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CICERO REFLECTED: THE IMAGE OF A STATESMAN IN THE CENTURY AFTER HIS DEATH, AND ITS IDEOLOGICAL SIGNIFICANCE.

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A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy

Department of Ancient History, University of Sydney.

August, 1997.
I hereby declare that this thesis has not already been accepted in substance for any degree. It is the result of my own independent research and all sources which have been utilized are acknowledged in the references.

Andrew Wright
Acknowledgements.

If I were to thank individually every person who was responsible for helping me in the long-running and tortuous course of producing this thesis, there would be a considerable danger of producing a list that was longer than some of the chapters in this thesis. However, I would like to single out the efforts of four people.

Firstly, my supervisors, Ms Léonie Hayne and Mr Martin Stone. Léonie retired from the University of Sydney during the course of this degree. Yet her tireless efforts on my behalf have never diminished. Moreover, her generosity in allowing me use of her room at University during her tenure, when facilities for postgraduates in the Department were virtually non-existent, was vitally important in aiding my research. Martin, my associate supervisor, has never faltered in his labours on my behalf, despite the massive undergraduate and postgraduate teaching load of an understaffed department. Without the enthusiasm, ideas and criticisms of these scholars this thesis would never have reached completion.

Secondly, I owe a great debt to my parents Colin and Margaret, who have not only provided massive financial and emotional support, but have also spared no effort in helping in the final proof-reading and production of this thesis. Their patience and understanding over a long period is deeply appreciated.
Note on Abbreviations and Translations.

Abbreviations of journal titles conform to those found in Simon Hornblower and Antony Spawforth, eds., *The Oxford Classical Dictionary* (Third edition. Oxford and New York, 1996). These are supplemented by those found in *L'année philologique: Bibliographie de L'année 1993* (Paris, 1996). Abbreviations of ancient works and modern scholarly collections also generally conform to the style of *OCD 3*, as supplemented by P. G. W Glare, ed., *The Oxford Latin Dictionary* (Oxford, 1982). The *Dialogi* of Seneca the Younger have, however, been cited under abbreviations of their individual titles taken from Miriam T. Griffin, *Seneca: A Philosopher in Politics* (Oxford, 1976). In the case of some later ancient sources, on which the above works provide no guidance, I have provided my own abbreviations, generally together with a reference to a major collection. Abbreviations used for frequently-cited secondary works, unless found in *OCD 3*, are my own creation and, given they are always cited with the author's name, are hopefully self-evident.

At the considerable risk of patronizing my immediate audience, I have provided translations of all the longer passages of Greek and Latin quoted in the main body of the text. Some of these can be fully justified on the basis of the following analysis of the passage's meaning. However, in general, these translations have been included both, in order to maintain some sense of narrative "flow", and for the benefit of my "Latinless" and "Greekless" proof readers, as well as for any subsequent readers lacking facility in these languages. In each case the name of the translator is appended at the bottom of the translation.
ABSTRACT

This thesis examines the extant references to Cicero in the Triumviral, Augustan and early Julio-Claudian periods, largely with a view to elucidating the problem of how Romans perceived and confronted the downfall of the Republic.

Chapter 1 deals with the evidence from the historian Sallust, the controversial theories of Jérôme Carcopino concerning a postulated publication of Cicero's correspondence in the late Triumviral period, and the miscellaneous evidence that exists for attacks on Cicero during that period. On the basis of this analysis, it is asserted that there is little reason for thinking that his memory was subject to systematic excoriation. Moreover, it is argued that not only did many Romans celebrate his memory as both a political and literary figure, but a positive conception of him was utilized by Octavian himself in his struggle with Antony.

Chapter 2 offers to refute the argument that the sensitivity of Cicero's memory for Augustus led to a concerted policy of preferred silence towards the orator during his Principate. Nevertheless, it is acknowledged that Augustus himself, and possibly poets such as Virgil and Horace, evince some signs of hostility towards certain aspects of Cicero's memory.

Chapter 3 places the evidence of the previous chapter within the wider context of extant Augustan references. While the historical fragments of Pollio and Livy evince serious criticism of Cicero, it is argued that this criticism in context is both restricted in its nature and to a large degree independent of the attitude of Augustus. The declamatory evidence collected by Seneca the Elder indicates the acceptability of a positive conception of Cicero, while also illustrating how the ruler's interests played a part in moulding that conception; notably in the polemic against Antony. Hostile rhetorical depictions of Cicero are also examined, and found to be of minor contemporary relevance, however great their later influence.
The final chapter investigates the relationship between developments in prose style and opinions of Cicero, and disputes the contention that both Cicero's popularity as a subject and perceptions of him were radically influenced by such developments. Moreover, the evidence from the time of Augustus' successors makes it clear that, despite the survival of critical attitudes towards Cicero, he had ceased to be politically dangerous.

This thesis concludes with a delineation of the inadequacy of some previous views and notes areas in which work remains to be done.
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Introduction.

In 1950 Ronald Syme delivered as the third Todd Memorial Lecture at the University of Sydney a paper entitled "A Roman Post-Mortem: An Inquest on the Fall of the Roman Republic." As he stated at the outset:

> When a war has been lost, a political system overthrown, or an empire shattered and dispersed, there is certain to be a post-mortem inquiry, and the discussion is seldom closed with the decease of the survivors: it may be perpetuated to distant ages, and, as strife is the father of all things, so is dispute and contention the soul of history.

The two most notable events in Roman history which had become the subject of these "great necrological argumentations" were, he stated, the fall of the Roman Empire in the West, and the fall of the Roman Republic. Relative to each other, he argued, the change was not nearly so great in the latter instance: "The Republic had been far from Republican, and the new dispensation under the rule of Caesar Augustus was not wholly monarchical." Indeed, he asserted, behind the history of the last years of the Republic lay a steady and discernible process, "the emergence of centralized government." He went on to state:

> The process is intelligible, but the causes of it and the stages are a perpetual theme for diagnosis and debate among scholars and historians. Perhaps the time has come to go back and discover what the Romans themselves thought about the catastrophe. Who was to blame?

Logic might seem to point in certain directions: the old political system, the old governing class, and some of the leading principals of that class who fought for the preservation of its prerogatives. The reality, Syme argued, was very different. The forms of the Republican constitution, if now something of an illusion, were generally regarded as a sine qua non. Scions of many of the great families of the Republican aristocracy

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1 Published in A. J. Dunston, ed., Essays on Roman Culture: The Todd Memorial Lectures (Toronto and Sarasota, 1976), 139-57 = RP 1 (1979), 205-17.
not only decorated the Augustan Senate, but were among Augustus' most privileged and loyal supporters. Even the leaders of the defeated cause were largely immune from being scapegoats: some had been profitably co-opted as potent symbols of the new regime's traditionalist feeling and desire for social stability; others, more potentially dangerous or embarrassing, were denied official endorsement, but could in most cases still be allowed a measure of veneration as advertisement for the tolerance of the new ruler. If anywhere, Syme argued, the blame was laid on the opposite side of the political fence, failed triumvirs such as Crassus, Lepidus, and Antony, and most strangely of all, Augustus' divine parent himself. Even vituperation or disavowal of these figures did not last long. More remunerative was the assumption of guilt attaching to the entire Roman nation, for whose sacrilegious and morally degraded condition the Princeps was not only the result but also the cure.

To be sure, Syme was keen to place this debate within what he saw as its proper context. Those who benefited from the establishment of peaceful and orderly government far outnumbered those who had lost power and prestige. He stated: "The Empire needed no elaborate or sophistical justification to most classes and regions. Their feelings are known, or can be guessed." Returning to the theme in his final major work, and in the light of the vast amount of scholarly analysis of such issues since the 1950 lecture, he entered further caveats. The dangers inherent in the phrase "imperial propaganda" were strongly spelt out. Could one properly speak of propaganda when profound and irreconcilable opposition to the new order was largely non-existent? With reference to the educated upper classes of Rome, the concept also failed to take account of the resentment and disbelief inevitably aroused by simplistic attempts at indoctrination. Rather, Syme argued, the new ruler simply left it to those classes "to devise formulations of acceptance." Furthermore, the matter of allocating blame to particular historical figures was in itself problematic, given the widespread belief in "the decrees of fate or the caprice of fortune". Moreover, it was not all a question of blame; a raft of positive arguments could be adduced for the new reality.

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Syme's lecture, as fate would have it, was the first work read by the present writer in preliminary research into the question of Cicero's Nachleben. As shall soon become clear, many of Syme's contentions there, both general and those specifically relating to Cicero, will be challenged in this thesis. Yet the initial question that he posed was remarkably apposite given the interests of the reader. For there was indeed a wider inspiration lying behind this present work: that in investigating the reception of a major statesman from the late Roman Republic, light could be shed on the question of how the educated classes of the early Principate perceived the most significant change in Roman government for over five hundred years, and reconciled themselves to the loss of their own supreme power.

Why Cicero? Given that much of the major scholarship on the late Republic during the last two centuries has perceived in his complex and ambiguous career a recurrent pattern of disreputable compromise, isolation and failure, the great orator might seem rather poor matter on which to test Imperial perceptions of the battle between Caesarism and the defenders of the Republic. Moreover, was it not, as Syme claimed, in the attitudes of his own contemporaries that the most powerful evidence of Cicero's weaknesses was to be found; his failure to "exhibit the measure of loyalty and constancy, of Roman virtus and aristocratic magnitudo animi that would have justified the exorbitant claims of his personal ambition"?3

It is easy to assume, in the light of the vital and all-pervasive importance of Cicero in evidencing the late Republic, that we have been in some sense "hoodwinked" as to the man's importance and standing; that the doubts, tergiversations and defeats so powerfully exhibited in his own correspondence were not only always clearly perceived as such, but interpreted in a unanimously damning fashion. Yet, by no means all scholars have interpreted Cicero's career and his contemporaries' perception of that career in such a light. What better way, then, to test the issue of Cicero's place in the late Republic than to study his reception in an age when his voice and pen were stilled, yet when the

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memory and writings of similarly gifted contemporaries were still close at hand?

Furthermore, even if we assume, for the sake of argument, that Cicero’s political life was in fact marred by compromise and disappointment, does not this render his posthumous reputation potentially the most fascinating of all the opponents of Caesarism? Both ally and enemy at various times to the interests of nearly all the great figures of the period, and yet indissolubly linked by the events of 63 and 43 BC with defence of the res publica, this was not a man whose career could be summed up in a word. Surely, it would seem to allow for a much greater and more complex range of potential reactions than, say, the uncompromising behaviour and attitude of Cato.

Moreover, there is the added fascination of Cicero’s standing in the fields of oratory and letters. For here we have not only a politician, but Rome’s most famous orator and one of its most celebrated prose writers. What is more, here was one of the few literary-minded members of his class who sought to provide a theoretical analysis and justification of the State he purported to defend. Although the present study is not an investigation per se into the wider and more elusive problem of Ciceronian influence on stylistic and intellectual developments in the Triumviral period and early Principate, it is arguably the interaction of such important facets of his life with the image of the man and statesman which makes that image of such potential interest and significance.

The modern bibliography of specialist works dealing with Cicero’s posthumous reputation in the early Principate could hardly be described as an overly extensive one. Only a few journal articles this century have dealt specifically with the issue: even the best of them being too brief and seemingly designed as little more than curiosity pieces.4 Indeed, it says something for the relative dearth of mainstream scholarship on the subject that Thaddeusz Zielinski’s Cicero im Wandel der Jahrhunderte

is still widely regarded as the seminal work.\(^5\) Not that such an exalted status is unjustified. The scope of Zielinski’s analysis is much broader than the reception of Cicero’s name alone, and his chronological reach much greater. Yet in the relatively brief space he gives over to the early Imperial opinion about Cicero the man and statesman, he manages to make a remarkable number of perceptive and illuminating remarks. Moreover, in his most detailed and original piece of analysis, the development of a hostile caricatural tendency towards Cicero, he identified and elucidated one of the most important and problematic strands of evidence. However, Zielinski is at times overly dogmatic in his assertions, while his analysis of the negative effects of stylistic developments on the reputation of Cicero is open to serious question.

The 1960’s saw two American doctoral dissertations specifically devoted to the subject of Cicero’s posthumous reputation by Rev. D. G. Gambet and G. B. Lavery.\(^6\) Gambet’s work is admirably encyclopaedic in its coverage of the ancient sources from his chosen period of coverage which did and did not refer to Cicero. In noting the ubiquity of Ciceronian references, the dominance of a laudatory attitude towards Cicero, and the vital influence of declamatory rhetoric in both transmitting and shaping the memory of Cicero, his work should have served as a pertinent corrective to some common misconceptions. Yet Gambet fails to consider or dismisses important evidence which goes towards illustrating the ideological complexity and ambiguity of the Ciceronian image. Moreover, his views on the issue of Imperial prose style, heavily influenced as they are by those of Zielinski, are problematic. Lavery’s work is a much sketchier affair. To be sure, in a

\(^{5}\) 3rd Edition. Leipzig and Berlin, 1912. The writer has been unable to locate a copy of the Fourth edition of 1929. The work is cited under special studies in OCD\(^2\), 238. In OCD\(^3\), 1564, it is cited in reference to the influence of Cicero’s philosophical works in subsequent ages only, but finds no substitute as regards other issues concerning Cicero’s posthumous reputation. I have also been unable to consult Paul Petzold’s De Ciceronis obtrectatoribus et laudatoribus Romanis (Leipzig, 1911), and Bruno Weil’s 2000 Jahre Cicero (Zurich, 1962).

\(^{6}\) Rev. Daniel G. Gambet, Cicero’s Reputation From 43 BC To AD 79 (Unpubl. diss. University of Pennsylvania, 1963). Gerard B. Lavery, Cicero’s Reputation In The Latin Writers From Augustus To Hadrian (Unpubl. diss. Fordham University, 1965). The review of these works found in S. E. Smethurst’s bibliographical article ("Cicero’s Rhetorical and Philosophical Works, 1964-1967," CW 61 [1967], 125-33, at 133) should be disregarded: Lavery nowhere argues, as it states there, that obtrectatores “outnumbered” the laudatores. However, he does state (171) that there was “no single and consistent image of Cicero”, and does not see the final predominance of the laudatory conception until the time of Quintilian.
number of specific instances his analysis is not only more well-informed as to the lines of the modern scholarship than Gambet, but more perceptive. However, he not only often fails to provide detailed analysis of many important authors, but makes some rather glaring errors as to dating. Moreover, he employs in his conclusions an overly schematic, and rather simplistic, classification of the various strands of opinion about Cicero and their transmission.

Even if the study presented in this thesis does not have anything fundamentally new to say on the question, it should still serve a useful purpose. For given the nature of the generalizations that continue to be bandied about in much mainstream scholarship concerning a dominantly hostile reception accorded to Cicero's memory in the Triumviral and Augustan periods, it is quite clear that few scholars have taken cognizance of the evidence raised and many of the views propounded in the earlier works on the topic. However, inasmuch as these works are also problematic in many respects, and given the mass of scholarship on both the relevant ancient source materials and the politics of the Augustan and Julio-Claudian periods, which has accrued in the last thirty years, a new investigation appears appropriate.

Moreover, because of its initial inspiration, the central emphasis of this thesis is substantially different from those earlier works. A concentration on the ideology of the Ciceronian image may seem to hold inherent dangers of overlooking vital evidence and issues, as well as imputing political significance where it does not really exist. Yet this thesis does not wholly ignore the literary significance of Cicero's memory, and is, if anything, somewhat more cautious in its estimation of the ideological resonance of that memory than some of the past scholarship. Indeed, if this thesis demonstrates anything concerning Cicero's ideological importance in the period covered, it is the confirmation of the general approach adopted in Syme's later refined notions of the "Post-Mortem". For while the interests and the sensibilities of the Princeps played a vital role in determining the limits of acceptable debate, it is very much the members of the educated upper classes themselves, with all their varying opinions and interests, who are attempting to come to terms with the complex, multifaceted and potentially dangerous legacy of Cicero within those limits.
Finally a word is necessary about the scope and structure of the present work. When the subject of this thesis was initially conceived, it was somewhat optimistically envisaged that it would cover a much wider period; at least as far as the beginning of the Third Century AD, and possibly the works of the Christian Fathers. The sheer volume and complexity of the early evidence, the significant debt that the material and tendency of later works owed to it, and the wider issue of Syme's "Post-Mortem", led progressively to a concentration on the years which saw the formation and consolidation of the so-called "Augustan settlement". Those factors also necessitate that the division of material presented in the thesis into "Triumviral", "Augustan" and "early Julio-Claudian" packages is not a rigid or all encompassing one. There will be no attempt to revisit Gambet's treatment of every single explicit reference to Cicero within each given period, nor will there be discussion only of evidence clearly written within that period. However, it should not be thought that these divisions are a mere matter of convenience. The replacement of the Triumviral regime by the Augustan Principate, the death of Augustus, and his succession by family members personally unconnected to the life and times of the late Republic are seminal events which marked profound alterations in Imperial ideology and the perception of history. As we shall see, they also held important implications for the reception of Cicero's memory.
Chapter 1. The Triumviral Period: A Ciceronian "Dark Age"?

a) The Triumviral Period - Introduction.

The task of identifying and analysing references to Cicero made during the Triumviral period is not an easy one. Apart from the information supplied by the historian Sallust - which has its own peculiar problems of dating and interpretation - our evidence is largely scattered and cursory in nature. Much of it stems from men whose writings spanned both the Triumviral and Augustan periods, and often it is impossible to strictly pin down the period from which particular references to the orator originate.

Yet despite these difficulties, some attempt to delineate between these two periods is both necessary and instructive. The proscriptions which ushered in the Triumviral regime had Cicero as their most prominent and celebrated victim. Cicero's great enemy, Marcus Antonius, the destruction of whom had been Cicero's main objective in the last year of his life, held sway as one of the two most powerful men in the Roman world. Antony's partner, Caesar Octavianus, was, if anything, more liable to be embarrassed than his colleague by any mention of the great orator. He had, in the eyes of many, betrayed the man whom he had once called "father", and it was he who, at least in the earlier period, had gained the reputation of being the most implacable and bloodthirsty of Caesar's revengers. The War of Actium, which saw not only the eclipse of Antony but the transformation of Octavian's ideological image from that of a vengeful party leader to the restorer of Roman and Italian unity, theoretically at least, marks the beginning of a very different state of affairs with regard to the reception of Cicero's memory.

To be sure, the new undisputed ruler of the Roman world was still the same man who had signed Cicero's death warrant over a decade before. Furthermore, although it has become something of an axiom to suggest that the restoration of "constitutional" government by the man now to be known as Augustus saw a consequent distancing by the new Princeps from his Caesarian heritage and an adoption of a Republican/Pompeian attitude to the history of the civil wars, scholars are by no means agreed as to the nature or extent of Augustus' reconciliation with his former
ideological foes. Nevertheless, we must accept that the material and ideological changes that marked the establishment of the Augustan Principate - with the emphasis given to legality, tradition, unity and peace in policy and propaganda - contained the potential ingredients for a major re-evaluation of the figure of Cicero. Not that most scholars have accepted such a change in attitude as occurring. As we shall see, many have assumed that the name of Cicero remained a source of chagrin to Augustus and that as such his memory was either ignored and/or belittled throughout the latter's lifetime.

However, making this distinction does necessarily lead to some strange chronological anomalies. For instance, much of this chapter will concentrate on the controversial hypotheses of Jérôme Carcopino concerning the publication of Cicero's letters and the political purpose of such a publication. Such a discussion raises questions concerning the attitude towards Cicero of men who knew him before his death and whose lives continued well into the Principate. Yet since the main aim of the analysis here concerns the significance of the Ciceronian image in the late thirties, it is both more important and convenient to discuss the issues arising from Carcopino's book in the context of Triumviral politics. To take another example, the question of the attitude of the Augustan poets towards Cicero is examined in the following chapter, despite the fact that the literary careers of some of these poets spanned both these periods; the focus in this instance being on the nature of the relationship between Augustus and those poets, and the extent to which their poetry reflected the political concerns of the princeps. In each case, thematic unity takes precedence over strict chronological purity.
b) Sallust on Cicero.

For both historical and pragmatic reasons, it is logical to begin our analysis of Cicero's posthumous reputation with the works of the historian Gaius Sallustius Crispus (c. 86 - 35 BC). For not only may we possess in the extant works of Sallust, particularly the Bellum Catilinae, the first coherent body of references to Cicero surviving from after his death, but in addition the depiction of Cicero by Sallust presents a particularly fine illustration of many of the issues and problems that will arise throughout this survey. It raises, for instance, acute problems of dating and authorship. It also illustrates the difficulties encountered in attempting to piece together the opinions of an ancient author given limitations in the scope and quantity of our evidence. Moreover, it presents us with a clear example of the pitfalls involved in making assumptions regarding an author's view on any particular subject, based solely on a simplistic understanding of his ideological and/or stylistic outlook.

Our first major problem turns on the dating of Sallust's monograph, the Bellum Catilinae, which contains all of Sallust's extant references to Cicero. Is it the case that Sallust wrote this work after the death of Cicero? The answer to this question is, of course, a sine qua non as far as our study is concerned. However, the lack of evidence has led to a wide variety of theories regarding composition of this monograph. Our terminus ante quem for the works of Sallust is provided by the date of death - 35 BC - recorded for the author in the Chronicle of Jerome; probably not very secure in itself. The Bellum Catilinae is - on the basis of Sallust's remarks in chapter 4 of that work - generally held to be the first of his works. While the wording of Cat. 53. 6 and 54, particularly the use of fuere, would seem to clearly indicate that both Cato and Caesar were dead at the time of writing, thus giving us a rough

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1 Not that it has been seen that way by others who have examined this question. For instance, Gambet (Cicero's Reputation, 257) states that Sallust "took no part in public life after his trial for the plundering of Numidia c. 45 BC. His works then reflect his judgment as a confirmed Caesarian in the period of his political activity, i.e. c. 55 to 45 BC and have been excluded for this reason." Even more abrupt is Lavery, who ignores Sallust's Bellum Catilinae in toto.

2 Jer. Chron. Helm, 159. For the problems with Jerome's dating, both as pertaining to Sallust and more generally, see R. Syme, Sallust (Berkeley, 1964), 13-15.
terminus post quem for composition of March 44 BC, this has not stopped some scholars arguing that Sallust began composition well before that date. As to completion the arguments get even vaguer. It has been argued, for instance, that the gloomier tone of the opening chapters of Sallust's second monograph, the *Bellum Jugurthinum*, compared with those in the *Bellum Catilinae*, taken together with Sallust's condemnation of civil strife and political massacre (*Iug.* 42.4) in the later work, show that the earlier monograph, at least, must have been completed before the formation of the Second Triumvirate. This, needless to say, is hardly conclusive: one could just as well argue that Sallust's bolder strokes in the second monograph display that he was writing a considerable time after the horrors of late 43-42 BC, thus revealing nothing as to the dating of the first monograph in relation to the institution of the Triumvirate and the Proscriptions.

What of those scholars who have argued for a dating of the work after Cicero's death? Syme, for instance, argues that "artistic propriety" would rule out the selection by Sallust, for historical treatment, of a theme in which one of the leading characters (ie. Cicero) was still living. Broughton argues that the restrained and circumspect manner in which Sallust praises Cicero suggests the influence of Triumviral terror. Both arguments have a tendency towards circularity: the particular reading of the text provides evidence for the date, and the date provides evidence for the particular reading. This would be no problem if scholars were generally agreed that Sallust's *Bellum Catilinae* constitutes an attempt at serious and impartial historical analysis, and that its depiction of Cicero is, however circumspectly, laudatory in

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3 See Syme, *Sallust*, 127-9, where he lists the scholars who have argued for a date of inception before Cicero's death. See also L. A. MacKay, "Sallust's *Catiline* : Date And Purpose," *Phoenix* 16 (1962), 181-194. MacKay argues that the *Catiline* was originally published in 50 BC, as part of Caesar's propaganda drive prior to the Civil War; and then re-published, with additions, at the time of the Perusine War in 41 BC, as a plea for moderation directed at the Triumvirs. While some features in the *Catiline* - notably the incoherence and inconsistency in the introductory chapters - may seem to support MacKay's argument, we should be cautious, especially since Mackay seems motivated by the old assumption that Sallust's Caesarianism is the dominant factor in all his writings, thus ensuring the need for a specific political motive in composing his historical monographs.

4 See Syme, *Sallust*, 128, noting as he there does, the views of Wohleb.


6 T. R. S. Broughton, "Was Sallust Fair to Cicero?" *TAPA* 67 (1936), 34-46, esp 44-46.
conception. However, as will soon shown, this has been very far from the case.

Is there any evidence regarding the dating of the monograph which avoids these tendencies? Syme suggests one interesting possibility: the speech of Caesar handed down to us by Sallust advertts to the Sullan proscriptions as an example of the evil effects of arbitrary governmental violence. Sallust's Caesar goes on (Cat. 51. 35-6) to state:

\[
\text{atque haec ego non in M. Tullio neque his temporibus vereor, sed in magna civitate multa et varia ingenia sunt. potest alio tempore, alio consule, quo item exercitus in manu sit, falsum aliquid pro vero credi. ubi hoc exemple per senatus decretum consul gladium eduxerit, quis illi finem statuet aut quis moderabitur?}
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(I am not afraid that any such action will be taken by Cicero, or in this present age. But in a great nation like ours there are many men, with many different characters. It may be that on some future occasion, when another Consul has, like him, an armed force at his disposal, some false report will be accepted as true; and when, with this precedent before him, a consul draws the sword in obedience to a senatorial decree, who will be there to restrain him or to stay his hand?)

[Handford]

As Syme tentatively suggests: "Is there not a hint of Octavianus, insidious and sinister? A hint, but not quite a precise reference." Syme is rightly cautious here, but there must be a distinct probability that Sallust is making a veiled allusion to actual events around the time he was writing. But what events? The reference to a consul in command of an army could arguably refer to the activities of Antony in 44 BC. What is particularly suggestive of Caesar's heir and his activities as Triumvir is the reference to a falsehood being believed. Syme takes this to be a reference to Cicero's alleged remark concerning Octavian, \textit{laudandum adulescentem, ornandum, tollendum}. However, there are

7 Syme, Sallust, 122. Syme goes on to argue (128) that the monograph "may have been begun in 42, and not completed before 41."
8 See Syme, Sallust, 122.
problems with this. Firstly, it is far from clear that Cicero denied making the statement; though admittedly, Sallust may not have known the full details here. Secondly, it seems unlikely that the remark could have been the legal justification either for the proscriptions or Cicero’s inclusion in the killings. Another possibility seems more plausible: Antony’s allegation that it was Cicero who instigated the assassination of Caesar, an allegation that Cicero strongly refuted in one of his most famous works. The reference here to the hypothetical consul acting upon the instructions of the Senate may seem strange to some; although not so strange when it is remembered that Octavian’s activities at this time were to receive senatorial authorization, however forced that may have been.

While, therefore, conclusive proof of a dating of composition after the death of Cicero is lacking, it seems reasonable, on the balance of probabilities, to accept such a proposition. As said before, the issue is an important one. For apart from the question of whether the Sallustian depiction of Cicero technically fits within our purview, this issue of dating arguably affects our reading of the Sallustian references. If it were the case that Sallust was writing while Cicero was still alive, then the argument that he was damning Cicero with faint praise would be somewhat more plausible than if Cicero were dead and his killers were ruling Rome. Yet we should not overstate this dichotomy. Even if it were the case that much of the monograph was written between the death of Caesar and that of Cicero, it is highly doubtful whether this would totally change our interpretation of the Sallustian references to Cicero. As shall become apparent, not all Sallust’s praise of the consul would seem to fit the description of “faint”.

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9 See Cic. Fam. 11. 20. 1 & 21. 1. Syme states here that Cicero denied making the statement. This is not really the case. As Shackleton Bailey (Cicero: Epistulae ad Familiares, 2 vols. [Cambridge, 1977], vol. 2, 553) has noted: “By not denying authorship of the offensive dictum Cicero as good as admits it, and his attempt to pass the matter off as a piece of negligible tittle-tattle rings false.” Whether the statement was genuine or not, it seems probable that Octavian used it (Suet. Aug. 12; cf. Vell. Pat. 2. 62. 6) as part of his justification for originally deserting the republican cause: see Chapter 2, pp. 89f; Chapter 4, n. 70.


11 Dio 46. 47, 1-4.
However, we are not yet in a position to examine in detail the Sallustian references to Cicero. For if one thing is plain from the scholarly debate on this subject, it is that factors other than the actual text of Sallust have played a significant role in forming attitudes. In particular, it is clear that without even a preliminary examination of the references to Cicero in the *Bellum Catilinae*, many scholars have considered the idea of Sallust depicting Cicero in a positive light impossible, given the strong political and literary divergence between the two men.

Sallust’s past political career, for instance, has often been seen as precluding any admiration or praise for Cicero. Unfortunately, questions concerning the degree and duration of political hostility existing between the two men, have been clouded by the problematical *Invectiva in Ciceronem*, a work ascribed to Sallust. The cursory dismissal of this work’s authenticity and/or its Sallustian authorship by most recent English-speaking scholarship tends to mask the extraordinarily tortured and contentious course of debate on the Continent. While it is not necessary to delve too deeply into this treacherous morass, a number of interesting aspects of the debate are worth noting.

Ascribed both by the manuscript tradition and Quintilian (Inst. 4. 1. 68 & 9. 3. 89) to Sallust, the work, the dramatic date of which is considered to most probably lie in the period between August and December, 54 BC, purports to be a speech before the Senate condemning Cicero. As Syme has noted, an immediate problem arises: for the idea of Sallust, as

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12 For an overview of the debate up until the mid-sixties, see A. D. Leeman, *A Systematical Bibliography of Sallust, 1879-1964* (Leiden, 1965), 49-52. Notable among the more recent efforts in favour of authenticity has been Karl Vretska’s 2 volume edition and commentary on the *Invectiva* and *Epistulae ad Caesarem* (Heidelberg, 1961), cf. esp. vol. 1, 9-37. For a later, and strongly sceptical summation, see Carl Becker, “Sallust,” *ANRW* 1. 3 (1973), 720-54, at 743-5. See also Aldo Setaioli, “On The Date Of Publication Of Ciceró’s Letters To Atticus,” *Symb. Osl.* 51 (1976), 105-20, at 118, n.46. Setaioli refers to a 1967 study of Otto Seel, which “stresses the hopelessness of any attempt to establish by whom, when, and why the Invective was written, including a previous one of his own.”(!) Seel had earlier argued that the Invective was written between 35-30 BC as part of Octavian’s propaganda campaign, in order to discredit the memory of Cicero. The English-speaking literature on this subject is much scantier, and relies heavily on the German and Italian material. See, for instance, E.H. Clift *Latin Pseudepigrapha: A Study In Literary Attributions,* (Baltimore, 1945) 92-97; Syme *Sallust,* 314-8.

13 That is, between Cicero’s defence of Vatinius, which is mentioned in the *Invectiva* (§ 7), and his defence of Gabinius, which is not.
quaestor or as a quaestorian senator, having either the opportunity or the temerity to violently assail a senior consular like Cicero in the Senate, would seem far-fetched. If we want to keep it as a Senatorial speech of 54 BC, he argues, then it might possibly be the work of L. Calpurnius Piso Caesoninus; otherwise, it has to be considered purely as a pamphlet. This seems fair enough. Yet from there, Syme goes on to state that the work betrays "clear anachronisms", moving on quickly to what he considers the more interesting problem of the Epistulae.

Yet it must be said that none of the evidence adduced against authenticity is, in itself, completely compelling. Questions of style and language would seem to get us nowhere, given that it is unclear how much similarity and anomaly from Sallust's historical prose style we should expect in a work from a different time and in a different genre; and the possibility that any stylistic peculiarities thought to transcend these variables may reflect nothing more than the competence of a later rhetorician. Alleged instances of anachronistic literary reminiscence run into the problem of determining the identity of the source and that of the borrower. Nor do the clear linkages between on the one hand, the subject-matter and tendency of the piece, and on the other, the anti-Ciceronian invectival tradition of the early empire, necessarily prove

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14 Syme, *Sallust*, 314-5. The only reference for a Sallustian quaestorship in the fifties is in the Pseudo-Ciceronian *Invectiva in Ciceronem* (§§ 15, 17, 21), which also notes a second one in the forties under Caesar's dictatorship. The date is not mentioned, but 55 BC is generally accepted as probable: see T. R. S Broughton, *The Magistrates of the Roman Republic* (3 vols., New York, 1952 [vols. 1-2]; Atlanta, 1986 [vol. 3]), 2. 217. Syme, however, notes (*Sallust*, 28) that there is a "faint chance" that Sallust never held the office in the fifties, but entered the Senate only upon his assumption of the tribunate in 52 BC.


16 Syme (*Sallust*, 314): "In style this diatribe bears no resemblance to the historical writings of Sallust, nor would that be expected, the genre being different."

