morstein-Marx (2004): 121–22; Mouritsen (2013): 68–69, esp. n.28; Walters (2017): 96–7.

²⁷¹ Walters (2017): 96.

²⁷² Cicero had, after all, been granted the auspicious title of *parens patriae* by a *senatus consultum* for his commanding role in thwarting the Catilinarian conspiracy (cf. *Pis.* 6; *Phil.* 2.12). He was probably the first Roman to receive the title officially (Plin. *Nat.* 7.117). Cf. Juv. 8.243f. *sed Roma parentem, Roma patrem patriae Ciceronem libera dixit*.

²⁷³ May (1988): 214.

qui mihi primus adflicto et iacenti consularem fidem dextramque porrexit: qui me a morte ad uitam, a desperatione ad spem, ab exitio ad salutem reuocauit: qui tanto amore in me, studio in rem publicam fuit, ut excogitaret quem ad modum calamitatem meam non modo leuaret, sed etiam honestaret. quid enim magnificentius, quid praeclarius mihi accidere potuit, quam quod illo referente uos decreuistis, ut cuncti ex omni Italia, qui rem publicam saluam uellent, ad me unum, hominem fractum et prope dissipatum, restituendum et defendendum uenirent? ut qua uoce ter omnino post Romam conditam consul usus esset pro uniuersa re publica apud eos solum, qui eius uocem exaudire possent, eadem uoce senatus omnes ex omnibus agris atque oppidis ciues totamque Italiam ad unius salutem defendendam excitaret? (*Red. Sen.* 24)

Cicero's praise for Lentulus for his salvation presents a striking image for the reader: Cicero lying on the ground, near death, with Lentulus extending his hand (*qui mihi primus adflicto et iacenti consularem fidem dextramque porrexit*).

However, on closer examination, this image describes not so much Lentulus' act of compassion and salvation, as Cicero himself, the saviour of Rome.²⁷⁴ For, as Cicero goes on to say, what is more glorious, more distinguished than the *senatus consultum*, which ordered all Italy, for the sake of saving the state, to come to his aid? The identification of his person with the state radiates back to Cicero and extends the self-image by an 'externally' confirmed component. Cicero's consular achievements, particularly his dismantling of the Catilinarian conspiracy, are thus

²⁷⁴ One might compare similar salvation language describing Camillus, the 'Second Romulus'. Cf. e.g. Liv. 5.49.7 *Romulus ac parens patriae conditorque alter urbis haud uanis laudibus appellabatur*, 7.1.10 *secundum a Romulo conditorem urbis Romanae*, with Oakley (1998: 37); cf. Plut. *Cam.* 1.1 κτίστης δὲ τῆς Ῥώμης ἀναγραφεὶς δεύτερος. Weinstock (1971: 177) notes 'the Greeks used to call a benefactor or a saviour a new κτίστης of their city. That is how Romulus acquired a political topicality at Rome: whoever saved it from ruin and rebuilt it became a "new founder", another Romulus. But this was a late development. If the tradition is to be trusted Camillus was the second founder of Rome and Marius the third. Camillus saved it from the Gauls, rebuilt it, reorganized its constitution and some of its cults; and yet it is certain that he was not called a "new founder" in his time.' Cicero associates himself closely with Romulus at *Cat.* 3.2; *Rep.* 1.12 provides theoretical justification: *neque enim est ulla res in qua propius ad deorum numen uirtus accedat humana quam ciuitates aut condere nouas aut conseruare iam conditas* (cf. Dyck (2008a):168). Classen (1998: 39–40) suggests that Cicero added this Romulan association to the published version of the speech in reply to his detractors.

resplendently laid before the reader to admire. In this way, Cicero begins his ‘exilic narrative’ by reasserting the significance of his consular efforts, the affliction and injustice of his exile (Cicero, *adflictus*), and the future glory to result from his return to Rome and restoration to the social and political stratosphere he used to inhabit. The rhetorically-pleasing triad of contrasting doublets Cicero uses to describe his exile and return (*qui me a morte ad uitam, a desperatione ad spem, ab exitio ad salutem reuocauit*) solidifies the position in the mind of the reader.

Moreover, Cicero uses the two speeches to characterise his passage into exile as a voluntary sacrifice for the welfare of the state, as an act of *deuotio*.²⁷⁵ Drawing on examples of defensive rhetoric in Attic oratory (cf. e.g. Dem. 18.8, above), Cicero manufactures a ‘crisis of victimization’, where he presents himself as the ‘sacrificial victim willingly enduring the martyrdom of exile for the sake of the common safety’; he transforms his exile ‘from a source of shame and disgrace into one of pride and glory’.²⁷⁶ So the elaborate opening to the *Post Reditum ad Populum*:

quod precatus a Ioue optimo maximo ceterisque dis immortalibus sum, Quirites, eo tempore cum me fortunasque meas pro uestra incolumitate otio concordiaque deuoui, ut, si meas rationes umquam uestrae saluti anteposuissem, sempiternam poenam sustinerem mea uoluntate susceptam, sin et ea quae ante gesseram conseruandae ciuitatis causa gessissem et **illam miseram profectionem** uestrae salutis gratia suscepissem, ut quod odium scelerati homines et audaces in rem publicam et in omnis bonos conceptum iam diu continerent, id in me uno potius quam in optimo quoque et uniuersa ciuitate defigerent,—hoc si animo in uos liberosque uestros fuisset, ut aliquando uos patresque conscriptos Italiamque uniuersam memoria mei, misericordia desideriumque teneret: eius deuotionis me esse conuictum iudicio deorum immortalium, testimonio senatus, consensu Italiae, confessione inimicorum, beneficio diuino immortalique uestro, maxime laetor. (*Red. Pop.* 1)

²⁷⁵ Cf. Dyck (2004), with discussion below on *Sest.* 45.

²⁷⁶ Nicholson (1992): 38; Gray (2011): 16.

In addition to his lofty petitions for a positive reception by the ‘Roman people’ — the purpose for publishing the speech in the first place — the reader is struck by Cicero’s description of his exile as *illa misera profectio* (cf. *Red. Sen.* 23).²⁷⁷ Cicero’s deliberate decision to describe his exile not only as voluntary, but as a *profectio* rather than an *exsilium*, is an important and effective foundation for his narrative. Indeed, Cicero seldom refers to his exile as an *exsilium* (or calls himself *exsul*) in the *post reditum* speeches (cf. *Sest.* 47, albeit used hypothetically of himself), preferring a range of euphemisms.²⁷⁸ This is all part of a strategy to interpret positively the time of his ‘absence’ from Rome, avoiding the term *exsilium* with its connotations of punishment for an offence. Moreover, it is noticeable that Cicero largely avoids discussion of a ‘return’ *per se*, because to do so would draw attention that he had been gone — as Riggsby aptly remarks ‘return implies

²⁷⁷ It is interesting to note that in his account of P. Antistius, Cicero describes Sulla’s absence from and return to Rome with similar language: *hic temporibus floruit eis, quibus inter projectionem reditumque L. Sullae sine iure fuit et sine ulla dignitate res publica; hoc etiam magis probabatur, quod erat ab oratoribus quaedam in foro solitudo* (*Brut.* 227). Of course, aside from equating his absence from the state with that of the state (cf. *Red. Sen.* 34), Cicero would not want to pursue further the analogy between his and Sulla’s lives; the former was — or so he I liked to think — a reincarnation of Marius. On Cicero’s identification with Marius in the experience of exile, particularly, cf. Santangelo (2008): 589–601; Luke (2014): 96ff. Cicero repeatedly called Marius the ‘saviour of Rome’; cf. *Cat.* 3.10, 4.21; *Sul.* 22–23; *Sest.* 37, 50; *Pis.* 43. For other instances of *profectio* (= a voluntary departure), cf. *OLD*. Cf. May (1988): 93ff.

²⁷⁸ In addition to *profectio*, Cicero often uses *casus* (a favourite in the *Pro Sestio* (§§51, 53, 60, 123, 140, 145; 54?: cf. Kaster (2006) ad loc.)), or formulations that suggest a voluntary departure or absence, such as *discessus* or *absentia* (e.g. *Sest.* 49, 50, 128; *Pis.* 27, 63; *Parad.* 30 *meum illud iter*). One might also note that at *Dom.* 72 Cicero unusually uses both terms — *exsilium* and *exsul* — but only to argue against the branding by Clodius: *hunc tu etiam, portentosa pestis, exsulem appellare ausus es, cum tantis sceleribus esses et flagitiis notatus, ut omnem locum quo adisses exsilii simillimum redderes? quid est enim exsul? ipsum per se nomen calamitatis, non turpitudinis* (the section following this (*Dom.* 72–90) sustains an argument against the inappropriateness of the terms’ application to Cicero). Cf. also references to *exsilium* and *exsul* at *Q. Fr.* 3.2.2 (abuse from Gabinius), *Parad.* 27–32, but similar reasons. One might also note that in the first six *post reditum* speeches, Cicero seldom mentions P. Clodius Pulcher by name, except in the two orations concerning his house, where he could hardly avoid it (otherwise, only at *Vat.* 33, 36); cf. Kaster (2006): 145–6.

something to return from'.²⁷⁹ Rather, as we see in the two speeches of thanksgiving, Cicero is more interested to celebrate his past glories, and offer assurance of his future action. Indeed, Cicero's final words to the senate — *uirtutem et fidem numquam amiserim* (*Red. Sen.* 39) — give a memorable and positive summary of his absence and assert that his virtue and honour, tied to that of the state, will endure. Likewise, Cicero makes a spectacle of himself (*Red. Pop.* 18 *en ego . . . mihi, meis, rei publicae restitutus*), arguing his enduring positive impact for the state and its health:

tantum uobis, quantum facere possum, Quirites, pollicebor: primum, qua sanctissimi homines pietate erga deos immortales esse soleant, eadem me erga populum Romanum semper fore numenque uestrum aequae mihi grave et sanctum ac deorum immortalium in omni uita futurum: deinde, quoniam me in ciuitatem res publica ipsa reduxit, nullo me loco rei publicae defuturum. (*Red. Pop.* 18)

The future infinitives after *pollicebor* (*semper fore, futurum, defuturum*) are particularly striking. Readers are left with Cicero restored (*restitutus*), both physically returned to Rome, and in their minds as the political and social force he had purported to be as consul in 63.

In this way, the 'autobiographical' passages in the *Post Reditum in Senatu* and *Post Reditum ad Populum* primarily serve Cicero's interpretation of the 'exile' as a voluntary departure for the protection of the citizens from bloodshed and further harm. Moreover, Cicero creates a connection between himself and the state which not only presents himself as protector and representative of the *res publica* and its values (as had been his posturing during the consular year and the years

²⁷⁹ Riggsby (2002): 169. Although Cicero does on occasion use the word *reditus*, it is always in a context of describing future action, rather than past 'faults'. See further the discussion on *Dom.* 75 below.

immediately following), but also that his fate is intertwined with that of the state. So, at *Red. Pop.* 14, Cicero expresses confidence that the *res publica* would bring him back with her when she returned. Likewise, at *Red. Sen.* 34, he describes the *res publica* bringing him back with her in a kind of triumphal procession: *et illa, simul atque reuocata est, me secum pariter reportauit.*²⁸⁰ Through this identification Cicero is able to interpret his absence from Rome as a victim, to lift his individual destiny to a superior level of general interest and to integrate himself into a larger context (cf. also *Dom.* 63–4, 98–9; *Sest.* 43–50; *Pis.* 21). This metaphorical involvement negates in retrospect the actual exclusion under which he suffered in the time of his exile. The reinterpretation of past action (and suffering) is indispensable for Cicero's return to active life in Rome. Cicero puts his own past in scene in order to reposition himself on the stage of Roman current affairs.

In the *De Domo Sua*, Cicero's next disseminated speech (delivered 29 September 57), the orator again promulgates the 'voluntary sacrifice' interpretation of his departure.²⁸¹ As with the *Post Reditum in Senatu* and *Post Reditum ad Populum*, there is no reason to suppose that the speech was delayed to publication — indeed, Cicero refers to it in a letter to Atticus in early October, within days of delivery (cf. *Att.* 4.2.2 *post illas datas litteras secuta est summa contentio de domo. diximus apud pontifices prid. Kal. Oct.*) — although this certainly does not mean that the disseminated version matched the delivered version of the speech. The same letter to Atticus gives a strong indication that the speech had been modified in some

²⁸⁰ *Red. Sen.* 39 refers to 'Italia' carrying Cicero home, a reference to the greetings he received from communities along his homeward journey across Italy from Brundisium. Cf. Luke (2014): 104–5. The image of Cicero, on his return, as a general celebrating a triumph recurs in a number of the *post reditum* speeches; cf. discussion following, esp. on *Dom.* 75–6 and *Sest.* 131.

²⁸¹ Cf. Hor. *Carm.* 3.5.41–56 on Regulus.

way to cater to new audiences; Cicero explicitly mentions young men learning rhetoric (*iuventuti nostrae*), to whom we shall return in the next section. In particular, Cicero draws attention to the emotive force of the disseminated version: the especial exuberance, an intensity of feeling, that lent him a certain *uis dicendi* (*Att.* 4.2.2). Exactly what Cicero meant by *uis dicendi* is uncertain from the letter, although he isolates *dolor*, perhaps because by emphasising his ‘pain’ (especially as a consequence of his exile) he will engage his readers; the orator had, after all, claimed that ‘exile’ was a subject of great interest to readers (recall *Fam.* 5.12.4–5; cf. also *Sest.* 3 below).²⁸² Indeed, Tacitus will later describe how reading about the *uarietates proeliorum*, inter alia, was a source of *oblectatio* for readers (*Ann.* 4.33; a fruitful digression).²⁸³ In this way, *Att.* 4.2.2 suggests the orator hopes his readers will engage with the speech on an emotional level.

Another indication that the disseminated speech may have been adapted for readers is its substantial length (147 chapters in our version), although we have limited ancient evidence by which we might interrogate that hypothesis. Cicero’s criticism of Clodius for speaking too long before the pontifical college (cf. *Att.* 4.2.4, with discussion at p.35) provides some sense of acceptable time limits, although it must be conceded that these criticisms may have less to do with civil procedure, and speak more to the former’s animosity for his arch enemy.²⁸⁴

²⁸² Cf. Kaster (2006): 119 (particularly on *Sest.* 3), with *Inv.* 1.22, 100–9, *De Or.* 2.182–211; Quint. *Inst.* 6.2.8–36; May (1988), Wisse (1989). Although rhetorical discussions of the importance of rendering an audience well-disposed to the orator refer principally to the delivered versions of speeches and their primary audiences, the importance of engaging with *readers* on an emotional level is just as significant.

²⁸³ Cf. Levene (2010).

²⁸⁴ Recall other speeches (such as the *Verrines*, *In Pisonem*), discussed elsewhere, which suggest similar revision/creation for readers on account of their length. Peterson’s *OCT* gives 63 pages, which I estimate to take about 2 hours 40 minutes to read aloud. By contrast, the *Post Reditum in Senatu*, which we know was *recita de scripto* (*Planc.* 74), is 18 *OCT* pages (=about 45 minutes). But

Perhaps even more striking is the structure of the published version: of the 147 chapters, only the last third (§§100–47) is actually devoted to consideration of Cicero's house. Cicero is clearly much more interested in projecting a positive self-image. The greater part of the disseminated version of the speech (§§1–99) focuses on Cicero himself and balances attacks on Clodius with self-justification and reinterpretation of his role in the events that led to his exile. As has been discussed, the extended self-focus was problematic without justification. But Cicero answers his readers' probable scepticism with the argument that his strategy is justified by the tactics of his opponent, Clodius (*Dom.* 93; cf. discussion above). In all, the structure of the speech helps focus his readers' minds on his exilic narrative.

In the *De Domo Sua*, unencumbered by the necessity of showing gratitude to his supporters (which he had already so obsequiously offered in the previous pair of speeches), Cicero instead focuses greater attention on his exilic narrative. In particular, the orator's re-entry into Rome is described not so much as a *reditus*, but rather an *aduentus* and *introitus* (cf. *Dom.* 75). Moreover, Cicero's arrival marks more than the mere restoration of a statesman, but also the birth of some quasi-divine hero, Rome's saviour (*Dom.* 75 *nam quid ego illa diuina atque immortalia municipiorum et coloniarum et totius Italiae decreta commemorem, quibus tamquam gradibus mihi uideor in caelum ascendisse, non solum in patriam reuertisse?*). The association with the gods is striking. The orator's readers might recall that, in contrast to *nobiles* who could exploit claims of divine and heroic ancestors, *noui homines*, such as Cicero, relied on (albeit suspect) claims to deities

as Berry (1996: 57, n. 265) concedes, the delivery of a speech 'may have taken considerably longer to deliver in the forum than it takes to read aloud to oneself in one's study'.

that highlighted their personal history and merits.²⁸⁵ Moreover, by ascribing these reverential analogies to others — *municipia, colonia, totius Italiae* — Cicero hopes to rebut the criticisms Clodius reportedly makes of his self-aggrandisement (§93), whilst establishing a positive narrative of his exile and return (or ‘arrival’).²⁸⁶ Cicero’s narration of his arrival at Rome at *Dom.* 75–6 is particularly germane to our discussion:

(75) ille uero dies qui fuit, cum te, P. Lentule, legem de me ferente populus Romanus ipse uidit sensitque quantus et quanta dignitate essem? constat enim nullis umquam comitiis campum Martium tanta celebritate, tanto splendore omnis generis hominum, aetatum, ordinum floruisse. omitto ciuitatum, nationum, prouinciarum, regum, orbis denique terrarum de meis in omnes mortales meritis unum iudicium unumque consensum: aduentus meus atque introitus in urbem qui fuit? utrum me patria sic accepit, ut lucem salutemque redditam sibi ac restitutam accipere debuit, an ut crudelem tyrannum, quod uos, Catilinae gregales, de me dicere solebatis? (76) itaque ille unus dies, quo die me populus Romanus a porta in Capitolium atque inde domum sua celebritate laetitiaque comitatum honestauit, tantae mihi iucunditati fuit, ut tua mihi conscelerata illa uis non modo non propulsanda, sed etiam excitanda fuisse uideatur. qua re illa calamitas, si ita est appellanda, exussit hoc genus totum maledicti, ne quisquam iam audeat reprehendere consulatum meum tot, tantis, tam ornatis iudiciis, testimoniis, auctoritatibus comprobatum. (*Dom.* 75–6)

In this notable passage, which occurs at a critical moment midway through the speech, Cicero singularly lauds his consulship, whilst diminishing his exile to a mere *calamitas* (cf. *Sest.* 131, *Att.* 4.1). The singularity and significance of Cicero’s return is repeatedly emphasised (*nullis umquam comitiis; tanta celebritate, tanto splendore omnis generis hominum, aetatum, ordinum; itaque ille unus dies; tot, tantis, tam; etc.*), with an exhaustive cataloguing of Cicero’s supporters, which

²⁸⁵ Cf. Luke (2014): 100.