17 Thus, for instance, the article of R.G.M. Nisbet ("The *Invectiva in Ciceronem* and *Epistula Secunda* of Pseudo-Sallust," *JRS* 48 (1958), 30-32), where the author highlights the similarities between a passage of the *Invectiva*, the second *Epistula*, and a Latin borrowing from the fourth century Athenian statesman Lycurgus, via Gorgias (the tutor of Cicero's son), by a minor imperial rhetorician, Rutilius Lupus ([Sall] *Inv. in Cic.* 5; [Sall] *Ad Caes. sen.* 2. 9. 2; Rut. Lup. 1. 18 = Halm, *Rhet. Lat.*, 11). As Nisbet himself admits, the similarity cannot be taken as clear proof that the *Invectiva* borrows from Rutilius, and casts much more doubt on the authenticity of the *epistula*. For a recent example, see Béla Németh, "To the Authenticity of Sallust's *Invectiva in Ciceronem*," *ACD* 28 (1992), 73-7. Németh, who deals with - among others - the same passage of the *Invectiva* as Nisbet, sees it as "borrowed" from Ovid's *Metamorphoses* and *Fasti*. He also sees reminiscences from The *Culex* and Horace, as well as from earlier works such as Cicero's speeches and Catullus.
anything. For there would seem to be no clear criteria here for separating a product of the later schools of rhetoric from a genuine work serving as their inspiration.\(^{18}\)

Only obvious factual anachronism would seem to provide us with a solid foundation for a denial of the work's authenticity and authorship. Yet there would seem to be very few examples residing in the work. One notable possibility may lie in §3, where reference is made to Cicero living in the house of Publius Crassus; that is, the house destroyed by Clodius in 58 BC, at the time of Cicero's exile. Yet it is unclear whether the text must necessarily be taken as meaning present occupation; and the wider context has been taken as implying some knowledge of earlier events.\(^{19}\)

Indeed, most of what has been adduced as evidence against the work's authenticity can only be described as circumstantial. The failure of Cicero to make one mention in the surviving speeches and letters of this time to a work which was to prove so heavily influential seems suspicious; although given our losses and Sallust's insignificant position, it is hardly fatal. The emphasis (§§ 3, 5, 6 & 7) on Cicero's boastful poetic celebrations of his consulship would seem a strongly literary touch; however, the question remains open as to whether Antony's exploitation of the same theme in his *anti-Philippics* inspired, or was inspired by the author of the *Invectiva*.\(^{20}\) To be sure, the politics of the work would seem somewhat vague and confusing. The author's standpoint on Cicero's consulship is that of an extreme *popularis*, blaming as he does Cicero's machinations as the cause of the conspiracy,

\(^{18}\) See Chapter 12, p 212.

\(^{19}\) Only one of the extant manuscripts uses *habites*; all the rest having *habitares*. Moreover, the remark preceding this (§ 2: *domum ipsam tuam vi et rapinis funestam tibi ac tuis <cur> [com]parasti*) may suggest some knowledge of the events of 58 BC. See Vretska, vol. 2, 27-9.

\(^{20}\) The derisory reference to Cicero being present at the council of the immortal gods (§ 3), together with those (§ 7) to Minerva teaching him *artes*, and to Jupiter summoning him to this council, have often been assumed to refer to Cicero's poem *De Temporibus Suis*. Now we know that this poem was not yet published in December 54 BC (Cic. *Fam.* 1. 9. 23), and thus, it has been argued, the references are anachronistic. Earlier defenders of the work suggested that the poem may have fallen into the wrong hands, while circulating privately (Cic. *Q Fr.* 2. 16. 5, 3. 1. 24: see Clift, 96). Yet as E. B. Courtney (*The Fragmentary Latin Poets* [Oxford, 1993], 157-8, 173-4) notes, an earlier reference (Cic. *Dom.* 92; cf. Quint. *Inst.* 11. 1. 24) strongly suggests that these passages stem from the *Consulatus Suus* of 60 BC; references to a council of the gods in the later effort (Cic. *Q. Fr.* 2. 8. 1) being in the way of a "sequel".
and accusing him and his wife of acting out of motives of financial gain and with great cruelty. Yet by the end of the piece, the main complaint centres on Cicero's "betrayal" of his former optimate allies and new attachment to the cause of the triumvirs; a somewhat strange line of argument for a young politician of popularis leanings, who presumably wished to curry favour with Caesar, Pompey and Crassus. Nor is there any mention of Clodius, surprising given the subject-matter of the work and Sallust's subsequent political activities. Yet the oft-made suggestion that the author had some connection at this time with Piso Caesoninus, who had been so violently attacked by Cicero in the previous year, may suggest a plausible reason for this; Piso having consistently presented himself as an independent figure.21

The very brevity and consequent vagueness of the work has obviously been a major factor in the continuing contention over its authenticity and authorship. Indeed, possibly the most dubious aspect of the work is that very brevity, a fault which Quintilian (Inst. 3. 8. 58f) saw as common among declaimers tackling deliberative themes. Yet we must remember that it is Quintilian himself who provides some of the most powerful support to the work's authenticity and Sallustian authorship.22 In the light of all these factors, one can only consider as cavalier the easy assumption that the work is a rhetorical exercise of the Augustan schools. The safest course must be to leave open the questions of the authenticity and authorship of the work. Not that a firm finding against the Invectiva would necessarily silence all those who wish to take the work into account in analysing Sallust's attitude to Cicero; perhaps, it has been argued, it encapsulates a genuine tradition of long-running hostility between the two men.23

21 Not that Piso is ever mentioned in the work.
22 Syme ("Review of Clift," 202) suggests: "Even a good scholar might go astray." To be sure, he provides (203) a possible precedent for Quintilian getting things wrong with a piece of pseudepigrapha: his citation (Inst. 9. 3. 94) of a speech of Antonius Hybrida against Cicero, although Asconius (Tog. cand. C, 94) speaks of such speeches as inauthentic. Yet is Asconius' remark - quas nescio an satius sit ignorare -, as Syme would have it, an apology for even mentioning such works, or expressive of some doubt as to disentangling such works from authentic survivals?
23 As A.R. Hands ("Sallust And Dissimulatio," JRS 49 [1959], 56-60) notes: "Nor should the Invective necessarily be rejected as evidence, however much we doubt its authenticity, since even a bogus document must be basically plausible if it is to gain any acceptance." Hands makes a similar point regarding Jerome's statement (Adv. Jovin. 1. 48 [Migne, PL, 23, col. 291] that Terentia married Sallust, inimico eius (s. c. Ciceronis), which, he argues (56), "may have some basis.....independent of the Invective." Indeed it would have to, one thinks, considering that the Invectiva attacks the reputation of
With regard to our specific theme, the Sallustian treatment of Cicero in the *Bellum Catilinae*, perhaps this problem is not as vital as one might originally have assumed. The invectival tradition allowed considerably wider licence for personal abuse than would be acceptable in modern political debate. Moreover, as Cicero's own career illustrates so clearly in cases such as those of Piso Caesoninus and Vatinius, its exploitation should not necessarily be seen as implying a personal enmity so implacable as to rule out the possibility of workable reconciliation, however genuine or insincere. In addition to this, if we allow, as will be presently argued, for the development of a genuinely detached perspective in Sallust's historical works, then Sallustian authorship of the *Invectiva* simply becomes further evidence of an original political hostility that may have undergone considerable revision in Sallust's later career.24

What of the more certain evidence we have for political antagonism between the two men? Asconius' commentary on Cicero's *pro Milone* gives us important information on Sallust's tribunian activity in 52 BC, in the aftermath of the death of Clodius. It is clear from this source that Sallust used his tribunate, along with *popularis* colleagues, to attack Milo and Cicero. However, Asconius also makes it quite clear that Sallust was not the worst of Cicero's enemies among the tribunes at that time, and indeed, may have in some way reconciled himself to Cicero.25 Later, there was Sallust's career as an officer of Caesar during the Civil Wars, signally inglorious and scandalous, according to the sources.26


24 For an analogous case, compare the treatment of Cato in the *Bellum Catilinae* with that of the second *epistula* of "Sallust" to Caesar (*Ad Caes. sen.* 2. 4. 2 & 9. 3). 25 See Asc. *Mil. C*, 37, 45, 49, & 51, where Sallust is mentioned along with Q. Pompeius Rufus and T. Munatius Plancus, as one of the tribunes who stirred up feeling against Cicero and Milo at meetings of the Assembly, among other hostile acts. However, Asconius does say (§ 37): *Postea Pompeius et Sallustius in suspicione fuerunt redisse in gratiam cum Milone ac Cicerone; Plancus autem infestissime persitit, atque in Ciceronem quoque multituidinem instigavit.* Later (§ 49) he adds: *Sunt autem contionati eo die, ut ex Actis appareat, C. Sallustius et Q. Pompeius, utrique et inimici Milonis et satis inquieti. Sed videtur nihii Q.Pompeium significare; nam eius seditiosor fuit contio.* 26 App. *BC* 2. 92; Dio 42. 52. 11; *Caes. B. Afr.* 8. 3. 34. 1. 34. 3. For Sallust's alleged extortion during his African governorship see Dio 43. 9. 2. See Syme, *Sallust*, 36-9. As Syme rightfully notes (38-9), caution is required as regards the well-known story of
Given Cicero’s disgust at the undistinguished and/or disreputable nature of many of Caesar’s supporters at this time, it is generally assumed that this could have only added to the antipathy existing between the two men. However, it would be dangerous to assume too much here given the lack of direct references by Cicero to Sallust himself, and the fact that Cicero maintained good relations with many of Caesar’s lieutenants.

Another factor important in analysing Sallust’s attitude to Cicero has been Sallust’s later career as a writer, with its stylistic "revolt" against the Ciceronian prose style. Could a man, it is argued, who modelled his historical prose style on Thucydides and Cato the Elder, consciously rejecting in the process, Cicero’s rhythmic and copious Latin, be seriously expected to show regard for a man he had already been politically opposed to for at least a decade? However, once again, it is dangerous to assume too much because of this divergence. Stylistic variance is by no means an accurate guide in judging relationships and attitudes, be it in personal or political matters; nor does it necessarily convey the whole truth regarding estimates of literary worth. The serious stylistic disagreements between Cicero and Brutus, to give just one example, did not preclude close personal and political co-operation, however volatile; nor did it exclude a considerable degree of mutual respect in literary matters, despite the Atticist-Asianist controversy which divided them.

Sallust’s rapacity as Governor of Africa Nova: “Equity and malice are alike baffled. When in later years Sallust looked back on Numidia, he may have wondered (as others in a like situation) whether he ought the more to regret his weakness or marvel at his moderation.”

27 See, for instance, Cic. Att. 9. 18. 2.
28 See, for instance, Syme, Sallust, 50-8; A. D. Leeman, Orationis Ratio: The Stylistic Theories and Practice of The Roman Orators Historians and Philosophers (2 vols. Amsterdam, 1963), vol. 1, 179-87; J Wight Duff, A Literary History Of Rome: In The Silver Age From Tiberius To Hadrian (2nd edn., A. M. Duff, ed. London, 1960), 307-9. From some of Cicero’s comments (Brut. 287; Orat. 60) it may be inferred that he would have had no problem with a Thucydidean style in historical works; nor (Brut. 65-67) with one that styled itself on the Elder Cato. Yet it is clear that Cicero preferred a more refined style in historical writing (De or. 2. 62-64; Orat. 66). Moreover, Cicero suggests (Brut. 288) that Thucydides would have preferred a less harsh style if he had lived later, and (Brut. 68) that Cato’s prose required "ironing out". Leeman (180) sees Cicero’s concession to Thucydidean historiography as purely "rhetorical". Syme (Sallust, 58), whilst noting Cicero’s praise of Thucydides and Cato, concludes that Sallust’s prose "would have been most distasteful to Cicero".
Thus, while much of the evidence for pre-existing animosity between the two men is somewhat questionable, many scholars, some without even a cursory examination of the text of the *Bellum Catilinae*, have dismissed the possibility that Sallust's work could present an impartial, let alone a laudatory, account of Cicero's consulship. Superficial analysis of the monograph creates further assumptions: Cicero failure to dominate proceedings in the way presented in Cicero's own accounts of the conspiracy, and in later ancient representations has been seen as crucial here. Caesar and Cato, it is argued, are thrust forward by Sallust, as the two men of *ingens virtus*, who not only will dominate the political scene throughout the final years of the Republic, but manage in the process to steal the limelight from Cicero in his finest hour.29 This to many represents a deliberate spite to the memory of Cicero, which cannot be ignored.30

Therefore, when we finally get to the actual text of the *Bellum Catilinae*, it is perhaps not surprising that for a long time academic authority discovered, what Syme describes as a pattern of "systematic defamation" represented not only by "distortion or omission in large things but covert malice in small things".31 Most famously represented by the thesis of Eduard Schwartz, this interpretation, in examining almost every reference to Cicero in the text, raised a number of ingenious arguments so as to refute any idea that Sallust was giving even the slightest praise to Cicero's actions as Consul.32

For instance, Sallust's failure to give Cicero a speech, especially on the Nones of December; his depiction of Cicero's first Catilinarian oration and its relationship to Catiline's flight from the city; and his doubts as to the stories of the wilder excesses of the conspirators (*Cat.* 22. 3) are, among numerous other examples, instances where it is suggested that Sallust has insidiously shaped his text to cast Cicero in the worst possible light. This leads to other assumptions - when the first Catilinarian is called *luculentam atque utilem rei publicae* (*Cat.* 31.6), Sallust is obviously being ironic. Further, when Cicero is referred to by the term

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29 Sall. Cat. 53. 6.  
30 Hands, 56. For him, Sallust's glorification of Caesar and Cato "in Cicero's *annus mirabilis* seems sufficient evidence of his attitude to the latter".  
31 Syme Sallust, 105.  
optimus consul (Cat. 43.1), it is clearly with knowledge of Cicero's
dislike of the term. Cicero's refusal to bring a false accusation against
Caesar of involvement in the conspiracy (Cat. 49.1) reflects no credit on
him, it is solely a veiled attack on the accusations Cicero was later to
make as to Caesar's involvement in the conspiracy. Sallust's
maliciousness even stoops to mimicry and vilification of Cicero's praise
of his own behaviour. It has even been suggested that Sallust has
consciously altered the chronology of events so as to suggest that
Cicero's actions as Consul might seem to be motivated by personal
fear.

Such a negative interpretation of the references to Cicero was
necessitated by the assumption that Sallust, the popularis tribune and
Caesarian lieutenant, pursued his political agenda relentlessly through
his career as an historian. His stylistic innovation, perhaps originally
stimulated by his political alienation from Cicero, later reinforced his
ideological opposition. The Bellum Catilinae was simply a
continuation and justification of Sallust's political career, written it is
suggested, as a defence against the charges made against Caesar by Cicero
in the De consiliis suis. A further elaboration has even been proposed:
Sallust wrote at the instigation of Octavian, who was attempting to
bolster the reputation of the dead Caesar, in order to secure his own
political position.

The question of this alleged immediate purpose, refutation of Cicero's
allegations against Caesar in the De consiliis suis, or expositio
consiliorum suorum as it is sometimes known, is rendered difficult by
the paucity of evidence regarding this now lost work. Broughton is at
pains to reject such a suggestion; and to be sure, the pool of ancient
evidence for this "secret" and now lost work is confusing and often

34 Sallust's use of the verb comperio in Cat. 22. 3 and 29. 1 is said to recall Cicero's pride
in having discovered so many facts about the conspiracy (e.g. Cic. Cat. 1. 10: comperi
omnia), lampooned by C. Antonius and Clodius (Cic. Att. 1. 14. 5; Fam. 5. 5. 2).
35 That is Sallust's placement of the failed assassination attempt against Cicero (Nov.
7) prior to the passing by the senate of the senatus consultum ultimum (Oct. 21). The issue
is discussed by Syme (Sallust, 79-81), who not only discounts malice, but asserts that the
seeming deception is the result of having to combine contemporaneous events in Rome and
Etruria.
36 See Syme Sallust, 63-4, citing the views of Rosenberg.
It is true, as Broughton argues, that there is no concrete statement in the evidence that Cicero accused Caesar or Crassus of being actual conspirators. It is also true, as Syme notes, that we have no clear evidence at what time the work was published. However, surely both are being rather pedantic here in ruling out the work altogether as a factor in composition. Firstly, some circumstantial evidence exists to suggest that Sallust may well have taken information from this work. Secondly, it seems reasonable to accept that the work, which Cicero began composing in 59 BC, contained very serious allegations against Crassus and Caesar, given that he seems to have failed to publish the work until after the death of those two men, and possibly left the work unpublished at his death. We know he accused them of something; would he have held back in a "secret" account? Certainly, Cat. 48.8-9 shows that Crassus was of the belief that Cicero had been spreading stories about him.

Sallust makes it abundantly clear in his account that he believed that allegations of Caesar's direct involvement in the plot of the Allobroges were false (Cat. 49), and he uses the behaviour of Cicero at that time to support this view. Thus we cannot rule out the possibility that Sallust here is "using Cicero against Cicero" so to speak. However, this hardly, justifies the further assumption that such a motive informs all Sallust's references to Cicero, or indeed, the writing of the monograph in the first place. As Syme states: "the subject and purpose of Sallust's first

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37 See Cic. Att. 2. 6. 2, 14. 17. 6, and 16. 11. 3f; Asc, Tog. cand. C, 83; Plut Crass. 13; and Dio 39. 10. 13. The suggestion of Rawson (E. Rawson "History, Historiography, and Cicero's expositio consiliorum suorum, " LCM 7 [1982], 121-124), that the Plutarch reference does not refer to the work, must be rejected: see John Moles "Plutarch, Crassus 13, 4-5 and Cicero's De consiliis suis," LCM 7 (1982), 136-137.

38 Broughton, "Was Sallust Fair to Cicero?" 41-42.

39 Syme Sallust, 63-4. Dio (39. 10. 13) has Cicero giving it to his son, with instructions as to publishing it after his death. Presumably, Marcus would have had little opportunity of publishing it before 39 BC at the earliest. Plutarch (Crass. 13) simply says the work was published after the deaths of Crassus and Caesar.

40 Sallust's reference to the so-called "first Catilinarian conspiracy" of 66-65 BC (Sall. Cat. 18-19) seems to bear considerable similarities to Asconius'comments (Tog. cand. C, 92), especially in its reference to Catiline giving the signal for violence before the conspirators were ready. We know that Asconius used the work (Asc. Tog. cand. C, 83).

41 Rawson ("History, Historiography") argues that because of Cicero's description of the work in the letters and the nature of the intended recipients, the work would have been serious and historical, free of dubious invective. However, she admits (123): "Of course Cicero's pen may have run away from him, he may have accepted gossip and rumour about his enemies." Rawson seems to assume that any such allegations are ipso facto fallacious. Her arguments also fail to account for why Cicero failed to publish the work for such a long time.
monograph is clearly much larger than a defence of Caesar. The author is preoccupied all through with decline and fall, with the end of an epoch in Roman history." 42 The idea that most of the monograph is a mere screen, so as to mask Sallust's counterpropaganda, assaults common sense. In any case, if we are right in dating the monograph to after the death of Cicero, why, it may be asked, is there the need for this elaborate ruse?

There is no real need to examine all of the alleged instances where Cicero is subverted in the text. The task of controverting such allegations has already been undertaken so successfully as to make further detailed refutation superfluous.43 But it is important to note the fatal flaw which links all these interpretations: what Syme succinctly notes as the "obsessive belief that Sallust writes as, and because he is, a partisan".44 Few would argue that Sallust's former ideological position had totally disappeared in his later career as a historian; indeed, echoes of the old partisan outlook often find their way into his writing.45 But to argue that partisanship was the main motivation of his writing, or that Sallust in his political retirement had developed no sense of historical detachment, tempering, perhaps even at times, subverting, his former political outlook, represents a form of myopia hard to justify in the light of the evidence.

It is surprising how, if we credit Sallust with at least some of the qualities of a historian, our perception of the evidence alters. Sallust's doubts as to the wilder rumours concerning the conspirators (Cat. 22. 3) shows the cautiousness of an historian, rather than the spite of a partisan. The craftiness and guile displayed by the Consul (Cat. 26. 2) are traits made necessary by the wilfulness and ferocity of the conspiracy.46 The fears and uncertainties which, from time to time, beset Cicero (Cat.

42 Syme, Sallust, 64.
43 See, in particular, Broughton's article and Syme, Sallust, especially 105-111.
44 Syme, Sallust, 111.
45 See, for instance, Sall. lug. 5.1, where one of the reasons given for writing on the theme of the Jugurthine War is that quia tunc primum superbiae nobilitatis obviam itum est. For those who wish to see in such a statement a simple assertion of a popularis, note should be taken of Sallust's criticisms in that monograph of the behaviour and motives of the People (e. g. Sall. lug. 40-42) and their champion Marius (e. g. Sall. lug. 64. 3-5).
46 See P. McGushin, C. Sallustius Crispus Bellum Catilinae: A Commentary (Leiden, 1977), 166. While noting that the phrase dolus aut astutiae "cannot be viewed as an enthusiastic description", he argues that it does not necessarily have strong negative implications either; see also Syme, Sallust, 107.
31. 6 & 46. 1-3), are triumphantly overcome in the final analysis. No clearer manifestation of the historian's approbation of Cicero's line of conduct, as Broughton notes, can be found than in Cat. 46. 1-3. As Sallust says:

Quibus rebus confectis omnia propere per nuntios consuli declarantur. At illum ingens cura atque laetitia simul occupavere. Nam laetabatur intellegens coniuratione patefacta civitatem periculis ereptam esse; porro autem anxius erat dubitans, in maxumo scelere tantis civibus deprehensis quid facto opus esset; poenam illorum sibi oneri, impunitatem perdundae rei publicae fore credebat. Igitur confirmato animo vocari ad sese iubet Lentulum, Cethegum, Statilium, Gabinium itemque Caeparium Tarracinensem, qui in Apuliam ad concitanda servitia proficisci parabat.

(When it was all over, a full report was speedily sent to the Consul, who, delighted as he was at the news, was at the same time harrassed with anxiety. For although he rejoiced in the knowledge that by the discovery of the plot his country was rescued from its peril, yet he had a difficult decision to take. An abominable crime had been brought home to citizens of the highest standing. What was his proper course? To punish them would lay a heavy responsibility on his own shoulders; but to let them go free might mean ruin to the State. So, summoning up his resolution, he sent for Lentulus, Cethegus, Statilius, Gabinius, and also for Caeparius of Terracina, who was about to set out for Apulia to stir up a revolt among the slaves.)

[Handford]

Thus Cicero, facing a choice between his own political interest and that of the State, steadfastly chooses the latter.\textsuperscript{47} Ignoring the supposed hidden motives and the resultant claims of ironic deflation, misrepresentation and distortion, and reading the text without premeditated notions of Sallust's hostility towards Cicero, leads to an

\textsuperscript{47} Broughton, "Was Sallust Fair to Cicero?", 42-43; see also Syme, \textit{Sallust}, 106.
inescapable conclusion: Sallust, in his own unextravagant but firm way, is praising the conduct of Cicero. 48

However, the important issue here is placing this praise in the context of the monograph as a whole, and indeed, of Sallust's entire historical corpus. As to the Bellum Catilinae, Syme comments: "On Sallust's showing, the consul acquits himself nobly and deserves well of the Republic. But he has to yield prominence at once to Caesar and Cato." 49 But whether this yielding of prominence necessarily indicates a diminution of the status of Cicero is a moot point. The main problem lies in the fact that scholars have not been able to agree what actually is Sallust's attitude in the monograph toward Caesar and Cato, as is especially evidenced from the speeches of the two men and the following synkrisis (Cat. 51-54). Again the subtlety and considerable ambiguity of the text defeats easy analysis, and disagreement as to Sallust's intentions is the only certainty. For every scholar who sees in Sallust's depiction of Caesar the positive enthusiasm of a fervent admirer, one can find another willing to detect in Sallust's account implied criticism and rebuke of his old commander. 50 Is Sallust giving the advantage to one of these men? If so, to whom? MacKay argues: "no reader of Sallust can help feeling that Cato's speech is overly emotional, and much of it irrelevant...(while) Caesar's speech is the more long-sighted, the more statesmanlike." 51 Syme, on the other hand, argues that not only is Cato given a clear advantage in the synkrisis, but that such a tendency is manifested in the fact that the ideals expounded by Cato in his speech "correspond closely with those of the historian as discovered from the prologue and digressions." 52 What the consequences are of either alternative are again a matter of dispute.

48 At least one ancient reader would seem to have come to the same conclusion; for "Cicero" in an absurdly anachronistic remark in the Invectiva in Sallustium, states (§ 7): Neque te tui piget, homo levissime, cum ea culpas, quae historis mihi gloriae duci? Surely historiae includes here the Bellum Catilinae.
49 Syme, Sallust, 111.
50 For a survey of the scholarship on the comparison see McGushin, Bellum Catilinae, Appendix VII, 309-11. The importance of this problem is noted by Hugh Last ("Sallust and Caesar in the Bellum Catilinae," in Mélanges de Philologie, de Littérature et d'Histoire Anciennes Offerts a J. Marouzeau [Paris, 1948], 355-369, at 365), who comments that the comparison "is indeed so surprising that the Bellum Catilinae must remain something of a mystery until it is explained".
51 MacKay, 193.
52 Syme, Sallust, 116. Syme argues that such an intention on the part of Sallust can also be easily detected "...if only because the episode concludes with Cato and Cato's glory."
Does the supremacy of one necessitate criticism of the other? If so, what is the extent of the criticism?

The idea that Caesar is given an advantage over his rival in these passages seems somewhat strained to say the least; in particular, attempts to show that Cato's *virtus* is undermined by the depiction of Caesar do not really convince. Conversely, Cato's qualities do seem to reflect adversely on those attributed to Caesar. Arguably, if Cato *esse quam videri bonus malebat*, then this must carry some form of negative reflection on Caesar. This is especially so when we consider that this comment is made in the context, not only of Sallust's explicit comparison, but of the pamphleteering war sparked by Cicero's *Cato*, in which Caesar himself participated, and possibly other contemporaneous literary references which echo this theme.

One could, of course, take this "subversion" of Caesar to its logical conclusion; that is to the point where his *ingens virtus* is wholly illusory. For not only may it be a short step from identifying Caesar's qualities with the evils of the age, but echoes may be discovered of Catiline himself. However, we must be wary of going too far here. If

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53 Last notes (366) that many scholars are convinced that Cato is given the advantage. He goes on to state: "...even if that were so (as personally I am not convinced it is), Cato's victory would be nothing to the tremendous compliment paid to Caesar by comparing him in *virtus* with Cato at all." Even Syme seems unsure on this point. While at one point (*Sallust*, 123) arguing that Sallust's portrait of Caesar is "ambiguous, insidious even." he also wonders (120) whether Sallust had been gently suggesting that "in alliance the two had what was needed to save the Republic." McGushin (311) also favours the latter theory as the key to the *synkrisis*.

54 To cite a recent example, William Batstone ("The Antithesis of Virtue: Sallust's *Synkrisis* and the Crisis of the Late Republic," *Cl. Ant.* 7 [1988], 1-29) argues that while the *synkrisis* may subvert Caesar, no less is true of the opposite, namely that Cato is subverted as well; especially his failure in practical politics. Batstone is more concerned with the argument that the *synkrisis* subverts Roman political concepts and does this through failing to reach a proper resolution. As to the former subsidiary point, Syme's comments (*Sallust*, 115) are worth restating: "Sallust may have expatiated on Cato's addiction to doctrines; he might have censured this un-Roman aberration. He does nothing of the kind. The Cato of the oration discards theory and overrides legality. The State is in peril, that is all that matters. Cato is a practical statesman - and effective."

55 See, for instance, Cicero's comments (*Off.* 1. 65; cf. 2. 43) on the difference between being and seeming in the pursuit of virtue and true glory. While it is true that the passage does not mention Caesar by name, the memory of the former Dictator is alluded to in the previous paragraph, and permeates the work generally. See also *Cic.* *Tusc.* 3. 3-4.

56 See B. Shimron, "Caesar's Place in Sallust's Political Theory," *Ath.* 45 (1967), 335-345; *Syme, Sallust*, 117. Although denying that Sallust saw Caesar simply as another Catiline, Shimron goes on to conclude (345): "Politically, he belongs to the same class as Sulla and Catiline; his main goal, like theirs, was personal power, although he might
part of Sallust's purpose in his depiction of Caesar was to criticize the
depictions of Octavian and his fellow Triumvirs, then wholesale
disillusionment with his former commander would seem unlikely.
Nevertheless, however much we feel intimidated by the enigmatic
manner in which Sallust communicates his ideas here, we cannot
ignore the clear evidence of the author's preference merely by appeals to
ambiguity and talk of complementary virtues, or attempts to suggest that
Sallust is exalting Caesar by the very fact of comparison with the saintly
Cato.57 In this context, Syme's comment in an earlier work, that the
synkrisis illustrates Sallust's view, that "Cicero did not exhibit that
measure of loyalty and constancy, of Roman virtus and aristocratic
magnitude that would have justified the exorbitant claims of his
personal ambition", may seem only a half truth; at least, not the whole
truth.58 In any case, it is arguable that concentration on the synkrisis,
and with it the attempt to find whom Sallust thinks was the pre­
eminent Roman of the late Republic, obscures Sallust's true purpose;
namely, to illustrate in the person of Catiline and in the nature of his
conspiracy the moral decline of Rome. For if Cicero yields prominence
to anyone in the monograph it is to Catiline. Further, it does well to
remember that Sallust's conception of the corrupt patrician and his co­
conspirators, both as to the depth of their depravity and the danger they
posed to the State, basically derives from Cicero himself.59

What of Sallust's other historical works? Do they give us any hint as to
Sallust's views on Cicero in a wider historical context? To be sure, there
is not that much to go on; the fragmentary and unfinished nature of the
Historiae has seen to that. But a few snippets of information are
illustrative. For instance, Sallust's reference to Verres' successful
fortification, as governor, of the Sicilian coast during the war with
Spartacus, may perhaps suggest an account of his later famous trial
somewhat different to that provided by Cicero.60 But this is the sort of

57 See n. 53.
58 Syme, RR, 146
59 Syme (Sallust. 136) describes this as Sallust's "prime delinquency."
60 Sall. Hist. 4. 32 = Arus, 500 = Maurenbrecher, C. Sallustii Crispi Historiarum
Reliquiae (Leipzig, 1891), 170: C. Verres litora Italia propinqua firmavit. See P.
Hist. 4. 28.
sober corrective one would expect from a careful historian; the mere failure to parrot Cicero's fulsome rhetoric against Verres can hardly be ascribed to malice.\textsuperscript{61} Then there are the passages, throughout the Sallustian corpus where the historian disparages the intention and morality of those involved in political careerism during the last years of the Republic.\textsuperscript{62} There is no reason to think, as some have, that any or all of these references were directed at Cicero in particular; though such views may be seen as giving us a pointer to the manner in which Sallust may have viewed less admirable aspects of Cicero's career. Another suggestion is that a clue to Sallust's wider treatment of Cicero may lie in his unflattering depiction of Marcus Aemilius Scaurus, one of Cicero's political heroes, in the \textit{Bellum Juguthinum}. The dissimulation, venality and ambition of Scaurus, which manifests itself in his acceptance of a huge bribe from Jugurtha, has been seen as a judgment on Cicero's own career.\textsuperscript{63} However, if Scaurus is merely a byword for his admirer Cicero, then it is strange that we get absolutely no hint of such behaviour on the part of Cicero in the \textit{Bellum Catilinae}.

Thus little evidence exists outside the monograph to suggest that Sallust's essentially positive judgment on Cicero in the \textit{Bellum Catilinae} is absurdly atypical. Presumably, Sallust, like many of the other historians we shall examine, would have held negative views on many aspects of Cicero's career. However, given the ample evidence of Sallust's reconsideration of the conflicts and personalities of the late Republic, it would seem unwise to assert too confidently what these may have been.

Of course, one would have to doubt whether Cicero would have welcomed Sallust's "measured" praise. Many elements of Sallust's account would have been somewhat galling to Cicero: the retelling of


\textsuperscript{62} See Sall. \textit{Hist.} 1.12 (Gell. \textit{NA} 9. 12. 15; Arus, 462; August. \textit{De civ. D.} 3. 17 = Maunenbrecher, 7); Sall. \textit{Cat.} 38 and \textit{lug.} 3.3. The last passage is discussed by Syme (\textit{Sallust}, 216-7), who rightly discounts the idea that Cicero's behaviour in 43 BC is being alluded to in particular. He also rejects the idea that \textit{lug.} 4. 7, with its condemnation of the \textit{novi homines} of the time, is a reference to Cicero.

\textsuperscript{63} See Hands, \textit{passim}. Hands even suggests that it was originally Sallust's dislike of Cicero's "trimming" that spawned his hatred of Scaurus.
his fears and worries at crucial moments (although that was no doubt a part of Cicero’s own self-dramatization); his near-invisibility at the crucial meeting of the Senate on the Nones of December; and more widely, his failure to hold centre stage in the depiction of the events. But it is dangerous to assume in this failure to echo Cicero’s extravagant self-laudation, hostility to the orator. Sallust’s account of such events as the meeting of the Senate on the Nones of December, especially the importance it gives to Cato’s speech that day, clearly accords with the facts, as Cicero himself, at times, was willing to concede (Cic. Sest. 61). It is somewhat ironic that when Sallust, who has so often laboured under the charge of being a mere party pamphleteer, displays some form of objective historical judgment, it is immediately put down to petty rancour and party spirit. The theory of Broughton as to the possible effect of the Triumvirs on the tone of Sallust’s text, would further strengthen this conclusion. For, if indeed Sallust is writing under the rule of men who had recently canvassed Cicero’s demise, one could justifiably argue that any historical account which did not damn Cicero’s memory outright, would be audacious, even courageous.

We have spent considerable space analysing Sallust’s references to Cicero; too much space, it might be argued, considering that scholarly opinion in recent years seems to have generally discounted the old anti-Ciceronian orthodoxy. However, the old arguments, with certain modifications, still persist. Furthermore, the importance of the

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64 As Syme, (Sallust, 106) notes, the Fourth Catilinarian Oration by Cicero was clearly altered before publication, though even in its later form, it remains cautious and ambiguous. Later of course (March 45), Cicero was to show anger at the prominence Marcus Brutus’ Cato was to give to Cato in the Senate’s deciding for the death penalty on the Nones of December (Cic. Att. 12. 21. 1). But it should be noted that Brutus made a serious factual error in his analysis of the debate (in stating that Cato was the first to propose the death sentence), and also that his account raised Cicero’s ire by making no reference to Cicero’s exposure of the plot, or his own views on the conspirators’ fate. Of course, one could counter by suggesting that the only times Cicero unreservedly acknowledged Cato’s importance in 63 BC was when he felt the necessity of sharing the blame for his actions in that year. That Cicero was motivated by thoughts of self-preservation does not, however, necessarily impugn the truth of such statements.

65 See Broughton, “Was Sallust Fair to Cicero?,” 42-46; Syme, Sallust, esp 110-111.

66 A recent example of such is found in E Y Wetherall, “Sallust’s attitude toward Cicero: a response to Broughton,” RSC 27 (1979), 173-6. Wetherall argues that the linguistic dualism of Sallust reflected an equivalent conceptual framework, which made him only interested in extremes in character and morality, thus rendering him “indifferent” to Cicero as a man and statesman. This represents a triumph of theorizing over rigorous analysis. While Sallust’s language may be about moral extremes, few of his characterizations can be said to lack ambiguity. Even Catiline, despite his depravity and numerous crimes, shows glimpses of nobility, both in his words and actions.
Sallustian evidence cannot be understated. It has been the argument here, that Sallust, probably writing in the period immediately after Cicero's death, has produced a sober but essentially positive account of Cicero's actions in 63 BC. Whether that sobriety more reflects the political reality at the time of writing, Sallust's misgivings as to the career of Cicero as a whole, or his general historical style, is hard to say given the evidence. Arguably, all these factors play their part in determining the nature of Sallust's approbation. However, our general conclusion here must necessarily have important consequences for our view of the triumviral evidence on the treatment of Cicero. We can no longer simply assume that Cicero's death at the hands of the Triumvirs automatically led to his being either ignored or defamed in the next decade. One would not have held out much hope of praise of Cicero emanating from a supporter of Clodius and Caesar, writing in a baldly non-Ciceronian manner, under the Second Triumvirate. That Cicero elicits praise from such a writer is a salutary lesson against pre-judging such situations.

67 Syme (Sallust, 106) makes the observation: "it is not Sallust's habit to indulge in laudatory superlatives or adorn an obvious truth."
c) Jérôme Carcopino and the Question of the Publication of Cicero's Letters.

Gaston Boissier, commenting last century on the correspondence of Cicero, stated:

One of these days a prying commentator will study these too unreserved disclosures, and will use them, to draw a portrait of the indiscreet person who made them, to frighten posterity. He will prove by exact and irrefutable quotations that he was a bad citizen and a bad friend, that he loved neither his country nor his family, that he was jealous of honest people, and that he betrayed all parties.68

Boissier's remarks proved remarkably prescient; for soon after the end of the Second World War, a book was published which did all the above and more. Arguably one of the most controversial and unusual books dealing with the history of the late Roman republic in the last fifty years, Jérôme Carcopino's *Les Secrets De La Correspondance De Cicéron*, first published in 1947, has been the subject of hostile, and at times, highly emotive criticism.69 Carcopino's main contention was that Cicero's letters were published between 34 and 32 BC, by Cicero's friend Atticus, Cicero's son Marcus, and Cicero's former slave and trusted secretary Tiro, at the instigation of Octavian, as part of the latter's propaganda war against all possible rivals, both living and dead. This proved contentious enough in itself, especially given the dearth of hard evidence concerning publication of the letters. However, undoubtedly the most provocative aspect of Carcopino's analysis was his attempt to illustrate the value of this propaganda by arguing that a clear picture of

68 Gaston Boissier, *Cicero and his Friends: A Study of Roman Society in the Age of Caesar* (First Published, 1865. Transl. by A. D. Jones. [1897] Reprint, New York, 1970), 18. Boissier goes on to note: “It is not so, however, and a wise man will not be deceived by the artifice of misleading quotations. Such a man knows that we must not take these impetuous people literally or give too much credence to what they say. We must save them from themselves, refuse to listen to them when they are led astray by passion, and especially must we distinguish their real and lasting feelings from all those exaggerations which are merely passing.”

Cicero's character arose from an analysis of the correspondence: that of a morally and politically worthless individual. So ferociously vituperative seemed Carcopino's reflections on the character of Cicero, as portrayed in the letters, that it provoked considerable outrage, and not a few reflections on Carcopino's own character; notwithstanding his claim that he was, in exposing the slanted and partial selection of letters published at this time, actually defending the memory of Cicero.  

Given the reaction Carcopino's work has received from the critics, it might be asked why the work is deemed of such central importance. Surely, Carcopino's fundamental premisses are now discredited, and further detailed analysis would be tantamount to tilting at windmills. However, the answer to such objections must remain equivocal. Yes, scholars have generally dismissed Carcopino's contention that the letters give a wholly negative portrait of Cicero and those of his

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70 A small sample of the comments made about this work will give some idea as to the hostility it engendered. Shackleton Bailey (CLA vol. 1, 74) calls it a "worthless and malignant book", and refers (73) to Carcopino's theory on publication as "monstrously silly". In the Penguin edition of these letters (Harmondsworth, 1979, vol. 1, 26), he describes it as "a farrago of garbled facts and false inferences...more worthy of an unscrupulous prosecuting attorney than a serious scholar.". Some of the initial reviewers were even more hostile. W.S. Maguinness (JRS 41 [1951], 207), was led to write: "The British public should...not be left in ignorance of the fact that the man who...speaks of Cicero's cowardice in language that would have been regrettable on the lips of a Resistance leader...served the Vichy government as Minister of Education. We shall all rejoice that his name has been officially cleared and his dignities restored; but many of us will wish that one so ready to appeal to the Christian tradition could have summoned up some charity (not an occasional crocodile tear) for another scholar and man of letters whose destiny it was to consort with totalitarian wolves and who paid the price of his folly or misfortune." Other scholars were somewhat more appreciative. Walter Allen Jr. (CJ 44 [1949], 388-9), and Lily Ross Taylor (AHR 57 [1951], 414-6), while disagreeing with important parts of Carcopino's analysis, found much of value. Perhaps the most perceptive (as well as amusing) analysis was that of J.P.V.D. Balsdon (JRS 40 [1950], 134-5), who wrote (134): "An exciting book, clearly; and a book which if paper were not the scarce commodity which it now is, a reviewer, given several thousand words for the purpose, could tear into pieces, though he would admit, if he were honest, that he enjoyed reading it and that, however well he thought he knew Cicero's letters, Carcopino had drawn his attention to many passages whose significance he had not properly realized before." See also his later review in CR 2 [1952], 178-81. Carcopino seems to have forseen the coming storm, as he was led to write at the end of the work (vol. 2, 565): "I imagine that amongst my readers there will be some who resent the chapters in which, tracing Cicero's portrait from his Letters, I have given my study the tone and appearance of an abusive attack." This, pleads Carcopino, has been necessitated by the malice with which the letters were originally compiled and edited. Surely, however, Carcopino had ample opportunity before this to make clearer his suspicion of this "poisoned" source. Instead, Carcopino's depiction of the Cicero of the Letters reads like a personal denunciation. If this is a misconception, Carcopino has only himself to blame. Balsdon (CR 2 [1952], 180) says with deliberate understatement that "this remark comes unexpectedly."
contemporaries whose remembrance may have constituted a threat to the interests of Octavian. Furthermore, they have pointed to the fact that Carcopino's grandiose conspiracy theory as to publication is based on the flimsiest of evidence.

On the other hand, very little has been said concerning other important elements. For instance, Carcopino's thesis rests on the hypothesis that Atticus, Tiro and Cicero's own son were intimately involved in the process of editing and publication; yet very little of substance has been said by scholars concerning the plausibility of this scenario; the matter being either ignored or the subject of outraged and emotional denials.71

Another aspect of Carcopino's thesis is that of the dating of publication of Cicero's Letters to Atticus. Carcopino strongly attacked the hitherto generally accepted view that these letters were not published until Neronian times, claiming that the evidence necessitated a dating from at least Augustan times. As will be argued presently, Carcopino's arguments on this point, especially when scholarly developments since then are taken into account, are somewhat persuasive.72 Furthermore, the plausibility of Carcopino's arguments on the dating question has certain significant repercussions regarding the question of Cicero's reputation after 43 BC. For Carcopino went on to argue that while the evidence proves a Triumviral or Augustan date for publication of the Atticus Correspondence, the latter option is quite "unthinkable". He states:

...when Augustus had become sole master of the world, his hatred slept, but never died. He preferred silence to open attack, and when silence was impossible he assumed a sort of

71 An exception to this is Lily Ross Taylor (AHR 57 [1951], 415-6), who while being prepared to countenance the idea of publication of some of the correspondence during the later Triumviral period for propaganda purposes, rejects utterly the idea that Marcus, or Atticus were involved as publishers; on the basis of there being serious chronological disorder in the letters to Atticus. It is interesting that in a later article ("Cornelius Nepos and the Publication of Cicero's Letters to Atticus," in Hommages à J. Bayet. Collection Latomus, 70 [1964], 678-81), Taylor, who argues for Cornelius Nepos as publisher, seems to have moved away, at least implicitly, from the idea that the Letters were published in a spirit hostile to Cicero's memory.

72 As was originally acknowledged by both Balsdon (CR 2 [1952], 181) and Taylor (AHR 57 [1951], 415).
sentimental pitying contempt which saw no good in Cicero save his oratory.\textsuperscript{73}

The letters, although in Carcopino's opinion immensely damaging to Cicero's reputation, showed him to be a politician of importance. Augustus, consolidating his power, and trying to submerge the differences of the past, thought it better that Cicero be belittled, or better still, forgotten. Therefore the great propaganda coup that was the publication of the correspondence must date from the Triumviral period. The interesting thing here is that, as we shall see, Carcopino's ideas regarding the depiction of Cicero during the Augustan Principate are in basic agreement with much mainstream scholarly opinion.

Thus, however preposterous Carcopino's thesis seems to us in its entirety, the fact remains that it cannot simply be "strangled at birth". Moreover, Carcopino's work remains by far the most detailed attempt to deal with the question of the relative importance of Cicero in the decade following his death. It raises many important issues central to our study, namely: the attitude of Cicero's intimates towards his memory, the relationship between that memory and developments in power politics at the time, and the question of publication of Cicero's correspondence and its possible consequences. For these reasons some re-analysis of Carcopino's theories is required to help in evaluating the evidence at hand.

i) The publication of Cicero's correspondence.

For Carcopino's theories on publication to have any basis at all, it was necessary that he challenge the widely held belief that the \textit{Epistulae ad Atticum} had not been published until some time during the reign of Nero. This belief was based on two pieces of evidence. Firstly, and most importantly, the silence of the Ciceronian commentator Asconius as to those letters, and secondly, the fact that the first unambiguous references to them occur in Seneca the Younger.\textsuperscript{74} Carcopino presented two pieces

\textsuperscript{73} Carcopino, vol. 1, 16.
\textsuperscript{74} Seneca the Younger makes three clear references to the letters to Atticus, thus providing us with a generally accepted \textit{Terminus ante quem} for publication. At \textit{Ep.} 97. 3-6, he refers to \textit{Cic. Att.} 1. 16. 5, and then proceeds to quote from it verbatim. At \textit{Ep.} 118. 1-2 he also quotes \textit{Att.} 1. 12. 4. There is a further reference to the letters at \textit{Ep.} 21. 4. Seneca's references have come to be seen as denoting the time of publication as a result of
of text, which, he argued, proved that publication of this correspondence must have occurred in Augustan times at the earliest. Firstly, there is the similarity between a passage in Valerius Maximus (6. 2. 9) and the letters (Att. 2. 19. 3), referring to the attack of the actor Diphilus on Pompey at the Ludi Apollinares of 59 BC. Secondly, a quotation in Quintilian (Inst. 6. 3. 108) from the De Urbanitate of the Augustan poet, Domitius Marsus, is used an example, along with quotations from the Pro Ligario and the Fourth Catilinarian, of one of the three types of serious urbanitas. The quotation is, as Marsus himself noted, quod Attico scripsit de Pompeio et Caesare; it reproduces, almost exactly, the words of Cicero in one of the Letters (Att. 8. 7. 2).

Carcopino also attacked the arguments ex silentio of Asconius. It has been argued that the failure of Asconius at certain vital points to use the letters to Atticus as evidence showed that they had not been published at the time he was writing. Examples that have hitherto been seen as particularly significant are firstly: Cic. Att. 1. 2. 1 (where Cicero contemplates defending Catiline) in the commentary on the In toga candida, where Asconius rejects the assertion of Fenestella, that Cicero defended Catiline against the charge of repetundae in 65 BC; and secondly, Cic. Att. 4. 3. 2f (where Cicero mentions a near-fatal attack on him by Clodius) in his commentary on Pro Milone 37. Carcopino

Asconius' "silence" as regard the Letters. Asconius probably wrote his commentaries early in the reign of Nero: Marshall A Historical Commentary on Asconius (Columbia, 1985), 27-30. It was thus postulated that publication took place soon after Asconius finished writing - c. AD 60. The Epistulae ad Familiares are referred to for the first time in the works of Seneca the Elder (Suas. 1. 5. 5), where a clear, if imprecise reference is made to Cic. Fam. 15. 19. 4. This would seem to give us a terminus ante quem, for at least part of this collection, some time late in the reign of Tiberius or during the reign of Gaius. Shackleton Bailey (CLA vol. 1, 63, n. 4) disputes the use of this reference to establish a latest possible date for publication, arguing - as he does with the letters to Atticus - that the reference could come from a collection of Ciceronian sayings, such as that produced by Tito. However, since like nearly all other scholars, Shackleton Bailey (Cicero: Epistulae ad Familiares [2 vols. Cambridge, 1977] vol. 1, 23-4) has been willing to see the hand of Tito in the publication of these Letters, the point would seem academic here. Carcopino (vol. 1, 29) calls the resemblance "glaringly obvious, at once betraying direct imitation".

75 Carcopino (vol. 1, 29) calls the resemblance "glaringly obvious, at once betraying direct imitation".

76 The quotation in Quintilian runs: habeo quem fugiam, quem sequar non habeo. Cicero writes: quem fugiam habeo... Carcopino attacks the use of what he sees as a minor disparity to claim that the quotation must have been second-hand (Tito's collection of Cicero's ioci, say). Such a discrepancy was, he argues, the result of Domitius' usual practice of quoting from memory, as is shown by the inexactness of the other two quotations (vol. 1, 30-2). One should also take note that some have suggested that the reference - quod Attico scripsit - was an addition of Quintilian, though there is no real reason for thinking this.

argued that the evidence from the Letters gave no indication whether Cicero actually did later defend Catiline. Asconius, and probably Fenestella as well had indeed, he argued, read the Letters. However, while Fenestella had hastily assumed Cicero had acted on his own suggestion, Asconius had been more cautious, and was also perhaps somewhat embarrassed that Cicero had thought of defending a man whom earlier (Cic. Att. 1. 1. 1), he had pronounced obviously guilty.\textsuperscript{78}

As to the incident described in Cic. Att. 4. 3. 2f, there was no way that this could be the same attack described in \textit{Pro Milone} \textsuperscript{37}. Among other reasons, Cicero uses the word \textit{nuper} therein when describing when the attack took place; yet the letter to Atticus dates from Nov. 11, 57 BC, which could hardly be described as "recently" by Cicero on April 8, 52 BC. The two attacks, he argued, were obviously not the same. Asconius knew this, and thus did not use the letter for evidence of an attack which he knew took place much later.

Subsequent academic developments have tended to support Carcopino's assertions. In particular, an argument developed by R. S. Stewart has dramatically weakened the idea of Asconius' ignorance of the Letters, and thus indirectly strengthened the idea of an earlier publication.\textsuperscript{79}

Stewart noted that Asconius, in his commentary on the \textit{In toga candida}, had stated that Cicero's father had died during his consular campaign.\textsuperscript{80} Yet, from Cic. Att. 1. 6. 2, it seems clear that Cicero's father died in 68 BC. At first sight, this seems to buttress the idea of Asconius' ignorance of the letters. However, Stewart proposed a simple but ingenious solution to this discrepancy: the first eleven letters of the collection are chronologically out of order in our MSS. If we assume, for our purposes, that Asconius read the letters in the same order, then that would account for the error. Asconius assumed that because Cic. Att. 1. 1 & 2 dated from July 65 BC, then the letters following these must be subsequent to that date. However, in reality, the following nine letters date from 68-66 BC. Not only had Asconius seen the letters, it is argued,

\textsuperscript{78} Carcopino is willing to admit that Fenestella's and Asconius' knowledge of the Letters is only probable. However, he is quite sure the Letters cannot prove the opposite (vol. 1, 26): "How can we deduce from this whether either of them was or was not acquainted with the two letters, since these letters yield no answer to the vital question?"


\textsuperscript{80} Asc. Tog. cand. C, 82: atque in petitione patrem amisit.
but he had seen them in the form in which they were edited and published.

Not that all proponents of a Neronian dating have admitted defeat. Shackleton Bailey, for instance, has attempted to maintain this position. However he has had to concede a great deal. With the quotation from Domitius Marsus, he was willing to admit that the discrepancy in word order was unimportant. However, this proved nothing as to publication, he claimed. Domitius could have read it privately, or possibly got it at second hand from the collection of Ciceronian dicta ascribed to Tiro. The same, he argued, went for the reference in Valerius Maximus; the discrepancies in wording here were more serious than Carcopino had admitted. Furthermore, Valerius made serious mistakes as to fact.81

As for Asconius, Shackleton Bailey found it impossible to believe that if Fenestella had based his assertion that Cicero had defended Catiline on Cic. Att. 1. 2, Asconius would not have mentioned it in his rebuttal. However, he was willing to concede, as regards Cic. Att. 4. 3, that the word nuper in Pro Milone 37 could not encompass an incident so long ago as 57 BC, though he felt Asconius should have mentioned the letter anyway. He conceded further ground when faced with Stewart's argument. While finding the argument convincing, he still maintained that the information may have been at second hand. In any case it proved nothing as to publication: "All it can be held to prove is that some time before AD 55 or thereabouts the collection existed in the form in which we now have it."82

Yet, in a wholly admirable summary and synthesis of academic disputation on this issue, Aldo Setaioli showed obvious surprise at Shackleton Bailey's continuing insistence on a Neronian dating for publication.83 Setaioli felt strongly that the argument of Stewart demolished the argument ex silentio Asconii. Shackleton Bailey had been forced to retreat so far, he argued, that his arguments against early publication betrayed a certain sophistry. He had conceded that not only

81 Shackleton Bailey, CLA vol. 1, 62-63. In Valerius, Diphilus points to Pompey in person, when the letter tells us he was in Capua.
82 Shackleton Bailey, CLA vol. 1, 68.
83 Setaioli, "On the Date of Publication of Cicero's Letters To Atticus," 105-120.
were the letters available, but they were arranged in the same order as we have them today. Why then deny that they had probably been published as well? Setaioli went on to raise other important pieces of evidence regarding Asconius. He agreed with Shackleton Bailey that if Fenestella had used Cic. Att. 1. 2 as evidence for his assertion, it would be expected that Asconius would mention the fact. However, using an argument first propounded by R. Reitzenstein, he argued that it was open to claim, on an inspection of the opening pages of Asconius' commentary on the *In toga candida* that Fenestella spoke of Cicero's defence not as a certainty but as a likely inference. In which case, the possibility that Fenestella's source was the letter would be heightened not lessened.

Setaioli also provided important confirmation of Carcopino's arguments regarding Valerius Maximus. He noted that the original connection was made in the Diphilus episode by W. Thormeyer, who had noted a further parallel: between Cic. Att. 1. 16. 5 and Val. Max. 9. 1. 7 on Clodius' "bonus bribes" to jurors in his trial in 61 BC. Both parallels are inexact, but both the linguistic and factual disparities could be explained by Valerius' working method.

Similar comments to those of Setaioli were made by B.A. Marshall. Marshall did not attempt to challenge the assumption of a Neronian dating head-on. Nevertheless, he strongly disputed the idea of Asconius' "silence". He argued that there was no basis for judging what documentary evidence Asconius would have thought necessary to use for his purposes, and in any case, such assumptions were based on an inflated estimation of Asconius' tenacity in research and accuracy. Nothing could be assumed, he argued, as to publication from Asconius' use or non-use of the Atticus letters, especially since the evidence for Asconius' "silence" was so dubious. In any case, there may have been

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84 Setaioli, 110-1
85 Setaioli, 111-2. Reitzenstein's argument was based on phrases (Asc. Tog. cand. C, 86) such as *Vere cum egerit Muci causam Cicero sicut Catilinae egisse eum videri vult Fenestella...* The point cannot be pressed too far: it may simply mean "as Fenestella would have it" or "would have us believe".
86 Setaioli, 113-4.
88 Setaioli, 111, makes a similar point.
89 Marshall (*Asconius Comm.*, 48) notes the argument of Stewart. He also raises the question of whether Asconius' information as to Pompey's coolness to Scaurus (Asc. *Scaur.*
many other reasons for Asconius' failure to use the letters in any systematic or detailed way, reasons which may have had as much to do with aesthetic and literary judgment, faulty memory or even time constraints, as with ease of availability.90

Inevitably, there will be those who worry as to the lack of clear references to the Atticus letters in a careful scholar such as Asconius. Furthermore, it is always open to claim that any putative reference to the letters prior to Asconius is the product of a secondhand source, such as the "Tironian" collection of Ciceronian sayings, or, at least, secondhand knowledge of the letters. However, it should be reiterated that the lack of such references also pertains to the rest of the correspondence, which nearly all scholars have been happy to accept as being published at a much earlier time. Arguably, the whole debate has become largely one of semantics; revolving around the question of what constitutes sufficient evidence of "publication", a difficult question at the best of times when considering the ancient literary world.91 One thing is certain, Carcopino's earlier dating as to the wider circulation of the Atticus letters cannot be rejected out of hand. The question remains, therefore, as to whether the rest of Carcopino's theories stand up to scrutiny. Is it possible that the correspondence was published with the help of those closest to Cicero in order to defame both him and all those whose memory or current standing threatened Octavian? Let us look at the evidence regarding these individuals so as to test this possibility.

C, 19-20) came from Cic. Q Fr. 3. 8. 3 or Att. 4. 15. 4. He also identifies an instance where Asconius seems ignorant of the Epistulae ad Familiares: the latter stating (Asc. Tog. cand. C, 92) that he does not know the names of Catiline's incestuous paramours despite Cic. Fam. 8. 7. 2, where one of them is named, though obliquely. This would, of course, strengthen the argument against using Asconius as proof of non-publication, since he fails to use in any sort of systematic way the rest of the correspondence either, which has generally been given an Augustan or earlier publication date.

ii) Cornelius Nepos (c. 99- c. 24 BC).92

Considerable mystery surrounds the exact nature of the relationship between Cicero and Nepos. We have it on the authority of Macrobius (Sat. 2. 1. 14), that at least two volumes of letters between the two were extant in the ancient times, which suggests regular correspondence, at least at certain periods.93 We also know that Nepos wrote a biography of Cicero in at least two books. Furthermore, if the remarks of Aulus Gellius (NA 15. 28. 1) are anything to go by, close friendship between the two men seems to have been assumed by succeeding generations.94

Yet it has been suggested that evidence exists which casts doubt on such assumptions of easy familiarity. Firstly, Cicero’s remarks concerning Nepos in Ad Att. 16. 5. 5, dating from 9 July 44 BC. Cicero says:

\[
\text{Nepotis epistulam exspecto. cupidus ille meorum, qui ea quibus maxime γαυρίω legenda non putet? et ais "μετ\' αμύμωνα". tu vero αμύμων, ille quidem αμβροτός.}
\]

(I am waiting for Nepos’ letter. So he’s anxious to see my works is he, notwithstanding his opinion that those on which I most plume myself are not worth reading? And you say "after Achilles". No, it’s you who are Achilles, he’s an immortal.)

[Shackleton Bailey]

Cicero’s reference to Nepos’ dislike of certain of Cicero’s works has been taken, probably correctly, as a reference to Cicero’s philosophical treatises, since a surviving fragment of a letter of Nepos to Cicero shows

92 These traditional dates for Nepos’ birth and death appear little more than guesses. Horsfall puts Nepos’ birth at around 110 BC, arguing that he speaks (Nep. Att. 19. 1) as if he was a rough contemporary of Atticus; Horsfall, xv. In relation to Nepos’ death, we know from his Atticus (§§ 19-22), that he survived Atticus’ death in 32 BC. Pliny the Elder tells us twice (Plin. HN. 9. 137; 10. 60) that Nepos died during the Augustan Principate, but not when.
93 The surviving fragments of this correspondence are to be found in Macro. Sat. 2. 1. 14; Prisc. inst. 8. 4. 17 (Keil Gramm. Lat. 2. 383. 1); Suet. jul. 55. 1-2; Amm. Marc. 21. 16. 13; Lactant. Div. inst. 3. 15. 10. See R. Y. Tyrrell and L. C. Purser eds., The Correspondence of M. Tullius Cicero (6 vols., 3rd edn., Dublin and London, 1904-33), vol. 6, 346-8.
94 See pp 43-45.
Nepos to have been particularly sceptical of the ethics of philosophers. With regard to Cicero's remarks likening Nepos to a god, not a few scholars have detected irony in the remark. However, it must be asked whether such remarks constitute the basis for discerning a serious rift between the two men. An intellectual disagreement and a playful Ciceronian witticism are hardly matters which would have precluded friendly intercourse, especially given Cicero's well-known inability to resist witticisms and his intellectual disagreements with many of his intimates.

Another letter is also presented as evidence here. In Cic. Att. 16. 14. 4, Cicero says that while most upset by the death of Nepos' son, he was unaware of the boy's existence. A remark such as this shows that there were distinct limits to the friendship existing between the two men; this is not a relationship along the lines of that existing between Cicero and Atticus, encompassing close social and familial intercourse. But we should not go too far. As Geiger, for instance, has argued, it is dangerous to use this passage to determine the entire nature of the relationship; Cicero's ignorance of Nepos' personal affairs hardly precludes shared intellectual pursuits and interests of some importance.

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96 See, for instance, Edna M. Jenkinson, "Genus scripturae levē: Cornelius Nepos and the Early History of Biography at Rome," ANRW 1. 3 (1973), 703-19, at 704 ("undoubted sarcasm"); Carcopino, vol. 2, 537-8; Wissowa, RE "Cornelius 275", 1409 ("...klingt etwas kühn ironisch"). Such an interpretation is questioned by J. Geiger ("Cicero and Nepos," Latomus 44 [1985], 261-270). He states: "...with no axe to grind one will take the phrase at face-value...with proper deductions for Ciceronian pleasantry." Horsfall (xvi, n. 10) is critical: "on any interpretation, Cic. Att. 16. 5. 5 is a joke at N.'s expense shared by Cicero and Atticus." It is interesting that even Shackleton Bailey (CLA, vol. 6, 284) does not hazard a guess in his commentary as to its tone, merely remarking that "the point is obscure."

97 Horsfall (xvi) comments: "If N. said openly that Cicero's philosophical works were 'not worth reading', and told him that philosophy was not the 'mistress of life', there must have been difficulties." He goes on, in relation to this matter, to ask the question (119) "Was N. the piece of grit in the smooth relations between Atticus and Cicero?" Quite what he means by this is unclear: for what ever the nature of Atticus' Epicureanism (see n. 157), it would seem unlikely that he would have been any less put out by Nepos' remarks than Cicero.

98 Geiger, "Cicero and Nepos," 263.
Moreover, it would be drawing an extremely long bow if one were to attempt to draw from such evidence the idea that Nepos may have evinced hostility towards Cicero after the latter's death. Indeed, all the available evidence suggests otherwise. To be sure, little is said about Cicero in Nepos' surviving life of Atticus.99 However, this can hardly be interpreted as a negative reflection on Cicero, since Nepos' overriding purpose was to enumerate the qualities of Atticus and show his importance in his own right.100 As to the specific references, it is quite clear that none of them can be construed as hostile to Cicero's memory.101 On the contrary, at least one clearly extols him in glowing terms; and what is more, as a statesman and a sage. As Nepos says (Att. 16. 2-4):

Quamquam eum praecipue dilexit Cicero, ut ne frater quidem ei Quintus carior fuerit aut familiarior. Ei rei sunt indicio praeter eos libros in quibus de eo facit mentionem, qui in vulgus sunt editi, undecim volumina epistularum, ab consulatu eius usque ad extremum tempus ad Atticum missarum; quae qui legat non multum desideret historiam contextam eorum temporum. Sic enim omnia de studiis principum, vitiis ducum, mutationibus rei publicae perscripta sunt, ut nihil in eis non appareat et facile existimari possit prudentiam quodam modo esse divinationem. Non enim Cicero ea solum quae vivo se acciderunt futura praedixit, sed etiam quae nunc usu veniunt cecinit ut vates.

99 On the basis of Nepos' remarks at Att. 19. 1 (<Haec> hactenus Attico vivo edita a nobis sunt ), it is generally agreed that there were two editions the work: the first written between 36-5 BC (see Horsfall, 8) and Atticus' death in 32 BC; the second adding chs. 19-22, and possibly (see Horsfall, 8-9) revising chs. 1-18, and being written - given Nepos' designation of the ruler as Imperator Divi filius (Att. 19. 2) and Caesar (19. 3 & 4, 20. 3 & 5) - before 27 BC. Horsfall (8) states that Nepos speaks of "Octavian" at 20. 1, yet there is no such reference. See also J. Geiger, Cornelius Nepos and Ancient Political Biography (Stuttgart, 1985), 85.

100 Gambet (Cicero's Reputation, 4): "...it will be well to emphasize that Nepos' hero in this biography is Atticus and Atticus alone...Consequently, most of the testimonia to Cicero found here are made in order to subserve his chief purpose..." Nepos' work seems to have failed in this purpose. Atticus' fame in posterity was to rest entirely on his being the recipient of Cicero's letters; see Sen. Ep. 21. 4.

101 See Nepos Att. 1. 4; 4. 3; 5. 3-4; 9. 3; 10. 1 & 4; 15. 3; 16; 18. 6. I agree with Gambet (Cicero's Reputation, 6-8) that Nepos' description of Hortensius (Nepos Att. 5. 4: ...qui iis temporibus principatum eloquentiae tenebat... ) need not be seen as displaying Nepos' preference for Hortensius' oratory. It is probably just a reference to the supremacy held by Hortensius up till 70 BC.
(Nevertheless Cicero was particularly fond of him: so much so that not even his own brother Quintus was dearer or closer. To prove the point, apart from the books in which Cicero mentions Atticus, which have been published, there are eleven rolls of letters, sent to Atticus from the time of Cicero's consulship right down to the end: the reader would little need a continuous history of the period. For they offer so full a record of everything to do with statesmen's policies, generals' failings, and changes in the state that nothing does not appear in them and it is easy to think that Cicero's good sense was in some way prophetic, for not only did he predict things which happened in his lifetime, but also sang like a prophet of matters now in current use.)

[Horsfall]

It is unclear whether the hagiographic tone of Nepos' *Atticus* was replicated in Nepos' lost biography of Cicero. Yet it seems reasonably safe to conclude, both on the evidence contained in the *Atticus*, and the paltry remnants of the Ciceronian life, that Nepos' treatment was overwhelmingly positive.\(^\text{102}\) The remarks of Aulus Gellius (NA 15.28.1ff) remain our best evidence as to the biography. He states (§ 1-2):

*Cornelius Nepos et rerum memoriae non indiligens et M. Ciceronis ut qui maxime amicus familiaris fuit. Atque is tamen in primo librorum, quos de vita illius composuit, errasse videtur, cum eum scripsit tres et viginti annos natum*

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\(^{102}\) It is generally assumed that the biography was written after Cicero's death. Horsfall (*Cornelius Nepos: A Selection*, 10 & 11), whilst stating that composition after Cicero's death was "likelier than not", notes (twice) that an earlier date cannot be excluded. The lack of reference to such a project in Cicero's correspondence is suspicious, though not fatal given our losses. The same goes for the silence of the *Atticus*. A. D. Leeman ("Nepos, Vita Attici Ch. XVI, et 'les Secrets de la Correspondance de Cicéron',' *Mnemos*. 6 (1953), 58-61, at 60, n. 1) argues a date after 34 BC on the basis of the latter point. Marshall (*Asconius Comm.*, 58) tentatively makes the suggestion that Nepos' biography may have been critical of Cicero, but does not elaborate his reasons: see nn. 107 and 108. Carcopino himself, assumed that Nepos had written the biography after Cicero's death, and dated it (and Tiro's biography) to around 39 BC, on the basis of "the respective ages of Nepos and Tiro" (42, n. 1). It is difficult to know what Carcopino means by this remark, especially since the dates for the birth of both men are difficult to establish.
primam causam iudicii publici egisse Sextumque Roscium parricidii reum defendisse.