²⁸⁶ Cf. Quint. *Inst.* 11.1.23 et M. Tullius saepe dicit de oppressa coniuratione Catilinae, sed modo id uirtuti senatus, modo providentiae deorum immortalium adsignat. plerumque contra inimicos atque obtrectatores plus uindicat sibi: erant enim illa tuenda cum obicerentur.

seemingly includes every resident of Italy (even, Cicero ventures, the entire *orbis terrarum*), with the notable exception of the *Catilinae gregales*. Swift publication of this speech, so soon after the two speeches of thanksgiving, reinforces Cicero's debt of gratitude to his supporters, many of whom would have been readers of the speech. Moreover, the asyndetic listing of achievements and supporters (often grouped in pleasing triads), together with a littering of correlatives emphasising quantity (*tot, tantis, tam*, etc.), has a heaping effect, a clever wordplay matching Cicero's description of the thronging crowds of adoring fans who escorted his entrance into Rome (*me populus Romanus a porta in Capitolium atque inde domum sua celebritate laetitiaque comitatum honestavit*; cf. *Pis.* 63–4). Cicero's prose leaves an overwhelmingly positive impression on the reader: the orator's return is described like a general's triumph. At *Dom.* 75, Cicero mentions how, during his *aduentus* and *introitus*, the people welcomed him as if he were their *lucem salutemque*. Two years later, in 55, Cicero describes his arrival with even greater distortion; the orator depicts the goddess Roma, who nearly pulls herself out of her foundations in her haste to embrace her saviour: *cum mihi ipsa Roma prope conuulsa sedibus suis ad complectendum conseruatorem suum progredi uisa est* (*Pis.* 52; see further below).²⁸⁷

As we saw with the two speeches of thanksgiving, Cicero casts his exile as a willing act of self-sacrifice; so again the theme is carried forward in the *De Domo Sua*. The role of 'saviour of the state' guides the presentation (cf. e.g. *Dom.* 26 *ciuis, quem ad modum omnes iam di atque homines iudicarunt, conseruatoris rei*

²⁸⁷ Cf. *Planc.* 96 *cum ipsa paene insula mihi sese obuiam ferre uellet*; Ash (2007b): 212–14.

publicae; and discussion above). In particular, the orator stresses his willingness to depart Rome to avoid violence:

quod si, ut multis fortissimis uiris placuit, ui et armis contra uim decertare uoluisssem, aut uicissem cum magna internecione improborum, sed tamen ciuium, aut interfectis bonis omnibus, quod illis optatissimum erat, una cum re publica concidissem. (*Dom.* 63)

The past contrary-to-fact condition (*si . . . uoluisssem, aut uicissem . . . concidissem*) invites the reader to consider the consequences of an hypothetical, but unfulfilled reality (cf. *Sest.* 49).²⁸⁸ The risk of collateral damage (*sed tamen ciuium, aut interfectis bonis omnibus*), incites a temporary (unrealised) fear. The superlative language (*fortissimis, optatissimum*) heightens the effect (and Cicero's level of sacrifice). Moreover, Cicero again entwines his fate with that of the state (*una cum re publica*) in contrast to that of those 'wicked men' (*improborum*). Additionally, Cicero emphasises his *own* role by juxtaposing the collective with the singular (*multis fortissimis . . . omnibus . . . una*). Accordingly, the orator asserts his own positive role in ensuring the continued wellbeing of the state. So, before turning to deal with his house, Cicero concludes the narrative of his exile and return with the (recurring) claim of having saved the state twice, as consul and later by departing from Rome willingly: *bis seruaui rem publicam, qui consul togatus armatos uicerim, priuatus consulibus armatis cesserim* (§99).²⁸⁹ In this way, Cicero leaves

²⁸⁸ Kaster (2006: 107–8) notes the tendentiousness (yet seeming objectivity) of such conditional clauses and Cicero's penchant for them, especially as openings to speeches (cf. *Div. Caec.* 1, *Cael.* 1, *Rab. Post.* 1, *Sex. Rosc.* 1, *Prov. Cons.* 1, *Caecin.* 1, *Arch.* 1, *Balb.* 1). By presenting material as not from his own perspective, but rather from that of an impersonal, hypothetical other, the 'audience is invited, not to ask whether that perspective is valid or even reasonable (it is not a true condition, that is), but to accept it as the given framework of thought'.

²⁸⁹ On the heroism of departure, cf. *Dom.* 95: *erat res post natos homines pulcherrima!* Cf. parallel passages (on saving the state twice) at *Red. Sen.* 36, *Red. Pop.* 13, *Sest.* 49, *Pis.* 78 *me posse rem publicam iterum seruare, si cessissem*, *Pis.* 21? (with note below).

his readers with a view of his exile as a voluntary, heroic act in subordination of the orator's own interests to those of the *res publica*.

Several months later, in March 56, Cicero gives a speech in defence of P. Sestius, the tribune in 57 who (together with Milo and the consul Lentulus) had helped to facilitate the orator's return from exile, against the charge of public violence (*lex Plautia de ui*).²⁹⁰ The form and content of the disseminated speech prompt the same questions about publication: namely, whether the written version of the oration was altered for readers, and relatedly, how swiftly the speech saw circulation. In the first case, the length of the disseminated version (147 chapters), does not necessarily point to embellishment, although the 73 pages of Peterson's *OCT* would perhaps take three hours to read aloud, verbatim. However, as with the other *post reditum* speeches already assessed (particularly the *De Domo Sua*), the structure and weighting of content in the speech strongly points to a version of the speech crafted specifically for an audience other than that present at its first delivery.²⁹¹ This presentation of material, much of it not particularly germane to Sestius' case, is a striking deviation from textbook expectations (of course, not an unusual strategy for Cicero). In particular, a substantial excursus on *optimates* and *populares* dominates the last third of the speech (§§96–143), and sits rather outside the remit of his defence of Sestius. Furthermore, this section of our version of the

²⁹⁰ Aside from drafting legislation for Cicero's recall to Rome (which the orator dismissed as poorly written: *Att.* 3.20.3, 3.23.4), we do not know exactly what role Sestius played in aiding the orator's restoration. Cicero describes just a single act of Sestius as tribune (*Sest.* 79). On the *lex Plautia de ui*, cf. *Sal. Cat.* 31.4, with Lintott (1999b): 110–24, Riggsby (1999): 79–84; on the prosecution's possible case against Sestius, cf. Alexander (2002): 213–17, Kaster (2006): 18–19.

²⁹¹ Kaster (2006): 25 gives a succinct outline of the speech; cf. May (1988): 90–105. Moreover, the many occasions in entirely undelivered orations (cf. e.g. *Second Actio* of the *Verrines*; on which, see the second chapter) where Cicero puts questions to the judges, or asks them to listen (recall, look, consider, etc.). The orator, clearly, is not actually addressing such an audience, but rather touching up a particular speech (or section of a speech) to give a verisimilitude to the charade.

speech gives the appearance of a political ‘manifesto’, which Cicero explicitly states will be of interest and utility to the younger generation, whom he expressly addresses at several points in the published speech (*Sest.* 51 *quare moneo uos, adulescentes, atque hoc meo iure praecipio*; 96 *rem quaeris praeclaram iuuentuti ad discendum nec mihi difficilem ad perdocendum*; cf. 14). These references do not, of course, prove that the speech we encounter is exclusively angled towards young readers rather than the original listeners, but they do nevertheless suggest that the orator is thinking about this group of consumers and broadening focus beyond his original audience.

In the disseminated version, we also see Cicero still very much interested in perpetuating a positive account of his exile and return.²⁹² Of the *post reditum* speeches considered thus far, the *Pro Sestio* provides the most comprehensive treatment of the exilic narrative, perhaps symptomatic of Cicero’s increasing frustration in his attempts to get it written about (a frustration still evident a year later (cf. *Fam.* 5.12)). Indeed, as Kaster has calculated, Cicero devotes 6,600 words to the events leading up and following his own departure in 58, and another 2,100 words to the events of 57, the year of his return.²⁹³ Again, this speech perpetuates a flattering narrative crafted to describe events in a way most creditable to Cicero and most useful in his circumstances after his return. It offers a version of the narrative that relies ‘significantly on silence, misdirection, and occasionally outright falsehood to achieve its effects’.²⁹⁴

²⁹² Recall the context (discussed above) in which the *Pro Sestio* is disseminated: Cicero writes the letter to Luceius (*Fam.* 5.12) in April 55, and composes his *De Temporibus Suis* c. 56, both works explicitly directed to having Cicero’s ‘exilic narrative’ published.

²⁹³ Kaster (2006): 17.

²⁹⁴ Kaster (2006): 12; cf. 11–14.

As became something of a regular habit, as we saw in the *Pro Murena* (cf. e.g. *Mur.* 48), the freedom of ‘speaking’ last could be exploited by the orator, especially in the disseminated version of an oration, to deviate from rhetorical expectation and to repurpose his speech to serve other aims.²⁹⁵ So, in the *Pro Sestio*, Cicero claims that the formal charges brought against his client have already been dealt with by the previous speakers (Hortensius, Calvus, and Crassus; cf. *Sest.* 3f.).²⁹⁶ Instead, Cicero signals in the *exordium* the devotional (to the state) and emotional (concerning his exile and return) character of the speech to follow:

²⁹⁵ The *Pro Caelio*, delivered just a few weeks after the *Pro Sestio*, in April 56, provides another example. Cicero is the last speaker for the defence: he alludes to the contributions of the other two speakers at §§18 and 23 (Crassus) and §§45 (and possibly §24) (Caelius himself). The *Pro Caelio* devotes a significant portion of the defence (48 of 80 chapters; viz. §§3–50) to a positive appraisal of Caelius’ character while sullyng that of Clodius’ sister, Clodia, no doubt in part because most of the substantive charges had been addressed by M. Crassus (cf. *Cael.* 23 *itaque illam partem causae facile patior grauius et ornate a M. Crasso peroratam*), but also because Cicero found it easier to speak to Caelius’ character than address the remaining charges, and because blackening the character of Clodia, as an anticipated prosecution witness, was a chief goal of the speech. On subsequent citations of the speech, cf. Dyck (2013): 27–8, with nn. Quintilian, e.g., cites *Cael.* 21 times (cf. Russell’s (2001) index). On Cicero’s habit of speaking last, cf. *Brut.* 190 . . . *perorandi locum, ubi plurimum pollet oratio, semper tibi relinquebat; Orat.* 130 *etiam si plures dicebamus, perorationem mihi tamen omnes relinquebant*.

²⁹⁶ As Kaster (2006: 25–6) notes, Cicero’s characterisation of Hortensius’ speech, which was given immediately before him, suggests that the latter had already offered a broad summary of the case (cf. *Sest.* 3 *et quamquam a Q. Hortensio . . . causa est P. Sesti perorata, nihilque ab eo praetermissum est quod aut pro re publica conquerendum fuit aut pro reo disputandum*), which in turn suggests that ‘any allegations about specific acts would have been addressed by the first two speakers, Calvus and (as in Caelius’ trial) Crassus’; cf. also *Sest.* 5. But cf. Schol. Bob. 125.25 Stangl, which lists the advocates in the order Hortensius, Crassus, Calvus. The four advocates in Sestius’ defence team is not the highest number known: cf. Kaster (2006): 117–18, ad *Sest.* 3. Although, Cicero will later be critical of such ‘teams’ (*Brut.* 207–8). Recall, too, Cicero’s *Pro Murena*, where Cicero again spoke last (after Crassus and Hortensius), and where again his speaking position (albeit in a judicial, not forensic case), enabled him to take greater latitude with the form and function of his speech (cf. *Mur.* 48, and discussion in the third chapter). In all of these speeches (*Mur.*, *Sest.*, *Cael.*), especially in their disseminated form, Cicero is focused on objects beyond the oratorical occasion of delivery.

atque ego sic statuo, iudices, a me in hac causa atque hoc extremo dicendi loco pietatis potius quam defensionis, querellae quam eloquentiae, doloris quam ingeni partis esse susceptas. (4) itaque si aut acrius egero aut liberior quam qui ante me dixerunt, peto a uobis ut tantum orationi meae concedatis quantum et pio dolori et iustae iracundiae concedendum putetis; nam neque officio coniunctior dolor ullius esse potest quam hic meus susceptus ex hominis de me optime meriti periculo, neque iracundia magis ulla laudanda est quam ea quae me inflamat eorum scelere qui cum omnibus meae salutis defensoribus bellum esse sibi gerendum iudicauerunt. (*Sest.* 3–4)

Cicero's accentuation of his feelings of *pietas*, *querellae*, and *dolor* relates, prima facie, to the connection he seeks to cultivate between himself and his client.²⁹⁷ In particular, Cicero emphatically claims that Sestius' tribunate, inter alia, was *entirely* directed to the maintenance of the orator's welfare (*Sest.* 14 *quoniam tribunatus totus P. Sesti nihil de isdem rebus esse arbitror si non subtilius disputandum, at certe dolentius deplorandum*). As a result, Cicero subordinates Sestius' role in the case to that of the orator himself. Indeed, in the speech's longest section (§§14–92, supposedly an account of 'relevant events'), Sestius is almost entirely absent (he appears only once between §§15 and 71). Moreover, the orator extrapolates his connection with Sestius and merges it with his connection with the state (a relationship he had been cultivating for some time, as we have already observed). The result is a somewhat tenuous justification for giving a full account of how Cicero's own welfare came to be endangered. Accordingly, we see Cicero interested in conveying his own considerable grievance and distress arising from his exile in order to elicit a sympathetic response from his readers (cf. *Att.* 4.2.2 *dolor*, and

²⁹⁷ The existence (and advertisement in the speech itself, and elsewhere) of a personal tie between advocate and defendant is a commonplace in Cicero's oeuvre; cf. e.g. *Mur.* 7–10; *Arch.* 1, 13, 28; *Clu.* 139; *Planc.* 3; *Sul.* 49, where Cicero stresses the necessity (*officium*; cf. *Sul.* 6) to assist a friend in his defence, even against another friend, or where a friend is guilty (e.g. *Sul.* 6 *deserendos esse non putant* suggests it to be respectable; *Clu.* 51ff.; also *Off.* 2.51 on the moral dimension of such an *officium*). cf. Berry (1996): 143, 229 esp. on the conflict between *amicitia* and defence (cf. *Amic.* 36–7, 61), with literature.

discussion on Cicero's *uis dicendi* in *Dom.* above). Furthermore, the congeries of comparative clauses (*potius quam*, . . . *acrius* . . . *liberius*, etc.) in this passage (*Sest.* 3–4) conditions the reader early on in the oration to regard the whole speech in a particular framework: a context of praise of supporters and invective heaped upon enemies, and particularly to a more favourable interpretation of the material presented. The connection between Sestius and Cicero (asserted at *Sest.* 3–4; above), together with the premise that the charge of 'public violence' (*de ui*) directly jeopardised the wellbeing of the *res publica*, form the basis for the orator's bold strategy of giving a comprehensive account of his exile and return.

Cicero's exilic narrative is a pervasive thread running through the entire speech. However, a passage in which the orator dramatically recreates his 'arrival' in Rome is particularly worthy of examination.

reditus uero meus qui fuerit, quis ignorat? quem ad modum mihi aduenienti tamquam totius Italiae atque ipsius patriae dextram porrexerint Brundisini, cum ipsis Nonis Sextilibus idem dies aduentus mei fuisset reditusque natalis, idem carissimae filiae, quam ex grauissimo tum primum desiderio luctuque conspexi, idem etiam ipsius coloniae Brundisinae, idem ut scitis, aedis Salutis, cumque me domus eadem optimorum et doctissimorum uirorum, M. Laeni Flacci et patris et fratris eius, laetissima accepisset, quae proximo anno maerens receperat et suo praesidio periculoque defenderat. cunctae itinere toto urbes Italiae festos dies agere aduentus mei uidebantur, uiae multitudine legatorum undique missorum celebrabantur, ad urbem accessus incredibili hominum multitudine et gratulatione florebat, iter a porta, in Capitolium ascensus, domum reditus erat eius modi, ut summa in laetitia illud dolerem, ciuitatem tam gratam tam miseram atque oppressam fuisse. (*Sest.* 131)

Here, Cicero describes his triumphant entry through the Porta Capena (*iter a porta*), where the Via Appia passed through the Servian Wall to his father's house in the

Carinae (*domum reditus*).²⁹⁸ The arresting rhetorical question that begins the passage (. . . *quis ignorat?*), not only challenges his readers to demonstrate familiarity with the narrative — the implication is that ignorance would prove someone out of touch — but also confirms what we have been observing all along: that Cicero was keen to have the narrative promulgated.

The ‘arrival’ described here closely follows the account Cicero gives to Atticus in *Att.* 4.1 (esp. §§4–5). One wonders whether that letter saw some circulation, at least among close friends, particularly given its resemblance to *Sest.* 131, and the call on readers to register familiarity with the narrative.²⁹⁹ Cicero’s description to Atticus of his time in Brundisium and his journey to Rome was devoted to projecting an image of broad and miraculous consensus for his return (cf. also *Dom.* 75–6, above; *Pis.* 51–2, below). So, too, the excursus in the *Pro Sestio* (§131). As was noted earlier, in the passage from the *Pro Sestio*, Cicero again uses the metaphor of a (second) ‘birth’ (*natalis*) to describe his arrival and return, and aligns it with a triad of other anniversaries: a striking synthesis of coincidences, made more emphatic by the anaphora of *idem* (*Sest.* 131 *cum ipsis Nonis Sextilibus idem dies aduentus mei fuisset reditusque natalis, idem carissimae filiae, . . . idem etiam ipsius coloniae Brundisinae, idem ut scitis, aedis Salutis*).³⁰⁰ The thronging

²⁹⁸ Cicero’s journey was not strictly a *reditus* because he ‘returned’ not to his own *domus* on the Palatine, which Clodius had destroyed, but rather travelled to his father’s on the Esquiline, which Cicero had inherited and given to his brother, Quintus (Plut. *Cic.* 8.3); cf. *Dom.* 76.

²⁹⁹ On Cicero’s care in crafting his letters as literary works, cf. esp. Hutchinson (1993): 441–3; (1998): 1–24. The question of publication of the letters is largely a matter of conjecture, although we know some correspondence (e.g. *Fam.* 5.12, discussed above), was circulated. In the case of *Att.* 4.1, the neat ring composition (Cicero’s landing at Brundisium was filled with birth and foundation days, and the letter ends by referring to his ‘second life’), gives a distinct literary quality to the letter. However, one could equally, and convincingly, argue that the letter to Atticus (*Att.* 4.1) simply informed Cicero’s composition of *Sest.* 131.

³⁰⁰ Cf. *Att.* 4.1.4 *Brundisium ueni Non. Sext. ibi mihi Tulliola mea fuit praesto natali suo ipso die, qui casu idem natalis erat et Brundisinae coloniae et tuae uicinae Salutis*. Cf. also *Att.* 3.20.1, 4.1.8, etc. with discussion above. Shackleton Bailey (1987: 279) offers a different text (of *Sest.* 131) and

crowds applauding Cicero's arrival further develops the image of consensus the orator is trying to perpetuate. So Cicero describes how all of Italy was lined up to greet him (*Sest.* 131 *cunctae itinere toto urbes Italiae*), thronged in every direction (*Sest.* 131 *uiae multitudine legatorum undique missorum celebrabantur*).³⁰¹ As Kaster notes, 'the gathering of delegations from the Italian towns hints at his allies' orchestration of events and recalls Pompey's reception on his return to Italy from the East in 62' (cf. *Plut. Pomp.* 43.3; 57.2).³⁰² In this way, *Sest.* 131 depicts Cicero's entry into Rome like the *reditus* of a victorious general returning from the East, and lays out a path to the orator's rebirth and political rejuvenation as an ally of Pompey (having conceived of himself in the general's likeness).³⁰³ So Luke argues, 'the victorious display of his *aduentus*, facilitated and attended by wondrous occurrences, led, at least in his own estimation, to the political success of procuring a grain assignment of sweeping scope for his ally and friend Pompey, in which Cicero occupied a symbolic position of honor (sic)'.³⁰⁴ Therefore, we see how through the circulation of his speech, Cicero seeks to perpetuate among his readers

applies *natalis* just to the triad of anniversaries; but, in either case, the point about multiple coincidences remains the same. Cf. Kaster (2006): 370, ad loc.

³⁰¹ Cf. *Att.* 4.1.4–5 *inde a Brundisinis honestissime ornatus iter ita feci ut undique ad me cum gratulatione legati conuenerint . . . plebe completi erant . . . similis et frequentia <et> plausus me usque ad Capitolium celebrauit in foro et in ipso Capitolio miranda multitudo fuit.*

³⁰² Kaster (2006): 371.

³⁰³ Brundisium was about 585km from Rome, the length of the Via Appia (about 7–10 days' travel, according to Kaster (2006): 371). That Cicero entered Rome a month after landing at Brundisium suggests his progress was stately, with frequent stops; appropriate for a 'triumph'. One might note the absence, in this version of the narrative, of being conveyed by horses and a gilded chariot (cf. *Red. Sen.* 28). Cf. *Tac. Hist.* 2.89.1 *ipse Vitellius a ponte Muluio insigni equo, paludatus accinctusque, senatum et populum ante se agens . . .*, with Ash (2007a) ad loc, who notes that 'at the traditional *aduentus* of the successful general, citizens flock out enthusiastically to welcome him (*Cic. Pis.* 51, *Vell.* 2.59.6, [*Caes.*] *Gal.* 8.51.1–3, *Liv.* 24.16.16, 27.45.6, 35.43.9, *Plin. Pan.* 23.2, *Pan. Lat.* 2.37.4, 4.32.5, 5.8.1, 7.8.7, 11.10.5, 11.3). Here Vitellius seems to be herding the sycophantic senate and people like sheep. The *aduentus* topos . . . also provided inspiration for poets (e.g. *Hor. Carm.* 4.2.33–60).'

³⁰⁴ Luke (2014): 111. Cf. *Att.* 4.1.6, where Cicero claims responsibility for solving the grain situation (*de annona*), as Pompey's chief lieutenant (*factum est senatus consultum in meam sententiam ut cum Pompeio ageretur ut eam rem susciperet, lexque ferretur*).

a view of his return to Rome as a triumph, with all its positive connotations, and prepare the way forward for future action. Furthermore, by strategically emphasising (and somewhat disingenuously improving) his relationship with Pompey, Cicero shows an interest in maintaining political relevance as he begins his *altera uita*.

As we have seen in a number of other *post reditum* speeches, Cicero uses his *Pro Sestio* to shape perception of his departure from Rome as a deliberate voluntary act, in order to ‘save the state a second time’ (e.g. *Sest.* 49 *et unus rem publicam bis seruauit, semel gloria, iterum aerumna mea*; cf. discussion above). The great rhetorical challenge, as ever, was to formulate ‘that heroic quality in such a way as to capture the Roman imagination’.³⁰⁵ Accordingly, Cicero uses a number of historical *exempla* and metaphors to describe his withdrawal as an act of *deuotio*.³⁰⁶

In particular, a large section of the speech (§§36–50) offers what amounts to a ‘consular *apologia*’.³⁰⁷ As the orator acknowledges, he has been judged as cowardly by choosing exile rather than face potential conflict against Clodius and his allies (*Sest.* 36). But Cicero offers several lines of defence to support his action. First, he draws on the example of Q. Caecilius Metellus Numidicus (cos. 109, cens. 102) as a model to justify his decision to go into exile. Metellus went into voluntary exile in 100 BC rather than swear not to impede a tribunician law he believed to have been passed illegally, only to be restored as a patriot in 98 (cf. *RE* Caecilius

³⁰⁵ Dyck (2004): 304.

³⁰⁶ On the Roman ritual of *deuotio*, cf. esp. Dyck (2004), with discussion below.

³⁰⁷ Kaster (2006): 201. Cf. e.g. *Prov. Cons.* 18–25 where Cicero seeks to redefine his attitude towards Caesar.

97; *MRR* 2.5): a compelling *exemplum*.³⁰⁸ Indeed, Metellus served as a frequent model for Cicero, especially in the context of discussing ‘exile’, although the orator distinguishes the two in several important ways. In particular, whereas Metellus’ withdrawal was motivated by personal principle and glory (*Sest.* 37 *ad suam enim quandam magis ille gloriam quam ad perspicuam salutem rei publicae*; cf. *Dom.* 87; *Planc.* 89), Cicero’s was in the public interest and glory, for the *salus* of the state (*Sest.* 37, 38; cf. *Att.* 2.15.2).³⁰⁹

However, Cicero’s most impassioned defence of his withdrawal into exile comes a little later in the speech (esp. §§45–50). At *Sest.* 45, Cicero begins a sequence of rebuttals, growing in intensity and passion, answering what he perceives to be the most compelling arguments against his withdrawal. But since Cicero, as author of the text, controls the dialectic, he is able to control the conversation (by putting arguments into the mouths of others, who are unable to speak for themselves).³¹⁰ In this way, the orator shapes his readers’ perceptions. Indeed, it is unclear whether the arguments Cicero presents against himself were even raised by the prosecution in the case, although one can imagine that Clodius and his allies were feeding dissent of some kind.

³⁰⁸ On exemplarity and the importance of historical *exempla* for Romans as the foundation of their political and ethical thought, as models for action and standards of evaluation, cf. esp. van der Blom (2010); Roller (2004). Cicero cites numerous *exempla* in the *Sest.* (e.g. §§37–9, 48, 50, 101–2, 116, 127, 130, 140–3).

³⁰⁹ For Ciceronian references to Metellus as a model (outside *Sest.*), cf. esp. *Red. Sen.* 37–8; *Red. Pop.* 6, 9–11; *Dom.* 87; *Pis.* 20; *Planc.* 89; *Fam.* 1.9.16. Additionally, a number of Cicero’s supporters are known to have adduced Metellus as a model for interpreting Cicero’s departure as a principled political stance, rather than as an act of cowardice: e.g. P. Servilius Vata (cos. 79, *RE* 93), cf. *Sest.* 130, *Red. Sen.* 25, *Red. Pop.* 17, *Prov. Cons.* 22. For further discussion of differences between Cicero and Metellus, cf. Kaster (2006): 203–4, 206–7. On other exilic models for Cicero, cf. the above discussion on *Fam.* 5.12. For prosopography of Roman exiles, cf. generally Kelly (2006).

³¹⁰ On the rhetorical device of the imagined interlocutor (*sermocinatio*) cf. *Rhet. Her.* 4.55–6, 65; Quint. *Inst.* 9.2.31 (who regards it as a type of *prosopopoeia*); Lausberg (1998) §§820–5. Cicero uses the device throughout the *Sest.* (§§20, 61, 77, 84, 110).

As we have seen elsewhere in the speech, Cicero uses a variety of framing devices to manipulate his readers' response to the material he presents. At *Sest.* 45f., the orator uses contrary-to-fact conditions, observed elsewhere in the oeuvre (cf. e.g. *Dom.* 63), to create an air of objectivity. The section begins with a hypothetical argument posed by a *uir fortis et acris animi magnique* (*Sest.* 45), obscured by a past contrary-to-fact condition in a subordinate clause (*restitisses, repugnasses, mortem pugnans oppetisses*). Although, so this hypothetical *uir* contends, this course of action (i.e. that Cicero meet Clodius' antics with resistance, even martyrdom, rather than retreat into exile) surely must have crossed the mind of the reader, Cicero presents it in such a way (a tendentious conditional introduced by *forsitan* and the perfect subjunctive *dixerit*) that his readers are asked to reconsider their intuition (cf. also *Sest.* 49). In particular, Cicero uses 'special emphasis and mild sarcasm to suggest that it is always easy to urge another to die'.³¹¹

More striking still, the orator dramatically calls the gods to witness (*Sest.* 45 *de quo te, te, inquam, patria, testor et uos, penates patriique dei*), a solemn gesture, which occurs at a pivotal moment in the argument and generates heightened emotion (cf. *Sest.* 147 (the final sentence of the speech) *qua re uos obtestor atque obsecro*).³¹² The reader's attention is arrested and primed for what follows (esp. §§45–50), which gains a certain verisimilitude from the solemn moment which proceeds it. In particular, Cicero gives the appearance that he is giving his readers his thinking at the very moment of the decision to withdraw into exile, in a version

³¹¹ Kaster (2006): 219.

³¹² Recall (above) the *uis dicendi* Cicero praises in his *De Domo Sua* (*Att.* 4.2.2). For other emotive oaths in the speeches, cf. Kaster (2006): 219f., with e.g. *Mur.* 78, *Sul.* 86, *Dom.* 144, *Har. Resp.* 37, *Mil.* 85, *Phil.* 13.20.

impossible to confirm or refute (so at *Sest.* 49: *haec ego et multa alia cogitans hoc uidebam. . .*).

In a second contrary-to-fact condition, Cicero draws on a favourite metaphor of the state as a ship, a commonplace in rhetorical works (e.g. *Rhet. Her.* 4.57 *ita uti contemnendus est qui in nauigio non nauem quam se mauult incolumem, item uituperandus qui in rei publicae discrimine suae plus quam communi saluti consulit*; cf. *Phil.* 10.20). In adapting the theme to suit his present purposes, Cicero makes the safety of fellow-passengers (rather than the ship itself) the issue and embellishes the image with touches particularly pertinent to the context: the (implied) depiction of Clodius and his supporters as *praedones* (cf. esp. *Dom.* 24 *ipse archipirata cum grege praedonum impurissimo plenissimis uelis nauigares*; also *Pis.* 21, below), the details drawn from the circumstances of March 58, and the distinctly Roman ritual of *deuotio*.³¹³

The parallel between *Rhet. Her.* 4.57 and the present passage in the *Pro Sestio* is continued with the use of P. Decius Mus and his son as *exempla* of *deuotio* and patriotism (cf. *Sest.* 48). The use of these (and other) models (e.g. C. Mucius (*RE* 10)) of patriotic self-sacrifice to support and reinterpret his withdrawal as a patriotic act gives a rhetorical credibility and *gravitas* to Cicero's case for his actions. In addition, the orator uses a sequence of eight rhetorical questions (at *Sest.*

³¹³ Likewise, *Red. Sen.* (on Gabinius) 11, 13 *archipirata*. Imagery of navigating ships through storms is common in Cicero's speeches: cf. e.g. *Mur.* 4, with discussion in the third chapter; *Pis.* 21, just below. Cf. Sjöblad (2009): 133–4. A similar 'parable' is used by Cicero, albeit to different effect, when venting his irritation at the senatorial conservatives in April 59: *Att.* 2.9.3 *male uehi malo alio gubernante quam tam ingratis uectoribus bene gubernare*. On *deuotio*, cf. also *Red. Pop.* 1 (discussed above), where the orator expressly refers to his exilic activities as an act of *deuotio*; also *Dom.* 64, 145, esp. with Dyck (2004b). Gris  (1982: 94) notes that in any case drowning (to continue the nautical/storm metaphor) was generally not regarded as a suitable form of self-killing for an elite Roman. One might also note the image of Cicero's exile, a shipwreck of his fortunes, in a letter from August 58 (when the orator was in Thessalonica) to Atticus: *nunc in naufragiis nostris* (*Att.* 3.15.7).

47–8), with the effect of ‘a boxer throwing a flurry of jabs, or a wrestler throwing sand in his opponent’s eyes; in any case, we are to applaud the sentiments animating the questions without considering the questions too closely.’³¹⁴ What emerges is a reiteration of Cicero’s identification with the welfare of the state, and a characterisation of his withdrawal into exile as a display of his *deuotio*, the act of saviour, not a coward. So Cicero’s argument culminates with the (dubious) claim that by remaining in Rome he was living at risk not only to himself, but to the state herself (*Sest. 49; 50 periculo rei publicae uiuebam*). In this way, as we have seen, the *Pro Sestio* offers perhaps the most comprehensive and sustained effort yet to craft a narrative of Cicero’s exile and return, and justify his actions, which posed a significant challenge to his restoration.

The last speech we shall consider in this discussion of crafting exilic narratives is Cicero’s rather striking invective against L. Calpurnius Piso Caesoninus, delivered in 55 and disseminated perhaps a year later (cf. *Q. Fr.* 3.1.11).³¹⁵ The primary reason for the speech is that Piso did not use his position as consul to save Cicero from the pain and humiliation of exile.³¹⁶ As was briefly noted at the beginning of this chapter, the disseminated version of the *In Pisonem* gives the appearance of a text catering for readers, especially young boys (*Q. Fr.* 3.1.11 *pueri*). In particular, our version of the speech perplexes and shows Cicero exploiting the ambiguous nature of ancient ‘invective’, which was not a formal

³¹⁴ Kaster (2006): 225. One is reminded (of the perhaps spurious) claim reported by Quintilian that Cicero made of his defence of Cluentius: *nec Cicero, cum se tenebras offudisse iudicibus in causa Cluenti gloriatus est, nihil ipse uidit* (*Inst.* 2.17.21).

³¹⁵ Cf. esp. Nisbet (1961a): 199–202, and discussion in the next section.

³¹⁶ So Haury (1955: 150) remarks that the éclat of the invective ‘donne la mesure du refoulement de Cicéron’.

genus dicendi, nor even confined to the genre of oratory, but rather a mode of literature, pervasive across a range of genres. In this way, we see how ancient ‘invective’ informs the content and purpose(s) for writing (or speaking), rather than form or medium.³¹⁷ Importantly, as Cicero stresses several times (cf. *Pis.* 83, 95), the *In Pisonem* is an *invective*, not a prosecution speech (and so not governed by the same rhetorical precepts as forensic oratory). Consequently, ancient oratorical invective is characterised less by its structure and presentation — it could be freestanding (e.g. *Pis.*, *Phil.* 2), or embedded within larger speeches (e.g. *Mil.* 72–91) — and more by its content, on which the rhetorical handbooks give comprehensive guidance (cf. *Rhet. Her.* 3.10–15; *Inv.* 1.34–6, 2.177–8; also *Part.* 82).³¹⁸

³¹⁷ While (oratorical) invective at Rome was indebted to a long tradition of Greek oratory, by the time of Cicero it had developed a distinctive and uniquely Roman flavour (cf. Hor. *S.* 1.7.32, . . . *at Graecus, postquam est Italo perfusus aceto* . . .). A survey of the fragments from the early Roman orators shows the rich tradition of slander and abuse Cicero inherits in the first century BC (e.g. M. Cato, *ORF*⁴, fr. 213; Scipio Aemilianus, *ORF*⁴, fr. 17; C. Gracchus, *ORF*⁴, fr. 43, 58). In the second century BC, M. Porcius Cato offers a particularly choice example, as a master of invective. Plutarch recalls how Cato resorted to invective when Metellus Scipio married his betrothed, Lepida (*Cat. Min.* 7, ὁ δὲ Κάτων σφόδρα παροξυνθεὶς καὶ διακαεῖς . . . ὀργῇ καὶ νεότητι τρέψας ἑαυτὸν εἰς ἰάμβους πολλὰ τὸν Σκηπίωνα καθύβρισε, τῷ πικρῷ προσρησάμενος τοῦ Ἀρχιλόχου, τὸ δὲ ἀκόλαστον ἄφεις καὶ παιδαριῶδες.) See esp. Koster (1980: 97–112) for a survey of pre-Ciceronian (oratorical) invective, and the forthcoming work of the ‘Fragments of the Republican Roman Orators’ project being conducted at the University of Glasgow (www.fro.gla.ac.uk). Latin poetry, too, shows a penchant for *ad hominem* attack. Catullus, for example, offers biting criticism of Caesar (*Catul.* 29). Satire too inhabits this landscape of abuse at Rome, navigating an uneven path between ‘literary’ artifice and reality. Lucilius presents the preeminent example; a model for Cicero (at *Fin.* 1.9, the orator praises Lucilius’ *uenustas et sal*, and seems to identify himself with the satirist (*Fin.* 1.7, *nec uero, ut noster Lucilius, recusabo quo minus omnes mea legant*)). On satire and invective, cf. Rosen (2012): 20–2. Thus we may begin to see the extensive range of modes of invective that infused first-century Roman literary culture (and beyond).