(Cornelius Nepos was a careful student of records and one of Marcus Cicero's most intimate friends. Yet in the first book of his *Life of Cicero* he seems to have erred in writing that Cicero made his first plea in a public trial at the age of twenty-three years, defending Sextus Roscius, who was charged with murder.)

[Rolfe]

In the light of the evidence from the letters to Atticus, most scholars have concluded that Gellius' remarks on the great intimacy existing between the two men is an exaggeration. But however mistaken Gellius may have been here, the impression was one that he arrived at after reading Nepos' biography. If Nepos had indulged in serious criticism of Cicero, it seems hardly likely that Gellius could have inferred what he did.

After some remarks on Nepos' error, Gellius goes on to state (§ 4-5) that:

*In qua re etiam Fenestellam errasse Pedianus Asconius animadvertit, quod eum scripserit sexto vicesimo aetatis anno pro Sex. Roscio dixisse. Longior autem Nepotis quam Fenestellae error est, nisi quis vult in animum inducere Nepotem studio amoris et amicitiae adductum amplificandae admirationis gratia quadriennium suppressisse, ut M. Cicero orationem florentem dixisse pro Roscio admodum adulescens videretur.*

(Asconius Pedianus has noted that Fenestella also made a mistake in regard to this matter, in writing that he pleaded for Sextus Roscius in the twenty sixth year of his age. But the mistake of Nepos is greater than that of Fenestella, unless anyone is inclined to believe that Nepos, led by a feeling of friendship and regard, suppressed four years in order to increase our admiration of Cicero, by making it appear that he
delivered his excellent speech *In Defence of Roscius* when he was a very young man.)¹⁰³

[Rolfe]

On the other hand, of course, it could just be a careless error. Gellius, as we have seen, not only thought Cicero and Nepos were close friends, but that Nepos *rerum memoriae non indiligens*. Arguably, he was mistaken in both observations.¹⁰⁴ Nevertheless, again the fact remains that Gellius could readily accept the possibility, presumably based on his reading of the biography, of Nepos falsifying facts because of his affection for Cicero. Another fragment found in Jerome, has Nepos telling us of his hearing Cicero defending Cornelius in 65 BC, and remarking that Cicero used almost the same words (*iisdem paene verbis*) as in the later published edition.¹⁰⁵ This may well be an attempt to refute criticism of Cicero's spoken orations.¹⁰⁶

It has been suggested that Nepos' biography may have constituted the major source of Plutarch's Life of Cicero, in which case a considerable amount of hostile material concerning Cicero could be laid at the feet of Nepos.¹⁰⁷ However, the evidence that Nepos was a source, let alone the major source, for Plutarch's *Cicero* is decidedly thin.¹⁰⁸ Moreover,

¹⁰³ Rolfe has "his brilliant speech", reading *florentissimam* (Marshall: *florentem*).
¹⁰⁴ Gambet (*Cicero's Reputation*, 10) believes "that Nepos did here precisely what Gellius suggests he might have done...This fragment, then, is laudatory in tone and lends credence to the thesis that the entire *vita* may have been." However one has to ask whether Nepos could have thought to get away with such a glaring error when such a mass of material concerning Cicero's life would have freely available. Geiger's suggestion ("Cicero and Nepos," 269) of "...inadvertence and hasty composition" sounds more likely.
¹⁰⁶ See Gambet, *Cicero's Reputation*, 10. We know that it was later alleged (Dio 46. 7. 3-4) that Cicero's published speeches bore no relation to the original spoken versions. Indeed, Nepos' remarks here are rather problematic. Asconius and the Younger Pliny (*Asc. Corn.* C, 62; *Plin. Ep.* 1. 20. 8) tell us that Cicero's defence took four days; Asconius adding that it was presented by Cicero *in duas orationes*. Whatever the relationship between these two speeches and the Asconian commentary, it would seem that what Cicero published must have been somewhat condensed: see Marshall, *Asconius Comm.*, 229 & 275-7.
¹⁰⁷ Helene Homeyer, *Die Antiken Berichte über den Tod Ciceros und ihre Quellen* (Baden-Baden, 1964); republished as "Die Quellen zu Ciceros Tod," *Helikon* 17 (1977), 56-96. All future references to this piece will be to the second publication. Homeyer (see, in particular, 58-68) concludes that Plutarch's chief source throughout the Life was not, as had commonly been claimed, Tiro (see n. 126), but rather Nepos, albeit through a Greek intermediary.
¹⁰⁸ Homeyer's substantive evidence (61) consists of a handful of passages in Plutarch which bear some resemblance to [Aur. Vict.] *De vir. ill.* 81 - assumed to represent Nepos'
recent scholarly opinion has tended to move away from the idea that Plutarch's *Cicero* was based overwhelmingly on any one source, be it Nepos or any one else. 109

In any case, additional direct evidence of Nepos' attitude towards Cicero's memory supports the idea of his highly sympathetic attitude towards the orator. A fragment of the preface to his *De Historicis Latinis*, which included the surviving *Lives* of Cato and Atticus, contains the clearest expression of Nepos' generous attitude towards Cicero:

Non ignorant debes unum hoc genus Latinarum litterarum adhuc non modo non reponsere Graeciae, sed omnino rude atque inchoatum morte Ciceronis relictum. Ille enim fuit unus qui potuerit et etiam debuerit historiam digna voce pronuntiare, quippe qui oratoriam eloquentiam rudem a maioribus acceptam perpoliverit, philosophiam ante eum incomptam Latinam sua confirmarit oratione. Ex quo dubito, interitu eius utrum res publica an historia magis doleat...

(You should realize that this is one branch of Latin literature which not only does not rise to the level of Greece but was left really rough and sketchy by the death of Cicero. For he was the one man who could, and also should, have expressed our history in the language it deserved, since he was the man who inherited oratorical eloquence in its rough state from our ancestors and polished it thoroughly; philosophy in Latin, which was previously uncouth, he moulded in his own language. In consequence I am uncertain whether Rome or History grieves more at his death...)

[Horsfall]

work -, and fragments (P. K. Marshall, nos. 37, 58) of Nepos; none of which is of a hostile tenor. Of course, Homeyer's theory necessitates a scenario where Nepos had incorporated material from the Tironian biography into his own; thus presupposing, despite the total lack of evidence, that Tiro's work pre-dates that of Nepos. John Moles (*Plutarch: The Life of Cicero* [Warminster, 1988], 29) simply says of Nepos' biography: "Its presence in the *Life* is hard to discern."

109 See n. 126.

Nepos thus eulogizes the beneficial effects of Cicero's eloquence on the style of Latin philosophy, and mourns the fact that Cicero was cut short from writing on history as well. It is also clear from the final sentence that Nepos feels that the death of Cicero was a great loss to the State.

Furthermore, it seems that Nepos' literary activity may have gone beyond just writing about Cicero. A brief reference in Fronto suggests that he had seen a work of Cicero's in the handwriting of Nepos. Thus the idea has arisen that Nepos may have been engaged in editorial activity with respect to the works of Cicero. One of the more interesting theories is that of Lily Ross Taylor, who has postulated that it was Nepos rather than Atticus, who published the letters to Atticus. The chronological disorder in Book 1 and 12-13, she argued, ruled out Atticus as a publisher, since as the recipient of the letters and as a "stickler" for chronological exactness, he would have easily recognized the errors. Nepos as someone intimate with the family of Atticus, and who knew and admired Cicero, although not as intimate with him as some believed, is the obvious choice. Arguably, Taylor's theory deserves more attention than it has hitherto received.

In the light of the above evidence, a number of conclusions can be made. Firstly, any review of Nepos' surviving references to Cicero displays clearly the preposterousness of Carcopino's assumption that Nepos would have knowingly involved himself in a scheme to totally destroy Cicero's reputation. Carcopino pre-emptively attempts to counter claims that Nepos' remarks about Cicero in the Atticus (Att. 16. 2-4) could not be "blurb" for a forthcoming publication that defamed the orator's memory because of their laudatory nature. He does this by arguing: "it was important to keep the secret motives of this publication well out of sight." This is dubious enough in itself when it is

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111 Fronto Ad M.Caes. 1. 7. 4 (Van den Hout, 15): aut a Tirone emendata aut a Domitio Balbo descripta aut ab Attico aut Nepote. See n. 120.
112 Taylor, "Cornelius Nepos and the Publication of Cicero's Letters to Atticus," passim.
113 As to Cicero's remark, cupidus ille meorum (Att. 16. 5. 5), Shackleton Bailey (CLA 6. 284) suggests: "Perhaps Nepos had asked permission to read the de Gloria, or he may merely have expressed a hope that new works of C.'s would soon be forthcoming." Taylor (680) suggests an emendation of meorum to mearum, giving a reference to the letters. Yet as she herself notes, some scholars have seen a reference to the letters without recourse to such alteration.
114 Carcopino, vol. 2, 493; see 493-503. Carcopino argues that not only this passage but, indeed, the entire Atticus was written purely as "an advance-advertisement" for publication of the letters. Balsdon (CR 2 [1952], 179) has Carcopino arguing that Nepos'
remembered that the passage draws conspicuous attention, not only to qualities in Cicero, which Carcopino would have the letters deny, but also to Cicero's devotion to Atticus, which Carcopino would have Atticus repaying in very bad coin. But Nepos' participation in such a ruse would not only have destroyed the credibility of his remarks here but, indeed, would have given the lie to all his other laudatory remarks concerning Cicero, whenever they were written. Yet no evidence exists in the later sources that this monumental betrayal was noticed.

Perhaps most importantly, the evidence concerning Nepos shows us that he was actively engaged in writing about Cicero and was possibly involved in the propagation of Cicero's own works. Even the approximate dating of much of this work must remain a mystery, although it is clear from the Atticus that at least some of this work was being undertaken during the Triumviral period. Furthermore, the inescapable conclusion is that the purpose of this work was to perpetuate Cicero's good reputation.

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*Lives*, in their entirety, served as pre-publicity. In fact, Carcopino mentions only the *Atticus*. If Carcopino had confined his argument to the specific passage in Nepos *Att.* 16, then his statement would have been much more unremarkable. It is worth mentioning, however, that Carcopino's attempts to get around the problem of why Nepos didn't revise the statement in his second edition, if the letters had indeed been published, is singularly unconvincing (See Shackleton Bailey, *CLA* vol. 1, 61, n. 3).  

115 As Leeman ("Nepos, *Vita Attici,*" 60) remarks: "Or, Nepos eût été bien maladroit d'insister sur l'amitié de Cicéron pour Atticus jusqu'au point de l'alléguer comme preuve de la *pietas* d'Atticus (§ 5), quand celui-ci allait violer la *pietas* la plus élémentaire envers son ami défunt."
While we may have cause to doubt the level of intimacy existing between Cicero and Nepos, no such doubts can exist regarding the closeness of Cicero and Tiro, which is amply attested to throughout the ancient evidence, including Cicero's letters. Furthermore, from the evidence available, it would seem to be the case that the affection and loyalty exhibited by Tiro during Cicero's lifetime, was also manifested in Tiro's literary activity after Cicero's death.

Despite the vagueness of our evidence, it seems reasonably clear that much of the scholarly activity, which Tiro involved himself in after Cicero's death, was bound up with the person of Cicero and his writings. Much of the information comes from Aulus Gellius, who as McDermott notes, cites Tiro "more frequently than does any other ancient source". Firstly, Gellius refers to the existence of Tironian editions of the Verrine orations (NA 1. 7. 1 & 13. 21. 16). Whether Tiro edited any more of the orations is unclear. From Quintilian (Inst. 10. 7. 30-1), we know that Tiro also published Cicero's notes or commentarii for cases where he did not write out full speeches. Quintilian (Inst. 4. 1. 69)

116 The dating of Tiro's life is highly problematic. Jerome (Chron. Helm, 168: M. Tullius Tiro Ciceronis libertus, qui primus notas commentus est, in Puteolano praelio usque ad centesimum annum consenescit.) seems to indicate that Tiro died in 4 BC at the age of one hundred. Such a dating would have made Tiro fifty at the time of his manumission in 53 BC. Yet Cicero refers to Tiro in 50 BC as adulescens (Cic. Alt. 6. 7. 2 and 7. 2. 3), while other evidence also seems to support the idea that Tiro was much younger. Attempts (e.g. Groebe, RE "Tullius [52]", Bd. 7A(2) [1948], 1319) to see such references as wholly figurative are not convincing. See W. C. McDermott "M. Cicero and M. Tiro," Hist. 21(1972), 259-286, at 263-265, and who on these references and a consideration of Cicero's views on manumission, argues for a date around 80 BC for Tiro's birth.

117 There is, however, still some debate as to the exact nature of their relationship. McDermott ("Cicero and Tiro," 264-5) speculates that Tiro may have been Cicero's older son by a slave concubina, although one should note that he later says (289) that this "may be too fanciful." McDermott also has to deal with the theory, stemming from a remark of Pliny the Younger (Ep. 7. 4. 3-6), that Cicero and Tiro were lovers. This makes for interesting, if slightly bewildering reading: see Chapter 4, n. 209.

118 McDermott, "Cicero and Tiro," 275.

119 Aulus Gellius mentions Cic. Verr. 2. 2 & 5. However, it is generally assumed that Tiro edited all the Verrine orations.

120 See McDermott, "Cicero and Tiro," 278-280. McDermott notes three pieces of evidence pointing to Tiro's editorship of further Ciceronian orations: Asc. Pis. C. 1 (a lacuna for which the names of Nepos and Fenestella have also been suggested; even if "Tiro" is correct, it may refer to his biography rather than editing: see also Marshall, Asconius Comm., 82-3); the remarks of Fronto (Ad M. Caes. 1. 7. 4 [Van den Hout, 15]), referred to before in relation to Nepos; and a marginal note from a Laurentian MSS of Cicero's orations. He concludes (280): "All that can be stated for certain is that Tiro edited all or part of the orations against Verres."
and later Jerome (Adv. Rufin. 1. 16 [Migne, PL 23, 428] used these notes. A reference in Gellius (NA 15. 6. 1ff) also seems to indicate that Tiro revised and published some of Cicero's essays.\textsuperscript{121} There is little evidence as to when this activity took place, though it is generally assumed that it is the product of the period after Cicero's death.\textsuperscript{122}

There are also, of course, the references to the Tironian collection of Cicero's \textit{ioci}. Quintilian (Inst. 6. 3. 5) and Macrobius (Sat. 2. 1. 12) both make reference to it, although both show doubt as to whether Tiro was indeed the editor.\textsuperscript{123} Another reference in the \textit{Scholia Bobiensia} (Schol. Bob. Stangl 140: 16-17) ascribes it to Tiro.\textsuperscript{124} Tiro's involvement in the three-book collection cannot therefore be seen as a certainty. However, it is interesting to note that despite Quintilian's comment that the collection had provided ammunition for Cicero's detractors, it seems to have been originally produced with the opposite intention, as Quintilian implies by suggesting the editor had been over-zealous. This suggests someone such as Tiro.

Tiro also wrote a biography of Cicero in at least four books.\textsuperscript{125} Only five clear passages from it have been found in the works of later writers, although it has been assumed by many scholars that Plutarch's biography of Cicero, which has only two direct citations of Tiro, drew heavily on this work. However, as with Nepos' biography, identifying Tironian material in Plutarch's work is a difficult and dangerous process.\textsuperscript{126} The five fragments do not tell us much.\textsuperscript{127} However, it

\textsuperscript{121} Gellius expresses surprise that Tiro - \textit{diligentissimo homine et librorum patroni sui studiosissimo} - did not pick up an error in the \textit{de gloria}. Of course the statement of Pronto referred to before - \textit{aut a Tirone emendata} - can be seen as supporting evidence of Tiro's work on any of Cicerio's works, including his essays.

\textsuperscript{122} McDermott, "Cicero and Tiro," 277.

\textsuperscript{123} Quintilian: \textit{utinamque libertus eius Tiro aut alius, ququisquis fuit, qui tris hac de re libros edidit}. Macrobius: Cicero autem quantum in ea re valuerit quis ignorant qui vel liberti eius libros quos is de iocis patroni composuit, quos quidam ipsius putant esse, legere curavit? Many scholars have also felt that the list of sayings in Macrobius Sat. 2. 3 come from this collection.

\textsuperscript{124} Hoc etiam dictum...Tullius Tiro, libertus eiusdem, inter locos Ciceronis adnumerat.

\textsuperscript{125} Asc. Mil. C. 48 makes reference to the fourth book of the biography.

\textsuperscript{126} The Tironian biography is cited by Plutarch at Cic. 41. 4-5 & 49. 4. A. Gudeman (The Sources of Plutarch's Life of Cicero [Philadelphia, 1902], 1-63) disagreed with the theory that Plutarch had used this work directly, arguing that he got nearly all his information second-hand from Suetonius' biography of Cicero. Gudeman's theory has generally fallen out of favour: see especially C. B. R. Pelling, "Plutarch's Method of Work in the Roman Lives," JHS 99 (1979), 74-96. Pelling argues from a comparison of Cicero with a later set of Roman Lives (Pompey, Crassus, Caesar, Cato, Brutus and
seems safe to infer from the limited evidence of these fragments and what we know of Tiro's other literary activities, and as scholars have hitherto, that the work was apologetic in tone. The reference in Plut. Cic. 41. 4-5 seems to indicate that Tiro defended Cicero's re-marriage against claims that Cicero was overcome with lust for a young virgin, by stating that it was purely a financial arrangement, possibly going on to argue its necessity stemmed from debts incurred by Terentia. The reference from Asconius also probably represents an attack on Clodius, although it could also be just a statement of fact.

It is also generally assumed, largely on the basis of circumstantial evidence, that Tiro was responsible for the editing and publication of the letters contained in the Epistulae ad familiares, as well as the letters ad Quintem fratrem, and ad Brutum. Tiro's editorial role has been inferred, as Shackleton Bailey has noted, "by the contents of Book XVI, his position as Cicero's confidential secretary, and his later...

Antony ) that as regards the former, Plutarch had no "satisfactory chronological and synoptic source" (89), and it was for this reason that "he had undertaken...wide reading of primary sources." Moles (Plutarch: Life of Cicero, 29), though willing to assume that Plutarch had used Tiro's biography directly, is cautious as to how much of Plutarch's work can be ascribed to this source. He also notes that Plutarch seems to have used the collection of ioci ascribed to Tiro in retailing instances of Cicero's wit, which further muddies the water as regards identifying matter from the biography. See also Appendix.

127 Gell. NA 4. 10. 6 (Tiro on Caesar showing preference to Pompey in the Senate after Julia's betrothal to the latter); Tac. Dial. 17. 2 (Tiro on the date of Cicero's death); Asc. Mil. C, 48 (Tiro in the fourth book of his biography of Cicero mentioned that Pompey attacked Clodius for harassing the praetor L. Caecilius); Plut. Cic. 41. 4-5 (Tiro states that Cicero married Publilia in order to pay off his debts, not as Terentia alleged, because of lust.); Plut. Cic. 49.2 (Tiro makes no mention of the treachery of the freedman Philologus). McDermott notes that some of these fragments might have come from Tiro's letters rather than the biography ("Cicero and Tiro," 284): see n. 126.

128 To be sure, the idea of marrying a very young heiress purely to pay off debts would seem shocking to modern sensibilities. Moreover, the idea clearly shocked some of the ancients as well: Dio 46. 4. 18. Nor is it clear whether the debts, which Tiro says were to be paid through Publilia's money, are the same which Plutarch earlier says (41. 3) that Terentia incurred. However, it would seem reasonably certain from the sense of the passage that Tiro's statement was meant as a defence of Cicero against Terentia's allegations; leading McDermott ("Cicero and Tiro," 284) to comment: "Obviously for a dignified Roman the former reason was dishonorable, the latter honorable."

129 Asconius notes that he has found no reference in another source corroborating Cicero's statement (Cic. Mil. 38) that the supporters of Clodius attacked the house of the Praetor Caecilius, but notes that Tiro speaks of Pompey's attacks on Clodius for harrassing Caecilius.

130 Carcopino, vol 2, 420-5, argues that the latter two collections were published by Atticus, while, of course also arguing (417-20) that Marcus Cicero Junior, not Tiro was chiefly responsible for the epistulae ad familiares.
preoccupation with Cicero's work and memory."^{131} We might also want to add as evidence the two references in the correspondence (*Att.* 16. 5; *Fam.* 16. 17. 1), where Cicero speaks of Tiro preparing to edit a small collection of Cicero's letters for publication.

Exactly in what form the letters were published is a matter of some dispute. A large number of references, all from Nonius, apart from one each by Macrobius and Priscian, to numerous (and now lost) books of letters addressed to single correspondents, has led to the idea that the *ad familiares* collection was a later compilation of letters which originally had been published in separate collections to single correspondents. Tiro, it is said, "never carried out a systematic arrangement, but assembled and published piecemeal."^{132} If this theory is correct, then Tiro was responsible for the editing and publishing of a much larger number of letters than we now find in the *ad familiares* collection.

Even the evidence which relates to what one might call Tiro's "independent" scholarship shows us the influence of Cicero over his former slave. It must be reiterated that we cannot be sure that some or all of these works were produced after Cicero's death, although the latter seems more likely, given the greater amount of leisure available to Tiro by the loss of his kind but exacting patron. Gellius (*NA* 13. 9. 1ff) tells us that Tiro wrote works entitled *de usu atque ratione linguae Latinae*, and *de variis atque promiscuis quaestionibus*. Later in the same passage, Gellius speaks of Tiro's *Pandectae*, which may be part of one of the former works, or distinct. Two of the three identifiable fragments show


^{132} Shackleton Bailey, *Ep. ad fam.* vol. 1, 24. The whole question of the lost books is a controversial one. Carcopino (vol. 2, 530-563) claimed that, apart from Cicero's Greek letters (mentioned in Plut. *Cic.* 24. 4), these books never existed; what is actually referred to in books of mixed correspondence from the original edition of *Ad Familiares*, published by Marcus Cicero in the thirties - an edition which had to be superseded by a later edition, because of Marcus' inclusion of sensitive material. While it should be noted that Carcopino is not the only scholar dubious about the existence of (at the minimum) 39 other books of letters in antiquity (See Balsdon *CR* 2 [1952], 178, for instance), Carcopino's solution is even worse. How did Nonius get hold of this first edition, if as Carcopino argues, it had been quickly suppressed after publication several hundred years earlier? And what of the references in Macrobius and Priscian to lost books to single correspondents? Surely all three could not be mistaken as to the nature of these collections? The best solution is to accept the existence of these collections but to conclude that Nonius made serious mistakes as to the number of books in some of the collections. The fragments of these letters are to be found in Tyrrell & Purser, vol. 6, 346-373.
connections to Cicero. Furthermore, the two certain fragments from Tiro's own correspondence both contain references to Cicero. In one of these (Gell. NA 6. 3. 8-39), Tiro, writing to Cicero's friend Axius, ventures to criticize Cato the Elder's speech, Pro Rhodiensibus, thus bringing down on himself the wrath of Gellius, and presumably, most of the scholars of the Second Century AD. It seems plausible that Tiro's fulminations here were an attempt to defend Cicero against archaistic critics.

It thus seems reasonably clear that in the period following Cicero's death, Tiro was heavily involved in celebrating and perpetuating Cicero's reputation as a great statesman and writer. Yet Carcopino would have us believe that at this same time, he was collaborating in an insidious scheme to destroy the reputation of Cicero! Wisely, Carcopino does not attempt to conjure up some motive for Tiro's "betrayal", since none exists in the sources. Carcopino simply states that Tiro's collaboration in the publication of the Epistulae ad familiares is attested by the presence of letters addressed to him; further, that as Cicero's freedman, he owed his services to his patron's son, the person who was ultimately responsible for publication. Tiro is thus little more than a helpless cipher, who has no alternative but to obey the wishes of Cicero's unscrupulous son. Indeed, he was only important inasmuch as the irresponsible young Marcus was in need of a good literary adviser: "Left to his own resources, Cicero's son would probably have failed in his task, but he had in his house the faithful Tiro, on whose zeal and competence he could rely." Yet how could the "zeal and competence" which, as we have seen, had been put to the service of Cicero's memory, be now used to destroy that very memory? Carcopino's theory would make a nonsense of Tiro's scholarly activities after Cicero's death, as it would Nepos' as well. Furthermore, as with Nepos, there exists no evidence that such a monumental betrayal was noticed by later generations. The Carcopino thesis must be rejected in respect of Tiro's

133 Gell. NA 12. 3. 3 & 13. 9. 4; Charisius Gramm. 2 (Keil. Gramm. Lat. 2, 107). Both passages in Gellius refer to Cicero. It is interesting that Tiro, in Gell. NA 12. 3. 3, "dares" to disagree with Cicero on a point of etymology. Tiro was not, it seems, an unthinking laudator Ciceronis, at least when it came to scholarly matters.
134 Gell. NA 6. 3. 8-39 & 10. 1. 7.
135 Both McDermott ("Cicero and Tiro," 284) and Gambet (Cicero's Reputation, 20) make this suggestion.
137 Carcopino, vol. 2, 505.
activities, not in an instinctive spirit of sentimental outrage on behalf of Cicero and Tiro, but rather on the basis of its inability to explain the vast amount of evidence that contradicts it.

Furthermore, as with Nepos, the evidence pertaining to Tiro serves to illustrate the extent to which Cicero's memory was being strongly promoted by literary endeavours in the period following his death. In this instance, there is even greater difficulty than with Nepos in securely dating much of the material, especially given the apparent length of Tiro's life. But there seems no real objection to the idea that Tiro's literary activities began relatively soon after Cicero's demise.

Nor was Tiro the only one of Cicero's former slaves who devoted himself to singing his dead master's praises. In his discussion of healing waters, Pliny the Elder (HN 31. 6-8) describes those which cure eye complaints as "Ciceronian". He goes on to relate that soon after Cicero's death, hot springs burst forth on Cicero's estate near Puteoli, at the time it was owned by a certain Antistius Vetus. These springs,  

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138 See also, Isid. Etym. 13. 13. 4: *in Italia fons Ciceron oculorum vulnera curat.*
139 For the identification of the villa as Cicero's *Puteolanum*, rather than his *Cumumum*, see Courtney, *FLP* 182; disagreeing with John H. D'Arms, *Romans on the Bay of Naples: A Social and Cultural Study of the Villas and Their Owners from 150 B. C. to AD 400* (Cambridge, Mass., 1970), 172, 198-200. The owner of the property is generally assumed (Courtney, *FLP*, 182: "presumably [but not certainly]") to be C. Antistius (RE [47]) Vetus (cos. suff. 30 BC), whose career, rather interestingly, shows some parallels with that of Cicero's son. The prosopography has been somewhat contentious. Originally, this personage was identified with the tribune of 56 BC (Cic. Q Fr. 2. 1. 3), who on the basis of Plutarch (Caes. 5) was seen as quaestor under Caesar in 61 BC. Yet it is now the dominant view that the tribune of 56 BC was L. Antistius (RE 13) Vetus, who attempted to bring Caesar to trial for acts during his consulship (cf. Suet. Iul. 23. 1 - dated now to 56 BC rather than 58 BC), and that the quaestorship of C. Antistius be downrated to 45 BC: see Shackleton Bailey, *Two Studies of Roman Nomenclature* (Cambridge, Mass., 1976), 11-13; Broughton, *MRR* 2. 214, n. 2 & 3. 17-18. Thus he was probably (MRR 2. 308) a quaestor *pro praetore* when in Syria in 45 BC, fighting against the Pompeian Caecilius Bassus in Syria in 45 BC (Cic. Att. 14. 9. 3; Dio 47. 27). He is attested (Cic. Ad Brut. 1. 11; Plut. Brut. 25) as having pledged himself to Brutus in 43 BC, handing over in the process the state revenues he was returning with to Rome. He left for Rome to stand as praetor, promising to return and take a commission as legate if the elections were not held; which he seems to have done rather quickly (Cic. Ad Brut. 1. 12. 1). Presumably (Syme, *RR*, 206) he fought with Brutus at Philippi, and only returned to Rome in 39 BC. He is mentioned as fighting the Salassi as Octavian's legate sometime in the mid to late thirties (App. Ill. 17; 35 and 34 BC according to Syme, *RR*, 329, n. 3 & *AA*, 204, n. 28). After his consulship, he was to see further service as *legatus* to Augustus in Spain in the mid to late twenties (Vell. Pat. 2. 90, Flor. 2. 33, Dio 53. 25). One of the few pre-27 BC consulars to serve as an Imperial legate (see n. 146), he was no doubt a trusted figure. Indeed, this would seem to be confirmed by the position his family attained as a result: both his son (6 BC), his two grandsons (AD 23), and his great-
Pliny tells us, became famous for healing eye complaints, and were made famous by a poem of Tullius Laurea, a freedman of Cicero’s. Pliny proceeds to quote the poem:

Quo tua, Romanae vindex clarissimae linguae,
silva loco melius surgere iussa viret
atque Academiae celebretam nomine villam
nunc reparate cultu sub potiore Vetus,
hoc etiam apparent lymphae non ante repertae, 140
languida quae infuso lumina rore levant.
nimirum locus ipse sui Ciceronis honori
hoc dedit, hac fontes cum patefecit ope,
ut, quoniam totum legitur sine fine per orbem,
sint plures oculis quae medeantur aquae.

(O famous champion of our Latin tongue,
where grows with a fairer green the grove you bade rise,
and the villa, honoured by the name of Academe,
Vetus keeps in repair under a more careful tendance,
here are also to be seen waters not revealed before,
which with drops infused relieve wearied eyes.
For indeed the site itself gave this gift as an honour to Cicero
its master, when it disclosed springs with this healing power,
so that, since he is read throughout the whole world,
there may be more waters to give sight to eyes.)

This information is interesting from a number of perspectives. The nature of the story, together with Tullius’ former position may suggest that the poem dates from some time in the decade after Cicero’s death. The identification of the owner of the villa with the suffect Consul of 30 BC in no way negates such a theory; for despite Vetus’ service on behalf of the Republic in 42 BC, he was clearly back in favour with Octavian by the middle of the next decade at the latest. Given Vetus’ career, the mention of him, presumably made with his blessing, and his careful preservation of Cicero’s villa would seem highly suggestive in terms of

grandson (AD 55) holding the consulship; the line continuing down to AD 96 in direct succession.
140 Courtney has here non arte repertae. Yet all the major editions of Pliny have ante.
the rehabilitation of Cicero’s memory. Moreover, while the poem’s praise of Cicero revolves wholly around his literary greatness, there is clearly a link made between the appearance of the healing waters and Cicero’s death; strongly suggesting something resembling a martyr’s shrine. As we shall see, the early Principate was an age when both Cicero’s admirers and detractors were strongly aware of Cicero’s "human" failings. Such a reference to a quasi-religious status is virtually unique, and serves as a useful corrective to those analyses which are apt to dismiss any suggestion that the veneration of Cicero ever achieved the emotional depth of that accorded to Cato or the Tyrannicides.141

(iv) Marcus Cicero Junior.

Cicero’s son has not fared well at the hands of modern scholarship: drunkenness and stupidity being the chief elements in his characterization.142 To be sure, a cursory inspection of the paltry amount of evidence we have concerning him may seem to support such judgments. Seneca the Younger (Ben. 4. 31) asks the rhetorical question: Ciceronem filium quae res consulem fecit nisi pater ?143 Seneca’s father had earlier described (Suas. 7. 13) Marcus as having none of his father’s talents except urbanitas. Both the Elder Seneca and the Elder Pliny (HN 14. 147), attest to his liking for wine, and furthermore, supply us with graphic examples of his inebriety.144 Moreover, the story of Marcus’

141 See, however, the discussion on Cremutius Cordus, Chapter 4, esp. pp 287f.
142 Tyrrell and Purser (vol. V, cviii-cix) comment: "But whatever allowances we make, we must confess that the son of Cicero had an essentially common nature, transmitted to him possibly from Terentia. He was the degenerate son of his illustrious father". James Stinchcomb ("The Two Younger Tullii," CJ 28 [1933], 441-8, at 441) describes him as an "incredible barbarian". Syme (RR, 302-3, 339, 498) was dismissive, describing him as "dissolute and irascible" and "bibulous". His view did not alter: AA, 33, n. 11. Unsurprisingly, Carcopino is extreme in his criticism (vol. 2. 488-491); using expressions such as, "that young rascal", "this young scatterbrain", "a roisterer", "this featherhead", and "incompetent". ("ce cerveau brûlé", "cette tête légère", "ce fétard", "cet écevelé", "incapable").
143 See also SHA Sev. 21. 2: Quid de Tullio, cui soli melius fuerat liberos non habere.
144 Seneca (Suas. 7. 13) recounts how Marcus, when Proconsul of Asia had the Cicero-hating rhetor Cestius Pius dining with him. Marcus, whose natural deterioration of mind was being compounded by drink, kept asking for and then forgetting Cestius’ name. To make an impression on his mind, the slave finally told Marcus that it was that Cestius who had claimed that Marcus’ father did not know his letters. Marcus promptly sent for a whip and gave Cestius a thrashing! Pliny (HN 14. 147) tells us that a certain Tergilla reproaches Cicero for the fact that his son was in the habit of drinking two congi (roughly a gallon and a half) of wine at a single draught! This Tergilla also said that
idleness, extravagance and rowdiness as a student in Greece in the mid-fourties has been seen as a sign of future proclivities. Yet the picture of a sottish imbecile is somewhat exaggerated. Urbanitas is not a quality we normally associate with dullards. Moreover, he was clearly a skilled and courageous soldier, and it would have been out of character for Augustus to have appointed someone to such important postings as governorships in Asia and Syria if he was totally bereft of administrative ability. As to his liking for wine, Marcus was not the once, when drunk, Marcus threw a goblet at the head of Marcus Agrippa. For the little we know about this Tergilla, see W. Kroll, RE "Tergilla", Suppl. 7 (1940), 1295.