³¹⁸ As Craig (2004: 189f.) has most recently shown, the rhetorical works develop a number (he counts seventeen) of conventional *loci* of invective, which can be broken down into three broad categories, which can be used to shame the chosen target: (1) external circumstances, which include birth, education, wealth, power, achievements, and citizenship; (2) physical attributes such as looks, health, speed, strength, and weakness; (3) qualities of character, or *uirtutes animi*, such as wisdom, justice, courage, and self-restraint. As Arena (2007: 149) notes, ‘this kind of verbal assault, conducted through an open recounting of the target’s faults and organized according to these *loci*, was often employed in judicial and deliberative speeches with the aim of turning the audience against its target.’ On the *loci* of invective see esp. Süß (1910): 247–54 (which, although derived from Greek oratory, Süß uses the *In Pisonem* as an example of their application, at pp. 259–60:

So, unlike the other *post reditum* speeches considered thus far, Cicero's *In Pisonem* is unencumbered by rhetorical prescription, which in turn enables the orator to angle his speech towards audiences and aspirations beyond the immediate oratorical occasion. In particular, the difficulties of 'speaking' about oneself evident in other forensic and deliberative contexts are diminished for invective, a type of speech which necessitated a degree of praise and blame, of insulting one act, while praising another.³¹⁹ Perhaps, then, the *In Pisonem*, of all the *post reditum* speeches, offered Cicero the best opportunity to promulgate his 'exilic narrative', without fear of criticism or rebuke. And indeed the orator capitalises on this with an emphatic, positive reiteration of his exile and return (we shall consider some of the other features of the disseminated speech in the next section).

Again, Cicero characterises his withdrawal into exile as an act of self-sacrifice. At *Pis.* 21, the imagery of navigating storms (observed above at *Sest.* 45f.) is again used to describe Cicero's voluntary, solitary *discessus* to save the state:

*alios ego uidi uentos, alias prospexi animo procellas, aliis impendentibus tempestatibus non cessi sed <his> unum me pro omnium salute obtuli.*³²⁰ The singularity of Cicero's efforts is repeatedly emphasised by the use of first-person verbs, emphatic pronouns, and the juxtaposition of *unum me* and *pro omnium*

'Nicht minder finden wir unsere Topik in dem ausgeführtesten rednerischen Jambus der lateinischen Literatur wieder, in Ciceros Pisoniana vom Jahre 55.' Cf. Nisbet (1961a): 192–7 (on the *In Pisonem* specifically); Corbeill (2002): 200–1, 204–11; Craig (2004): 190–1; Ash (2013): 212.

³¹⁹ Recall *Fam.* 5.12.4 (above). Gorgias allegedly thought it was the task of an orator *rem augere posse laudando uituperandoque rursus affligere* (*Brut.* 47).

³²⁰ Nisbet (1961a: 82, ad loc.) notes the problem of *his*, which is 'too emphatic'. Mommsen's (1899, ad loc.) *bis* (in Clark's *OCT*) would nicely link those other passages (observed above: *Dom.* 99, *Red. Sen.* 36, *Red. Pop.* 13, *Sest.* 49, etc.), where Cicero claimed to have saved the state twice, first in 63, then again with his 'withdrawal' in 58, but that use, as Nisbet et al. note, would expect *bis me unum*, and in any case, would mean *iterum*, 'an unparalleled use in classical Latin'. *eis* is a possible alternative; cf. Nisbet (1961a) ad loc.

salute. The heaping list of forces hostile to Cicero, marked by the triad of anaphoric clauses (*alios*. . . *alias*. . . *aliis*) and syllabic crescendo in the individual items, furthers the justification for withdrawal in a striking posture. Furthermore, the orator's characterisation of the exile as a *discessus* (*Pis.* 21) recalls other euphemisms Cicero uses elsewhere in the *post reditum* speeches (e.g. *Red. Sen.* 23, *Sest.* 45, etc., with discussion above). In this way, the orator again seeks to represent his departure from Rome as an act of *deuotio*.

Cicero's 'return' also receives treatment in the speech. At *Pis.* 51–3, we find a reiteration of the arrival described at *Att.* 4.1.4–5, *Sest.* 131, *Dom.* 75–6, etc.

ac meus [*sc.* *reditus*] quidem is fuit, ut a Brundisio usque Romam agmen perpetuum totius Italiae uiderit; neque enim regio ulla fuit nec municipium neque praefectura aut colonia, ex qua non ad me publice uenerint gratulatum. quid dicam aduentus meos? quid effusiones hominum ex oppidis? quid concursus ex agris patrum familias cum coniugibus ac liberis? quid eos dies, qui quasi deorum immortalium festi atque sollemnes apud omnis sunt aduentu meo redituque celebrati? (52) unus ille dies mihi quidem immortalitatis instar fuit, cum in patriam redii, cum senatum egressum uidi populumque uniuersum, cum mihi ipsa Roma prope conuolsa sedibus suis ad complectendum conseruatorem suum progredi uisa est; quae me ita accepit, ut non modo omnium generum, aetatum, ordinum omnes uiri ac mulieres omnis fortunae ac loci, sed etiam moenia ipsa uiderentur et tecta urbis ac templa laetari; me consequentibus diebus in ea ipsa domo, qua tu me expuleras, quam expilaras, quam incenderas, pontifices, consules, patres conscripti conlocauerunt mihique, quod ante me nemini, pecunia publica aedificandam domum censuerunt. (53) habes reditum meum.

Cicero presents the same images of thronging crowds we saw in earlier *post reditum* speeches; the pageant reads as a celebration akin to a triumph. The heaping of rhetorical questions emphasises the point: a direct challenge to Piso (and Cicero's readers). But the narrative is distorted further. Not only does the orator ascribe to himself the epithet *conseruator* (cf. e.g. *Dom.* 26, *Har. Resp.* 58), he even suggests he has acquired some sort of divinity: the act of Cicero's restoration achieves

immortality (*unus ille dies mihi quidem immortalitatis instar fuit*; of course, immortality and memorialisation being a major impetus for publishing the speech in the first place), his arrival celebrated like a religious festival (*quasi deorum immortalium festi atque sollemnes. . . celebrati*).³²¹ While perhaps less detailed than the account in the *Pro Sestio* considered above, Cicero's narrative is no less lacking in hyperbole. However, what distinguishes this speech from the others is that Cicero situates his exilic narrative in a context of comparison. Because invective is inherently an act of 'response' (on which, see the next section), Cicero juxtaposes his return with Piso's return from his province, (*Pis. 51 et quoniam fortunarum contentionem facere coepimus. . .*; cf. 53–5). The result is, as Dugan has convincingly argued, a speech in which Cicero takes advantage of the uncertain generic status of 'invective' to discredit Piso, and to attempt to restore his own reputation at the expense of Piso's.³²²

Therefore, as we have seen from a survey of a number of the *post reditum* speeches, the disseminated speeches from this period, in concert with other literary efforts (e.g. *De Temporibus Suis*, letters) show a coordinated, sustained effort to offer a positive, self-described view of Cicero's exile and return, developing a 'standard version' of the events.³²³ And although the *post reditum* speeches were not published together in a 'set', as was the case with the *Verrines* and *consulares*, internal evidence and evidence from the letters strongly suggests that Cicero publishes these speeches with readers in view. Indeed, Cicero is confident that the narrative of his exile and return will be interesting for readers (*Fam. 5.12.4–5*).

³²¹ Cf. Luke (2014): 111f., with discussion above on staging arrivals.

³²² Cf. Dugan (2001): 60ff., esp. 63.

³²³ Kaster (2006: 1–14) coins the phrase.

Moreover, we see the orator navigating the murky waters of oratory as ‘autobiography’, offering a variety of justifications for what amounts to a rhetorically-suspect strategy. But in any case, with the advantage of distance from the original delivery, the necessity for adherence to rhetorical prescription (and audience expectation) diminished. In fact, to subvert expectation (to a point) only served to engage readers further. Accordingly, we see how Cicero’s return to Rome occasions a renewed energy to cultivate his literary personality in the face of political uncertainty.

Models and (young) readers

As we have seen, Cicero’s foremost impulse to publication of the *post reditum* speeches was to restore himself to preeminence in the political and social order of late republican Rome. The articulation of a positive ‘exilic narrative’ of self-praise and adulation was one important way in which the orator sought to realise that aspiration. But whereas those efforts were directed primarily to an audience of his social and political peers (members of his own generation), there was a large number of emerging political and oratorical hopefuls whose support and reverence could not be won over by the same obsequious means, and for whom ‘memory’ of political events from the previous decade would not resonate (as it did with the previous generation). Instead, to gain traction with an important, younger demographic, in a model-seeking culture Cicero had to position himself as a model orator, one who might achieve canonicity and serve as an *exemplum* to be admired

and imitated.³²⁴ Indeed, Cicero's very first public remarks upon return to Rome in September 57 begin *de scripto* (*Planc.* 74) with a self-presentation as the archetypal Roman orator, emphasising with a veil of false modesty (a favoured strategy) his exemplary oratorical skills:

quae tanta enim potest existere ubertas ingeni, quae tanta dicendi copia, quod tam diuinum atque incredibile genus orationis quo quisquam possit uestra in nos uniuersa promerita non dicam complecti orando, sed percensere numerando? (*Red. Sen.* 1).

There is considerable evidence of Cicero's attempts to fashion himself as an oratorical model found both within and external to the speeches. Indeed, several letters show an active interest in currying favour with younger readers (e.g. *Q. Fr.* 3.1.11, *Att.* 4.2.2, below). Moreover, it can surely be no coincidence that the orator contemporaneously publishes (in 55) a three-book treatise on exemplary oratory (the *De Oratore*), which Cicero explicitly hopes the Younger P. Lentulus Spinther will find *non inutilis* (cf. *Fam.* 1.9.23 *quos arbitror Lentulo tuo fore non inutilis*).³²⁵ Cicero was certainly interested in teaching young orators the mechanics of rhetoric, although (as we have continually observed) the written versions of speeches often show a casual relationship with textbook prescriptions, which suggests a greater

³²⁴ I am grateful to Professor R. Ash for sharing a draft of a forthcoming piece on the sons of Cicero and his brother Quintus, namely the younger Marcus and Quintus Cicero.

³²⁵ Cf. *Fam.* 1.7.11 (letter to Lentulus' father (also 'P. Lentulus Spinther'), c. June/July 56) *Lentulum nostrum, eximia spe, summa uirtute adulescentem, cum ceteris artibus quibus studuisti semper ipse tum in primis imitatione tui fac erudias; nulla enim erit hac praestantior disciplina*. Cicero held the Elder Lentulus (cos. 57) in especially high regard and viewed him as instrumental in securing the orator's return from exile. Recall (from the introduction) the importance of reading model speeches as part of a young orator's training (cf. esp. *Rhet. Her.* 4.1–10; *De Or.* 2.90). Note also a letter Cicero writes to Lepta in the next decade, *Fam.* 6.18.4–5 (February 45), on the utility of his *Orator* (completed in late 46) to a young Lepta (the son of the addressee), who had yet to commence formal rhetorical training (*ediscat Hesiodum et habeat in ore*), but would (so Cicero hoped) still find the work 'pleasing': *Leptam nostrum cupio delectari iam talibus scriptis*.

interest in providing impressive, rather than predictable, examples for study and imitation.³²⁶

Accordingly, Cicero shows a larger interest in positioning *himself* as an oratorical model, to which attached a social recognition (and literary accolades). As we shall see (and have already seen with the *Pro Murena*, for example), a number of Cicero's speeches from the *post reditum* years direct themselves particularly to young readers, and we can observe the ways in which the orator both explicitly and implicitly adapts the material to cater for these consumers.

To begin this discussion, let us return to the *In Pisonem*, just considered. A letter Cicero writes to his brother, Quintus, in September 54 (perhaps an entire year after the delivery of the *In Pisonem*) foregrounds the discussion, inviting consideration of Cicero's motivations for publishing the speech and the ways in which the disseminated version of the speech may be adapted for readers:

alterum est de Caluanti Mari oratione quod scribis. miror tibi placere me ad eam rescribere, praesertim cum illam nemo lecturus sit si ego nihil rescripsero, meam in illum pueri omnes tamquam dictata perdiscant. (*Q. Fr.* 3.1.11)

This seemingly off-hand boast deserves further examination. As we have already countenanced, a number of factors point to our *In Pisonem* being an adapted, altered version of the delivered oration. In addition to exploiting the generic flexibility of oratorical 'invective' (see the discussion above), *Q. Fr.* 3.1.11 shows that the disseminated speech is being read a year after its delivery (in 55), which in turn

³²⁶ On the published speeches as didactic instruments, see foremost Stroh (1975), Achard (2000), and discussion in the introduction and in chapters two (on the *Verrines*) and three (on the consular speeches). And, it should be noted, Cicero did take on students of his own later in the 50s, and early 40s. One might compare, for example, the publication of Antiphon's fictional *Tetralogies* and Cicero's own publication strategies. Whereas the former represented rhetorical exercises, Cicero's speeches (obviously) represent more.

suggests that there was an interval between delivery and publication, giving time for revision and expansion (cf. Asc. 1 Clark).³²⁷ The length of the *sententia* is also striking; the extant speech (discounting the preliminary fragments) numbers 99 chapters, far longer than perhaps might have been expected (or even allowed).³²⁸

In addition, Cicero's choice of the verb *rescribere* at *Q. Fr.* 3.1.11 is significant: a verb used of writing literary compositions in reply to another (usually in opposition or refutation; cf. *OLD rescribo* 3). This gives our version of the speech a distinct *literary* character, and suggests a text for readers. For *writing* replies was a regular feature of 'read' literature of the period. So, for example, Tacitus (*Ann.* 4.34) recalls how Cicero's lost panegyric of Cato the Younger (*Laus Catonis* = A. Gell. 13.19), which the historian describes as a *liber*, prompted a *rescripta oratio* from Caesar (the two-book *Anticatones* = Suet. *Caes.* 56).³²⁹ In fact, the *In Pisonem*, as Asconius tells us, was itself a response to an invective Piso delivered against Cicero in the senate (Asc. *Pis.* 2 Clark ...*reuersus in ciuitatem Piso de insectatione Ciceronis in senatu conquestus est et in eum inuectus*...; cf. too Asc. *Pis.* 1 Clark *deinde magis quidem naturale est ut Piso recenti reditu inuectus sit in Ciceronem responderitque insectationi eius qua reuocatus erat ex prouincia quam post anni interuallum*).

As we prefaced this discussion, Cicero's written oratory from the *post reditum* period shows an interest in positioning himself as an oratorical model. So

³²⁷ See especially the discussion on publication in the introduction, p. 10f.

³²⁸ Taking the same approach as with other speeches already discussed in this chapter, the 51 pages of Clark's *OCT* (plus fragments) might take more than 2 hours and 10 minutes to read aloud verbatim.

³²⁹ Cf. also Suet. *Aug.* 85.1 *multa . . . prosa oratione composuit . . . sicut rescripta Bruto de Catone* (Augustus published a eulogy on a eulogy of Cato in 46 = *Att.* 12.21).

with the *In Pisonem*, a reply to an invective from Piso (Asc. 1–2 Clark, above), Cicero seeks (again; cf. *Att.* 2.1.3) to draw a comparison with his own oratorical idol, Demosthenes. In particular, the posture of the *In Pisonem* as an invective in reply to another speech recalls the relationship between another pair of speeches: Aeschines' *Against Ctesiphon* and Demosthenes' *De Corona*.³³⁰ These two speeches were of great importance to Cicero, who offered his own Latin translation of them together (*Opt. Gen.* 14 *conuerti enim ex Atticis duorum eloquentissimorum nobilissimas orationes inter seque contrarias, Aeschinis et Demosthenis*). In his preface to the now-lost translation, Cicero writes of his desire to imitate Demosthenes, whom he fixes as the pinnacle of Attic oratory (*Opt. Gen.* 13 *princeps*), and especially of the value of his efforts to students of oratory (*Opt. Gen.* 13 *putaui mihi suscipiendum laborem utilem studiosis, mihi quidem ipsi non necessarium*; cf. e.g. *Fam.* 1.9.23). As we observed in the previous section, invective enabled the orator to fashion the figure of the 'enemy', and to position himself in relation to his opponent, creating a dichotomy in which one party is pitted against another. Thus Cicero hoped that his readers would note the quasi-Demosthenic competition between the orator and his rival, Piso, and furthermore regard him as a 'Roman Demosthenes'.³³¹ By characterising his written speech as a reply, and with these Demosthenic overtones, Cicero presents himself as an oratorical *exemplum* (cf. e.g. *Juv.* 10.114–21 for treatment of the two orators together as the pinnacle of oratory).

³³⁰ Likewise the contest between Cicero and Antony in the undelivered *Second Philippic*; see further the discussion in the appendix.

³³¹ For further discussion on oratorical competition, and the connection with Demosthenes, see the introduction and treatment in the previous chapter on the consular speeches (with *Att.* 2.1). See Dugan (2001): 69, Piso as the 'anti-Cicero'.

In addition to the letter to Quintus, there are some other observations in support of the argument that ours is a speech for readers. Unusually, our *In Pisonem* lacks evocation of either audience or occasion, further indications that we do not possess the speech as spoken, but some altered version. And unlike some other examples of ancient oratorical invective (e.g. *Mil.* 72–91), the speech is entirely self-contained.³³² Furthermore, Robin Nisbet makes the good point that given the published *In Pisonem*'s relationship with the *In Clodium et Curionem* (a speech, we know, was undelivered: *Att.* 3.15.3), the case for the former speech's expansion for circulation is all the stronger.³³³

The letter to Quintus (*Q. Fr.* 3.1.11) not only points to the *In Pisonem* as a text for readers, but specifies which particular readers hold greatest interest for Cicero. The orator isolates *pueri*, who are not only reading the disseminated version as though it were a school text (*tamquam dictata*), but even learning it by heart (*perdiscant*). Cicero's claim that the school boys are learning the speech by heart reflects Gorgian rhetorical training, where boys used to learn speeches by heart: καὶ γὰρ τῶν περὶ τοὺς ἐριστικούς λόγους μισθαρνούντων ὁμοία τις ἦν ἡ παίδευσις τῇ Γοργίου πραγματείᾳ. λόγους γὰρ οἱ μὲν ῥητορικούς οἱ δὲ ἐρωτητικούς ἐδίδοσαν ἐκμανθάνειν, εἰς οὓς πλειστάκις ἐμπίπτειν ἀφώθησαν ἑκάτεροι τοὺς ἀλλήλων λόγους (*Arist. Soph. Elench.* 183^b36–184^a1).³³⁴ Moreover, a brief note in the Elder

³³² One might note the similarities between the disseminated *In Pisonem* and another of Cicero's oratorical invectives, the undelivered *Second Philippic*. Cf. e.g. *Phil.* 2.84 *non dissimulat, patres conscripti: apparet esse commotum; sudat, pallet. quidlibet, modo ne nauseet* . . . Cicero here keeps up the pretence (*apparet*) that he actually delivered this speech (the *Second Philippic*) in Antony's presence.