145 Thus Hanslik (RE "Tullius [30]," Bd 7A(2) [1948], 1286): "verdorben scheint er aber erst in Athen geworden zu sein, wo er sich der Trunksucht ergab, die ihn dann sein Leben lang nicht mehr verließ." For Cicero's concern over the "corruption" of his son, see Cic. Fam. 16. 21; Plut. Cic. 24. 8-9. Yet Cicero's attitude, in general, seems liberal and tolerant (e.g. Att. 12. 32. 1; 13. 1. 2; 14. 7. 2; 14. 11. 2; 14. 13. 4; 14. 16. 3-4; 14. 17. 5; 15. 15. 4; 15. 17. 1; 16. 1. 5; 16. 3. 2; 16. 11. 4), raising the question of whether Marcus' behaviour was abnormal for a young Roman sent to study abroad. Moreover, it is notable that Marcus readily confesses his faults in the letter to Tiro, and remains loyal to his father's wishes.

146 As recognized by Balsdon (OCD 2, 239). Marcus' military ability is attested by Brutus (Cic. Ad Brut. 2. 3. 6), a man not known for empty flattery. Cicero also tells us that Marcus earned high praise from Pompey for his service under him in 49 BC (Off. 2. 45). Not even Carcopino attempts to impugn Marcus' martial abilities. For Marcus' proconsulship in Asia, see Sen. Suas. 7. 13. His position as Governor of Syria is attested by App. B Civ. 4. 51. Numismatic and epigraphic evidence may be of help here. A coin (ElJ, 105) from Magnesia ad Sipylum, bearing the legend ΜΑΡΚΟΣ ΤΥΛΙΟΣ ΚΙΚΕΡΩΝ has been identified as bearing Marcus' portrait, and referable to his Asian proconsulship: Michael Grant, From Imperium to Auctoritas: A Historical Study of the Aes Coinage in the Roman Empire, 49 BC - AD 14 (Cambridge, 1946), 385. Grant, who assumes, as against Hanslik, that the proconsulship preceded his tenure in Syria, postulates an early date for this posting; sometime around 29-8 BC. The sense of Seneca the Elder's remarks (natura memoriam ademerat) could suggest that Marcus was advanced in years. The inscription discussed below could be seen as supporting Grant's contention. A rough terminus ante quem may be provided by Jerome's remark (Chron. Halm, 167) that Cestius Pius was teaching in Rome by 13 BC. As to the dating of the Syrian governorship, Syme (RR, 303, n. 1) sees the period 29-27 BC as attractive, but does not exclude the period 27-25 BC. Of course, if it was prior to 27 BC, Marcus would have governed as proconsul; if after, as an Imperial legate. The interesting point here is that Syme claims (RR, 328, 502) that in the decade after 27, "Augustus employed not a single nobilis among the legates who commanded the armies in his provincia, and only three men of consular standing" (one of them being, rather interestingly, C. Antistius Vetus). Syme was forced to modify this statement in the light of the nobilis Potitius Valerius Messalla (cos. suff. 29 BC): "Review: A. E. Gordon, Potitius Valerius Messalla Consul Suffect 29 BC," JRS 45 (1955), 155-160 = RP 1 (1979), 260-70. Syme also noted there (270; cf. AA, 209, n. 68) an inscription (CIL X, 704*: one of a large number of forgeries pertaining to the family of Cicero, allegedly found at Rocca d'Arce), which described Marcus as cos., pro cos., prov. Asiae, leg. imp./Caes. Aug. in Syria. He goes on to state: "Forgers exhibit a wide variation both in purpose and in talents. Was this man perhaps exploiting some genuine inscription?" Now if Syme is correct in his view that the exclusion from the legati Augusti of large numbers of consuls - especially nobilis ones - was conscious policy, and if, as the inscription states, Marcus had governed Syria as Imperial legate, then he was indeed the subject of exceptional favour and trust.
first, or the most famous example that such a predilection could happily co-exist with successful involvement in Roman public life; one only has to think of the reputation of men such as Antony and Cato the Younger.

More importantly, from our perspective, it is clear that Marcus retained a fierce loyalty to his father's memory in the years following the latter's death. Marcus' intoxication may have aggravated his wrath towards those who insulted his father's memory, but it can hardly be seen as having caused it. Seneca the Elder (Suas. 7. 14) tells us that Marcus was quarrelsome in regard to his father's legacy even where piety did not demand it. Even Pliny's suggestion that Marcus, in his drinking bouts, was attempting to deprive his father's enemy, Antony, of his fame in this department, may have its origin in a boast of Marcus himself.

Thus Carcopino's theory that Marcus was heavily involved in the publication of material detrimental to his father's memory would appear as far-fetched as it does for Nepos and Tiro. Marcus' mind may have begun to wander, but surely not enough to miss the sensational reaction that Carcopino claims the letters to Atticus received on publication. Even if we were to look upon Marcus' piety as a drunken pose, are we asked to believe that Marcus could commit an act regarded by Romans as only slightly less heinous than parricide itself, that of ingratitude to a father, without bringing down upon himself the outrage of his compatriots?

147 Indeed, the Elder Pliny's anecdote concerning Marcus' drunken attack on Agrippa suggests that, if anything, his propensities might have facilitated rather than hindered his advance. While it would be going to far to draw from the story the implication that Marcus and the second man in Rome were drinking partners, the fact that Marcus could get away with such behaviour, which presumably he did, suggests a high degree of intimacy. Nor would this be surprising given the identity of Agrippa's father-in-law, a man who had in the past been almost as close, if not closer to Marcus than Cicero himself: see Carcopino, 2, 492-3.

148 Seneca gives us the story - presumably again from Marcus' Asian proconsulship - of the son of the noted orator Hybreas, whose incompetent pleading elicited from an exasperated Marcus a Homeric mot juste, concerning those who claim to surpass their parents. This unfortunate Greek also proceeded to pass off as his own a long passage of his father's writings; whereupon Marcus quickly retorted with quoting his own father: quousque tandem abutere, Catilina, patientia nostra?
Yet at least in this instance, Carcopino provides a solid motive for such a betrayal. Octavian, he argues, held out to him the "carrot" of full restoration of civic rights, including that to a public career. While Marcus had probably returned to Rome after the Treaty of Puteoli in 39 BC with his citizenship and property restored by the general amnesty, a public career seemed closed off forever. Octavian, in return for Marcus' services regarding the correspondence, slowly lifted him from his "outcaste (sic) condition". In return for Marcus' promise of cooperation he was elected Pontiff in 34 BC. Then, as a reward for fulfilling his pledge, he was elevated to the consulship, as colleague to Octavian in the second half of 30 BC. Marcus' elevation served another purpose too: "...to hurl in his name the irrevocable curses of the victor against the memory of the defeated Mark Antony."

Here, in this last sentence, Carcopino momentarily grasps at the true state of affairs. Yet how could the name of "Cicero" be used to shame the memory of Antony, if, as Carcopino has it, the image of the great orator had been irretrievably damaged by the release of the letters? A simpler alternative beckons: yes, Marcus' rehabilitation had everything to do with his father, as Seneca the Younger was to note decades later. However, it was not the reward for betrayal, as Carcopino would have it, but rather a symbolic rehabilitation of the father himself, whose death provided such a telling example of Antony's brutality.

That Marcus' consulship was exploited by the regime for propaganda purposes seems clear enough from the ancient sources. Appian (B Civ. 4. 51) states as follows:

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149 We know from Appian (B Civ. 4. 51) that Marcus had joined Sextus Pompeius after Philippi. It is not absolutely certain that Marcus did return in 39 BC, though it is probably a reasonable deduction, given the rapid breakdown of relations between Pompeius and Octavian, and the large number of former Republicans who seem to have taken up immediately the offer of amnesty.

150 Carcopino (vol. 2, 491-2) gets the date of 34 BC by means of a somewhat convoluted argument. Appian (B Civ. 4. 51) speaks of Octavian giving Marcus the priesthood εὐθὺς. Yet he also speaks of his consulship occurring οὗ τολμᾶν ὄστερον.

151 Carcopino, vol. 2, 491.

152 See A. Oltramare, "La Réaction Ciceronienne et les Débuts du Principat," REL 10 (1932), 58-90, at 80; P. W. Harsh, "The Role of the Ghost of Cicero in the Damnation of Antony," CW 47 (1947), 97-103. Harsh's article is one of the only extensive attempts to postulate the significant positive role played by Cicero in Octavian's propaganda of the period. Lavery (Cicero's Reputation, 19), discounts Harsh's arguments, but fails to discuss the evidence presented here.
Cicero's son Cicero was sent away to Greece before the proscriptions by his father, who expected that something of the sort would occur. From Greece he joined Brutus, and after Brutus' death Pompeius. He was respected by both and thought fit for command. After that Octavian quickly gave him a priesthood by way of apology for his sacrifice of Cicero's father, and not much later made him consul and governor of Syria. When Octavian sent word of Antonius' defeat at Actium, it was this Cicero, as consul, who read the letter out to the people and posted it on the rostra, where his own father's head had once been displayed.

As Appian relates it, Marcus' appointments as Pontifex, Consul and Governor of Syria were made \( \varepsilon \varsigma \alpha \pi \alpha \lambda \sigma \gamma \iota \alpha \nu \iota \varsigma \alpha \varsigma \) \( \varepsilon \varsigma \alpha \pi \alpha \lambda \sigma \gamma \iota \alpha \nu \iota \varsigma \alpha \varsigma \). Yet is this an interpretation current at the time, or simply a much later gloss? To be sure, Appian's information concerning Marcus' role as the official herald in Rome of Octavian's victory would seem somewhat garbled, given that Actium had been fought over a year before Cicero's consulship. Yet it is almost certainly an innocent mistake, for which Dio (51. 19. 4), who tells us that the news of Antony's death (Aug. 30 BC) arrived while Marcus was presiding as consul, and that some put this down to "divine direction" (\( \omicron \upsilon \kappa \omicron \omicron \omicron \omicron \omicron \omicron \upsilon \varepsilon \upsilon \lambda \iota \omicron \upsilon \nu \varsigma \iota \delta \theta \varepsilon \varepsilon \iota \lambda \iota \omicron \omicron \omicron \upsilon \omicron \iota \varsigma \alpha \varsigma \) \( \omicron \upsilon \kappa \omicron \omicron \omicron \omicron \omicron \omicron \upsilon \varepsilon \upsilon \lambda \iota \omicron \upsilon \nu \varsigma \iota \delta \theta \varepsilon \varepsilon \iota \lambda \iota \omicron \omicron \omicron \upsilon \omicron \iota \varsigma \alpha \varsigma \)), provides the corrective.

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153 Cicero's suffect consulship ran from 13 Sept. to 1 Nov., 30 BC (CIL, vol. 1, pt. 2, 160); Actium had been fought on 2 September 31 BC.
Plutarch's account (Cic. 49. 6) provides further confirmation for the historical immediacy of this symbolism:

(Indeed, as soon as Caesar had finally defeated Antony, when he himself was consul, he chose Cicero's son as his colleague, in whose consulship the senate overturned Antony's images, annulled all his other honours and in addition voted that none of the Antonii should have the name Marcus. In this way the divine power assigned the final fulfillment of Antony's punishment to Cicero's family.)

* [Moles]

Again, we have mention of a divine power having a hand in Marcus' elevation to the consulship. However, Plutarch's account gives us reason for suspecting the directing will of a more temporal power, a god-to-be. For speaking as it does of Octavian's elevation of Marcus to the consulship occurring in the wake of Antony's final defeat (regardless of whether he means Actium or Alexandria), it strongly suggests a large element of propagandistic calculation. The imagery was indeed potent, as Harsh notes:

The ghost of Cicero was being given his merited vengeance on Antony, and that same *tota Italia* which had thronged to welcome Cicero back from exile in 57 was being given notice that Octavian's regime honored and respected the name of Cicero, the champion of the great middle class of Italy, from which both Cicero and Octavian had come.154

154 Harsh, 100.
In addition, the rehabilitation of Cicero fitted in perfectly with Octavian's policy of reconciling himself with former Republicans among the nobility, many of whom had initially favoured accommodation with Antony rather than Caesar's brutal young heir. Indeed, what better way to distance oneself from the lawlessness and brutality of the proscriptions, nay, of the entire triumviral regime, than by drawing attention to Antony's most famous victim? Moreover, the remembrance of Cicero's death would no doubt serve to effectively stymie any sympathy that might be initially felt for the tragic and romantic fate of Antony. Though not without its potential dangers, this policy of allowing prominence to Cicero's gruesome death in order to attach the opprobrium for it wholly upon the shoulders of Antony was, as we shall see, pursued down into the period of the Augustan Principate; vibrant echoes of it being found in the literature of that time and beyond.

Such a use of Cicero by Octavian not only makes a nonsense of Carcopino's theories concerning the letters, it also shows up those scholars, who have confidently asserted that Cicero was not a factor in the struggles of the thirties. Seneca the Younger had perceived the situation correctly: Marcus Cicero Junior was, in all probability, not the incompetent wastrel he has often been depicted, but like many of the aristocratic figures who had and were to win the consulship in this period, it was his name as much as his abilities which counted with his master.

155 Syme (RR, 239) states of the vanquished of Philippi and Perusia that, as to their presence in Octavian's party up until the late thirties, "they were conspicuous by their rarity." That at least five of the consuls of the period 31-30 BC - Messalla Corvinus, M. Licinius Crassus, Antistius Vetus, M. Titius, and Marcus Cicero - were probably at one time on the proscription lists, may suggest the strong publicity accorded to such a policy of reconciliation at this time. Admittedly, Titius - nephew of the slippery Plancus, who like his uncle deserted Antony late, and who was also unpopular as the killer of Sextus Pompeius (Vell. Pat. 2. 79. 5) - was not, perhaps, the best example of the noble former enemy. Some of the other consular appointments of the period may have recalled the old Republic purely by their names: see Syme, RR, 279; AA, 30.
(v) Summation.

There is, of course, one figure whom we have not discussed in this context - Atticus himself. The anonymity, which the loss of his letters to Cicero has created with respect to much of his personality and his true feelings towards Cicero, continues after the death of the latter. Despite Nepos' valuable and highly flattering biography, which at least gives us some information as to his activities in the triumviral period, no traces of Atticus' own writings after 43 BC dealing with Cicero have survived.

Interestingly though, of all the alleged participants in Carcopino's conspiracy theory, Atticus could be considered the most plausible. Carcopino's depiction of him, characterized as it is by Epicurean zealotry and resultant icy inhumanity, is problematic: for the strength of his commitment to that particular branch of philosophy is somewhat questionable. Furthermore, charges of extreme emotional coldness seem to be somewhat belied by the warmth of feeling his character inspired amongst his friends. Nevertheless, not a few have seen in Atticus' political and emotional detachment, and his ability to be all things to all men, a rather unsavoury strain of calculating self-interest. Nepos (Att. 9. 7) states that Atticus always acted according to

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157 Carcopino, vol. 2, 432-467. Nepos plays down the Epicureanism of Atticus; nor can this simply be put down to Nepos' hostility towards philosophy, as he is quite content to speak of Atticus' attachment to philosophy generally (eg Att. 12. 3; 17. 3). Boissier (131-2), noting the opening chapters of De legibus, and Cicero's portrayal of Atticus (e.g. Leg. 1. 21) as one who would happily overthrow Epicurean dogma out of the hearing of fellow disciples, comments: "The character of Atticus is here well to be seen. To embrace an opinion resolutely is to pledge oneself to defend it, and to expose oneself to the necessity of fighting for it. Now, philosophical quarrels, although they be not bloody, are no less desperate than others; this is war all the same, and Atticus wishes for peace in all things, at least for himself." To be sure, Cicero was well versed in the literary game of placing inapposite views into the mouths of his interlocutors (e.g. Rep. 3. 8). Yet one must ask whether Cicero would have been prepared to "play" such a game, if there was a chance that his friend would take deep offence. Horsfall (97-98) states: "Nor indeed was Atticus passionately committed; he wrote no philosophy, unlike his friend Saufeius; he kept no resident sage, unlike Cicero; he is not known to have accepted the dedication of Epicurean treatises; he had no special interest in Epicurean books."

158 As Boissier says (145): "How can we contend that he had only a doubtful affection for his friends when we see all his friends contented with it? Are we to be more exacting than they, and would it not be wronging men like Brutus and Cicero to suppose that they had been dupes so long without perceiving it?" Nevertheless, Shackleton Bailey (CLA, vol. 1, 22) states: "There was always a certain sobriety in Atticus' attitude to Cicero, and, it may be added, to the rest of mankind."

159 Nepos notes and tries to refute ancient critics of his behaviour, and sees Atticus' ability to survive as wholly admirable (Att. esp. §§ 9 & 10). Arguably such fulsome
his conscience rather than upon what would commend him to the powerful. Yet it is interesting that such noble behaviour seems to have always led to his securing his interests and good repute with all parties.

Even if Atticus was the most emotionally detached of men, and even if this was bolstered by the rigour of "the Garden", it does not make his posited betrayal any more convincing. Carcopino claims that, in line with Epicurean belief and some strains of traditional Roman ideology, Atticus considered himself to be unobligated to the memory of his dead friend.\textsuperscript{160} Now, there may be some truth in Carcopino's initial contention that Atticus as well as many other Romans of a decidedly non-Epicurean bent saw friendship largely in terms of mutual advantage. There may also be something in his further contention, that for many Romans, death, insomuch as it destroys such a relationship, brought a cessation to any obligation owed to the deceased.\textsuperscript{161} However, even if these things were the case, it is difficult to see how it served Atticus' advantage to help destroy the memory of a man, whose friendship with Atticus was still celebrated. Surely, the destruction of Cicero's good name must necessarily reflect badly on the morals and motives of his closest friend. Moreover, once again, we find no praise denotes that not a few of Atticus' contemporaries saw this behaviour in quite a different light. Both Boissier and Shackleton Bailey, who assay to be fair to Atticus, are nevertheless critical of his behaviour. Boissier (156), noting the disparity between his interest in political intrigue and his own quietist behaviour, says: "The more we think of it, the less we can imagine the reasons he could give them (Cicero and Brutus) to justify his conduct." He also describes (157-8) Atticus' rapid and seemingly happy accommodation with the triumvirs as the most repugnant feature of his life. Shackleton Bailey (\textit{CLA}, vol. 1, 58) concludes that, in comparison to Cicero, "Atticus, with his comity and learning, his business morals and sagacious benevolence, his warm heart and cool head, represents a meaner species."

\textsuperscript{160} Carcopino, vol. 2, 460-463. It has even been suggested that there had been a falling out between Cicero and Atticus in the last year of the former's life as a result of Atticus' benevolence to the family of Antony (\textit{Nep. Att.} 9. 6-7), and that this explains the cessation of the correspondence between then in November 44 BC. Given the lack of any hint of this in Nepos' biography, Shackleton Bailey's caution (\textit{CLA}, vol. 1, 56) is fully justified; see also Horsfall, 76.

\textsuperscript{161} Though, as Carcopino notes there were conflicting views on this subject. He argues (vol. 2, 461) from Cicero's famous letter to Matius (\textit{Cic. Fam.} 11. 27): "in Cicero's eyes no dishonour would have attached to Matius if he had turned his back on Caesar's corpse and considered his account closed." Yet this letter must surely be seen in the context of Cicero's discussion in \textit{De amicitia} as to the limitations of friendship in relation to assistance in wrongdoing, namely treason (§§ 35-45). Interestingly, Cicero does not, at least not ostensibly, subscribe in the letter to the hardline attitude adopted by his Laelius as to country coming before friendship. It is interesting too that, in a work dedicated to Atticus, Cicero strongly attacks the orthodox Epicurean position as to friendships being purely a matter of mutual utility.
evidence in the source material that Carcopino’s posited betrayal was ever discerned by succeeding generations, some with rather different notions of the obligations of friendship. On the contrary, as we have already seen, wider knowledge of the letters was to result in the indissoluble linking of Atticus’ name and renown with that of Cicero.

The above analysis clearly demonstrates the implausibility of Carcopino’s hypotheses. Whatever our reading of the Ciceronian correspondence and its effect on our estimation of him, whatever our opinions concerning the character of these friends and relations who survived him, both logic and the surviving evidence lead us to conclude that the scenario Carcopino envisages fails to make any real sense. Regardless of any weaknesses, bad faith, or urge for self-preservation, the fact remains that the destruction of Cicero’s reputation served none of these men’s interests. Men, whose good name and standing depended so heavily on their relationship to the life and works of Rome’s greatest orator, were hardly in a position to blithely cast that reputation to the winds, thus making a mockery of the rest of their lives.

What then of the publication of Cicero’s correspondence? Assuming this may well have occurred at some time during the rule of Octavian/Augustus, it would be useful to hypothesize as to the purpose of such a massive release of correspondence and the possible effect on the political scene and the image of Cicero as a result. As we have already seen, Carcopino argued that such an event must have occurred prior to the institution of the Principate. As we shall see, the evidence concerning that period hardly necessitates such a conclusion.

Gaston Boissier, always one of the more sympathetic of last century’s commentators on Cicero, plumped for the period following Actium as the most plausible period for such a publication, preceded as it was by political and military instability, and followed by so-called “literary repression” which characterized the twilight years of the first Emperor. Boissier’s hypotheses on the possible circumstances surrounding the letters’ release are worth quoting at length here:

162 See n. 73.
163 Boissier, 388.
No one has told us what impression it produced on those who read it for the first time, but it may be fearlessly asserted that it was a very lively impression. The civil wars had only just ended, up till that time men were only occupied with present ills; in those misfortunes no man's mind was sufficiently free to think of the past, but in the first period of tranquillity which that troubled generation knew, it hastened to throw a glance backward... Nothing could satisfy their curiosity better than Cicero's letters, and it cannot therefore be doubted that everybody at the time eagerly read them.

As to the political consequences of these letters, he goes on to surmise:

I do not think that this reading did any harm to the government of Augustus. Perhaps the reputation of some important personages of the new government suffered a little from it... All this provided subjects of conversation for the malcontents during several weeks. But upon the whole, the mischief was small, and these railleries did not endanger the security of the great empire. What was the most to be feared for it was that imagination, always favourable to the past, should freely attribute to the republic those qualities with which it is so easy to adorn institutions that no longer exist. Now, Cicero's letters were much more suited to destroy these illusions than encourage them. The picture they present of the intrigues, the disorders, and the scandals of the time did not permit men to regret it.164

Surely Boissier's conclusions here are much more plausible than Carcopino's strained attempts to fit the entire correspondence within the rigid rubric of pro-Caesarian, pro-Octavian propaganda, requiring as it does the partial and slanted selection of material from that correspondence. Much of the material had little political resonance and could be of only literary or curiosity interest. And even where political matters are to the fore, the attitude the reader takes to the participants can hardly be seen as inevitably directed in the manner Carcopino

164 Boissier, 388-9.
The idea that a corpus of over 900 letters, remembering that it was substantially larger than this in ancient times, would really constitute an effective vehicle for sustaining a coherent political message readily understood by all readers, is flawed in its conception.\textsuperscript{166} The sheer bulk of the correspondence, the heterogeneity of its material and the resultant complexity of its images and impressions, militates against a simple political motive for publication.

Yet, as Boissier notes, this hardly means that the letters would have been totally devoid of political resonance or consequence to Augustan Rome. It is easy to postulate that the letters contained material sensitive enough to compel some form of censorship on the part of its editors. But given the loss of so many letters seemingly readily available in ancient times, little can be said here as to the nature of such censorship.\textsuperscript{167} As to the effect of the letters on the contemporary political scene, Boissier's comments above seem credible. The general picture of chronic and chaotic strife and corruption in late Republican society probably left just as enduring an image with its readership as the

\textsuperscript{165} Carcopino's analysis of the letters as evidence of the relationship between Cicero and Octavian serves as a highly relevant example. Carcopino alleges that the letters clearly illustrate Cicero's suspicion and contempt for the young Caesar. Cicero's opportunistic attempt to "use" Octavian and then dispose of him after his usefulness had ceased, Carcopino argues, totally absolves Octavian of all the charges that he had betrayed the man whom he had called father. Perhaps many readers would have interpreted the correspondence thus. But would not others have concluded that given the ultimate turn of events, Cicero's doubts concerning Octavian's motives were perfectly justified? Carcopino's treatment of much of the evidence is highly confusing. The elevation of Octavian to Praetorian rank, in which Cicero played a leading role, is denounced (vol. 2, 376-7) as "extravagant and excessive"; "it revolutionized Octavian's position. By rewarding the illegalities of which he was guilty, they sanctified his behaviour." Yet he goes on to immediately argue (vol. 2, 377-8): "Octavian felt no gratitude for the support of this would-be benefactor and patron, who had given it under constraint and as a bargain, and which he had received only when he could well have done without it." That it was Cicero's bad faith that was the cause of his own demise is proved, Carcopino goes on to argue (vol. 2, 382), by the fragmentary letter containing the last words we have from Cicero which was preserved by Nonius Marcellus (Non. Lindsay, 436, 21): Quod mihi et Philippa vacationem das, bis gaudio: nam et praeteritis ignoscis et concedis futura. Even if Cicero's words here could be taken as such an admission of some personal "guilt", and we should note the inclusion of Octavian's stepfather here, the fact remains that this is one of the very letters that Carcopino has earlier claimed to have been expunged from the original collection because it did not provide the right propaganda "line"!

\textsuperscript{166} As Balsdon writes in his review of Carcopino (CR 2 [1952], 179): "To make good propaganda, the collection should surely have been far shorter, not larger, than the collection which we possess (and even of the present collection something over a quarter of the letters are unused by Carcopino, presumably because they have no sinister story to tell)."

\textsuperscript{167} For Carcopino's explanation as to the lost letters, and its insufficiency, see n. 132.
rights and wrongs attaching to the issues and personalities of the time.168

And what of Cicero himself? How did his reputation really fare with the release of the correspondence? It is undeniably the case, despite Carcopino’s slanted and tendentious reading of the correspondence, that the letters do reveal much of Cicero that men of every age have found unworthy and even contemptible.169 The letters are full of examples of his vanity, self-pity, ingratitude, intolerance and many other negative attributes.170 However, despite Carcopino’s assertions, many positive qualities are in evidence: instances of courage, compassion, generosity and self-denial. Above all, it was as a vivid illustration of Cicero’s intelligence and eloquence, as much an exploration of his relative moral stature, that these letters seem to have captured much of the interest of later Roman writers. Cornelius Nepos (Att. 16. 3-4) is struck by the historical importance of the material and the prescience of Cicero’s opinions. Seneca the Younger (Brev. Vit. 5.

168 Seneca the Younger’s use (Ep. 97) of Cicero’s description (Att. 1. 16) of the notorious acquittal of Clodius on the charge of sacrilege in 61 BC, is suggestive here. Seneca displays wonder and disgust that bribery could take place in the very presence of Pompey, Caesar, Cicero and (above all) Cato. This hardly suggests a very close reading of the letters, in which case no outraged surprise would accrue as to the first two of those names at least. As Miriam Griffin (Seneca: A Philosopher in Politics [Oxford, 1976], 183-4) notes in relation to this letter: “If Seneca did not believe that the general level of virtue was better in the late Republic than in his own day, he did believe that the age that produced one sapiens was particularly rich in good men as well as villains. Pompey, Cicero and Caesar in the first category and Vatinius and Clodius in the second served to challenge and highlight Cato’s virtue.”

169 In this context one always remembers the shocked reaction upon reading the letters of that most ardent devotee of Ciceronian philosophy, Petrarch: Pet. Fam. 24. 3; see Elizabeth Rawson, Cicero: A Portrait ([1975] Corrected reprint, Bristol, 1983), 301-2; M. L. Clarke, “Non Hominis Nomen, Sed Eloquentiae,” in T. A. Dorey, ed., Cicero (London, 1964), 81-107, at 89. Yet it is clear from this letter as well as others (see for instance, Fam. 21. 10, 24. 2, 24. 4) that much of Petrarch’s disappointment stemmed from his belief that Cicero was primarily a philosopher suited to tranquil reflection, and that his continued participation in the civil strife of his old age was rendered futile by the fact that the Republic was already dead. Moreover, the revelation of Cicero’s inconstancy and quarrelsomeness hardly destroyed Petrarch’s admiration for Cicero’s eloquence and literary genius. In addition, as Rawson (302) notes with Coluccio Salutati and Vergerio, the reception of the letters could be very different.

170 Not that Cicero’s flaws need necessarily have alienated the letters’ readership: weaknesses in character and action may in many instances have elicited sympathy rather than contempt, especially from those who were willing to recognize such traits in themselves. In any case, it made the letters much more interesting. As Boissier says (20): “If it were a question of some one else, of Cato for instance, how many letters would be missing in this correspondence! The virtuous alone would find a place in it, and Heaven knows their number then was not very great. But, happily, Cicero was much more tractable, and did not bring Cato’s rigorous scruples into the choice of his friends.”
If; Ep. 21. 4, 97. 1f, 118. 1f), despite an inevitable concentration on the ethical lessons to be drawn from the correspondence (and these are far from totally adverse to Cicero), displays an awareness of their literary quality and historical fascination.\(^{171}\) Pliny the Younger (Ep. 9. 2. 2) laments his inability to write letters as long, and on such varied and interesting topics, as Cicero, citing the greater ability of his predecessor. By the time of Fronto (Ad Ant. Imp. 3. 8 [Van den Hout, 104]), the perceived stylistic excellence of the letters is just as, if not more, important than their content.\(^{172}\) Given such testimonials, it is not hard to accept Boissier's conclusion that it was in fact Cicero's memory that gained most by the letters' publication.\(^{173}\)

\(^{171}\) Seneca's remarks concerning the Cicero of the letters - particularly interesting given his philosophical predilections - hardly betray that horrified disgust at Cicero's behaviour that Carcopino thinks so obvious and natural. As we have already noted (Ep. 97; see n. 168), he shows amazement that the rampant corruption of the trial of Clodius could take place in the presence, not only of Cato, but also of Caesar, Pompey and Cicero. Reproaches (Brev. Vit. 5. 1f), concerning the evidence Cicero provides of his own weakness, are balanced by references to his service to the State. Seneca's reference (Ep. 21. 4) to the fact that the fame of Atticus rested wholly on his being the recipient of Cicero's letters, despite his connection to the Imperial family, hints at Seneca's assumption of their literary greatness at least. To be sure, he affects disdain (Ep. 118. 1f) for Cicero's preoccupation with personal and political "gossip". Arguably, however, his detailed recollection of such "trifles" betrays somewhat more interest than he would care to openly acknowledge.

\(^{172}\) Marcus Aurelius writes to Fronto (Ad Ant. Imp. 3. 7 [Van den Hout, 103-4]): Ciceronis epistulas, si forte / electas totas vel dimidiatas habes, imperti aut mone, quas potissimum legendas mihi censeas ad facultatem sermonis fovendam. Fronto replies: Memini me excerptisse ex Ciceronis epistulis ea dumentaxat, quibus inesse aliqua de eloquentia vel philosophia vel de re p<ublica> disputatio; praeterea si quid elegantius aut verba notabilis dictum videretur, excerpti... Omnes autem Ciceronis epistulas legendas censeo, mea sententia vel magis quam omnes eius orationes. Epistulis Ciceronis nihil est perfectius. Despite the fact that the Emperor's request is phrased purely in terms of ad facultatem sermonis fovendam, one must suspect, given the predilections of the two correspondents, that Fronto's inclusion of matters pertaining to philosophy and politics was an anticipation of his addressee's interests rather than illustrative of his own.

\(^{173}\) Boissier, 390. He goes on to state: "When once they had been read, this intellectual and gentle figure, so amiable, so human and so attractive even in its weaknesses, could not again be forgotten."
d) *Obrectatores Ciceronis* in the Triumviral Period.

Despite what many modern scholars have alleged, the evidence concerning the reception of Cicero thus far examined has provided us with nothing but positive appreciation. Nor has this appreciation noticeably been circumscribed by narrow literary or stylistic concerns. Cicero the man and statesman has been just as apparent, if not more so. Now this may occasion a fair degree of surprize, not to say a little scepticism. It could indeed be argued that the available evidence is not giving us a true picture of the situation. Even accepting that Octavian resurrected the ghost of Cicero in the course of his propaganda war with Antony, surely the situation must have been very different before this process began to take place. For the period of the proscriptions and presumably for many months, if not years afterwards, the Rostra must have rung with fierce denunciations of the Triumvirs' victims, whose heads decorated that very platform. And given Cicero's prominence among the victims and his pre-eminence in public affairs in the year prior to his death, the assailing of his memory must have taken precedence in this process.

No doubt there is some truth in such assertions. Unfortunately, given the dearth of evidence it is extremely difficult to know how much truth. A statement by Quintilian is of interest here. After noting (*Inst.* 12. 10. 12) the criticisms of Cicero by his contemporaries, he goes on to state (§ 13):

...postea vero quam triumvirali proscriptione consumptus est, passim, qui oderant, qui invidebant, qui aemulabantur, adulatores etiam praesentis potentiae non responsurum invaserunt.

(And after that he was cut off by the proscription of the triumvirs, those who had hated, envied, and rivalled him, and who were anxious to pay court to the rulers of the day,
attacked him from all quarters, when he was no longer able to reply to them.)^{174}

At first glance, Quintilian's remarks would seem to wholly confirm the above hypotheses. Yet there are distinct problems here. Quintilian's preceding remarks relate to the Atticist/Asianist controversy of the forties, and as his following remarks indicate with reference to these posthumous detractors, that he is also speaking in the context of attacks on Cicero's stylistic merit.\(^ {175}\) We shall be examining the vexed issue of stylistic criticism of Cicero in the late Republic and early Empire in due course. Yet it is worth noting at this juncture the notable fact that criticism of, or deviance from, Ciceronian style in both periods would seem to bear no simple correlation with attitudes towards Cicero's character or politics, nor it seems with more general assessments of Cicero's oratorical stature.\(^ {176}\)

The issue is further clouded by Quintilian's failure to provide a substantive list of these posthumous detractors. Indeed, apart from Asinius Pollio and his son Gallus (Inst. 12. 1. 22), no other names are mentioned.\(^ {177}\) Now Pollio is one figure who we know to have liberally indulged in both stylistic and personal criticism of Cicero. Moreover, with regard to politically inspired attacks on Cicero's memory dating from the early Triumviral period, the only piece of hard evidence surviving intact relates to him. Pollio's stylistic and historical criticisms of Cicero are examined in detail in the next chapter.\(^ {178}\) However, it is necessary to examine this one piece of evidence in the present context. Pollio, as is clear from our sources, evinced deep hostility to Cicero, both

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\(^{174}\) For *adulatores etiam praesentis potentiae*, Butler has "even those who had flattered him (i.e. Cicero) in the days of his power". R. G. Austin (*Quintiliani Institutionis Oratoriae, Liber XII* [Corrected reprint, Oxford, 1954], 159) argues that Butler has gone "astray" here, and that *potentia* probably has the same political overtones it usually exhibits. His translation runs: "Moreover, when he had perished in the proscriptions issued by the triumvirs, there swooped down on him from all directions, now that he could make no answer, all those who loathed him and were jealous of him and tried to rival him, men whose business it was to toady to the great men of the hour."

\(^{175}\) *ille tamen, qui ieiunus a quibusdam et aridus habetur, non aliter ab ipsis inimicis male audire quam nimis floribus et ingenii adfluuenta potuit.*

\(^{176}\) See Chapter 4 (b): The Alleged Decline of Cicero's Stylistic Reputation, pp 225f.

\(^{177}\) Quintilian does also mention (Inst. 10. 5. 20) Cestius Pius and his reply to Cicero's *Pro Milone*, but does not speak at length of Cestius' hostility, as does the Elder Seneca.

\(^{178}\) See Chapter 3 (a) (i): Asinius Pollio, pp 129f.
as a man and a stylist. Pollio, described by Seneca the Elder (Suas. 6. 14) as *infestissimus famae Ciceronis*, is said by that same authority to have inspired the theme of the seventh *suasoria* in the Senecan collection (*deliberat Cicero an salutem promittente Antonio orationes suas comburat*) through an allegation - described as an *inepte flecta* by Seneca - contained in the published version of his speech *pro Lamia*. Seneca proceeds (Suas. 6. 15) to quote from the speech:

> Itaque numquam per Ciceronem mora fuit quin eiuraret suas [esse] quas cupidissime effuderat orationes in Antonium; multiplicesque numero et accuratius scriptas illis contrarias edere ac vel ipse palam pro contione recitare pollicebatur.

(Thus Cicero never hesitated to go back on his passionate outpourings against Antony; he promised to produce, more carefully, many times more speeches in the opposite sense, and even to recite them personally at a public meeting.)

[Winterbottom]

Nor was this all, for Seneca tells us that the speech included even more sordid allegations, which he argues, illustrates the falsity of all his remarks; as did Pollio's failure to put the story in his *historiae*. Indeed, Seneca tells us, eye-witnesses to the original speech had asserted that Pollio did not make this allegation when he originally delivered the speech, *nec eum mentiri sub triumvirorum conscientia sustinebat*, but composed it later.

It seems reasonably clear from Seneca's words that this speech was delivered some time early in the Triumviral period, presumably after Cicero's death, with publication presumably following soon afterwards. This would seem about all we can safely assume about the matter. Yet Treggiari's ingenious reconstruction has suggested some

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179 Garnbet (*Cicero's Reputation*, 30, n.8), however, strangely assumes this trial took place well before Cicero's death - some time in the fifties it seems - presumably assuming that the reference to the Triumvirs is a reference to the members of the First Triumvirate. Yet Seneca makes it quite clear that Pollio would have made the allegation as to Cicero's cowardly offer to Antony in his spoken oration if it were not for the Triumvirs' possible presence. This must therefore be a reference to the Second Triumvirate. Lavery (*Cicero's Reputation*, 74, n. 32) dates the trial to 43 BC, but is not precise as to at what time in that year.
fascinating possibilities. The Lamia in question, she argues, is Cicero’s old friend, L. Aelius Lamia, who we know to have been standing for the praetorship in 43 BC, and who may have ultimately attained it the next year. If this is the Lamia in question, if he did become Praetor in 42 BC, and if the speech in question was in the context of a trial, then, argues Treggiari, the speech can be pin-pointed to between Cicero’s death on December 7 and Lamia’s assumption of office on December 31, 43 BC.

There are, of course, an awful lot of “ifs” here. It is, indeed, possible that the term sub triumviorum conscientia need not necessarily connote the physical presence of all, or indeed, any of the three rulers; in which case, even a wider terminus ante quem of the summer of 42 BC would not be secure. Given this, we might question whether Lamia’s son might have been Pollio’s client. Moreover, the longstanding friendship of Cicero and the Elder Lamia makes Pollio’s attack, however toned down in the original speech, on Cicero’s memory somewhat

181 See Klebs (RE “Aelius[75],” Bd 1 [1894], 522) for a full set of references. Lamia had been banished from the city in 58 BC as a result of his protest at the exiling of Cicero (Cic. Sest. 29; Cic. Pis. 64; Cic. Red. sen. 12; Cic. Fam. 11. 16. 2 & 12. 29. 1; Asc. Pis. C, 10). He had subsequently helped Cicero mediate with Antony in 48 BC (Cic. Att. 11. 7. 2). Cicero played a significant role in fostering his business interests and political career throughout the fifties and forties. He was aedile in 45 BC, and was standing for the praetorship in 43 BC (Cic. Fam. 11. 16. 2 & 17. 1; see Broughton, MRR, vol. 3, 4; correcting vol. 2, 338). That he became praetor relies on the story (Val. Max. 1. 8. 12; Plin. HN 7. 173) of an L. Lamia (praetorius vir), who was burnt to death on a funeral pyre when it was supposed he was already dead. yet, as Treggiari notes (251), this could refer to his son, for whom, see n. 184.
182 Treggiari, 249-50. Cicero’s death is suggested, she argues, by Pollio’s use of the past tense. Though she recognizes that actio could pertain to any speech, she suggests that a trial, probably criminal, “seems more likely”. Magistrates were, of course, exempt from prosecution; Magistrates-designate, she argues, were not.
183 i.e. before the departure of Octavian and Antony for Macedonia. Such wider parameters were posited by J. André, La Vie et L’Oeuvre d’Asinius Pollion (Paris, 1947), 69.
184 Thus Groag, RE “Aelius (75a),” Suppl. 6 (1935), 1; see also Eck, RE “Aelius (75a),” Suppl. 14 (1974), 1. A certain Lucius Lamia is cited as having served as legatus (Augusti) pro praetore in Spain in the mid to late twenties BC (Dio 53. 29. 1, Cassiod. Chron., Mommsen, 628). This is thought to be the son of Cicero’s friend and the father of the L. Aelius (RE [76]) Lamia who was consul in AD 3. For the possibility that all three references to Lamia in Horace’s Odes (Carm. 1. 26. 8, 1 36. 7, and 3. 17) pertain to the father of the consul, rather than the consul (cf. Hor. Epist. 1. 14. 6), see Treggiari, 251-2; Syme, AA, 394. Like the Antistii Veti, the Aelii Lamiae continued to prosper throughout the early principate, at least as far as the reign of Hadrian: see Treggiari, 252.
troubling. Yet none of these factors can be said to rule out Treggiari's hypotheses: for scenarios can be formulated so as to encompass both Lamia's continued security, and his *pietas* towards his dead friend.

Even more problematic from our perspective are Seneca's comments (*nec eum mentiri sub triumviorum conscientia sutinebat*) as to Pollio's failure to make the allegations in his original oration. Winterbottom translates this: "not being prepared to lie when the triumvirs could show him up". Yet why the Triumvirs should be angry whether someone made up stories to the detriment of their most famous victim at this early stage is mystifying. Perhaps the correct interpretation of *sub triumviorum conscientia* is something along the lines of "with triumviral complicity"; possibly referring to Pollio's unhappiness with compromising his reputation for rugged independence by appearing to act as a tool of the triumvirs. However, one thing is clear: unless Seneca and his informants have totally misunderstood the situation, it would seem that Pollio's allegations were made on his own initiative, and stemmed from his own animus, and not from directions on high.

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185 In addition to the evidence of the two men's relationship cited above, we also know that the Aelii Lamiae had close links to Formiae (Hor. *Carm.* 3. 17. 6-9) and possibly Arpinum (Cic. *De or.* 2. 262). Moreover, there is the very late, but possibly historically-based, tradition that it was Lamia who buried Cicero's remains: *Anth. Lat.* (Carmina Duodecim Sapientem), Riese, nos. 603, 608, 611, 614; see Treggiari, 249; H. H. Davis, "Cicero's Burial," *Phoenix* 12 (1958), 174-7. Yet there may have been some recent problems in the relationship. As Syme (RR., 81-2) suggests, it may have been Caesar who made him a senator. Certainly, Lamia's aedileship in 45 BC saw him working closely with Caesar and Balbus (Cic. *Att.* 13. 45. 1), and his participation on April 21, 44 BC in celebrations marking the anniversary of Munda astonished Cicero even more than that of Cicero's wayward nephew (Att. 14. 14. 1).

186 André (69) had two alternate suggestions as to why Pollio, on Lamia's behalf, was attacking Cicero: to make Lamia look nobler than Cicero, or to argue that Cicero's wish to compromise proved Lamia's similar wish. Noting that intransigence towards the Triumvirs hardly seems a politic line of reasoning, Treggiari (250-1) rejects the former explanation. Yet she also provides another twist, that the accusation against Lamia may have been grounded on his burial of Cicero's remains, and that Pollio went on to argue on the basis of Cicero's behaviour, that Lamia "had grounds for thinking that piety towards Cicero was not inconsistent with loyalty to the Caesarians." Perhaps, however, force of circumstances simply necessitated Lamia's acquiescence in an attack on his old friend; a betrayal which he later made up for by his burial of Cicero's remains.

187 Perhaps Pollio's allegations could be seen as implying the triumvirs' cruel rejection of all overtures of accommodation; yet the three seem to have advertised (e. g. App. *B Civ.* 4. 8-11) the unrelenting nature of their vengeance as something a virtue. Gambet's suggestion (*Cicero's Reputation*, 36) that this passage is evidence of Octavian's "fairness" would seem highly implausible at this time. Carcopino (vol. 1, 16), in stating that Octavian "permitted" Pollio's attack is contrary to Seneca's explicit statement. 188 I am grateful to Mr Martin Stone for this suggestion.
Apart from this piece of evidence we are largely in the dark regarding politically motivated attacks on Cicero dating to the early Triumvirate. Presumably, Pollio's attack here could be the tip of that very substantial iceberg of politically-charged damnation seemingly alluded to by Quintilian. But is Quintilian speaking of this sort of attack? As we said, his remarks concern stylistic matters, and the suspicion arises that what he was really, and rather misleadingly, alluding to is the literary assaults on both Cicero's oratory and character of succeeding decades, rather than the type characterized by Pollio's speech for Lamia. In any event, the evidence we have from the Elder Seneca suggests that if Quintilian was also thinking of such attacks as those in the Lamia speech, then he misinterpreted Pollio's motives. And while we may speculate as to how much material found its way into the later stylistic criticism and school-based rhetorical invective from such politically-motivated attacks from the early triumvirate, attempts to disentangle such strands from those attacks made upon Cicero during his own lifetime and the later literary assaults are doomed to failure.189

We have noted Octavian's positive use of Cicero's image in his elevation of the orator's son at the end of the same decade, and how this may have fitted in with a more general "Republican" propaganda push. The question arises as to whether we can detect any evidence of an Antonian response to such developments; an attempt to prick Octavian's new pretensions, or the basis of them perhaps. One possibility is the Alexandrian scholar Didymus, nicknamed Χαλκέντερος ("Brazen-bowels") and Βιβλιολάθος ("Book-forgetting") because of his prolific and pedantic scholarship.190 A passage in the Suda (T 895 [Adler, 4. 581]) tells us that Suetonius wrote an answer to a work of "Didymus", which had attacked either, the wording is ambiguous, Cicero's De re publica, or Cicero's statesmanship.191 The only other reference to the work is in Ammianus Marcellinus (22. 16. 16), who speaks of Chalcenterus' six books of Ciceronian criticism as

189 The same goes for Asconius' statement (Tog. cand. C, 94) that certain speeches put out under the names of Catiline and Antonius Hybrida were really written by obtrectatores Ciceronis: see Chapter 3, nn. 194 and 195.
191 Περὶ τῆς Κικέρωνος πολιτείας ὁ ἀντιλέγει δὲ τῷ Διδύμῳ.
resembling a puppy, who circling at a safe distance, feebly barks at a fierce roaring lion. Didymus was writing during the Triumviral period. Thus, the suggestion has arisen that Didymus may have been "enlisted" by Antony, when the latter was residing in Alexandria, as a soldier in the propaganda war being waged between the two Triumvirs.

Circumstantial evidence allows us to entertain this hypothesis as being at least possible. Some scholars have questioned Ammianus' attribution of the work to Didymus Chalcenterus, positing the Julio-Claudian Claudius Didymus as an alternative. However, there seems to be no real reason for challenging Ammianus' statement. The main problem is in determining Didymus' subject. That the work was a critique of the De re publica may be further suggested by the fact that Didymus' work was in six books, which as McDermott notes, would allow for one book for each of Cicero's. Yet Ammianus' description of the nature of Didymus' work - sillographos imitatus scriptores maledicos - must be borne in mind. Whatever ideological resonance the De re publica had in a period where Octavian was moving steadily towards clothing his supremacy in the garb of republican legitimacy, a detailed and learned critique of that work hardly suggests the sort of racy polemic implicit in Ammianus' notice. Moreover, as McDermott notes, the simile used by Ammianus to describe Cicero - fremens leo - would seem somewhat more apt in reference to the fulminations of the Philippics, rather than the serene and measured flow of Cicero's political treatise. Also, while Didymus was above all a grammarian, he was also notably eclectic in his tastes; his numerous commentaries

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192 ...inter quos Chalcenterus eminuit Didymus, multiplicis scientiae copia memorabilis, qui in illis sex libris, ubi non numquam imperfecte Tullium reprehendit, sillographos imitatus, scriptores maledicos, iudicio doctarum aurium incusatur, ut inmania frementem leonem trepidulis vocibus canis catulus longius circumlatrans.
193 Suda Δ 872 (Adler, 2. 81): "γεγονός ἐπὶ Ἀντωνίου καὶ Κικέρωνος καὶ ἑως Ἁργοῦστου;"
194 Thus McDermott, "Suetonius and Cicero," 492. This view is also held by Harsh, 101. Predictably, and without the slightest evidence, Carcopino (vol. 1, 16) has Octavian encouraging Didymus to write this work.
196 McDermott ("Suetonius and Cicero," 491) suggests: "it could have been an elaborate critique of style, with critical references also to the substantive material." Gambet (Cicero's Reputation, 103), who assumes the work was of an academic nature, suggests that Didymus' Aristotelian sensibilities may have been offended by Cicero's Platonism. Of course, if Oltramare's hypothesis (77-78) that the late Thirties saw the publication of copies of De re publica and De legibus as a visible sign of Octavian's reconciliation with the former Republicans this might make sense. Yet there is no evidence of such an occurrence.
evincing historiographical and biographical, as well as literary, concerns. Obviously however, given the lack of any evidence directly linking Didymus to Antony, great caution should be exercised here.\textsuperscript{197}

Another piece of evidence which is worth investigating in this context is the Pseudo-Ciceronian \textit{Epistula ad Octavianum}. This obviously bogus document, which purports to be an impassioned remonstrance of Cicero to Octavian on account of the latter's march on Rome, has a very mysterious provenance. It is generally ascribed to a rhetorician of Imperial times, a more precise dating being considered impossible.\textsuperscript{198} However, the document is of some considerable interest in the present context. The presence of Antonian propaganda in this work has been detected; in particular the allegation (\textit{Ad Oct.} 9) that Octavian's grandfather was a money-changer and his father an \textit{adstipulator}, or professional witness.\textsuperscript{199} What is even more interesting is the theme and tone of the work in general, for it represents a virtually unique instance in such rhetorical works where the fate of Cicero is thrown back at the feet of Octavian. To be sure, it would be going too far to suggest that this work directly represents a piece of Antonian propaganda, especially considering the strong criticism expressed of Antony's behaviour as Consul in 44 BC (§ 3). But it is interesting that despite this, Antony is also described as \textit{vir animi maximi}, and his behaviour is contrasted favourably with that of Octavian (§ 8). Furthermore, considering the vicious attack levelled on Octavian's behaviour, it is unlikely that we can simply ascribe the piece to the imaginative whimsy of an Augustan or later declaimer. For lurking behind the substandard prose is a view of events which hopelessly contradicts the conventional attitude of declaimers towards these events.\textsuperscript{200} We must, therefore, acknowledge the probability that this

\textsuperscript{197} As McDermott ("Suetonius and Cicero," 493) himself recognized: "To be sure there is a speculative air on all conclusions based, as these are, on a paucity of evidence." Noting the cautious response of Funaioli, he went on to note that following it "might be better, but not so interesting".

\textsuperscript{198} This work has been largely ignored by scholars. The comments of Tyrrell and Purser (vol. 6, 338) are illustrative: "The sole interest of the document consists in the fact that it is found in most MSS. of Cicero's Epistles, and affords some important indications of the value of certain German MSS."

\textsuperscript{199} M.P. Charlesworth, "Some fragments of the Propaganda of Mark Antony," \textit{CQ} 27 (1933), 172-7. See Suet. \textit{Aug.} 2. 4 ; Cic. \textit{Phil.} 3. 15.

\textsuperscript{200} See Chapter 3 (b): Seneca the Elder, Cicero and Augustan Declamation, pp 182f.
work harbours within it significant traces of political propaganda, rather than being a simple literary creation of no wider significance.201

201 Arguably, one could make a similar case regarding two letters of Marcus Brutus (Ad Brut. 1. 16 [24]) and 1. 17 [25]), the authenticity of which has recently, although not for the first time, come under strong attack; see Shackleton Bailey, *Cicero: Epistulae ad Quintem Fratem et M. Brutum* (Cambridge, 1980), 10-14. It is worth noting that not all scholars have been convinced by Shackleton Bailey’s arguments here: see for instance, John Moles, "Some 'Last Words' of M. Iunius Brutus," *Latomus* 42 (1983), 763-779, at 765. These letters, to be sure, eschew any explicit praise of Antony; yet one could argue that any attack on the integrity of Octavian was to Antony’s benefit.
e) The Triumviral Period - Conclusion.

The dearth of hard evidence that can be securely dated on the reception of Cicero in the Triumviral period must make any solid assertions extremely tenuous. There is no question here of creating a balance sheet of pluses and minuses regarding the Ciceronian image; the necessary data simply does not exist. Yet from the forgoing analysis, certain general points do become clear which serve to free us from misconceptions concerning the reception of Cicero's memory and its political resonance.

In 1947, Ronald Syme, in commenting on the proposition that the image of Cicero was of importance in the propaganda wars of the thirties, stated:

This is a tall order. As for polemics, the character and career of Cicero was surely ancient history now, and irrelevant: in the contest against Antonius the agents of Octavian had live explosives and plenty of them.  

To be fair, Syme was only considering the possibility that a hostile portrayal of Cicero was used in the service of Octavian. But in doing so, his statements labour under the same initial misconception that was the foundation of Carcopino's thesis. For the political importance of Cicero manifested itself in a positive advancement of his memory as a rebuke to the cruelty of Octavian's rival Antony. That is really the only explanation that will fit the facts of his son's advancement by Octavian and the symbolism of his consulship in the year of Antony's eclipse.

How early did this process begin to take place? The evidence is too sketchy to pinpoint exactly. However, while the exact timing of Marcus

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202 "Review of Clift," 201. See also "A Roman Post-mortem," 147; "Pseudo-Sallust," 47; and Sallust, 316-7. For Syme, efforts such as the *Invectiva in Ciceronem* were largely free of immediate political resonance ("Review of Clift," 201): "It is no gain to regard the obtrectatores Ciceronis as mere political hacks. Some of them at least were writing for the fun of the thing."

203 Syme was replying to Otto Seel, who had postulated that the *Invectiva in Ciceronem* had been written between 35-30 BC as propaganda for Octavian in his propaganda war with Antony.
Cicero's consulship may have been determined by events during the war with Antony, there is no reason why Octavian may not have been considering such a move for a considerable time. Cicero's son had probably resided in Rome from as early as the Amnesty of 39 BC. Further, Octavian must have been quite sure that, in the event of a confrontation with Antony, this former Republican, unlike many of his old comrades, would not be liable to join with his father's old enemy. Given the initial predisposition of most Republicans to favour Antony over the young Caesar, Marcus's potential as a symbol of reconciliation may have been realised relatively early by Octavian. To be sure, the strength of the Antonian faction in Italy up until the mid-thirties must have precluded much public acknowledgement or activity. But as time went on, and more of the old Republican party attached themselves to Octavian rather than Antony, his public profile and thus his father's must have risen. Messalla Corvinus was not the only veteran of the Tyrannicides who could boast that he had always fought for the better cause.

In the overall context of Octavian's propaganda war, with its depiction of his confrontation with Antony as a titanic struggle between East and West, this may appear to be ammunition of an extremely small calibre. However, given Octavian's need to present a front of all parties and interests united against a common enemy, his reconciliation with Cicero and the old Republican party generally cannot be equated with firing blanks. Nor, given the stringencies of the situation, was Octavian in a position where he could afford to waste any of the ammunition he had at his disposal.

Moreover, the initial assumption that Cicero's memory was a matter of ancient history is more generally flawed. Many had no doubt witnessed the tumultuous events in Rome in the second half of 43 BC.

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204 It is interesting that one of the declaimers Seneca the Elder quotes in a Ciceronian topic (Controv. 7. 2. 7 & 11) is Marullus, in whose academy, Seneca and his friend Porcius Latro were students (Controv. 1. pr. 22). Given that Seneca could have been born as early as 55 BC (see Chapter 3, n. 136) it is quite possible that this excerpt dates from well before Actium: see Kroll, RE "Marullus (4)," Bd 14 (2) (1930), 2053.

205 For Messalla's boast see Plut. Brut. 53. Presumably, this made Cicero's son all the more valuable a commodity.

206 Syme (RR, 318) states: "...any official cult of Cicero was an irony to men who recalled in their own experience - it was not long ago - the political activity of Cicero in
However much the tumults and convulsions of Triumviral politics had served to dim the collective memory of this period and of the free Republic more generally, literary works served to refresh that memory. The evidence we have examined displays both knowledge and approbation of Cicero's career in its full scope: his consulship of 63 BC, the political acumen revealed in his letters, his oratorical and literary greatness, are all commented on. Nor should this occasion much surprise: his works must have resided on many a rich man's shelf; rhetors, however circumspectly, must have inculcated into their students his most famous *sententiae*; and as we have noted, many no doubt retained memories of his speaking before the Senate and assemblies. Indeed, in an age where both ceaseless military activity and political censorship must have made opportunities for great public oratory and free speech extremely rare, such remembrances may have been more acute than in the more settled age which was to follow.

Yet how could this be true, if as he later had it, Cicero was "ancient history"?
Chapter 2. The Age of Augustus Part 1: "The Best Remedy"?

a) The Age of Augustus - Introduction.

Despite the problems we have already noted of drawing an absolutely clear dividing line between evidence relating to the Triumviral and Augustan periods, it is nevertheless the case that with the Augustan Principate, we move into a period which provides us with a much greater volume and range of ancient evidence. The extant works of Seneca the Elder, for instance, represent a veritable treasure trove of Ciceronian references from the Augustan period: orators and rhetoricians declaiming on the death of Cicero, the verdicts of major historians on Cicero's life and career, the eulogies of poets, and much related anecdotal evidence on the "battle" between laudatores and obtrectatores of Cicero. Other sources not wanting either include references from such far-flung fields as architecture and geography.

Yet this relative abundance of references creates potential problems as well. We are faced with many seeming complications and contradictions in the evidence which are liable to confuse the debate on general trends during the period. Indeed, the desire to provide a simple and seamless explanation of the vicissitudes of Cicero's "ghost" has often led many scholars to conveniently ignore information which does not fit the picture desired. As we shall see, the considerable complexity and ambiguity of the response to the image of Cicero defeats such simplification, and furthermore forces us to re-examine wider assumptions as to how Romans under the Augustan Principate, and indeed that regime itself, viewed and reacted to recent Republican history.

What sort of simplification, one may ask? Mainstream scholarly opinion has generally been of the opinion that the reception of Cicero during the reign of Augustus was by no means a favourable one. We have already noted Carcopino's description of "silence" interspersed by "pitying contempt". Ronald Syme, after pouring cold water on the idea that Cicero could have been important in the propaganda of the thirties, confidently asserts: "After the victory (ie Actium) Cicero's memory was

1 See Chapter 1, pp 33-34.
even less a political issue, and silence was the best remedy.”

John Ferguson concurs as to the Augustan response: “across the decades it was known that Cicero was not persona grata in the imperial court.”

Even Gaston Boissier, who as we have already noted saw a revival of Cicero’s repute due to an Augustan publication of his correspondence, views the period before this as one of darkness: “Silence therefore fell, as far as it was indeed possible, around Cicero’s great glory.”

Even as late as 1992, Manfred Fuhrmann could restate this orthodoxy:

Under the rule of Octavian, who gave himself the title of Augustus after 27 BC, Roman literature reached a climax with Virgil and Horace. At that time Cicero, the murdered ‘enemy of the state’, was still under a ban of silence: none of the literary figures of the Augustan Age ever dared mention him, not even Horace, who was otherwise fairly outspoken.

Not simply hostility, therefore, but a preferred policy of silence; presumably chosen so as to avoid any risk an official and clear policy of condemnation might face of backfiring. The notion that Cicero became what we may describe as a “non-person”, fits in well with modern sensibilities accustomed to the posthumous treatment accorded to purged personalities in totalitarian regimes this century. Nor is it, by any means, theoretically implausible in a Roman context: the erasure of a person’s memory being the central purpose behind the measures used in a more official damnatio memoriae.

Yet given that the sole rule of Caesar Octavianus (soon to become Caesar Augustus) was launched in Rome with Cicero’s own son presiding over the damnatio of Antony, this would seem a decidedly odd application

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2 Syme, “A Roman Post-mortem,” 211. Syme’s views here differ somewhat from those he had earlier expressed in his Roman Revolution. There (318) he noted that an “official cult of Cicero” was an irony to those who had experienced the events of 44-43 BC. Yet he also noted that Cicero - whose death could be “profitably laid upon Antonius” - was “more remunerative” than Cato or Pompey “for every purpose”, going on to speak of such a cult as a reality.

3 Ferguson, 13.

Gaston Boissier, 388.

5 Manfred Fuhrmann, Cicero and the Roman Republic, Oxford, 1992, 221. To be fair to Fuhrmann he does add: “The Emperor’s attitude was not utterly hostile, however. It was not he, but Antony who had sought Cicero’s death, and Antony had been vanquished in 31 BC in the battle for dominion over the Roman empire. Plutarch’s biography of Cicero ends with an anecdote that casts some light on Augustus’ ambivalent attitude.”
of that notion. What then has so healthily sustained the theory of a Augustan reign of silence over Cicero? As will soon become clear, it has largely been based on a famous anecdote concerning Augustus, as well as the evidence, or more correctly non evidence, of the major Augustan poets. It will be demonstrated presently that this reflects not only a very narrow spectrum of the available Augustan testimonia on Cicero, but also a partial treatment of the available evidence on Augustus himself and the poets of the period.
b) Augustus and Cicero.

If there is one piece of evidence which has captured the attention, and indeed, the imagination of scholars in relation to Cicero's reputation under the Augustan regime, it is the anecdote regarding Augustus and one of his grandsons - presumably Gaius or Lucius Caesar - preserved in Plutarch's biography of Cicero (Plut. Cic. 49. 5):

Πυνθάνομαι δὲ Καίσαρα χρόνοις πολλοίς ύστερον εἰσελθεῖν πρὸς ἕνα τῶν θυγατριδῶν· τὸν δὲ βιβλίον ἔχοντα Κικέρωνος ἐν ταῖς χερσίν, ἐκπλαγέντα τῷ ἰματίῳ περικαλύπτειν· ἰδόντα δὲ τὸν Καίσαρα λαβεῖν καὶ διελθεῖν ἐστώτα μέρος πολὺ τοῦ βιβλίου, πάλιν δὲ ἀποδιδόντα τῷ μειρακίῳ φάναι "λόγιος ἀνήρ ὁ παῖ, λόγιος καὶ φιλόπατρις."

(I learn that at a much later time Caesar entered the house of one of his grandsons. The latter had a book of Cicero's in his hands and was stunned and tried to conceal it in his cloak. Seeing this, Caesar took the book, perused a great part of it as he stood, gave it back to the youth and said: 'He was a master of words, child, a master of words and a patriot.')

From the conclusions advanced on the basis of this little tale, one would think that it represented the only evidence we possess regarding the Augustan response to Cicero. Those scholars who posit the hostility of the new regime towards Cicero's memory interpret the story as certain proof of that hostility. John Ferguson, for instance, remarks: "the significant part of that story is not the emperor's tolerance. By now he could afford to be tolerant; his clemency was lassa crudelitas. The significant fact is that the boy tried to conceal the scroll." Carcopino, of course, goes much further. The story proves, he argues, that Augustus "had already forbidden the entry into his own palace of the works of Cicero published long since." The boy's fearful reaction was the result of his having "transgressed the interdict which pursued even into the

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6 Ferguson, 13.
grave the great man whom the Triumvirs had proscribed."\(^7\) Not surprisingly, those scholars who argue for a favourable Augustan reaction to Cicero draw the opposite conclusion. Gambet, for instance, argues that Augustus' praise was not only sincere but indicates great remorse. The boy's impression that Augustus would be displeased with him reading Cicero stemmed from the fact that the book (which he suggests was one of the Philippics) "was a galling reminder to the emperor of his virtual parricide in killing the man whom he had once called father...and of his tragic mistake in not having judged Antony's character and intentions with the same perception as Cicero."\(^8\)

So much from such a small anecdote! No one even seems to have considered whether this delightful story might indeed be a later fiction. However, assuming it to be based on a real situation, neither of these wildly varying conjectures as to the true significance of the story can be said to be wholly plausible. As to the suggestion that some form of palace censorship existed, one must ask how then the young Caesar got hold of such a dangerous work. Gambet notes that the tutor of Augustus' grandsons was Verrius Flaccus, who we know often cited Cicero on word usage.\(^9\) Presumably, he goes on to argue, the young Caesar was pointed to the work by Verrius, who was obviously under no impression that the reading of Cicero was officially frowned upon. In any case, why do we have to jump to the conclusion that the boy's reaction means that the works of Cicero constituted forbidden material? The very generosity of Augustus' reaction would seem to argue against such an extreme interpretation. For all we know, the boy instinctively remembered his grandfather's part in Cicero's demise and simply assumed that his attitude had not changed. On the other hand, his reaction could have simply been the result of hearing Augustus make derogatory comments regarding Cicero in casual conversation.

However, the idea of Augustus' "remorse" is also unproven. Gambet comments as to Augustus' remark: "one seems to sense also a sigh of regret...It is almost as if the emperor were saying '...a lover of his

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\(^7\) Carcopino, vol. 1, 15-16. Boissier, agrees, stating (388): "...we know from Plutarch that at the Palatine it was necessary to read his (Cicero's) works in secret."

\(^8\) Gambet Cicero's Reputation., 37.

\(^9\) See Suet. Gram. 17 for Verrius' tutorship; and Gambet Cicero's Reputation., 37 & 109-112, for Verrius' citations of Cicero, which as Gambet tells us (111), outnumber Verrius' citations of every other Latin writer apart from Cato the Elder.
country, yes: would I had realized that in 44-43 BC.' "10 This is nothing but over-imaginative speculation. Ascertaining the real sentiment of any statesman is a process fraught with danger. This is especially the case with Augustus, whose character and beliefs have so often been compared to the colours of a chameleon.11 The classic depiction, which first arises in Tacitus, of Augustus as the ruthless party politician, whose deference as Princeps to Rome's republican heritage was nothing but a calculated ploy to attain political advantage may be overdrawn, but we would perhaps be wise, as Syme advises, to leave the true state of his conscience to "the moralist or the casuist."12 Indeed, it is clear that the real significance of this story can only be assessed in the context of the rest of the ancient evidence; for only then will we be reasonably able to speculate on why the boy feared Augustus' reaction, and how significant a concession Augustus' praise of Cicero really was.