³³³ Nisbet (1961a): 202.

³³⁴ So Cicero claims to have memorised Galba's *Epilogus* in his youth: *exstat eius peroratio, qui epilogus dicitur; qui tanto in honore pueris nobis erat ut eum etiam edisceremus* (*Brut.* 127). Cf. other Greek cases of learning material by heart: e.g. *Plat. Laws* 810e–811a (learning poetry by heart); *Isoc.* 4.159 (Homer has achieved great renown by memorisation by hearing). For Latin usage of *perdisco*,

Seneca suggests that the fact that speeches were written as replies to others made them more suitable for study by young orators, and gives the example of the Augustan rhetorician and declaimer L. Cestius Pius, who thought himself preeminent in the rhetorical schools, and whose replies to Cicero's speeches occasioned their study: *pueri fere aut iuvenes . . . huius* [i.e. Cestius'] *enim declamationes ediscunt, illius* [i.e. Cicero's] *orationes non legunt nisi eas quibus Cestius rescripsit* (*Contr.* 3 pr. 15).³³⁵

But with these claims of being useful for school boys, what didactic value (if any) might the disseminated speech have aside from positioning Cicero as a model orator? Because of the aforementioned generic flexibility of 'invective', it is difficult to determine exactly what might be particularly striking for readers. However, Cicero acknowledges that he is consciously doing something unusual and arresting (*Pis.* 71 *hoc ipsum genus orationis quo nunc utor ab huius loci more abhorreret*). Cicero here is positively Callimachean in his quest for originality (cf. e.g. Call. *Aet.* fr. 1.25–8 Harder πρὸς δέ σε καὶ τόδ' ἄνωγα, τὰ μὴ πατέουσιν ἄμαξαι | τὰ στεῖβειν, ἐτέρων ἴχνια μὴ καθ' ὁμὰ | δίφρον ἐλᾶν μηδ' οἴμον ἀνὰ πλατύν, ἀλλὰ κελεύθους | ἀτρίπτους, εἰ καὶ στεινότερην ἐλάσεις).³³⁶ Claims of originality and newness were, as we have seen, for example, with Isocrates' *Antidosis*, a

cf. e.g. Cato *Fil.* 1 *quod bonum sit illorum litteras inspicere, non perdiscere*; *De Or.* 1.69 *hic locus de uita et morbus totus est oratori perdiscendus*; *De Or.* 2.69 *qui hominum unam speciem pingere perdicere*; Balb. 47 *omnia iura belli perdiscere*; *Rep.* 1.16 *ut Pythagorae inuenta perdisceret*.

³³⁵ But Seneca also reports how Cestius was once flogged by Cicero's son for slandering his father, M. Tullius (*Suas.* 7.13 *hic est Cestius, qui patrem tuum negabat litteras scisse*).

³³⁶ The use of κελεύθους at Call. fr. 1.25–8 is particularly evocative; Harder (2012, vol. 2: 67) notes that Callimachus has here chosen 'an unexpected word to indicate his untrodden paths. Thus his vocabulary seems to underline the demand for originality.' Cf. too Prop. 3.1.15–18, who in his opening invocation notes the originality and exclusiveness of his poetry, and recommends his audience to read his verses on this account: *multi, Roma, tuas laudes annalibus addent, | qui finem imperii Bactra futura canent; | sed, quod pace legas, opus hoc de monte Sororum | detulit intacta pagina nostra uia*. See further Hutchinson (2013): 28–30, with bibliography.

conspicuous way of recognising the need to present material as targeted to new reading audiences. Moreover, Dugan argues that the disseminated *In Pisonem* achieved canonicity in rhetorical education on account of its stylistic distinction — the inaccurate caricature of Piso juxtaposed against an exemplar of invective — which marked the speech as a work of *ingenium*. The *In Pisonem* is the product of a ‘calculated program of textual *ornatus* whose goal was to achieve the status of a masterpiece, an exemplary text whose univocal canonicity would, in effect, obliterate his enemy’s attacks, such that their only survival would be as fragments within his own text’s matrix, and thus subject to Cicero’s own depiction of events.’³³⁷

In this way, Cicero’s *In Pisonem* affects and contributes to the tradition of Roman invective. For by widely disseminating his speech and greatly expanding his audience beyond that immediately present at delivery, Cicero’s speech importantly accesses and influences those aspiring young orators who are looking to follow his example as they learn their craft. His oration is not so much a straight example of how to do invective — there are many such examples readily accessible and in circulation, albeit predominantly Greek — rather it is an experimental movement beyond conventional conceptions of ‘invective’. However, this is in many ways far more *useful* for Cicero’s audience of young and aspiring orators (cf. *Opt. Gen.* 13). For Cicero teaches his reader how to manipulate an audience’s expectations in order to impress his argument upon them, and in the process, establishes his reputation as an oratorical *tour de force*.

³³⁷ Dugan (2001): 71–2.

Last, let us return briefly to the *De Domo Sua*. Again, Cicero's correspondence helps illuminate his motivations for publishing the speech and gives evidence of the context in which it was circulating.³³⁸ In addition to crafting his exilic narrative, as we have seen, Cicero too is interested in fashioning himself (and the speech) as an *exemplum* to be studied by young orators. In a letter to Atticus in early October 57 (*Att.* 4.2.2), just days after the *De Domo Sua* was delivered (on 29 September), Cicero himself regards the speech as an outstanding example of his own 'power of eloquence' (*uis dicendi*), a masterpiece which he marks out as particularly important for a readership of young men studying oratory:

post illas datas litteras secuta est summa contentio de domo. diximus apud pontifices prid. Kal. Oct. acta res est accurate a nobis, et si umquam in dicendo fuimus aliquid, aut etiam si numquam alias fuimus, tum profecto dolor et <rei> magnitudo uim quandam nobis dicendi dedit. itaque oratio iuuentuti nostrae deberi non potest; quam tibi, etiam si non desideras, tamen mittam cito.

The indefinite pronoun, *quaedam*, which qualifies *uis dicendi*, suggests a particular, unique quality to the speech. By emphasising his singularity, Cicero intimates his desire to be regarded as exemplary, as a model orator. Moreover, Cicero's emphasis on the *uis dicendi* of the speech resonates with a similar assessment of Demosthenes in the *De Oratore* (1.260–1), in a passage where Cicero speaks to the importance of practice for the budding orator, and cites the example of Demosthenes' perseverance overcoming natural handicaps (he allegedly had a stutter). In particular, Cicero praises the sophistication of Demosthenes' periodicity, which demanded special breath control and stamina. This suggests (albeit anachronistically), that the *uis* of the *De Domo Sua* upon which Cicero hopes to

³³⁸ On the substantial legal challenges of the case, cf. esp. Stroh (2004).

place his reputation is one which manifests more in the orator's style and presentation than in content of the oration, and that (again) he wishes to position himself as a Roman equivalent to Demosthenes.

Moreover, as Cicero boasts at *Att.* 4.2.2, the success of the speech lay in his *uis dicendi*, which originated from the *magnitudo* of the subject of the speech together with *dolor* (=Aristotelian *πάθος*?).³³⁹ In any case, the basis of this is the well-known idea that strong emotion or grief makes one eloquent; in Cicero: e.g. *Brut.* 93 (concerning Galba) *naturalis quidam dolor dicentem incendebat*. Cicero's 'emotionalism' finds expression in a number of ways. One is hyperbole; for example, the claim in the exordium to the speech, *quod si ullo tempore magna causa* (*Dom.* 1). Later, at *Dom.* 62–4, as we have seen, Cicero offers an emotional justification for his withdrawal from Rome as a voluntary sacrifice. In the background to the scene, he depicts the consuls feasting in the bright glow of the conflagration of his house, and indulging in reminiscences of Catiline (*Dom.* 62); in the foreground he represents himself as he leaves the city like a holy martyr, drawing to himself the torches and arrows of the wicked (*Dom.* 63). Stroh remarks 'the scene belongs among the most grandiose he ever spoke and wrote'.³⁴⁰ And again, in the peroration (esp. *Dom.* 142, 146), Cicero is 'effusive in tone, extravagant in verbal richness, powerful in passion'.³⁴¹

³³⁹ Shackleton Bailey (in the Teubner edn., (1987)) reads with other editors (following Gulielmus) *dolor et <rei> magnitudo* at *Att.* 4.2.2 (as above); altern. *doloris magnitudo*. Cf. Hor. *AP* 101–3 *ut ridentibus arrident, ita flentibus adsunt | humani uoltus: si uis me flere, dolendum est | primum ipsi tibi*.

³⁴⁰ Stroh (2004): 354.

³⁴¹ Stroh (2004): 367.

As we have seen, the subject of Cicero's restoration to Rome following the pain and humiliation of exile is central to the construction of the speech, although not directly pertinent to the question of the restitution of Cicero's house (to which only a small portion of the speech is devoted (§§104–41), and even less (§§127–37) to the central legal point which was relevant for the priests).³⁴² But Cicero's exile was perhaps a far more interesting subject for readers (recall *Fam.* 5.12.4–5), and by focusing energy on an affective presentation of a man wrongly harmed, the orator more readily engages with his consumers.

Those 'consumers', so Cicero hopes, will be *iuuentus nostra* (*Att.* 4.2.2), aspiring Roman orators and politicians. The use of *nostra* is slightly ambiguous here; it may simply mean 'Roman' (cf. *Prop.* 2.3.33 *hac ego nunc mirer si flagret nostra iuuentus?*), but it could equally show a slightly more possessive quality, 'devoted to me' (cf. *Att.* 2.1.3 *adulescentulorum studiis excitati*). In either case, Cicero shows a clear interest in publishing the speech for these young men so that they might regard him as some sort of oratorical model, perhaps a 'Roman Demosthenes'.

Thus, with the *post reditum* speeches, Cicero is to some extent wanting to expand what is happening in the speeches themselves: namely, the wide circulation of the 'narrative' of his exile. He wants not merely to enforce the picture through repetition (cf. e.g. *Sest.* 49 *seruauit igitur rem publicam discessu meo, iudices; Red.*

³⁴² On *dolor* as 'emotion', as the counterpoint of *ingenium* ('intellect'), cf. *OLD*; e.g. *Prop.* 1.7.7 *nec tantum ingenio quantum seruire dolori | cogor et aetatis tempora dura queri*. In his rhetorical works Cicero consistently holds that failure to 'display' such passions, when appropriate, is damaging (esp. *Brut.* 278–9, on the dispassionate M. Calidius), and he tends to the view that to display them convincingly the orator must actually feel them (esp. *De Or.* 2.188–96, cf. *Orat.* 132 and more generally Wisse (1989): 257–69). It is interesting to note at *Mil.* 105, where Cicero claims he can no longer speak for weeping, a portion of the speech which probably was never delivered; the effect is created for readers.

Sen. 34; etc.), but to make it complete. Cicero implies this will be of interest to his audience, and by extension to his readers (cf. *Fam.* 5.12.4–5). Cicero circulates the texts in that hope that he might restore himself to preeminence in the Roman political and social hierarchy, and reassert his credentials as Rome’s top orator. In addition, Cicero is interested that his orations present himself as an *exemplum*, rivalling Demosthenes, whose efforts might be admired and studied by young oratorical and political hopefuls. Indeed, we have evidence that young students of rhetoric were greatly excited (or at least Cicero hoped they would be) by his *In Pisonem* (*Q. Fr.* 3.1.11). Likewise, the orator disseminates his *De Domo Sua* with young readers in mind (*Att.* 4.2.2 *oratio iuuentuti nostrae deberi non potest*).

5. CONCLUSION

From the outset, this thesis has taken a view of Cicero's published speeches as texts distinct from, though related to, the original live versions (cf. *Brut.* 91–2). In particular, we have been interested in exploring the complex relationship between orator and reader, and the ways in which the texts of the speeches acquire new meanings as they circulate among new consumers, with new objects in view.³⁴³ Indeed, the written speeches themselves, together with Cicero's significant body of correspondence to family and friends, show him crafting and disseminating versions of the orations specifically *for* readers. So, for example, with the publication of a corpus of consular speeches *three years* after their delivery, the orator is purposefully publishing and adapting the texts for a reading audience.³⁴⁴ In this way, the speeches we have represent more than mere (literal) records of specific oratorical occasions: both orator and reader bring to the text their own expectations and aspirations. But an obvious issue presents: what Cicero set out to achieve and what he actually *did* achieve in publishing the speeches might not be the same thing.

The thesis has largely kept aloof from the later reception of the written speeches, in particular to avoid the risk of anachronism. But there are important continuities. In this final chapter, it remains for us to consider how Cicero's readers, both his contemporaries and those in the generations following, actually received the written texts and engaged with them; to evaluate, as best we can, how the

³⁴³ Cf. the discussion on reader-response criticism in the introduction, p. 10f.

³⁴⁴ Other speeches have been altered by Cicero for readers, too, for example by the deletion of passages presumably less interesting (in *Pro Murena*, *Pro Fonteio*), or the addition of fresh material (in *Pro Milone*, *Pro Plancio*), or even by the conflation of two speeches into one (*Pro Flacco*). Cf. further La Bua (2019): 33–54.

written speeches fulfilled the objects of their original publication, and canvass the uses to which they were actually put; to consider, broadly, the reception of the speeches as ‘sets’ and the impact (if any) this had on the meaning and significance of the written works. I do not propose here to offer a comprehensive study of the reception of the written speeches; such an undertaking would constitute another thesis in and of itself.³⁴⁵ Rather, the aim here is to invite a fuller consideration and appreciation of the relationship between orator and reader, shifting focus from the former’s motives for the dissemination of the speeches (previously considered) to the rhetorical, literary, and educational culture of the Ciceronian and early post-Ciceronian periods.

As we have seen in our study of a number of the speeches, an amalgam of personal and political factors motivates the orator to disseminate written versions of them. In particular, by publishing speeches, the orator could overcome some of the limitations and restrictions imposed by a particular oratorical occasion. Literary, rather than strictly oral, texts afforded a certain flexibility to the author/orator, who was consequently able to pursue some course of action not strictly pertinent to the ‘present’ proceedings. In particular, we see Cicero circulating his speeches among readers as part of a programme of self-fashioning: to promulgate a positive self-image, or justify previous action, or create some sort of legacy through literary

³⁴⁵ A number of scholars have considered comprehensively the question of the reception of the speeches after Cicero’s death; Sillett’s (2015) DPhil thesis is particularly fruitful ground (publication forthcoming). Cf. also Keeline (2018) and his brief survey of other pertinent literature at p. 4f; MacCormack (2013): 256–81; Marsh (2013), on Ciceronian reception in the renaissance; Fox (2013), on reception in the Enlightenment. On Cicero’s place in modern culture, cf. Springer (2018). See also Manuwald (2016) for artistic and literary responses to Cicero in European and American culture from the thirteenth to the nineteenth century. For an incisive discussion of the reception of the *Catilinarians* beyond the ancient world, cf. Dyck (2008a):14-16, with literature.

memorialisation. The orator's written speeches capitulate to a wide range of ancient readers and readerly interests; in particular, significant and influential friends and relatives, as well as aspiring orators and politicians.

Cicero had broad ambitions to craft an image for himself as a great statesman, to achieve a notoriety as a leading Roman orator, and to document a narrative of the political and oratorical achievements of his life. So in his first appearance in a criminal case, Cicero makes several post factum alterations and anachronistic interpretations to the circulated version of his *Pro Sex. Roscio Amerino* in order to help establish his reputation as a leading orator: not only was he successful in the immediate case, but he had even resisted Sulla (cf. *Off.* 2.51).³⁴⁶ With the *post reditum* speeches, for example, Cicero is to some extent wanting to expand what is happening in the speeches themselves: namely, the wide circulation of the 'narrative' of his exile. He wants not merely to enforce the picture through repetition (cf. e.g. *Sest.* 49 *seruauit igitur rem publicam discessu meo, iudices*; *Red. Sen.* 34; etc.), but to make it complete (cf. esp. *Planc.* 86f.). Cicero implies this will be of interest to his readers (cf. *Fam.* 5.12). Likewise, with the consular speeches, Cicero wishes to perpetuate a positive consular legacy through his written oratory. Indeed, Cicero writes that he hopes to come across as a politically significant figure, and as a significant orator (cf. Demosthenes, who is specifically mentioned at *Att.* 2.1.3).

Moreover, publishing speeches could play an important role in advertising one's oratorical skills, and securing new clients. The increasing professionalisation of oratory and legal representation, coupled with the intrinsic value of oratorical

³⁴⁶ See further the discussion at p. 186f.

success for political ascendancy, necessitated a steady pipeline of prominent clients and a good reputation in élite circles. With the dissemination of his defence of Fonteius, for example, Cicero capitalises on the growing unease amongst his peers in a context of corruption and political malfeasance and appeals to Roman prejudice to drive notoriety as a leading orator.

However, these self-fashioning exercises were not the only motivations for dissemination of written versions of the speeches. There are clear didactic impulses, too, with a view to educate young and aspiring orators and politicians through engagement with his written speeches.³⁴⁷ For example, the circulated corpus of seven *Verrines* gives the appearance of an elaborate construction for readers. In particular, young readers aspiring to careers in public life, and aware that Cicero's success in the case was instrumental to his election to the aedileship for 69 (the orator frequently emphasises the *onus* of the case), take especial note of the orator's comments on the value of prosecution (well-deployed) for public careers (cf. *Verr.* 2.1.32 *et ex accusatione perficiam ut nemo umquam post hominum memoriam paratior, uigilantior, compositor ad iudicium uenisse uideatur*; *Div. Caec.* 10). The expansive discussion of prosecution techniques in the fictional *Second Actio* is instructive and enlightening. Similarly, Cicero envisages school boys reading his *In Pisonem* (*Q. Fr.* 3.1.11), and he writes that he is sending copies of his consular speeches to Atticus in response to the *studia adolescentulorum* (*Att.* 2.1.3). Cicero

³⁴⁷ La Bua (2019: 31-2) notes that in the orator's 'theory of publication there is no clear split between pedagogy and politics. Extension of his public figure, need for self-memorialization and consciousness of the potentialities of writing in advertising his political ideals determined Cicero's definition of his textual presence through publication. In a word, Cicero's mind was dominated by the supreme goal of transcending the limits of time and surviving eternal oblivion through his textual corpus.' Cf. Riggsby (1999): 178-84; Butler (2002): 71ff.; Steel (2005): 21ff., 49ff., and (2012): 263; Manuwald (2007, vol. 1): 58; Gildenhard (2011b): 1.

thus seeks to engage with this culture of exemplarity by presenting *himself* as an *exemplum* to be studied and imitated, figuring himself a sort of ‘Roman Demosthenes’ (cf. *Brut.* 289; *Orat.* 105 *uides profecto illum [=Demosthenen] multa perficere, nos multa conari, illum posse, nos uelle quocumque modo causa postulet dicere*).³⁴⁸ In this way we can observe how Cicero’s speeches are being written, disseminated, and read in an educational context.

Detaching from Cicero’s explicit (and implicit) reasons for publishing the speeches, we notice both a connection and break with the purposes to which the written speeches are actually being read. Evidence from specific readers shows the speeches being read both in ways the orator had conceived, and also those in which he did not. Once circulated, Cicero as author loses ownership of the texts, and consequently his ability to shape ‘meaning’. In particular, the political and social context at Rome following Cicero’s death changes significantly; the issues which had dominated the orator’s life in a *republican* Rome, become less significant (or even moot) a century or more later under the Empire.³⁴⁹ Consequently, Cicero’s motivations to use the published speeches as a means of immediately advancing his political and social status to further aspirations of ascendancy along the *cursus honorum* during his lifetime — and later, to re-establish and recuperate that same political and social prestige — become somewhat less relevant following his death.³⁵⁰

³⁴⁸ The *Philippics* present another obvious attempt to characterise himself as the ‘Roman Demosthenes’; cf. *Ad Brut.* 2.3.4, 2.4.2, with discussion in the appendix pp. 198–200, and pp. 93f., 175f. on Cicero as the ‘Roman Demosthenes’.

³⁴⁹ Cf. Gowing (2005); La Bua (2019): 2f., with literature. Zielinski’s (1929) pioneering study, *Cicero im Wandel der Jahrhunderte*, examines the changing historical and cultural factors which impacted Cicero’s *Nachleben*. Cf. more recently, Altman (2015).

³⁵⁰ Cf. Crawford (1984): 4f.; May (1988); Steel (2012): 253–4; La Bua (2019): 23–4.

Nevertheless, we see from the writings of readers in the early imperial period that the orator's motivations for circulating the speeches do still inform the ways in which the texts are being received. In particular, we have noted Cicero's pervasive concern with educating aspiring orators and politicians by the provision of written versions of his speeches as rhetorical models to be read and imitated as exemplars.³⁵¹

It is helpful to return here to consider Cicero's presentation of himself as the 'Roman Demosthenes', as the proto-Roman orator. It is not clear how far Demosthenes in circulating his speeches was aiming to be a rhetorical model as well as to influence contemporary political events. But by Cicero's time, Demosthenes had long become central in the Hellenistic creation of an educational tradition, and his speeches for study and imitation. The parallelisms between Demosthenes and Cicero pertain not only to their lives, however, but also their deaths and the changes in the Roman state, following Cicero's demise, and likewise in the Greek world following Demosthenes' death. Both presented somewhat controversial figures, both politically and stylistically, and are frequently compared in literature from the early imperial period, and later.³⁵²

One choice example of later parallelism comes from biography: Plutarch's *Parallel Lives* emphasises the similar trajectories of the two, not only as exponents of oratory, Greek and Roman respectively, but also as political leaders:

³⁵¹ Cicero's oeuvre *in toto* shows a broad interest in educating the younger generations of Romans, cf. e.g. *Div.* 2.4-5, with discussion at pp. 12-13.

³⁵² Quintilian frequently associates Cicero with Demosthenes, as the pinnacles of Greek and Latin oratory, respectively (e.g. *Inst.* 10.1.105-8). On the controversy, cf. esp. the Elder Seneca.

Δημοσθένης γὰρ καὶ Κικέρωνα τὸν αὐτὸν ἔοικε πλάττων ἀπ' ἀρχῆς ὁ δαίμων πολλὰς μὲν ἐμβαλεῖν εἰς τὴν φύσιν αὐτῶν τῶν ὁμοιοτήτων, ὥσπερ τὸ φιλότιμον καὶ φιλελεύθερον ἐν τῇ πολιτείᾳ, πρὸς δὲ κινδύνους καὶ πολέμους ἄτολμον, πολλὰ δ' ἀναμῖξαι καὶ τῶν τυχηρῶν. δύο γὰρ ἑτέρους οὐκ ἂν εὐρεθῆναι δοκῶ ῥήτορας ἐκ μὲν ἀδόξων καὶ μικρῶν ἰσχυροὺς καὶ μεγάλους γενομένους, προσκρούσαντας δὲ βασιλεῦσι καὶ τυράννοις, θυγατέρας δ' ἀποβαλόντας, ἐκπεσόντας δὲ τῆς πατρίδος, κατελθόντας δὲ μετὰ τιμῆς, ἀποδράντας δ' αὖθις καὶ ληφθέντας ὑπὸ τῶν πολεμίων, ἅμα δὲ παυσανμένη τῇ τῶν πολιτῶν ἐλευθερίᾳ τὸν βίον συγκαταστρέψαντας· ὥστε, εἰ γένοιτο τῇ φύσει καὶ τῇ τύχῃ καθάπερ τεχνίταις ἅμιλλα, χαλεπῶς ἂν διακριθῆναι πότερον αὕτη τοῖς τρόποις ἢ τοῖς πράγμασιν ἐκείνη τοὺς ἄνδρας ὁμοιοτέρους ἀπείργασται. (*Dem.* 3.2–4)³⁵³

Interestingly, Plutarch specifically compares his subjects' actions and political careers and characters, but does not provide judgement on their speeches or oratorical powers, hinting at his limited fluency in Latin, being a native speaker of Greek (*Dem.* 2.3–4), and citing the poor precedent of Caecilius of Kaleacte (*Dem.* 3.1–2).³⁵⁴

Another comparison of the two orators, somewhat less favourable, comes from a passage in Juvenal, who juxtaposes Cicero's eloquence and politics, with that of his Attic predecessor (10.114–32):

³⁵³ Plutarch also notes the similar circumstances of their respective deaths (*Dem.* 29; *Cic.* 47–8); cf. Lintott (2013): 11–15; Keeline (2018): 93–4. See also Quint. on Demosthenes (*Inst.* 10.1.76): *quorum* (i.e. *orum Graecorum*) *longe princeps Demosthenes ac paene lex orandi fuit: tanta uis in eo, tam densa omnia, ita quibusdam neruis intenta sunt, tam nihil otiosum, is dicendi modus, ut nec quod desit in eo nec quod redundet inuenias.*

³⁵⁴ Cf. *Dem.* 3.1 Διὸ καὶ γράφοντες ἐν τῷ βιβλίῳ τούτῳ, τῶν παραλλήλων βίων ὄντι πέμπτῳ, περὶ Δημοσθένους καὶ Κικέρωνος, ἀπὸ τῶν πράξεων καὶ τῶν πολιτειῶν τὰς φύσεις αὐτῶν καὶ τὰς διαθέσεις πρὸς ἀλλήλας ἐπισκεψόμεθα, τὸ δὲ τοὺς λόγους ἀντεξετάζειν καὶ ἀποφαίνεσθαι πότερος ἡδίων ἢ δεινότερος εἰπεῖν, ἐάσομεν. On Plutarch's knowledge of Latin, and Latin stylistics, cf. Pelling (2011): 43–44, with n. 103; Lintott (2013): 3–4. For another interesting comparison of the two orators, cf. Plin. *Ep.* 1.20.4.

eloquium ac famam Demosthenis aut Ciceronis incipit optare et totis quinquatribus optat	115
quisquis adhuc uno parcam colit asse Mineruam, quem sequitur custos angustae uernula capsae. eloquio sed uterque perit orator, utrumque largus et exundans leto dedit ingenii fons.	
ingenio manus est et ceruix caesa, nec umquam sanguine causicidici maduerunt rostra pusilli.	120
“o fortunatam natam me consule Romam”: Antoni gladios potuit contemnere si sic omnia dixisset. ridenda poemata malo quam te, conspicuae diuina Philippica famae,	125
uolueris a prima quae proxima. saeuus et illum exitus eripuit, quem mirabantur Athenae torquentem et pleni moderantem frena theatri. dis ille aduersis genitus fatoque sinistro, quem pater ardentis massae fuligine lippus	130
a carbone et forcipibus gladiosque paranti incude et luteo Volcano ad rhetora misit.	

The passage elicits many themes of the declamatory schoolroom; Cicero’s and Demosthenes’ speeches were clearly on the syllabus, and Juvenal shows ready familiarity. However, as Keeline observes, Juvenal here ‘blends equal parts irony and logic in order to arrive at a remarkable (and sarcastic) conclusion, one entirely different from that of the youths in the rhetorical classroom: eloquence results not in success, fame, or fortune, but rather in death.’³⁵⁵ The poet ironically suggests that he prefers Cicero’s poetry — notoriously inferior to his oratory — and alleges that the life of the *pusillus causicidicus* is better than that of the *orator*.³⁵⁶

Nevertheless, as these and other examples show, the transition was seamless; Cicero’s speeches were being read alongside those of Demosthenes, just as the orator had hoped. He was being thought a Roman equivalent of the greatest Attic orator. However, the reception of speeches was not entirely as the orator had

³⁵⁵ Keeline (2018): 100; cf. Keane (2015): 136-7.

³⁵⁶ Cf. Keeline (2018): 100; 187, n. 97. Cf. also Mart. 5.56.3-5.

envisaged. In the early imperial period, we see readers regarding Cicero as the embodiment of eloquence, as a ‘textualized’ Cicero, the once real man ‘in a sense disembodied and replaced by his written corpus’.³⁵⁷ Although Cicero set the stage for posterity through a programme of careful self-fashioning, as we have seen, with a particular view to publishing his speeches for the education of aspiring orators, it was Cicero the orator and writer, as distinct from Cicero the man and politician, which appealed most to the Augustan readers, not least because it divorced the texts from any controversial political stigma.³⁵⁸ So, for example, we see Cicero’s speeches providing material both for Propertius’ and Ovid’s poetry in the Augustan period.³⁵⁹

Moreover, by the time of Quintilian, the orator’s figure is stripped of any political relevance: ‘reconfigured and transmitted as a Roman cultural and moral authority to posterity, Cicero was reduced to an abstraction, a literary concept, dissociated from political contexts’.³⁶⁰ Cicero becomes synonymous with rhetorical education and a symbol of eloquence, a ‘school author’:

quare non inmerito ab hominibus aetatis suae regnare in iudiciis dictus est, apud posteros uero id consecutus ut Cicero iam **non hominis nomen, sed eloquentiae** habeatur. hunc igitur spectemus, hoc propositum nobis sit exemplum, ille se profecisse sciat cui Cicero ualde placebit. (Quint. *Inst.* 10.1.112).³⁶¹

³⁵⁷ Keeline (2018): 101.

³⁵⁸ Cf. Kaster (1998): 262; La Bua (2019): 101f.; e.g. Manilius’ *Astronomica* (1.794–5), where Cicero is included among the dead heroes in the Milky Way, ‘on account of the wealth of his eloquence’; Volk (2009): 233. On the controversies of Cicero as statesman, see the discussion in La Bua (2019): 102–6, with literature.

³⁵⁹ One might note Propertius’ adaptation of motifs from the *Pro Caelio* in elegies 4.7 and 4.11 (cf. Duffalo (2003)); so, too, the resonances of the *Pro Ligario* in Ovid’s *Tristia* 2 (cf. Ingleheart (2010): 13–15).

³⁶⁰ La Bua (2019): 125.

³⁶¹ Keeline (2018): 1, n. 2; 30, n. 47. Cf. Kaster (1998): 261–2, on Cicero as the ‘embodiment of verbal *ingenium*’ and ‘icon of eloquence’; La Bua (2019): 3–8, 125–30. Cf. also Quint. *Inst.* 2.16.7 (Cicero’s divine eloquence); 2.5.20 (Quintilian’s ‘love’ of Cicero); 9.4.16 (Cicero as *magnus auctor*).

Nevertheless, this transformation does allow for Cicero's speeches to achieve a certain canonicity, and they become models of oratorical style and *Latinitas* to be studied in the rhetorical schoolroom, not entirely inconsistent with the orator's original intentions for publication.³⁶² Indeed, Cicero writes frequently of the use of his speeches in the classroom (e.g. *Brut.* 123, where his texts displace those of orators of the older generation).³⁶³ Consequently, the orator's written speeches become a focus of continuous rhetorical study in the early imperial period, as a Pompeian graffito attests: *si ti<bi> Cicero do<let>, uap<u>labis* (*CIL* IV.4208).³⁶⁴ So Velleius Paterculus, in a particularly effusive passage, foreshadows how the orator's *nomen*, *ingenium*, and *eloquentia* will transcend time and space:

rapuisti tum Ciceroni lucem sollicitam et aetatem senilem et uitam seriore[m], te principe, quam sub te triumuiro mortem, famam uero gloriamque factorum atque dictorum adeo non abstulisti, ut auxeris. **uiu[it] uiuetque per omnem saeculorum memoriam**, dumque hoc uel forte uel prouidentia uel utcumque constitutum rerum naturae corpus, quod ille paene solus Romanorum animo uidit, **ingenio complexus est, eloquentia illuminauit**, manebit incolume, comitem aevi sui laudem Ciceronis trahet **omnisque posteritas illius in te scripta mirabitur**, tuum in eum factum execrabitur citiusque e mundo genus hominum quam huius nomen cedit. (Vell. 2.66.4–5)³⁶⁵

³⁶² Cf. Keeline (2018): 4; Dugan (2005): 304. Recall at *Q. Fr.* 3.1.11, where Cicero suggests his *In Pisonem* has already achieved the canonical status of a textbook; cf. discussion at pp. 109, 152f. The reading of model speeches was of intrinsic importance to the training of young Roman orators, who would learn their craft by studying oratorical *exempla* (cf. esp. *Rhet. Her.* 4.1–10; *De Or.* 2.90). For Cicero's hopes of canonicity and memorialisation of his works and achievements, cf. e.g. *Marc.* 25; *Phil.* 1.38; *Fam.* 10.1.1. For recent treatment on the subject, cf. Bishop (2019).

³⁶³ Cf. Horace's humorous commentary on his own schoolroom fate (*Ep.* 1.20.17–18). Note especially Stroh (1975): esp. 51f., who, whilst too limiting in his view, rightly points to the place the speeches played in rhetorical education, as is evident in the writings of the early imperial rhetoricians and historiographers. Cf. discussions at pp. 21–22, n. 52., and p. 61f., and La Bua (2019): 5–8, with literature.

³⁶⁴ Cf. also Sen. *Suas.* 6.4 *si ad memoriam operum tuorum, semper uiicturus es . . . malo populus Romanus mortuum Ciceronem quam uiuum desideret*; 5 *immortalis humanorum operum custos memoria, qua magnis uiris uita perpetua est, in omnia te saecula sacratum dabit*; 19; 7.2; 7–8.; Quint. 3.8.46; Mart. 5.69.

³⁶⁵ Cf. Cic. *Sen.* 82 *nemo umquam mihi, Scipio, persuadebit aut patrem tuum Paulum, aut duos auos Paulum et Africanum, aut Africani patrem aut patruum, aut multos praestantis uiros, quos enumerare non est necesse, tanta esse conatos quae ad posteritatis memoriam pertinerent, nisi animo cernerent posteritatem ad ipsos pertinere. anne censes, ut de me ipse aliquid more senum*

Given the transformation into a group of canonical texts, a question about popularity arises. Specifically: were Cicero's favourite speeches, the ones he had hoped would be admired and celebrated, those of his later readers? While the evidence is clear that the speeches were circulating in the rhetorical schools, and being read widely, it is somewhat more speculative to determine just how popular the various speeches were among later readers. Frequency of citation gives some clues; Quintilian, for example, cites from the *Pro Ligario* more than any other speech.³⁶⁶ Likewise, expansive treatment in commentaries on speeches may suggest favourable views. So, Asconius' striking preface and line-by-line commentary on the *Pro Milone*, far fuller than his consideration of any other speech, indicates admiration (note *prima*):

Cicero cum inciperet dicere, exceptus <est> acclamatione Clodianorum, qui se continere ne metu quidem circumstantium militum potuerunt. itaque non ea qua solitus erat constantia dixit. manet autem illa quoque excepta eius oratio: scripsit uero hanc quam legimus ita perfecte ut iure **prima** haberi possit. (41-2 Clark)³⁶⁷

Given the careful and meticulous revisions that Cicero made to the *Pro Milone* before its circulation, one might think he would be pleased with Asconius' glowing review.³⁶⁸

Lastly, it remains for us to return to the idea 'sets' or groups of speeches. This thesis has approached a number of sets of speeches from different moments in Cicero's oratorical career: specifically, the *Verrines*, consular and *post reditum*

glorier, me tantos labores diurnos nocturnosque domi militiaeque suscepturum fuisse, si isdem finibus gloriam meam quibus uitam essem terminaturus?

³⁶⁶ Cf. Gotoff (1993): xxxvii; Russell (2001): Index.

³⁶⁷ Cf. Lewis (2006): 232, ad loc.

³⁶⁸ Cf. the discussion at p. 196f.

speeches, and the *Philippics*.³⁶⁹ While some of these groupings were more conscious than others, nonetheless, Cicero circulated these speeches in collections in order to affect his readers' response, and shape the meaning of the texts, as both groups and individual orations. Interestingly, ancient readers engaged with these speeches in similar groupings.³⁷⁰ A brief review of the early MS tradition is illuminating, although not conclusive.