Given the attention lavished by scholars on the story of Augustus' grandson, it comes as something of a surprise to find that there is a significant body of evidence from other sources regarding Augustus' views on Cicero. What makes this information even more interesting is that much of it appears to derive from his autobiographical memoirs or Commentarii vitae suae. In this work, probably written in the mid to late twenties BC, Augustus attempted, with it seems a fair degree of candour, to justify his political conduct in the preceding two decades.13

10 Gambet, Cicero's Reputation., 36.
11 So Julian the Apostate (Caes. 309 A) describes him. Mason Hammond (City-State and World State: in Greek and Roman Political Theory until Augustus [Harvard, 1951], 142) states: "Octavian presents a psychological riddle which will probably never be solved." Syme (RR, 113) states: "Not for nothing that the ruler of Rome made use of a signet-ring with a sphinx engraved. The revolutionary adventurer eludes grasp and definition no less than the mature statesman." 12 Syme, RR, 4. Yet it is, of course, Syme who has provided us in that work with one of the most memorable portraits of Augustus as the cold, calculating master of manipulation.
13 Syme (RR, 332) has Augustus writing this work while convalescing in the Pyrenees, after falling ill during the Cantabrian campaign of 26 BC. All we know for certain (Suet. Aug. 85. 1; Plut. Comp. Dem. et Cic. 3; Suda, Adler, vol. 1, 410) is that the work was written in 13 books, covered events down to the Cantabrian war, and was dedicated to Agrippa and Maecenas. For the surviving fragments of the work, see H. Malcovati, ed., Imperatoris Augusti Operum Fragmenta (Rome, 1948), 84-97; Peter, HRR, 2. 54-64. Limited commentary and translations are provided by R. W. Dolley, I. E. Grady and T. W. Hillard, "The Memoirs of Augustus: The Fragments in Translation," Ancient Society: Resources for Teachers 5 (1975), 164-181, and 6(1976), 18-20.
Of the surviving fragments of this work, there are a number which refer to Cicero. Firstly, we have the widely reported story of Cicero's dream prophesying the rule of the future Augustus. Tertullian (De anima 46) relates the story thus:

\[
\text{Noverunt et Romani veritatis huius modi somnia.}
\text{reformatorem imperii, puerulum adhuc et privati loci et}
\text{Iulium Octavium tantum et sibi ignotum, Marcus Tullius}
\text{iam et Augustum et civilium turbinum sepultorem de}
\text{somnio norat. In vitae illius commentariis conditum est.}
\]

(And the Romans knew dreams of this truthful nature. Marcus Tullius [Cicero] recognised Iulius Octavius from a dream, at that time a mere stripling of private station and unknown to him, as Augustus, the transformer of the empire and the layer to rest of civil discord. This is found in his [Augustus'] memoirs.)

[A Dolley et al.]

A version of the story is retailed by Plutarch (Cic. 44. 2-7), who states that while Pompey and Caesar were alive, Cicero had dreamt that the sons of senators had been invited to the Capitol, and were there inspected by Jupiter, so as to appoint one of them ruler of Rome. Jupiter chose one of the boys, and pointing at him, stated that when he became ruler, all civil wars would cease. On the following day, while passing the youths exercising on the Field of Mars, Cicero recognised the young Octavius as the boy chosen in the dream. Plutarch also says that many thought the dream was the reason why Cicero accepted Octavian's suggestion of an alliance so readily. Suetonius (Aug. 94. 9) and Dio (45. 2. 2) give us a different dream, but the significance of the matter is much the same.\(^\text{14}\) To be sure, the alleged dream of Cicero is just one of numerous portents that supposedly foretold Augustus' future greatness. However, it should be noted that in our main source (Suet. Aug. 94) for these happenings, most of the other stories are explicitly stated as

\(^\text{14}\) According to Suetonius and Dio, Cicero dreamt of the young Octavius being lowered to the Capitol on a golden chain from heaven, and given a whip by Jupiter. A similar story to that of Plutarch, with Quintus Catulus (cos. 78 BC) as the dreamer, is also recorded by Suetonius (94. 8) and Dio (45. 2. 3-4). Moles argues (Plutarch: Cicero., 195) that Plutarch has freely reworked the tradition here, transferring the dream of Catulus to Cicero.
coming from sources other than the *Memoirs*. It is interesting that Plutarch goes on to add in the same chapter that Augustus was born in Cicero's consulship; it seems more than possible that Augustus noted and made something of this detail as well.\(^{15}\)

Of even greater significance are traces of the *Memoirs* which deal with the relationship between Cicero and Octavian in 44-43 BC. Two passages of Plutarch are of relevance here. In his comparison of Demosthenes and Cicero (*Comp. Dem. et Cic. 3*), Plutarch notes the need of military commanders for using the oratorical gifts of both men, citing Charas, Diopeithes and Leosthenes in the case of Demosthenes; and Pompey and Octavian in the case of Cicero. Plutarch goes on to say that Octavian said so in the Memoirs dedicated to Agrippa and Maecenas.\(^{16}\)

The second passage (Plut. *Cic.* 45. 5-6) is worth quoting in full. Speaking of events after the War of Mutina, Plutarch states:

> ἐπεὶ δ' Ἀντώνιος μὲν ἦττητο, τῶν δὲ ὑπάτων ἀμφοτέρων ἐκ τῆς μάχης ἀποθανόντων πρὸς Καίσαρα συνέστησαν αἱ δυνάμεις, δείσασα δ' ἡ βουλὴ νέον ἀνδρα καὶ τὺχῃ λαμπρῷ κεχρημένον, ἐπειράτο τιμαῖς καὶ δωρεάς ἀποκαλεῖν αὐτοῦ τὰ στρατεύματα καὶ περισσὸν τὴν δύναμιν, ὡς μὴ δεομένη τῶν προπολεμοῦντων Ἀντωνίου πεφευγότος, οὔτως ὁ Καίσαρ φοβθεῖς ὑπέπεμψε τῷ Κικέρωνι τοὺς δεομένους καὶ πείθοντας, ὑπατεῖαν μὲν ἀμφοτέρως ὁμοῦ πράττειν, χρῆσθαι δὲ τοῖς πράγμασιν ὅπως αὐτὸς ἔγνωκε παραλαβόντα τὴν ἀρχήν, καὶ τὸ μειράκιον διοικεῖν, ὄνοματος καὶ δόξης γλυκόμενον. ὠμολογεῖ δ' οὖν ὁ Καίσαρ αὐτὸς, ὡς δεδωκὼς κατάλυσιν καὶ κινδυνεύων ἔρημος γενέσθαι χρῆσαι τῇ Κικέρωνος ἐν δέοντι φιλαρχίᾳ, προτρεπώμενος αὐτοῦ ὑπατεῖαν μετείναι συμπράττοντος αὐτοῦ καὶ συναρχαιρεσίζοντος.

(But when Antony had been defeated and - both consuls having died as a result of battle - the forces all joined Caesar, the senate became afraid of a young man and one who had

\(^{15}\) See also Suet. *Aug.* 5. 1 and 94. 3.

\(^{16}\) See also Plut. *Cic.* 44. 1, which may also stem from the autobiography.
enjoyed brilliant good fortune, and tried to draw the armies away from him by honours and donatives and to strip away his power, on the ground that as Antony had fled it did not need defenders. Caesar was frightened by this and secretly sent to Cicero men who begged and urged him to try to achieve the consulship for them both together, but when he had taken over the office, to use the situation of power as he himself decided and to direct the young man, who greatly desired a name and fame. Caesar himself admits that in time of need he used Cicero's love of office, because he feared being brought down and was in danger of becoming isolated, by impelling him to seek the consulship with his cooperation and a joint election campaign.)

Thus, we have here an admission by Augustus of his "use" of Cicero in order to shore up his own position, but one couched in terms of the manipulation of Cicero's own vanity and ambition. Other important strands of Augustus' self-justification can perhaps be detected as well. Suetonius (Aug. 12) gives us the following account of Octavian's volte-face in 43 BC:

*Sed ut cognovit Antonium post fugam a M. Lepido receptum cetrosque duces et exercitus consentire pro partibus, causam optimatum sine cunctatione deseruit, ad praetextum mutatae voluntatis dicta factaque quorundam calumniatis, quasi alii se puerum, alii ornandum tollendumque iactassent, ne aut sibi aut veteranis par gratia referretur.*

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17 Appian (B Civ. 3. 82) repeats this story in very similar terms to Plutarch; though adding that the proposal found little support in the Senate. It is also mentioned by Dio (46. 42. 2). The story that Octavian suggested to Cicero that they be consuls together, with the latter agreeing, has been doubted (see, for instance, David Stockton, *Cicero: A Political Biography* [Oxford, 1971], 325-6.), largely on the basis, it seems, of Cicero's protestations to Brutus of his opposition to Octavian's consular ambitions (Cic. Ad Brut. 1. 10. 3 & 1. 18. 3). However, the fact that Augustus recounted the story in his memoirs must lend credibility to its authenticity. As Moles (p 197) says: "the information was damaging to Augustus, he can only have included it because he had to, i.e. because it was widely known to be substantially true." As to Cicero's statements to Brutus, Moles says that they "must be at least partly disingenuous, though he may well have had mixed feelings." One should also take note of the fact that rumours abounded at the time of a consulship for Cicero (Cic. Ad Brut. 1. 4a. 6; see also, *Phil.* 14. 15)
(But when he learned that Antony after his flight had found a protector in Marcus Lepidus, and that the rest of the leaders and armies were coming to terms with them, he abandoned the cause of the nobles without hesitation, alleging as a pretext for his change of allegiance the words and acts of certain of their number, asserting that some had called him a boy, while others had openly said that he ought to be honoured and got rid of, to escape the necessity of making suitable recompense to him or to his veterans.)

[Rolfe]

There is obviously a direct reference here to the alleged pun of Cicero regarding Octavian - *laudandum adulescentem, ornandum, tollendum* - mentioned in Cic. *Fam.* 11. 20. 1 - which had come to the ear of the young Caesar (cf. Cic. *Fam.* 11. 21. 1). Now Suetonius does not tell us that Augustus' remarks come from the *Memoirs*. Yet, it is interesting that Velleius Paterculus, who probably used the work, also notes (2. 62. 2) Cicero's remark. It would thus seem that Augustus made much of Cicero's alleged duplicity towards him in defending his desertion of the senatorial cause.

A passage in the Βίος Καίσαρος or *Vita Caesaris* of Nicolaus of Damascus, which almost certainly used the Augustan autobiography as its major source, and which is generally held to date from the mid to late twenties BC, not only tends to confirm this hypothesis, but arguably may go far beyond it. As Nicolaus says (Vit. Caes. 28. 111):

> ἦσαν δ᾽ οἱ ἐν μέσῳ τὴν ἕχθραν ἀνάγοντες αὐτῶν καὶ πράττοντες τοῦτο. τούτων δ᾽ ἦσαν κορυφαῖοι Πόπλιος, Οὐίβιος, Λεόκιος, παῦτων δὲ μάλιστα Κίκερων. Καίσαρ δὲ οὐκ ἄγνοῶν ὄντινα τρόπον αὐτῷ συνίασιν οὕτωι

18 See Chapter 1, n. 9.
19 See Chapter 4, nn. 70 and 86.
20 For a text, translation and commentary, see the editions of Jane Bellmore (Bristol, 1984) and Clayton M. Hall, (Baltimore, 1923). Bellmore (xxi - xxii) dates the work to 25-23 BC. As to the Augustan autobiography, she says (xxii; see xxii-xxvii) of chs. 1-18 & 28-31, that it "would seem to be the major source". As to the passage under discussion, she notes (xxiv) this as the only one that "can be directly shown to have had Augustus as its author"; this on the basis of similarities with Plutarch's remarks in *Comp. Dem. et Cic.* 3 & Cic. 45. 5. Not all scholars have been convinced of the connection: see for instance, Mark Toher, "The Date of Nicolaus' Βίος Καίσαρος," *GRBS* 26 (1985), 199-206.
There were some who formed a middle party to try to stir up hatred between the two factions, and were succeeding. The leading men in this middle group were Publius, Vibius, Lucius, and above all, Cicero. Caesar knew why these men sided with him and were spurring him on against Antony, but he did not reject their overtures because they would render him aid and would form a more powerful guard around him. He knew that each of them had very little interest in the Republic and was seeking to gain absolute authority and power because Caesar, who had previously possessed absolute control, was out of the way, and because they considered that he was far too young and unlikely to withstand so much political pressure, since one man was waiting for one opportunity, another man for something else, and all were taking for themselves whatever they could for personal advancement. Since all thought for the Republic had been trampled underfoot and the most powerful men had split themselves into many factions, and since these were trying to gain possession of all the power for themselves, or at least of as much as could be forcibly secured, the resulting confusion took many unusual forms.

[Bellemore]

This passage would seem to go much further than those hitherto quoted in its hostile depiction of Cicero's behaviour. Cicero was not only
"using" Octavian and led on by his personal ambition for high office, but this ambition extended to a desire to fill Caesar's place. Moreover, Cicero is depicted as one who had no thought for the interest of the State. There is no getting around the seriousness of these accusations. However, there are a number of important caveats to be considered here. We cannot be sure to what extent Nicolaus has "improved" on the Memoirs here. Furthermore, the fact that Cicero's name is not the only one mentioned here as an aspirant to supreme power gives us a clue as to the true import of his remarks. For how else could Augustus have justified his conduct, not only in 43 BC but also in the decades that followed, than by questioning the patriotism of Cicero and any other person who failed to fully support his interests and policy? It was not enough to question the bona fides of Cicero and others regarding his own person; for the ready answer to that charge would have been that the young Octavian, being motivated purely by a lust for supreme power, was unworthy of any trust or good faith. The only way Augustus could fully justify his rapprochement with Antony and Lepidus, the ferocious nature of his Triumviral persona and his ongoing failure to fully restore the free Republic in all its aspects, was to challenge the good intentions of all those who had failed to fully support him.

Moreover, if by stressing Cicero's own ruthless pragmatism, Augustus was at pains to destroy the image of Cicero as the selfless and innocent old consular being duped by the ruthless and amoral young Caesar, it is unlikely that the Memoirs went on to attempt to totally destroy Cicero's reputation. As we have already seen, Augustus seems to have used Cicero as a witness of the favour of the Gods to him. More importantly, the fact that Plutarch, immediately after telling us of Octavian's exploitation of Cicero's ambition, goes on (Cic. 46. 5) to tell us of his strenuous attempts to keep Cicero's name off the Proscription lists at his

21 There is some disagreement on the identity of the other persons mentioned by Nicolaus. While both Hall and Bellmore agree that Οὐίβιος must be G. Vibius Pansa Caetronianus (cos. 43 BC), and both tentatively identify Πόπλιος as P. Servilius Vatia Isauricus (cos. 48 & 41 BC), they differ as to the identity of Αέβικος: Hall suggesting J. Julius Caesar (cos. 64 BC), while Bellmore plumps for Piso Caesoninus (cos. 58 BC); see Hall, 93-4 and Bellmore, 123. If these identifications are accepted, the list is a decidedly odd one: why, for instance Pansa and not Hirtius? Pansa's insertion is also strange, given the suspicious tradition (App. B Civ. 3. 75-76; see Syme, RR, 177) that on his deathbed Pansa confided to Octavian that both he and Hirtius had ultimately planned to reconcile the Caesarian leaders.
meeting with Antony and Lepidus at Bononia in Oct. 43 BC, suggests that Augustus did not argue in his work that Cicero deserved to die.\textsuperscript{22} Arguably, this material shows the strength of the Ciceronian image; that Augustus, despite his serious criticism of Cicero's motives, still felt the need to portray himself as fighting desperately for Cicero's life.\textsuperscript{23}

Obviously, a final verdict on Augustus' treatment of the Ciceronian image requires analysis of all the evidence from the period. Yet we are now in the position to at least make some preliminary conclusions. It seems reasonably clear from the evidence examined so far that Augustus' treatment of his own early career included criticism of the character and policy of Cicero. However, it is also clear that this was primarily motivated by Augustus' need to defend his own character and policy in the period of Cicero's lifetime, especially his desertion of the senatorial party in the aftermath of the war of Mutina. Outside the limited parameters of such necessity, Augustus does not seem to have strayed, for the evidence suggests that he did not indulge in general damnation of Cicero's life and career. Nor, it seems, was the criticism expressed in his autobiography free from re-evaluation; for paradoxically, Augustus' censure of Cicero's behaviour in 44-43 BC places the anecdote with which we began this analysis in a much more positive light than when it was viewed in isolation. For if Augustus indeed had questioned Cicero's good faith not only towards himself, but to the welfare of Rome, then his alleged description of the dead orator as φιλόπατρις represents a truly significant concession.

Yet, however necessary and restricted Augustus' criticisms, criticisms they remain. Ultimately, the events of 44-43 BC remained a barrier to any complete official rehabilitation of Cicero's memory. In this context, it is also worth considering the lack of recognition accorded to Cicero in other aspects of Augustan propaganda. The failure of Augustus to mention Cicero in his \textit{Res Gestae}, is hardly surprising or significant in itself; as has been noted, Augustus fails to mention by name not only any of his great enemies and rivals in this document, but any of his own

\textsuperscript{22} The assumption that this story derives from Augustus' \textit{Memoirs} is again strengthened by the fact that Velleius Paterculus (2. 66. 1-2) tells us of Octavian's resistance also: see Chapter 4, n. 70.

\textsuperscript{23} Whether Octavian did, indeed, try to save Cicero's life is, of course, another matter altogether; see Syme \textit{RR}, 191-2, and Harsh, 99, n.14.
family apart from his putative heirs. Nor does Cicero's almost certain exclusion from the *summi viri*, whose statues were placed in the Forum of Augustus, tell us much, given that the choice of subjects was largely determined by military success. Yet even if Cicero had not been, as Livy (Per. 80) described him, *vir nihil minus quam ad bella natus*, one doubts whether he would have found a place in this Roman "Hall of Fame". The old ideological conflict was not the significant factor here; Augustus could happily subsume such old enemies of his father as Sulla, Lucullus and Pompey into his new mythology of Roman greatness. However, Cicero was another matter: a man whose political failure and death were often directly attributed to the actions of the *princeps*. In rewriting the history of preceding generations, Augustus could stretch public credulity only so far, and with Cicero a certain distance had to be kept.

This is what needs to be borne in mind when considering the long-running and vexed issue of the possible influence of Cicero's thought on the structure and character of Augustus' Principate. That Cicero played a much more central role in the Augustan Principate has been alleged by those, who see in that regime's structure and symbolism, the formative effects of Cicero's *De re publica*. Augustus, it is argued, not only attempted to give his "restored Republic" the veneer of that mixed constitution of the old Republic, which Cicero's works in general had delineated and publicised so effectively; he also took up the idea advanced by Cicero, notably in Book 5 of the same work, of a *rector* or *moderator rei publicae* - an ideal statesman - and used this concept in developing his role of *princeps* in the new State.

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25 For a recent discussion of the ideological significance of the statues see T. J. Luce, "Livy, Augustus and the Forum Augustum," in Kurt A. Raaflaub and Mark Toher, eds., *Between Republic and Empire: Interpretations of Augustus and his Principate* (Berkeley, 1990), 123-138. In an earlier analysis, M. M. Sage ("The *Elogia* of the Augustan Forum and the *De viris illustribus*, *Historia* 28 [1979], 192-210) had suggested that while military success was the main criterion for inclusion, some notable figures were mainly praised for their civil acts.
26 This theory, which first rose to prominence with the works of Meyer and Reitzenstein, did have earlier proponents: see for instance, Guglielmo Ferrero *The Greatness and Decline of Rome* (Transl. by Rev. H.J. Chaytor. New York, 1908), 137-140. For a recent and cautious analysis, see H. Cambeis, "Das monarchische Element und die Funktion der Magistrate in Ciceros Verfassungsentwurf," *Gymnasium* 91 (1984), 237-260, esp. 241-3 & 258-60.
The fragmentary nature of the *De re publica* gives rise to untold problems in trying to assess the validity of such arguments. What exactly did Cicero envisage by this ideal statesman: a specific legally-empowered, or (more likely) extra-legal executive position, designed to lead the Republic in times of instability, or simply a theoretical archetype and exemplar, created to inspire leading senators under the existing constitution?27 Did contemporary political events, especially the debate over Pompey’s role in the second half of the fifties, predominantly shape Cicero’s depiction of this *rector*, or were Cicero’s thoughts firmly grounded on the qualities of the great statesman of the past?28 What is the relationship between the *rector* and Aemilianus’ surprisingly pro-monarchist statements throughout the treatise, and what were the consequences for the mixed constitution, which Cicero, ostensibly at

27 Much has been made of St Augustine’s comment (*De civ. D.* 5. 13) that the *De re publica* spoke: *de instituendo princepe civitatis*. The phrase could, of course refer to the “education” of the statesman as well as to his “appointment”. At least initially, it does seem strange that if Cicero envisioned some formal or semi-formal role for this *rector*, nothing is said of this extraordinary position in the *De legibus*, in which Cicero (*Leg.* 1. 15 & 20, 2. 14 & 23, 3. 4 & 12-13) purports to cite the laws of the constitution outlined in the *De re publica*. Moreover, it is interesting that when Laelius speaks (*Rep.* 2. 69) of *officio et munere* in relation to this ideal statesman, Scipio replies by stating that these should comprise little more than maintaining himself as a supreme moral example. W.W. How (“Cicero’s ideal in his *De Republica*,” *JRS* 20 [1930], 24-42) argues that the *rector* must be seen as an unofficial position of influence within the existing mixed constitution, otherwise Cicero’s championing of that form in both treatises would be a “gross inconsistency”. Yet arguably the *De legibus*, or at least some of it, was written at a different time with different considerations. One should also note in this context, Augustus’ words in *Res Gestae* 28. 3; for however fallacious Augustus’ claim that his position rested on nothing but his *auctoritas*, such a claim would lie within the conception of the *rector*, as defined by How.

28 Meyer’s main thesis concerned the proposition that Cicero had written the treatise with Pompey in mind. J. Geiger (“Contemporary Politics in Cicero’s *De Republica*,” *C Phil.* 79 (1984), 38-42) sees strong circumstantial support for the notion in the reference (*Rep.* 6. 12) to the plan to make Scipio Aemilianus dictator, containing as it does a strong echo of the speculation regarding Pompey in 54-52 BC. That Cicero at some time saw Pompey in the role of the ideal statesman seems plausible from his later disappointed remarks in early 49 BC: *Cic. Att.* 8. 11. 1-2 (*Cic. Rep.* 5. 8; cf. *Att.* 8. 9a. 2). However, it is unclear if Cicero is saying here that Pompey failed to meet a specific expectation of Cicero regarding him, or simply failed to live up to a more general exhortation as to his behaviour as a leading statesman. Cicero had of course hoped that he could play Laelius to Pompey’s Scipio (*Cic. Fam.* 5. 7. 3) a decade earlier. Whether he still felt this way is another matter altogether. It has been asserted that if the treatise represents a political programme then it is, if anybody, himself that Cicero envisaged as the ideal statesman: see, for instance, Per Krarup, *Rector Rei Publicae* (Gyldendal, 1956), 204-5. Earlier, Oltramare (“La Réaction Ciceronienne,” 71-72) had suggested that Cicero may have thought momentarily of Pompey when he thought of “staging” the dialogue in the present day (*Cic. Q Fr.* 3. 5. 2), but in the wake of the trial of Plancius, quickly changed his mind again. He also sees Cicero as having himself in mind as the ideal statesman.
least, put forward as the best of all constitutions? What sort of terminological connection did Cicero make between his *rector* or *moderator* and a *princeps*, and what conceptually, are the consequences of any such connection? Did the *rector* have its basis in Roman thinking, or was Cicero attempting to import Platonic and Stoic concepts of rule by a philosopher king or "best citizen"? Above all, there is the problem of adequately gauging the originality of Cicero's contribution in the development of not only these ideas, but the wider conceptualization of the Republican system. Given this plethora of

29 Cicero does seem to draw a parallel between the behaviour of such "good" Kings as Romulus and Numa, and the ideal statesman (see, for instance *Rep.* 2. 51 & 5. 3). If the ideal statesman is to take his cue from a form of government, which Cicero asserts (*Rep.* 2. 43) to be incompatible with freedom, one may wonder as to its relationship with the mixed constitution. Krarup (203) postulates an unreconciled tension in the work between the Polybian ideal of a mixed constitution and the Platonic ideal of the just ruler. Yet, as he noted in a later article ("Scipio Aemilianus as a Defender of Kingship," in O. S. Due, N. Friis Johansen and B. Dalsgaard Larsen, eds., *Classica et Medaevalia F. Blatt Septuagenario Dedicata* [Copenhagen, 1973], 209-233, esp. 216-8), Cicero's conception of the early Monarchy here is something akin to an elective position based on merit.

30 Krarup (200-1), commenting on Richard Heinze's theory that Cicero carefully avoided using the term *princeps* comments: "But when half of *de re publica* is lost, and we lack almost the whole of the section in which the idea of the *rector rei publicae* is developed, it is impossible to establish that the word 'princeps' has consistently and as a matter of principle, been avoided." He goes on to conclude that the use of *princeps* in relation to the *rector* is "highly probable". Such a terminological linkage would, indeed, seem to be suggested by Augustine's remarks as cited above, *Rep.* 1. 34 (*principem rei publicae*), *Rep.* 5. 9 (*principem civitatis*), *Rep.* 6. 13 (*illi principi deo*), and *Rep.* 6. 17 (the characterization of the sun as *dux et princeps et moderator*).

31 T.A. Sinclair (*A History of Greek Thought* [London, 1951], 280) sees in the *rector* or *moderator* a thoroughly Roman concept with roots in the pre-existing political situation. Mason Hammond (*City-State and World State* [Camb. Mass., 1951], 155), sees Cicero as closely following Plato's discussion of the philosopher king. Hammond, however, also draws the conclusion from this (155) that Cicero probably "conceived of his leaders as a limited group but not necessarily a single figure." See also, n. 29.

32 Hammond (*City-State and World State*, 157-8) wonders whether "the parallels which can be drawn between the 'Restored Republic' with a *princeps* as established by Augustus and the *de Republica* of Cicero are due simply to the fact that Cicero's concept fitted so closely the general pattern both of orthodox Greek political theory and of Roman traditional institutions, as these had come together in the second century BC." However, Hammond himself supports a more direct influence, largely on the emphasis on auctoritas, virtus, and gloria in both the *De re publica* and the *Res Gestae* of Augustus. Hammond (see esp. 203) gains considerable inspiration from the ideas of Oltramare, who pictures ("La Réaction Cécreronienne," 80-81) a cynical Octavian exploiting Cicero's ideas on a much wider front than simply that of the *rector/princeps*. Oltramare (83-90) sees a use of Cicero's ideas regarding the ancestral constitution and in specific areas of economic, moral, and foreign policy. Perhaps most importantly, Oltramare (88-90) argues that Cicero's treatises encapsulated - though by no means uniquely - a widespread emotional longing among his own and the subsequent generation for a return to a "purer" past. For recent statements of this "wider view" of Cicero's influence, see Christian Habicht, *Cicero the Politician* (Baltimore and London, 1990), 98-99; W. Eder, "Augustus and the Power of Tradition: The Augustan Principate as Binding Link between Republic and
complex issues, it is easy to be won over by Syme's confident and eloquent rejection of the idea that the work anticipated the Augustan settlement, especially since Syme, as always, gives us the impression of hearty common sense.33 "The Augustan system" he asserts "took its origin from facts, not from books; its authors were politicians, diplomats and generals, not theorists."34

Yet it would be rash to quickly dismiss ideas of Ciceronian influence on the structure of the Principate. Given the loss of most of the treatise and the ambiguities in the remainder, can we simply dismiss Cicero's political doctrine as "vague and innocuous" as Syme does?35 The idea of that most practical and hard-headed of politicians, Augustus, sitting down and planning his new dispensation in rigorous accordance to Cicero's precepts naturally provokes incredulity. Yet there is no need to posit such a crude scenario. Even if Cicero's conception of the ideal statesman was unrelated to contemporary politics at the time of writing, even if this conception was left vague and ambiguous, as was its relationship to the term *princeps*, we must at least envisage the possibility that the new ruler of Rome may have taken on board some of the vocabulary and ideas used in the treatise. That they may have been applied in a way that would have both surprised and appalled Cicero is neither here nor there.36

Yet one thing seems clear. Even if Augustus had gained important inspiration for his regime from Cicero's evocation of the Republic and his concept of the ideal statesman, there is next to no likelihood that Cicero gained any credit for the result. One of Augustus' dearest wishes, as Syme notes, was his desire to be known as *optimi status auctor* (Suet.

36 Typically, Syme with his poor opinion of both Cicero's character and the profundity of his ideology suggests that Cicero would have found himself quite at home under Augustus' Principate; *RR*, 320-321. Cicero's despair, as evidenced by his letters, when operating at the behest of the first Triumvirate, and under the relatively benevolent despotism of Caesar might suggest otherwise. Interesting in this perspective are the remarks of Lothar Wickert (*RE* "Princeps," Bd 22 (2) (1954), 2227-9,) who while noting the gulf that lay between Ciceronian theory and Augustan reality, and the predominant role of practical politics, dismisses Augustus' boast of originality as "unwürdige Lobhudelei...die weder dem Geber noch dem Empfänger Ehre mache".
Aug. 28. 2): no room here to acknowledge the role, if he indeed had any, of Cicero, or anyone else for that matter. The effect of any such use of Cicero's treatise on his image would thus have been negligible. One could presume, of course, that some contemporaries may have independently noted a connection; but of this we have absolutely no corroborating evidence.

Interestingly enough, however, Augustus' preceding remarks here - *ita mihi salvam ac sospitem rem publicam sistere in sua sede liceat* - are, as Syme notes (AA, 442), "Ciceronian, to be sure" (Phil. 5. 30: in reference to the legitimization of Octavian's command). Syme may have taken his cue here from Oltramare (85-86), who notes further reminiscence from the passage quoted in Suetonius to Rep. 2. 66 & 3. 7. Oltramare was keen to make a strong linkage between Ciceronian influence on the Augustan Principate and a public celebration of Cicero's memory, citing the Marcus' consulship of 30 BC and the Senecan declaimers as proof. Yet given the evidence from the Augustan Memoirs and other sources, it must be considered unlikely that Augustus publicly acknowledged any Ciceronian inspiration for his "Settlement".
c) Cicero and the Augustan Poets.

Strictly speaking, of course, much of the poetry we term "Augustan" lies outside the chronological parameters of the period between 27 BC and AD 14. Yet, given the nature of our particular interest and our evidence, it is appropriate to consider the question of these poets' responses to the image of Cicero at this juncture. Not one of the five most famous "Augustan" poets - Virgil, Horace, Ovid, Propertius, and Tibullus - mentions Cicero by name in his poems. This somewhat startling fact, as we have already noted, has constituted a major foundation for the view that Augustus was unremittingly hostile to the memory of Cicero, and, moreover, imposed this attitude on his subjects.38 Not that "silence" has been the only basis for the theory of the hostility of the poets towards Cicero. Additional ammunition for this argument has been discovered from the poetry of Virgil in alleged hidden references to Cicero in the Aeneid.

However, on closer inspection the snug coherence of this poetic "common front" and its imperial origin begins to fall apart. Other evidence clearly illustrates that poets of this period did refer to Cicero, and what is more, in highly laudatory tones. It also soon becomes apparent that factors other than imperial displeasure were probably involved in the reponse, or should one say lack of response. Moreover, the theory that the opinions of each of these five poets simply reflects the will of the princeps, is based on the somewhat dubious assumption that they would have strictly obeyed any imperial diktat concerning the contents and tone of their work. This is hardly to say that the depiction or non-depiction of Cicero by the poets may not, in some way, reflect a certain hostility towards the memory of Cicero, or that the attitude of the first princeps may not have had a bearing in this; merely, that the matter is a complex and difficult one, which is by no means as self-evident as has often been assumed.

38 See the remarks of Fuhrmann (n. 5). Carcopino (vol. 1, 16) states: "The poets of his (Augustus') time were sure of pleasing him provided their verses omitted all reference to Cicero." Ferguson ("Some Ancient Judgments on Cicero," 13), after stating that Cicero was persona non grata at the Imperial Court, says: "So the poets who write in support of the imperial régime generally ignore Cicero."
Poetic References to Cicero in the Augustan Age.