A review of the transmission of the *Verrines* shows the seven-speech corpus (*Orat. 103 Accusationis libri septem*; cf. 167, 210) is preserved as a collected group. La Bua suggests that perhaps 'by reason of their length the seven-book body of the *Verrines* hardly entered a volume with other speeches and presumably formed a natural-seeming codex collection. This may have contributed to their propagation as a whole. . .'³⁷¹ The Elder Seneca shows familiarity with the *Verrines* in a famous passage (*Suas. 2.19 tam diligentes tunc auditores erant, ne dicam tam maligni, ut unum uerbum surripi non posset; at nunc cuilibet orationes in Verrem tuto licet pro suis <dicere>.*), although it is ambiguous whether he refers to the seven-speech corpus, or simply to the five-part *Second Actio*.³⁷² Nevertheless, it would appear the speeches are being read together, as Cicero had envisaged.

Likewise, the consular corpus (*Att. 2.1.3 consulares*) seems to have been read and transmitted as a group — although a number of speeches are not extant. In an effusive encomium, the Elder Pliny recites the catalogue Cicero sends Atticus

³⁶⁹ Note the *Philippics*, especially the *Second*, are treated briefly in the appendix, pp. 198–200.

³⁷⁰ Recall the discussion at p. 24f.

³⁷¹ La Bua (2019): 74. On the MS tradition, cf. Rouse and Reeve (1983): 68–73.

³⁷² Text of Winterbottom (1974). On the passage, cf. McGill (2005).

(*Nat.* 7.116-17).³⁷³ Pliny's catalogue does not confine strictly to the consular chronology, but rounds off with Cicero's political achievements from the end of his career, which as La Bua observes, integrates the orator's final fight for the *res publica* into a 'larger panegyric of his consular *ethos*', consolidating an image of Cicero as both an ideal orator and virtuous statesman in early imperial literature.³⁷⁴ As La Bua notes, the *Catilinarians* seem to have had an independent transmission from the other *consulares*, and are frequently cited as *inuectivae* in the grammarians and late rhetoricians, often in a progressive numeration.³⁷⁵ Dyck observes that the four speeches were studied keenly in the rhetorical schools, albeit, if Quintilian's citations are a reliable guide, the first much more than the other three.³⁷⁶

The *post reditum* speeches, considered in the fourth chapter, present a less straightforward case. Whilst not a strict 'set', and published over a period of years, the speeches are grouped together in a ninth-century Tours manuscript, Paris. lat. 7794.³⁷⁷ Further treatments of selections of speeches from the post-exilic years within the *scholia Bobiensia*, suggests that later readers engaged with multiple of the written speeches from this period, perhaps on account of a common thematic consideration: Cicero's post exilic narrative and the 'Cicero-versus-Clodius'

³⁷³ Cf. discussion at pp. 80-1. For further praise of Cicero in Pliny, cf. e.g. *Nat. praef.* 7, 22; 13.83, 92; 33.34. Of the original *consulares* grouped by Cicero at *Att.* 2.1, the *De Othone*, *De Proscriptorum Filiis*, *Cum in Contione Prouinciam Deposui*, and *De Lege Agraria* 4 are lost. Cf. Crawford (1994): 217-18.

³⁷⁴ La Bua (2019): 72.

³⁷⁵ La Bua (2019): 73. For citation of the *Catilinarians* as *inuectivae*, cf. e.g. Diom. *GL* 1.330.1. For the MS tradition of the speeches, cf. Rouse and Reeve (1983): 55, n. 7; 62-5.

³⁷⁶ Dyck (2008a): 13-14; cf. Russell (2001): 'Index of Authors and Passages Quoted'. Maslowski (2003): x-xiv collates the papyrological evidence, which shows that the speeches continued to be read in educational contexts to the end of the ancient world, and beyond.

³⁷⁷ Cf. The discussion in La Bua (2019): 76-7, 80-4. The manuscript preserves together the *Post Reditum in Senatu*, *Post Reditum ad Populum*, *De Domo Sua*, *Pro Sestio*, *In Vatinius*, *De Prouinciis Consularibus*, *De Haruspicum Responso*, *Pro Balbo*, and *Pro Caelio*. See also Rouse and Reeve (1983): 60-1.

theme.³⁷⁸ As La Bua conjectures, a note of the scholiast, at f. 229 of Vat. Lat. 5750 after the *explicit* of the *Pro Flacco* and the *incipit* of the *Post Reditum in Senatu*, may corroborate this point (cf. schol. Bob. 108.16-22 Stangl):³⁷⁹

oratio<num ordo> Tulli<anarum> . . . <pos>tulabat ut praecedentis commentario eam subiceremus quae inscribitur: si eum P. Clodius legibus interrogasset, quae oratio uidetur post mortem eius inuenta. sed quoniam plurimae consequentur in quibus <eadem> paene omnia dicturus est, eximendam numero arbitratus sum, quando rebus nihil depereat, quae sine dubio in aliarum tractatione reddentur; nam plurifariam et de consulatu suo et de exilio et contra eundem Clodium locuturus est. consideremus igitur . . .

La Bua concludes that while it is not possible to state definitively whether the Bobbio Scholiast ‘made his own compilation or rather found an already arranged small collection of *post reditum* speeches, his intervention in cutting off the spurious *Si eum P. Clodius legibus interrogasset* from the textual sequence and, and most importantly, his focus on the shared content of the speeches delivered in 57/56 BC contributed certainly to the consolidation of the post-exile speeches within a unitary textual body’.³⁸⁰

With the fourteen *Philippics*, conceived as a group by Cicero after the Demosthenic model, we see again a corpus which continues to be read collectively, as is attested by references to *orationes in Antonium*/*orationes Antonianae* and *orationes Philippicae* in later periods, as titles of both the whole corpus and individual speeches.³⁸¹

³⁷⁸ Indeed, later rhetorical treatises suggest that this was a favourite topic in the declamation schools: cf. e.g. Fortunatianus 84.15 *RLM*; Winterbottom (1984): 550.

³⁷⁹ La Bua (2019): 81.

³⁸⁰ La Bua (2019): 84.

³⁸¹ Cf. discussion in the appendix at pp. 198-200, with Manuwald (2007, vol. 1): 51-4. Cf. Rouse and Reeve (1983): 73-8 on the MS tradition; the principal manuscript, Vatican, Arch. S. Pietro H. 25 (V), preserves *Phil.* 1 – *Phil.* 13.10. Sen. *Suas.* 7.5 preserves a fragment of an otherwise lost *Philippic*; cf. Kelly (2008): 22, with Arusianus Messius, who mentions *Philippics* 16 and 17 (*GL* 7.467).

Finally, it remains to consider a group of speeches which Cicero does not himself group *per se*, but which in reception are known as the *orationes Caesarianae*: namely, the *Pro Marcello*, *Pro Ligario*, and *Pro Rege Deiotaro*.³⁸² Originally circulating as individual speeches, they are unified by their common addressee, Caesar, and similar thematic content. It is possible that these speeches drew interest for later readers on account of the imperial overtones and their resonance with a now-imperial Rome. The three speeches are grouped together under the collective heading of *Caesarianae*, however, no earlier than the fourth century AD.³⁸³

To conclude, then. The modern study of Cicero's oratory has been closely related to that of Late Republican history, to great effect. But more thought about his works as texts for readers makes study of them less remote from the study of poetry, and historiography, in that period and later. That Cicero chose to publish versions of some speeches, a deliberate and distinct act, is interesting in itself, but not unique. There was clearly a background for the circulation of speeches before Cicero and in his time (cf. e.g. *Brut.* 91–2); but the massiveness of the Ciceronian circulation points to a determined and unusual strategy for prominence, a prominence educational, literary, and political.

It is clear that some speeches were only circulated (and never delivered), or circulated in a form substantially different from the delivered version. This proves Cicero's interest in circulation. Hence we can reasonably posit a contemporary readership beyond the original audience, and are not limited to invoking them only

³⁸² For the name, *Caesarianae*, cf. e.g. Serv. *G.* 2.131; *A.* 5.187, 11.438. On the three speeches, cf. generally Gotoff (1993).

³⁸³ Cf. Probus *Cath.* (*GL* 4.27.18).

where the content can be shown unlikely to have featured in the original oration. Such places are a nice confirmatory bonus, but we should generally be seeing how speeches would come across to readers, as we would with other Ciceronian literature, such as the *philosophica*.

Consequently, in our survey of Cicero's written speeches from different periods in his life, we have seen the immense value of looking at the orations not just as the original interactions between orator and audience, but also as the later interaction between author and readers. These texts are not just transcripts; a more realistic awareness of the purposes served by circulation, and of the importance of readers, gives us a much more comprehensive understanding of these texts and their impact.

APPENDIX

Here follows a brief survey of a number of other speeches not treated elsewhere in the thesis, which give evidence of catering to the needs of readers, or suggest some degree of alteration or adaptation for readers. While this is by no means an exhaustive catalogue, this survey aims to provide a more complete picture of Cicero's broad and pervasive interests in circulating versions of his speeches with readers in view.

Pro Sex. Roscio Amerino

The *Pro Sex. Roscio Amerino* is a significant speech; Cicero himself later attributes the case to the establishment of his reputation as a leading orator (*Brut.* 312).

Foremost, the defence represents Cicero's first appearance in a criminal case (*S. Rosc.* 59 *quod antea causam publicam nullam dixerim*).³⁸⁴ Moreover, this was the first murder trial to be held at Rome for a considerable period of time, and the first in Sulla's new murder court (cf. *S. Rosc.* 11 *longo intervallo iudicium inter sicarios hoc primum committitur*; 28 *quod iudicia tam diu facta non essent*).³⁸⁵

Given the significance of the case, it is not surprising then that the circulated version of Cicero's speech raises several questions of revision for publication, as part of a broader programme of self-fashioning through the dissemination of a narrative of political and oratorical success. A passage from the *De Officiis*

³⁸⁴ For a general introduction to the case, cf. Rawson (1975): 23–4, Craig (1993): 28–9, Butler (2002): 14, Berry (2004), Dyck (2010): 1–10.

³⁸⁵ On Sulla's judicial legislation creating the *quaestio de sicariis et ueneficiis*, cf. Crawford (1996): §50.

(published nearly forty years after the case was heard) brings these considerations to the fore:

maxime autem et gloria paritur et gratia defensionibus, eoque maior si quando accidit ut ei subueniatur qui potentis alicuius opibus circumueniri urgerique uideatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus; quae, ut scis, extat oratio. (2.51)

This passage is particularly striking because it does not seem to describe accurately the case Cicero actually brought in 80. As Berry's careful analysis of the speech has shown, the political sensitivity of the speech necessitated a delicate handling of Sulla and his freedman Chrysogonus, who was the key figure behind the prosecution:

uerum ut haec missa faciam quae iam facta sunt, ex iis quae nunc cum maxime fiunt nonne quiuis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum? qui Sex. Rosci nomen deferendum curauit, cuius honoris causa accusare se dixit Erucius . . . (S. *Rosc.* 132)

Any criticism of Chrysogonus would naturally be interpreted as a criticism of Sulla (a fact acknowledged by Cicero himself; cf. e.g. *S. Rosc.* 6 *de uiro fortissimo et clarissimo L. Sulla, quem honoris causa nomino*; 127 *nam Sullam et oratio mea ab initio et ipsius eximia uirtus omni tempore purgauit*; 136; 146).³⁸⁶ So in attacking Chrysogonus, Cicero is quick to exculpate Sulla (e.g. *S. Rosc.* 21–2, 25–6, 110, 127, 130–1). It would seem, then, that the speech was not *contra L. Sullae dominantis opes*; but the passage at *Off.* 2.51 invites reconsideration of the speech we have.³⁸⁷

³⁸⁶ Berry (2004): 80–2. On Chrysogonus, cf. Buccheit (1975), Dyck (2010): 9–10.

³⁸⁷ Cf. Dyck (1996): 436.

As a result, the question of revision for publication centres upon the attitudes the orator espouses towards Sulla and his régime in the speech.³⁸⁸ Berry points to four passages in the speech which suggest a degree of revision: §§3, 21–2, 130–1, and 152–3.³⁸⁹ As Berry convincingly shows, these passages are striking for their presentation of anti-Sullan material, and the prevailing ironic tone. Cicero cannot have included these in the original speech; they must be later additions.³⁹⁰

The *Pro Sex. Roscio Amerino* thus provides internal evidence of adaptation and revision for publication. Moreover, as the passage at *Off.* 2.51 makes plain, Cicero hoped that readers would take the view not only that he had successfully defended Roscius, but, in order to help establish his reputation as a leading Roman orator (cf. *Brut.* 312), that he had also resisted Sulla.

Pro Fonteio

As Lintott shows, the speech we have is essentially a faithful record of what Cicero must have said in defence of Fonteius, although the published text we have represents a version of the speech the orator delivered from the second of the two *actiones* of the trial *de repetundis* (*Font.* 37 *duabus actionibus*).³⁹¹ The fragmentary nature of the opening of the published speech makes it difficult to adjudicate the full extent of any revisions or ways in which the text may have been altered for readers; it is possible that some material in our speech may have been incorporated from the

³⁸⁸ Berry (2004): 81–2, with survey of literature addressing this question: cf. esp. Humbert (1925): 100–11, Buchheit (1975), Kinsey (1975).

³⁸⁹ Berry (2004): 82–5.

³⁹⁰ Humbert (1925) proposes that Cicero revised the speech on return from Greece after Sulla's death, in 77; Berry (2004: 85–6) adopts a similar view.

³⁹¹ Lintott (2008): 24. Cf. Jouanique (1960); Alexander (2010): 59ff., who compares the case of Verres.

first *actio*.³⁹² A series of *tituli* at *Font.* 20 points to an editorial omission of several topics by Cicero: DE CRIMINE VINARIO. DE BELLO VOCONTIORVM. DE DISPOSITIONE HIBERNORVM.³⁹³ Humbert speculatively argues that this reflected the fact that in the second *actio* of the trial, the accuser had not included these topics in his speech, but rather reserved them for witnesses; this argument is difficult to substantiate.³⁹⁴

The significance of the speech for readers is perhaps more muted than for some other orations we have considered. Nevertheless, Cicero's text presents 'not just a display of rhetorical virtuosity but a record of successful forensic activity'.³⁹⁵ Importantly, Cicero publishes his speech shortly after his successful prosecution of Verres for the very same crime. In a context of ever-growing numbers of convicted provincial governors, and recognising the limitations of prosecution for career advancement, the orator advertises his skills as an *aduocatus* to potential senatorial clients. The speech thus appeals to a readership of Cicero's peers, and its publication (with or without amendment) is motivated by a desire to engage with this critical audience.

Pro Caecina

With the *Pro Caecina*, we encounter a speech which represents one of the most elaborate manifestations of Cicero's legal knowledge and expertise. Central to the speech is the question of legal interpretation, articulated through the example of

³⁹² Humbert (1925: 216ff.) believed that the speech as far as §17 was from the first *actio*.

³⁹³ Cf. e.g. *Mur.* 57; also *Sul.* 51–68 (with Berry (1996): 58)), and *Cael.* 19.

³⁹⁴ Humbert (1925): 216ff.; cf. Stroh (1975): 45.

³⁹⁵ Lintott (2008): 24.

Caecina's attempted restitution of inherited property. Specifically, at *Caec.* 53–5 Cicero argues that a literalist application of the text of a law may not give the desired result; it may exclude certain possible applications, and fail to observe the spirit of a law (cf. *Mur.* 27).³⁹⁶

Like some of the speeches previously discussed (e.g. *Pis.*, *Verrines*), the orator chooses to publish the oration with a readership of students in mind; in this case, students of law. As the orator later claims in his *Orator* (102), *tota mihi causa pro Caecina de uerbis interdicti fuit: res inuolutas definiendo explicauimus, ius ciuile laudauimus, uerba ambigua distinximus*. Cicero's citation of this speech in a rhetorical work which quotes instructive examples, implies that he hopes the oration will serve this very function. The extensive and frequent discussions of the interpretation of legal instruments have resonance beyond the immediate case and its original hearing.

Pro Cluentio

A particularly striking feature of the speech is its length; it is the longest (extant) single oration in the oeuvre (202 chapters in Clark's *OCT*). As we have explored elsewhere, the length of our *Pro Cluentio* raises questions about the feasibility of its delivery (the speech we have might have taken four hours to deliver), suggesting possible embellishment.³⁹⁷ Indeed, in a famous letter to Tacitus, Pliny specifically mentions the *Pro Cluentio* in a broader discussion on the optimal length for judicial speeches (*Ep.* 1.20). While brevity is generally to be preferred, Pliny argues that

³⁹⁶ Cf. Fotheringham (2004): 259–60.

³⁹⁷ On the speech's length — 'l'orazione più lunga di Cicerone' — cf. esp. Patimo (2009): 9, 23. Though, it should be noted, that the *Verrines*, when taken as a whole, are considerably longer.

sometimes *uis quaedam et pondus* come from elaboration (*Ep.* 1.20.3); in particular, he regards the *Pro Cluentio* as Cicero's finest speech, on account of its length: *in primis M. Tullium oppono, cuius oratio optima fertur esse quae maxima* (*Ep.* 1.20.4). Pliny's choice of *fertur* is interesting; it implies that he is simply reiterating a widespread admiration for the speech.³⁹⁸ The particular significance for our discussion is that this suggests that the *Pro Cluentio* develops a following among readers.

Our version of the *Pro Cluentio* also takes a pedagogical stance, with evidence (both internal and external to the speech) encouraging a view of the oration as directed towards a readership of students of oratory. As we have observed elsewhere, Cicero's self-citation in the rhetorical works strongly suggests he wishes the speeches he cites to be viewed as instructive examples of the rhetorical precepts under discussion. At *Orat.* 103, the orator reserves particularly high praise for his *Pro Cluentio*: *nulla est enim ullo in genere laus oratoris cuius in nostris orationibus non sit aliqua si non perfectio at conatus tamen atque adumbratio*. Exactly what Cicero hoped students would learn from reading the speech is uncertain, although we might note that Quintilian cites from the speech more than any other: the speech seems to have become, at least by the first century AD, a paradigm-speech for illustrating rhetorical precepts.³⁹⁹

Moreover, a passage from the speech provides an explicitly didactic commentary on the best qualities of the 'ideal' orator as part of wider discussion on

³⁹⁸ Kirby's (1990: 162–70) suggestion (with *Plin. Ep.* 1.20.4) that the published text of the *Pro Cluentio* represents a 'refinement of a somewhat longer speech' seems difficult to substantiate.

³⁹⁹ The rhetorical exemplarity of the speech has been well examined; cf. esp. Kirby (1990). Indeed, Boyancé (1953) assumes (note: 'manifestement') that the speech became one of the basic texts in the rhetorical schools.

the relationship between a *patronus* and his *cliens*, and on what it meant to be an advocate in the late republic (cf. *Clu.* 139–42).⁴⁰⁰ In particular, Cicero is keen to stress his independence from his client, and the need for the separation of the *patronus*' own *auctoritas* from that of his client, and from the facts of the case.

In another passage, Cicero offers a justification that has resonance beyond the immediate case: he argues that an advocate should sometimes defend what looks like the truth, even if it is not strictly true (*Clu.* 51ff.; cf. *Off.* 2.51).⁴⁰¹ So Quintilian later reports: *nec Cicero, cum se tenebras offudisse iudicibus in causa Cluenti gloriatus est, nihil ipse uidit* (*Inst.* 2.17.21).⁴⁰²

⁴⁰⁰ Cf. the discussion at p. 64 on the 'ideal prosecutor' as articulated in the *Verrines*. Burnand (2004: 277) argues that *Clu.* 139 provides concrete evidence that the role of the *patronus* had become a professional one; Cicero describes himself as 'a semi-professional pleader who employs only his rhetorical skill in order to win his client's case'. Contrast the situation in fifth-century Athens, where the defendant in court was allowed a *συνήγορος* to collaborate in presenting the case; cf. esp. Crook (1995): 32–4. On terminology, and the evolution of the use of the titles *patronus* and *cliens* into the early imperial period, cf. esp. Crook (1995): 122–3. David (1992: 656) argues that the role of *patronus* was simply an extension of the patronal relationship: 'Même aux niveaux les plus modestes des procédures privées, la plupart de ceux qui plaidaient appartenaient déjà à l'aristocratie sénatoriale et ne faisaient que prolonger par l'assistance judiciaire l'exercice d'une relation de patronat qu'ils s'étaient gagnée ailleurs.' He further demonstrates (at 553–6) that in all-but-two known criminal proceedings before 64 BC, Cicero accepted client briefs not as the result of personal ties, but rather because he was sought out, presumably because of his reputation as a brilliant orator. But to attach the title 'professional' to Cicero, as does Burnand, connotes modern ideas of 'profession': codes of practice, jurisprudence, and civil procedure. Evidence to support this argument is scarce at best. Dyck (2013: 11) seems to assume a 'professionalization' of advocacy at Rome, and certainly by the time of the delivery of the *Pro Caelio* (56 BC).

⁴⁰¹ Cicero employs similar tactics in the *Pro Caelio*, where he deflects attention away from the manifold charges under the *lex Plautia de ui* against Caelius, and instead cultivates a presentation of his client as *adulescens* and *innocens*. Moreover, Caelius' handsome appearance (*Cael.* 6, 36), his impressive forensic skill (§§45, 74), and promising career ahead (§76) are highlighted; although, note Cicero's later comments on Caelius' less than impressive defence: *Brut.* 273; cf. Quint. *Inst.* 6.3.69; Dyck (2013): 9.

⁴⁰² The exact nature of the boast (which has not been preserved) has long troubled scholars. Complicating matters we encounter Plutarch's report of Cicero's boast in connexion with the case of T. Munatius Plancus Bursa (*Cic.* 25.1), which seems likely in view of *Fam.* 7.2.2–3 (cf. *Phil.* 6.10; 13.27). Thus, as Reinhardt and Winterbottom (2006: 331–2) conclude, 'either Cicero made the same claim twice, or Quintilian is wrong to connect a single claim with the Cluentius case'. Cf. esp. Humbert (1938): 275–96; Narducci (1992): 52–3. Lintott (2013: 166) notes that Cicero deploys a similar image of the daylight being blacked out in a trial in the orator's commentary on Catiline's trial for extortion in 65 (*Att.* 1.1.1).

The Agrarian Speeches

The group of four speeches *De Lege Agraria* from the consular year are speeches written up specifically for readers: they are conceived both as a self-contained set (like the *Catilinarians*), as well as part of the group of *consulares*, which Cicero assembles and sends to Atticus in 60 (*Att.* 2.1.3). Only the first three speeches are extant, but what we have is clearly crafted for readers.⁴⁰³ A particular point of interest for readers is the orator's treatment of the same issue in different contexts and at different times throughout the consular year.

In our discussion of the *Catilinarians* we observed how Cicero chose to publish a set of speeches in order to communicate with an audience beyond those immediately present at the original oratorical occasion, and in particular to memorialise his consulship with an 'authoritative' version of events.⁴⁰⁴ In the case of the *Agrarian Speeches*, in the first instance, Cicero self-evidently circulates the group of orations in order to make known his opposition to Rullus' proposed agrarian law to a wider audience, and more broadly to demonstrate his oratorical prowess and political achievements (as he indicates at *Att.* 2.1.3).⁴⁰⁵ A number of passages in the *Agrarian Speeches* suggest possible revision for publication, although the scholarship is divided.⁴⁰⁶ References to the speeches in a number of

⁴⁰³ Cf. Manuwald (2018): xxxv, n. 130, with discussion on the fourth speech, which it has been posited was a literary production, never delivered. Manuwald (2018: xxxv) notes that in addition to the fourth speech (which she argues was delivered), there were at least two additional *contiones* by Rullus, one when he presented his bill (cf. *Leg. Agr.* 2.13), and one between Cicero's second and third speeches, when he accused Cicero of supporting the Sullan possessors (*Leg. Agr.* 3.1, 3.3, 3.10).

⁴⁰⁴ Cf. Steel (2005): 54–5, Mouritsen (2013): 66, 78–9.

⁴⁰⁵ Manuwald (2018: xxxvi, n. 141) discusses, with literature, the question of whether the speeches were circulated before Atticus received them in 60.

⁴⁰⁶ Helm (1979: 13–56) suggests possible revisions at *Leg. Agr.* 1.13, 2.61–2, 2.84. Cf. esp. Stroh (1975): 51, n. 90, and now Manuwald (2018: ad loc.) for the contrary view.

testimonia collected by Manuwald show the range of readers who engaged (at least subsequently) with these speeches.⁴⁰⁷

Pro Flacco

Our version of Cicero's defence of Flaccus gives another example of a speech which has been adapted for publication. The case involved two *actiones* and the speech we have has often been thought to represent Cicero's second speech after the regular *comperendinatio*. However, in the Milan Fragment (which Clark's *OCT* locates to the beginning of the speech, between §§5 and 6), the orator speaks as though the evidence of the Greeks as a whole (which was presented in the first action) is yet to come:

cum adulescentiam notaris, cum reliquum tempus aetatis turpitudinis maculis consperseris, cum priuatarum rerum ruinas, cum domesticas labe, cum urbanam infamiam, cum Hispaniae, Galliae, Ciliciae, Cretae, quibus in prouinciis non obscure uersatus est, uitia et flagitia protuleris, tum denique quid Tmolitae et Dorylenses de L. Flacco existiment audiemus.

Another passage, shortly afterwards, raises similar considerations:

quibus igitur testibus ego hosce possum refutare nisi uobis? Tmolites ille uicanus, homo non modo nobis sed ne inter suos quidem notus, uos docebit qualis sit L. Flaccus? . . . de quibus uos aliis testes esse debetis, de eis ipsi alios testis audietis? at quos testis? (*Flacc.* 7–9)

Lintott argues that 'the passage in the Milan fragment clearly looks forward to the production of witnesses from Flaccus' earlier provinces and from Tmolus and Dorylaeum: it is indeed the sort of point that an orator might make in the first action when he had as yet no detailed criticisms to make of the prosecution testimony.' It seems likely, then, that our version of the speech is a compression of two speeches

⁴⁰⁷ Manuwald (2018): 2–9, with notes.

from the two actions of the trial, although ‘we cannot be certain where the dividing-line between them lay or indeed if there was a clear dividing-line’.⁴⁰⁸

These revisions to the speech for publication imply a desire to adapt the material for new audiences. Flaccus appears to have been acquitted, although the outcome of the trial is not recorded and he is only mentioned once more (at *Planc.* 27). The speech is highly attuned to the political circumstances of the early 50s, and we might speculate that Cicero chooses to circulate the speech to (re)assert his political and oratorical credentials, to counteract the increasingly precarious stature he held in Rome.

Pro Plancio

Cicero’s *Pro Plancio* is striking for the inclusion of material which could not have been delivered in the original speech; in particular, Cicero replies to a number of personal attacks that the prosecutor, M. Iuuentius Laterensis had made against him (cf. *Planc.* 72ff.). As Lintott notes, so far as we know, there was no *comperendinatio* in trials under the *Lex Licinia de sodaliciis*, the law under which Plancius was tried.⁴⁰⁹ Consequently, Cicero would not normally have already delivered a speech when Laterensis delivered his. Therefore, Laterensis’ commentary on Cicero’s performance at the trial (cf. *Planc.* 85) must be a post factum addition to the text, given Cicero had not even delivered his defence at this point.⁴¹⁰ So Lintott concludes: the whole speech from §68 onwards may then be seen as ‘Cicero’s contribution to a final *altercatio* between the orators, one that

⁴⁰⁸ Lintott (2008): 27.

⁴⁰⁹ Lintott (2008): 25. On the case, generally, cf. Lomas (2004): 102–4, 112.

⁴¹⁰ Cf. Humbert (1925): 176ff.

passes smoothly into the *epilogus* that sought to elicit pity for Plancius (95 ff.)'.⁴¹¹

Moreover, these embellishments to the original speech point to a broader objective of promulgating a positive self image; the desire to circulate widely an 'official' narrative of his exile and return remains a focus in this *post reditum* period (cf. e.g. *Planc.* 86ff., 104).⁴¹²

Pro Milone

The *Pro Milone* presents an uncontroversial example of a speech revised for publication. Evidence from Asconius elucidates that there were in fact two separate speeches, an original trial version and the extant speech we have: *manet autem ilia quoque excepta eius oratio: scripsit uero hanc quam legimus ita perfecte ut iure prima haberi possit* (42 Clark).⁴¹³ Moreover, as Stone has carefully shown, two different and incompatible attitudes emerge in Cicero's treatment of Pompey in our *Pro Milone*: §§1–66 insist that Milo enjoys Pompey's friendship and support, and the orator makes 'unqualified eulogy of the great man'; §§72–105 (the *extra causam* section and *conclusio*), conversely, barely disguises hostility.⁴¹⁴ The

⁴¹¹ Lintott (2008): 25.

⁴¹² On the 'exilic narrative', cf. the fourth chapter *et passim*. On self-reference in the *Pro Plancio*, cf. Paterson (2004): 93–4.

⁴¹³ Plutarch (*Cic.* 35) and Dio (40.54.2–4) seem to have been unaware of the existence of the trial speech, which Asconius had viewed, and which had been 'taken down' (*excepta*), presumably by shorthand-writers, in April 52; cf. *Fam.* 8.1.1–2 for professional shorthand-writers. Berry (2000: 169) notes that Quintilian, however, claims to have known the original speech (*Inst.* 4.3.17), and at *Inst.* 9.2.54 he quotes a passage from a defence of Milo by Cicero that does not occur in our *Pro Milone*. Later, in the fourth/fifth century AD, the trial speech is mentioned again, this time by the Bobbio scholiast: cf. 112, 173 Stangl. On the dating of our speech, which must have been published at a time when public sentiment had shifted against Pompey, cf. esp. Stone (1980), with discussions in Berry (1993), (2000): 169–71. Cf. also Crawford (1984): 210–18; Dyck (2002); La Bua (2019): 51–4.

⁴¹⁴ Stone (1980): 96, 98, 109. Berry (1993: 502) notes the transition between these sections (§§67–71) contains elements of both views.

evidence for the revision of the speech for publication is thus conclusive. The rationale for these revisions, however, requires further consideration.

The standard argument, relying on the testimony of several ancient sources, is that Cicero revised the speech to counteract his poor performance on the day. With considerations of reputation and legacy in view, the orator wished to leave a more positive record of his defence of Milo. The ancient sources, however, disagree on the question of how well Cicero actually performed. Asconius relays that the speech was not delivered with the orator's usual determination on account of shouting from Clodius' supporters (41–2 Clark *Cicero cum inciperet dicere, exceptus est acclamatione Clodianorum, qui se continere ne metu quidem circumstantium militum potuerunt*; cf. Quint. *Inst.* 4.3.17). Plutarch goes further, and depicts Cicero nervous and shaking, impeded by agitation and fear of an imposing Pompey (*Cic.* 35.5; similarly Dio 40.54.2). While, as Berry points out, both Plutarch and Dio exaggerate Cicero's discomfiture, nevertheless there is no doubt, on Asconius' evidence, that 'Cicero's performance fell short of his usual standards'.⁴¹⁵ In this way, by revising and circulating a modified version of the speech, Cicero could deflect attention away from the original performance and any consequences that might have had for his profile as a top orator.

An additional impulse to revise the speech, as proposed by Winterbottom, was so that Cicero could better position the oration as a model for students. As we have seen, students were a group of readers upon whom Cicero regularly focused attention (e.g. *In Pisonem*, *Verrines*), and there is no particular reason to think that they do not feature among the readership of the *Pro Milone*. In particular,

⁴¹⁵ Berry (2000): 167.

Winterbottom notes that ‘the articulation of the whole speech is pedantically marked. It is characteristic that *incipientem* appears in the second line, and *sed finis sit* in the last line but six.’⁴¹⁶ Other evidence of pedagogical inclinations, however, is slight.

The Philippics

In a letter to Cicero dating from 1 April 43, M. Iunius Brutus replies to a joking suggestion made by the orator in a non-extant letter: *iam concedo ut uel Philippici uocentur, quod tu quadam epistula iocans scripsisti* (*Ad. Brut.* 2.3.4; cf. *Ad. Brut.* 2.4.2 . . . *te uideo delectari Philippicis nostris*; Plut. *Cic.* 48.6 αὐτός τε γὰρ ὁ Κικέρων τοὺς κατ’ Ἀντωνίου λόγους Φιλίππικους ἐπέγραψε καὶ μέχρι νῦν τὰ βιβλία Φιλίππικοὶ καλοῦνται). So Cicero conceives of the fourteen (extant) speeches against Antony as a set, and, in imitation of Demosthenes’ speeches which he composed against Philip II of Macedon between 351 and 340, he calls them ‘Philippics’ (cf. *Att.* 2.1.3 *consulares*).⁴¹⁷ As we have observed at various points in his career, the desire to be regarded as a ‘Roman Demosthenes’ was a prevailing ambition,⁴¹⁸ and in circulating his Demosthenic corpus, Cicero hopes to achieve this recognition amongst his peers.

This *Philippics*, like the *Verrines* and *consulares* previously considered, is a collection of speeches published with readers in view. The group includes speeches

⁴¹⁶ Winterbottom (2004): 271, n. 8.

⁴¹⁷ For a discussion of Demosthenes’ speeches against Philip, cf. Manuwald (2007): 47–9. It is interesting to note that Cicero’s speeches are always described in the plural *Philippici* (*libelli*) / *Philippicae* (*orationes*) (both by M. Brutus and Cicero), which indicates that Cicero intended that they be read and grouped together. A variety of sources from antiquity attest that the collection was widely known by the title *Philippics*: cf. e.g. Quint. *Inst.* 3.8.46; Plu. *Cic.* 24.6, 48.6. See further discussion in Manuwald (2007): 52–4.

⁴¹⁸ Cf. Ramsey (2003): 17–18, Manuwald (2007): 131.

that were delivered, and those that were not (*Phil.* 2). Whether Cicero published the group together or separately over time is uncertain on account of a lack of sufficient unambiguous evidence.⁴¹⁹ Nevertheless, the conception of the set is significant and binds together the individual speeches, which each share a number of typical characteristics and are thematically linked by their treatment of the same political problem.⁴²⁰

Of the collection, the *Second Philippic* merits brief individual attention.⁴²¹ This speech, which was never delivered, was authored purely for readers and readerly interests.⁴²² Cicero's speech was an elaborate invective and a reply to a speech given by Antony against him, in his absence (*ORF*⁴ 472–5).⁴²³ Prima facie, the speech gives the appearance of a delivered oration, with frequent addresses to Antony in the second person, as well as references to his demeanour, and even allusions to the physical setting in which fictional invective was given (e.g. *Phil.* 2.36, 76, 111).⁴²⁴ Nevertheless, as La Bua notes, the speech could never have been given, 'disconnected from a concrete judicial occasion'.⁴²⁵

Given the sensitivity of the content of Cicero's invective, and the precariousness of the political climate, the oration circulates cautiously, and first to Atticus, before gradually disseminating more widely, as Cicero commits himself

⁴¹⁹ Cf. the comprehensive discussion in Manuwald (2007): 66ff., with literature.

⁴²⁰ Cf. Manuwald (2007): 83, n. 223, for bibliography providing further analysis. Also Steel (2006): 61.

⁴²¹ Indeed, Juvenal singles out the *Second Philippic* as Cicero's masterpiece: *diuina Philippica* (*Sat.* 10.125).

⁴²² Cf. Hall (2002): 275; Steel (2005): 141ff.; Manuwald (2007, vol. 1): 59, n. 156 (with literature).

⁴²³ Cicero later excused his absence on account of his friends' concerns for his safety: *Phil.* 5.20 *si per amicos mihi cupienti in senatum uenire licuisset, caedis initium fecisset a me*; cf. *Fam.* 12.2.1, 25.4. For an overview of Antony's attacks against Cicero, cf. Lintott (2008): 378–9.

⁴²⁴ Cf. Steel (2005): 161, n. 55; Ramsey (2003): 157ff.; Shackleton Bailey (2009, vol. 1): 50.

⁴²⁵ La Bua (2019): 50.

irrevocably to a course of opposition to Antony (cf. *Att.* 15.13.1 *orationem tibi misi. eius custodiendae et proferendae arbitrium tuum*).⁴²⁶ Consequently, the speech takes on some of the characteristics of a political pamphlet, as the orator seeks to disseminate his views on the *res publica* and the dangers Antony posed to its continued survival.⁴²⁷

⁴²⁶ Interestingly, Cicero imagines that his speech will never be published more widely unless the republic has been restored (*Att.* 15.13a.3 *non sit foras proditura nisi re publica recuperata*). Atticus subsequently suggests a number of amendments (*Att.* 16.11.1–2). Cf. Craig (1993): 149; Ramsey (2003): 158, 164–5, 267, 312–13, 317; La Bua (2019): 47–50, who notes (at 49, n. 234) editorial amendments at §§3, 75, 103, 106 in the speech we have.

⁴²⁷ For discussion of the speech as a ‘Flugschrift’, cf. Ott (2013).

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