Despite the oft-repeated claim of poetic "silence" during the reign of Augustus, Cicero is mentioned a number of times in the surviving literature. We have already noted the reference (possibly Triumviral) of the Ciceronian freedman, Tullius Laurea. Seneca the Elder preserves two others, both of which display a wholly laudatory conception of the dead orator. The Corduban poet, Sextilius Ena, reciting at the house of Messalla Corvinus, began by proclaiming (Suas. 6. 27): *deflendus Cicero est Latiaeque silentia linguae*. The line prompted an offended Asinius Pollio to walk out, telling Corvinus: *Messalla, tu quid tibi liberum sit in domo tua videris; ego istum auditurus non sum, cui mutus videor*. Asinius Pollio may have been outraged by Ena's imputation that Latin eloquence died with Cicero, yet as we are told by Seneca, the audience as a whole received the line *non sine assensu*. Seneca (Suas. 6. 27) also notes that it inspired an even better line by the poet Cornelius Severus, who was present at Ena's recital. Indeed, Seneca (Suas. 6. 26) quotes in full Cornelius' treatment of the death of Cicero, to which he gives the prize as the most eloquent of all the literary efforts on this theme:

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oraque magnanimum spirantia paene virorum
in rostris iacuere suis; sed enim absulit omnis,
tamquam sola foret, rapti Ciceronis imago.
tunc redeunt animis ingentia consulis acta
iurataeque manus deprensaque foedera noxae
patriciumque nefas extinctum: poena Cethegi
diectusque redit votis Catilina nefandis.
quid favor aut coetus, pleni quid honoribus anni
profuerant? sacris exculta quid artibus aetas?
absulit una dies aevi decus, ictaque luctu
conticuit Latiae tristis facundia linguae.
unica sollicitis quondam tutela salusque,
egregium semper patriae caput, ille senatus
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39 Chapter 1, pp 54f. The Augustan poet, Domitius Marsus, as we have already seen (Chapter 1, p 35), mentions Cicero in his treatise *De Urbanitate* (Quint. Inst. 6. 3. 102-111). Gambet (Cicero's Reputation., 93, n. 112) suggests (on the authority of Teuffel) that the work may have been poetic. However, it is generally assumed (Courtney, FLP, 300) that it was a prose work.

40 On Cornelius Severus, see Skutsch, RE. "Cornelius (369)," 1509-10; Courtney, FLP, 320-8.
vindex, ille fori, legum ritusque togaeque,
publica vox saevis aeternum obmutuit armis.
informes voltus sparsamque cruore nefando
canitiem sacrasque manus operumque ministras
tantorum pedibus cives proiecta superbis
proculcavit ovans nec lubrica fata deosque
resptex. nullo luet hoc Antonius aeo.
hoc nec in Emathio mitis victoria Perse
nec te, dire Syphax, non fecit <in> hoste Philippo;
inque triumphato ludibria cuncta Iugurtha
afuerunt, nostraeque cadens ferus Hannibal irae
membra tamen Stygias tulit inviolata sub umbras.

(The heads of great-hearted men, still almost
breathing,
Lay on the rostra that were theirs: but all were swept away
By the sight of the ravaged Cicero, as though he
lay alone.
Then they recalled the great deeds of his consul-
ship,
The conspiracy, the wicked plot he uncovered,
The aristocrat's crime he smothered; they recalled
Cethegus' punishment, Catiline cast down from his
impious hopes.
What availed his popularity with the mob,41 his years
Full of honour, his life adorned by the sacred arts?
One day took away the glory of an age, and struck
by grief
The eloquence of the Latin tongue grew dumb with
sadness.
Once the sole guard and saviour of the distressed,
Always the glorious leader of his country, champion
Of the senate, bar, laws, ritual, civil life,
Voice of the public - now silenced for ever by cruel
arms.
The defaced countenance, white hairs horribly

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41 Winterbottom's translation here could, arguably, give the wrong impression. Better,
perhaps, Edward's version: "What had availed the favouring throngs...?"
sprinkled
With blood, the sacred hands, that served such
great works,
His countryman threw down and trampled with
haughty feet,
In triumph, not thinking of fate's slipperiness
Or the gods. Antony will never pay in full for this.
Victory was kind, and never did such a thing
To Emathian Perses, dire Syphax or our enemy Philip.
When Jugurtha was led in triumph, there was
No mockery, and when fierce Hannibal fell to our
wrath
He took unharmed limbs down to the shades of
Styx.

Fulsome praise indeed; such that Cicero himself, who during his
lifetime had sought in vain for a suitable poetic talent to sing his praises,
conceivably may have been well satisfied with. Nor was Severus an
inconsiderable poet. Quintilian states (Inst. 10. 1. 89): *Cornelius autem
Severus, etiam si sit versificator quam poeta melior, si tamen, ut est
dictum, ad exemplar primi libri bellum Siculum perscripsisset,
vindicaret sibi iure secundum locum.* Indeed, in general, Quintilian's
overview of Roman literature in Book 10 of the *Institutio Oratoria*
serves as a useful reminder, if one was needed, that our pentad of
"great" poets may owe something to the vagaries of textual survival, as
well as to perceived literary merit.

Moreover, the references we possess to Severus' works may suggest that
his praise of Cicero coexisted with praise of the new ruler of Rome. There is Quintilian's reference to his *Bellum Siculum,* presumably a
work on the war against Sextus Pompeius of 38-36 BC. Ovid (*Pont.* 4. 16.
9; cf. 4. 2. 1) speaks of a *Carmen Regale,* probably a work on the early
Kings of Rome; a topic which could have carried favourable allusions to
Rome's latest "second founder". Most tantalizingly, there is the
possibility that it was Severus who was responsible for the so-called
Carmen de bello Aegyptiaco or Actiaco, which paints Octavian as the champion of Italy.42

Commenting on the anecdote regarding Sextilius Ena, Gambet writes: "it would appear that it was fashionable not only to recite on Cicero in the poetic circles of Augustus' time, but to do so in laudatory tones."43 The laudations of Cornelius Severus, inspired so Seneca tells us by Ena's remarks, would tend to strengthen such a conclusion. Yet it is wise to be cautious here. Ena's recitation, at which Severus was present, was held at the house of Marcus Valerius Messalla Corvinus, a man who played an important, yet complex, role in Augustan politics and culture. Lieutenant to Cassius at Philippi, whose memory he continued to openly venerate, and later displaying a fine military (and propagandistic) record in the service of Octavian after leaving Antony, Messalla seems to have continued to occupy a somewhat ambiguous position in relation to the New Order, even if his fundamental loyalty is unquestionable.44

42 There is considerable difficulty in assessing the relationship between, and consequently the dating of, the three poems whose titles we have from the ancient sources: the Bellum Siculum mentioned by Quintilian, the Carmen Regale mentioned by Ovid, and a Res Romanae mentioned by Valerius Probus (Keil, Gramm. Lat. 4. 208). Because of the ambiguity of Quintilian's comments, it has been suggested that the Bellum Siculum may have been part of a larger work such as the Res Romanae, and furthermore, that all three titles could refer to one work. This would seem unlikely. As Courtney (FLP, 320) notes: "If he wrote a large chronicle of the whole of Roman history, we should have to suppose that by the time of Ovid's references he had covered only the regal period, and we still could not explain why Quintilian should single out the part dealing with the Sicilian war." He goes on to argue: "The natural interpretation of Quintilian's words is that the Bellum Siculum was an independent poem of which bk. I was either the only part completed or the only part of good quality. I agree with those who think that we must postulate at least two poems, carmen regale + Res Romanae, and Bellum Siculum. " He suggests that the Cicero fragment would fit into the former, while a fragment (Sen. Ep. 79. 6) dealing with the eruption of Etna, into the latter, since Appian (B Civ. 5. 117) recounts such an eruption in 36 BC. Courtney also notes that Severus' words on Cicero, conticuit Latiae tristis facundia linguae, appear "to imitate, and therefore postdate" Ov. Pont. 1. 2. 67 & 2. 3. 75 of AD 13. But surely it was the other way round. Seneca the Elder tells us that it was Ena who inspired Severus' words, and Ena's recitation would appear to pre-date Ovid's poem by some considerable time. Messalla Corvinus, at whose house Ena recited, was probably (if Syme's revised dating ["Livy and Augustus," 40-41] is correct, as other evidence from Ovid seems to indicate) long dead by this time; while Asinius Pollio certainly was. Harsh (100-1) dates both the fragment of Cornelius Severus and thus by necessity, that of Sextilius Ena to the thirties BC. However, this is based solely on the assumption that the passage stems from contemporary work on the Sicilian war. For the possibility that the Carmen de bello Aegyptiaco or Actiaco is part of the Res Romanae, see Courtney, FLP, 334.


44 On Messalla's career see: Rudolf Hanslik's article in RE ("Valerius [261]," Bd 8A (1) (1955), 131-157); Gordon Williams, Change and Decline: Roman Literature in the Early Empire (Berkeley, 1978), 65-70; Syme, HO & AA, passim (esp. ch. XV in the latter work, 200-16). For Messalla's loyalty to the memory of Cassius (and Brutus too, it would
It would be a misconception to see in the circle of poets that gathered around him a wholly separate and insular group. The poetry of Ovid, whose past patronage by Messalla is attested throughout the *Tristia* and *Epistulae ex Ponto*, clearly illustrates the extent to which that patronage could coexist with acknowledgement of the ruler of Rome. An even graver error would be to perceive in this "circle" an ideologically-charged hotbed of disaffection. Nevertheless, it is the case that the works of those poets linked to Messalla do at times exhibit a certain distance from what we would consider the Augustan ideal. Arguably, given that Severus' poem on the Sicilian war could just as easily have been written in praise of Messalla's generalship as that of Octavian, his poetry may indeed reflect the interests and attitudes of this grouping, which if not an isolated Republican *demi-monde*, may have cultivated ideological attitudes of a somewhat heterodox nature.

Another poetic reference to Cicero is to be found in Marcus Manilius' didactic poem, the *Astronomica*. Manilius, hypothesizing on the seem), see Tac. *Ann.* 4. 34 and Plut. *Brut.* 53. Notable in Messalla's displays of independence is his resignation from the post of Urban Prefect in 26 BC after only a few days in office. Jerome's suggestion (*Chron.*, Helm, p 164) that Messalla resigned *in civilem potestatem esse contestans* is, it has been suggested, contradicted by Tacitus' remark (*Ann.* 6. 11. 3) that Messalla resigned the office *quasi nescius exercendi*. Williams (66-67), who also notes the possible relevance here of Sen. *Apocol.* 10 - where Augustus quotes Messalla in saying *pudet imperii* - argues convincingly that Tacitus' remarks, when read with the requisite ironic undertone, are reconciliable with those of Jerome. Such displays of independence are, arguably, more than counterbalanced by evidence of Messalla's attachment to the new regime, most notably (Suet. *Aug.* 58), his position as spokesman of the senate in 2 BC, in conferring on Augustus the title of *pater patriae*. However, it has been suggested (Williams, 69-70) that it was precisely because of Messalla's ambiguous position that he was selected for this task. Syme, perhaps sensing in Messalla a plausible rival to the position he claimed for Pollio as the "Republican" conscience of the new order, evinces (e.g. *AA*, 214-6, 444) deep scepticism as to his "airs" of independence.

45 As Ceri Davies ("Poetry in the 'Circle' of Messalla," *G & R* 20 (1973), 25-35, at 33) remarks: "It would be a mistake to regard the Messalla poets as working in an isolated coterie, or to suppose that they aimed at nothing other than the writing of poetry as a leisurely pastime. Messalla and his friends were the friends of Virgil and Horace, and the poetry of Tibullus (like Ovid's) transcends mere dilettantism."

46 As Douglas Little ("Politics in Augustan Poetry," *ANRW* 2. 30. 1 (1982), 254-370, at 316) remarks, concerning the poetry of Tibullus and the *Corpus Tibullianum*, and its lack of acknowledgment of Augustus: "It is a picture, I think, of studied reserve - perhaps in patron, more clearly in poet. We should not make too much of it. There are no laments for the lost republic in Tibullus - just a reluctance to make a hero, let alone a god, out of the leader of the faction which won the civil war."

47 For the little we know about Manilius, see G. P. Goold's introduction to his Loeb edition (Cam. Mass. and London, 1977), xi-xv. The work was composed both under the reigns of Augustus and Tiberius. The first book of this work, in which Cicero is
nature of the lacteus orbis, wonders (1. 758-761) whether it be the dwelling place of the souls of Greek and Roman heroes, whom he proceeds (1. 762-808) to enumerate. Included is Cicero, who Manilius describes (1. 794-5) thus: et censu Tullius oris emeritus fasces. 48

Manilius' list of Roman heroes who reside together in heaven is interesting from a number of perspectives. The list includes only a few figures from recent history: Pompey, Cato the Younger, Julius Caesar, Agrippa and Augustus; historically an odd set of bedfellows, and further proof of the strange dialectic that fashioned the Augustan view of the recent Republican past. Furthermore, those mentioned are, apart from Cicero, all warriors. 49 This gives us the distinct impression, especially when one considers that the list of Greek heroes includes Plato and Socrates, as Gambet argues, that "Manilius' testimonium in this instance is tantamount to an identification of Cicero as the supreme exemplar of Roman eloquence." 50 Moreover, as with Cornelius Severus, one feels that Manilius' reference would have pleased Cicero himself, especially as the whole passage seems to strongly recall Cicero's De re publica. 51

(ii) Virgil's Aeneid: Cicero/Drances and the Incestuous father.

The other alleged set of references to Cicero in Augustan poetry are not, however, of a laudatory nature. The identification of Cicero with the orator Drances in Virgil's Aeneid has a venerable provenance; as does, and to an even greater extent, his identification with an incestuous father viewed by Aeneas in the Underworld. These associations have often been given short shrift by scholars, many of whom have been loath to read spiteful political allegory into what they consider a complex and profound literary masterpiece. However, as we shall see, such hasty

48 Goold's reading of fasces - found in both his Loeb and Teubner (Leipzig, 1985) texts is based on an eighteenth century emendation by Bentley. The manuscripts generally have caelum or caelos. Houseman's famous edition keeps caelum.
49 Cato the Younger, who may seem another exception here, is rather strangely paired with Agrippa in a military context: et Cato fortunae victor, fictorque sub armis miles Agrippa suae.
50 Gambet, Cicero's Reputation., 95.
51 Goold (xiii) says of Manilius: "The early books of Livy he seems to have read, as also Cicero's Somnium Scipionis, and the great orator's Verrines have also inspired a curious borrowing at 5. 620."
dismissals are dangerous, as the arguments in favour of such identification are not entirely implausible. Yet, as we shall also see, the significance of such associations, if accepted, with respect to the Virgilian attitude towards Cicero and its possible origins are by no means clear.

The suggestion that Virgil modelled the orator Drances, bitter enemy of Turnus, on the image of Cicero, is a long standing and heavily debated one. There is no extant ancient authority which explicitly makes this connection. However, modern debate began as early as the sixteenth century. In this century, the argument gained renewed vigour with the contributions of Zielinski and Olivier, who both argued for the connection. Zielinski cited it as a plausible exploitation of the hostile Cicerokarikatur, which developed during the Augustan period under the influence of Asinius Pollio and like-minded litterateurs. Olivier, who also argued for the link between the incestuous father of Book 6 and Cicero, went even further, concluding that "Virgile détestait Cicéron", and suggesting a political basis for this. Predictably, the idea was accepted by Carcopino with alacrity. However, others have rejected the linkage. Lavery is cautious, stating: "In short, the Drances question will probably never be solved; all one can say is that the probative arguments to support it have not been forthcoming." Gambet is more assured: "that this interpretation" he says "has now been virtually abandoned is best proved by the absence of articles on it in

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53 Highet (141-2) notes Macrobius’ remark (Sat. 6. 2. 33) that the words, *o fama ingens, ingentior armis,* spoken by Drances to Aeneas (Aen. 11. 124) are adapted from an epigram in Cicero’s lost Cato. However, as Highet notes, the epigram as quoted by Macrobius is "not very close" to this.

54 By Turnebus in his *Adversaria* (1563). It was also raised by Father La Cerda in his commentary on the *Aeneid* (1617), and William Beare in *Turnus and Drances* (1750). McDermott ("Drances/Cicero," 34) argues that the idea "was surely current as soon as the epic was published after Virgil’s death". However, there is no proof of this. Gambet (*Cicero’s Reputation,* 273), thinks it of great significance that Servius, "who...has a marked penchant for seeking historical allegories in Virgil" does not mention it.

55 Zielinski, 11-12, 279-80; Frank Olivier, "Virgile et Cicéron," in *Deux Études sur Virgile* (Lausanne, 1930), 199-213.

56 Zielinski (11-2) states: "Dort war es Vergil, der in seinem Redner Drances die erste künstlerische Verkörperung jener Karikatur gab; so schonend er auch den Pinsel führte, so wird doch kein Kundler verkennen, daß er seine Striche sämtlich dem Bildnis entnahm, das er im Haus des Pollio oft genug studieren konnte."

57 Olivier, 211.

58 Carcopino, vol. 1, 16, n.7.

59 Lavery, 33.
the past two decades."\textsuperscript{60} His confidence was misplaced; McDermott, for one, has since enthusiastically supported the theory.\textsuperscript{61}

What exactly is the evidence? Drances makes an appearance several times in Book 11 of the \textit{Aeneid}, and also is mentioned once in Book 12.\textsuperscript{62} The most complete description of him is to be found at \textit{Aen.} 11. 336-342:

\begin{quote}
\textit{Tum Drances idem infensus, quem gloria Turni obliqua invidia stimulisque agitabat amaris, largus opum et lingua melior, sed frigida bello dextera, consiliis habitus non futtilus auctor, seditione potens (genus huic materna superbum nobilitas dabat, incertum de patre ferebat), surgit et his onerat dictis atque aggerat iras...}
\end{quote}

(Then Drances rose, belligerent as before.
The fame of Turnus galled him, made him smart
With envy unconfessed, this wealthy man,
A lavish spender and an orator
But a cold hand in battle; held to be
No empty counselor; a strong party man.
His mother's nobility made him arrogant,
Though he had no certain father. Now he spoke
To add to and to aggravate their anger...)

[Fitzgerald]

At first glance, there seem to be a number of problems with the linking of this character with that of Cicero. Yet as Zielinski argues, if one makes the point of identification the hostile caricatural tradition, as represented in such works as the Pseudo-Sallustian \textit{Invectiva} and the speech of Calenus in Book 46 of Dio, many of these problems largely evaporate. The reference to Drances' parentage, for instance, shows striking parallels with Plutarch's biography of Cicero, where (Plut. Cic. 1.

\textsuperscript{60} Gambet, \textit{Cicero's Reputation.}, 273.
\textsuperscript{61} Highet seems open to the suggestion that Virgil was hostile to Cicero, but reaches no conclusion on the identification of Drances and Cicero. Jasper Griffin (\textit{Latin Poets and Roman Life} [London, 1985], 201, n. 21) rejects the identification, but does not argue it.
1-2) it is noted that Cicero's mother Helvia was both born nobly and lived a noble life, but that the identity of his father was uncertain, some saying that he was born and bred in a fuller's shop, while others asserted his descent from the legendary king of the Volscians, Tullus Attius. Significantly, the speech of Calenus in Dio (46. 4-5) also reproduces the libel that Cicero's father was a fuller. The reference to largus opum may also seem to jar, given the evidence in Cicero's correspondence of his constant money worries. Both Zielinski and McDermott argue that the charges of greed and ill-gotten gain made against Cicero in both the Invectiva (Inv. 4) and Calenus' speech (Dio, 46. 4. 1) easily explain the reference. To be sure, largitio need not necessarily connote avaritio. Yet we should not forget that Cicero's fiscal problems often went together with lavish spending, as his letters make clear, and as Carcopino has been at pains to emphasize. Drances' jealousy of the warrior Turnus recalls, for Zielinski, Cicero's attitude towards Pompey; for McDermott, that towards Antony. The phrase seditione patens clearly recalls, once again, the charges of Calenus (46. 2. 1), while the description of Drances as et lingua melior, sed frigida bello dextera and consiliis habitus non futtilis auctor obviously fit the bill as far as Cicero is concerned.

In other passages too, the character of Drances seems to recall Cicero. Zielinski argues that the description of Drances as saevus (Aen. 11. 220) may have reference to Cicero's crudelitas in the Invectiva (Inv. 4). McDermott notes that Turnus' reference (Aen. 11. 378) to the copia fandi of Drances may recall the copia of Cicero's style, which had become such a debating point in the Atticist/Asianist controversy of the forties. Even more striking is Turnus' ironical question to Drances (Aen. 11. 389), an tibi Mavors ventosa in lingua pedibusque fugacibus

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63 It is somewhat surprising how little we know about Cicero's antecedents. Cicero's mother, Helvia, only once mentioned (fam. 16. 26. 2, and that by Quintus) in the surviving works of her son, was very probably of senatorial family. Her brother-in-law, G. Visellius Aculeo, was also an intimate friend of Crassus the orator (Or. 1. 191 & 2. 2). However, the relationship via Cicero's paternal grandmother to the Gratidii (Or. 2. 2; Leg. 3. 36; Brut. 168), was just as, if not more, important; leading as it did to links with Marius, Marcus Antonius, and the Mucii Scaevolae. Both David Stockton (Cicero., 3) and Fuhrmann (5), while noting the respectability of the family by the time of Cicero's grandfather (as suggested by that man's important role in the microcosmic political struggles of Arpinum in the late second century: Leg. 3. 36), suggest that the tradition of the fuller's shop may have some basis in reality, if only in a partial interest in such a concern.

64 Carcopino, vol. 1, 43-88.
This seems to match very closely the wording of the *Invectiva*, with its references (*Inv. 5*) to *lingua vana* and *pedes fugaces* of Cicero. Moreover, McDermott notes in the Drances-Turnus rivalry other passages which seem to recall, in more general ways, the confrontation between Cicero and Antony.

The other notable instance of an alleged hidden reference to Cicero concerns Aeneas' visit to the Underworld in Book 6, where the Sibyl tells him of those being punished in Tartarus. Among those being punished, she describes (*Aen. 6. 622-3*) the following evildoers:

\[\text{vendidit hie aura patriam dominumque potentem} \\
\text{imposuit, fixit leges pretio atque refixit;} \\
\text{hie thalamum invasit natae vetitosque hymenaeos;} \\
\text{ausi omnes immane nefas ausoque potiti.}\]

(Here's one who sold his country, 
Foisted a tyrant on her, set up laws 
Or nullified them for a price; another 
Entered his daughter's room to take a bride 
Forbidden him. All these dared monstrous wrong 
And took what they dared try for.)

Servius in his commentary on the *Aeneid* tells us that Donatus identified the father as Cicero. Given the vagueness of the reference, and the penchant of later grammarians to wring every last drop of "historical" resonance out of the poetry they analysed, we might wish to dismiss this quickly as unworthy of consideration. Yet the evidence

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65 Németh (see Chapter 1, n. 17) also notes the use of the latter phrase in Ovid (*Fast.* 3. 271).
concerning the Cicero/Drances linkage, and the echoes there of Cicero's conflict with Antony, should give us pause. The charge that Cicero had committed incest with his daughter Tullia was a recurrent one in the hostile invectival tradition.\(^6\) The first clause here seems to strongly recall the conduct of Antony, as depicted by Cicero in the second *Philippic*, and it is noteworthy that Servius also suggests this.\(^6\) As Hightet notes, despite a reluctance to accept a suggestion he regards as "repulsive", the sin of incest "seems a weak conclusion to the long list of crimes punished by eternal damnation, a list which begins with the storming of heaven by the Titans and the blasphemy of a king against Jupiter - weak, unless it has some particular application which would give it more weight."\(^7\)

In addition, other material in the *Aeneid* may also be read as displaying hostility to the memory of Cicero. Virgil's reference (*Aen. * 8. 666-70) to the depiction on the shield of Aeneas of Catiline in Hell, juxtaposes him, not with Cicero, but with Cato, who administers law among the just.\(^7\) The very mention of Catiline may be seen by some as a tribute to Cicero.\(^7\) Yet the reference to Cato could be considered something of a slight to Cicero's memory here.\(^7\) Another striking passage is to be found in the remarks of Anchises (*Aen. * 6. 847-53) as to the destiny of the Romans, concerning the status of Roman oratory:

\(^{68}\)[Sall.] *Inv.* 2; Dio 46. 18. 6.

\(^{69}\) Serv. *Aen.* 6. 622 (Thilo, vol. 2, 88): *possimus Antonium accipere secundum Ciceronem in Philippicis ubi ait legesne fixtsh?* For the reference to Antony selling his services to Caesar as quaestor and tribune, see *Phil.* 2. 50-1; for his corrupt legislative activities as consul, see *Phil.* 2. 92-111. Hightet (143) notes that Virgil might be recalling the younger Curio as well here.

\(^{70}\) Hightet, 143-4. R. G. Austin (P. Vergilii Maronis Aeneidos Liber Sextus [Oxford, 1977], 199) suspects as much, but does not mention Cicero at all; proposing instead a possible allusion to Clodius. Oltramare (61-63), criticizing Olivier, sees a reference to Catiline.

\(^{71}\) Servius (*Aen.* 8. 670 [Thilo, vol. 2, 297]) had identified this as the Censor. However, most modern authorities see this as referring to Uticensis. Hightet (283) suggests that *Aen.* 1. 148-153 is a reference to Cato Uticensis as well. Modern scholars also generally agree with Servius in applying the reference at *Aen.* 6. 841 to the Censor. For a brief discussion of the problem of "Cato-delineation" in the Augustan poets, see A. J. Dunston, "Which Cato?," *Classicum* 19. 2 (1993), 20-24. Over-rigid delineation is perhaps inadvisable; given the great-grandson's conscious exploitation of his forbear's renowned *persona* in his own behaviour, there was always the distinct possibility that mention of one would recall the other.

\(^{72}\) Servius' comments (*Aen.* 8. 668 [Thilo, vol. 2, 297]) on the reference to Catiline should be noted: *Hoc quasi in Ciceronis gratiam dictum videtur.*

\(^{73}\) Jasper Griffin (Latin Poets and Roman Life, 201, n. 20) suggests that this may have something to do with Sallust's *Catiline*. 
Caution is required here. Viewed, as here, in its full context, it is clear that Virgil is to some extent indulging in dramatic exaggeration in drawing the Roman "arts" of government into stark contrast with Greek arts of civilization, so as to highlight Rome's predetermined destiny to govern the world.\footnote{Lavery, 36; see also Gambet, Cicero's Reputation., 273-4.} Moreover, no one seems to have noticed that if Virgil's remark is to be read as dismissive of Latin oratory, it can be seen to be just as insulting to such Augustan luminaries as Messalla Corvinus and Virgil's old patron Asinius Pollio. Yet, it is nonetheless true that, as Hightet states, in ceding to the Greeks supremacy in eloquence, Virgil "withholds tribute to Cicero's eloquence."\footnote{Hightet, 142.}

\begin{quote}
(\textit{others will cast more tenderly in bronze}
Their breathing figures, I can well believe,
And bring more lifelike portraits out of marble;
Argue more eloquently, use the pointer
To trace the paths of heaven accurately
And accurately fortell the rising stars.
Roman, remember by your strength to rule
Earth's peoples - for your arts are to be these:
To pacify, to impose the rule of law,
To spare the conquered, battle down the proud.)
\end{quote}
Whilst, in isolation, each of these disparate pieces of evidence may seem insubstantial or tenuous, their sum does tend to lead to the conclusion that echoes of Cicero are to be found in the _Aeneid_, and that these echoes reveal a fundamentally unsympathetic attitude. Yet, as we have noted, the response of many scholars towards this evidence has been distinctly lukewarm. There is, one thinks, an unwritten assumption here, that if Drances and/or the incestuous father are identified with Cicero, then the only possible reason for such a circumstance is that Virgil is indulging in crude allegorizing; and that, moreover, such an indulgence could only reflect the official attitude of the Augustan regime towards the image of Cicero. To the many scholars, who like to see in Virgil something more than a political hack, and who assume his works owe a considerable debt to Ciceronian language and ideas, the theory of an invectival politically-inspired attack against Cicero in the _Aeneid_ is both aesthetically and ideologically implausible.

Yet does the identification of Drances with Cicero necessarily have to be viewed in such inflexible terms? It is one thing to suggest that Virgil has used elements of the hostile characterization of Cicero in the creation of Drances; quite another to say that Drances "is" Cicero. Scholars today generally eschew simple monolinear readings of the _Aeneid_, which rigidly equate Virgil's characters with particular figures from recent Roman history, for a more complex allusiveness, which sees in them a complex variety of shifting and, often combinatory associations and parallels. This is not to say that strong parallels

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76 Servius (Ecl. 6. 11 [Thilo, vol. 3, 66]) relates a story that Cicero, thunderstruck by the brilliance of the young Virgil's poetry, had on meeting him, addressed him as _magnae spes altera Romae_, and that Virgil used this phrase in the _Aeneid_ - in describing Ascanius at _Aen._ 12. 168 - as a tribute to Cicero. The story must be rated highly dubious, considering that Servius seems under the impression that Cicero made the comment after attending a dramatization of the _Eclogues._

77 For instance, W. F. Jackson Knight (Roman Vergil [Harmondsworth, 1966], 400) states: "The basis of Vergil's latin is Ciceronian practice. Indeed, his latin is perhaps fundamentally nearer to the Latin of Cicero's prose and verse than to any other kind of latin known to us." See also on Virgil's stylistic debt to Cicero, Hight, 142. For a highly relevant instance of possible intellectual influence - the _Somnium Scipionis_ and the meeting of Aeneas and Anchises in the Underworld in Book 6 of the _Aeneid_ - see Philip R. Hardie, _Virgil's Aeneid: Cosmos and Imperium_ (Oxford, 1986), 71-76; W. A. Camps, _An Introduction to Virgil's Aeneid_ (Oxford, 1969), 88-90.

78 See Jasper Griffin, _Latin Poets and Roman Life_, (ch. 8), 183-197: "The Creation of Characters in the _Aeneid_."
cannot be traced between these characters and figures of recent history.\textsuperscript{79} While it seems reasonable to suggest that Aeneas may recall Augustus, Dido Cleopatra, or even Turnus Antony, more exact identification is probably dangerous; for in general Virgil's characters do not consistently conform to these historical echoes, and what is more, they recall, just as fluidly, characterisations from Virgil's Greek models.\textsuperscript{80} Drances is, of course, a minor figure in comparison, and Virgil's negative depiction of him is, possibly as a result, more consistent.\textsuperscript{81} Yet even here, his persona and role are both complicated and composite. To be sure, Drances' fulsome praise and support of accommodation with Aeneas does not necessarily lessen the Cicero/Drances identification, given the relationship between Cicero and Octavian in 44-43 BC. Yet his character does contain echoes, however diffuse, of Homer's Thersites, and perhaps Polydamas as well.\textsuperscript{82} Drances cannot simply be categorised as a vehicle for the damnation of Cicero's memory; rather, he is a fully-fledged dramatic creation, whose persona may serve a number of different dramatic and ideological purposes.\textsuperscript{83}

\textsuperscript{79} Thus, Syme (RR, 463): "The poem is not an allegory; but no contemporary could fail to detect in Aeneas a foreshadowing of Augustus." Somewhat similar is Quinn (\textit{Virgil's Aeneid: A Critical Description} [London, 1968], 54): "The ideal contemporary reader would take it for granted that, somehow or other, Aeneas was Augustus." Griffin, commenting (\textit{Latin Poets and Roman Life}, 197) on Syme's words, argues: "There is a relationship, a foreshadowing, but it is not to be reduced to an identity, even a typological one."

\textsuperscript{80} As Griffin (\textit{Latin Poets and Roman Life}, ch. 8, \textit{passim}) notes, figures such as Aeneas and Dido not only recall Augustus and Cleopatra, but a host of figures from Greek myth, whose characterisations are by no means easily assimilable. Thus, as he says (196) by way of example: "Because we have felt for Dido a complex of emotions evoked by Nausicaa and Calypso and Medea and Cleopatra, our response to her destruction must also be complex. The opponent of destiny and the enemy of Rome must yield to the inevitable, and must indeed have brought her ruin on herself, but the beautiful and loving heroine must win our sympathy in her suffering and death. The complex harmony is not to be resolved into its simple elements." See also G. K. Galinsky, "Vergil's Romanitas and his Adaption of Greek Heroes," \textit{ANRW} 31. 2 (1981), 985-1010.

\textsuperscript{81} Quinn (240-1) makes some interesting comments on this: "Drances" he says "is a fascinating personality. Perhaps because his character is so completely un-epic, Virgil allows himself for once a detailed thumbnail sketch more in the style of a prose historian."

\textsuperscript{82} For Virgil's use of Thersites in his creation of Drances, see Higet, 248-251. There are, as Higet enumerates here, numerous differences in characterization; yet as he says (249): "The Drances episode shows how Vergil borrowed from Homer, what he omitted, and what he changed." R. D. Williams (\textit{The Aeneid of Virgil} [2 vols. Basingstoke and London, 1972-3], vol. 2, 204) states: "In some respects Drances reminds us of the sour Thersites in Hom. \textit{Il.} 2. 212f; the content of his speech (but not the manner) is reminiscent of Polydamas' attempt to persuade Hector (\textit{Il.} 18. 249f) to withdraw behind the walls of Troy." Gransden (14) sees Drances as much closer generally to Polydamas.

\textsuperscript{83} It is interesting that K. W. Gransden (\textit{Virgil: Aeneid Book XI} [Cambridge, 1991], 14-15), who sees the notion that Drances was an intentional portrait of Cicero as "very
Furthermore, the assumption that Virgil's attitude towards Cicero, as gleaned from figures such as Drances, simply reflects that of Rome's ruler would seem somewhat precipitate. Not only does it assume a highly debatable view of the influence of Augustus on the poets of his time, but it also ignores other influences which were possibly more important. It is significant, for instance, that one of the most persuasive proponents of the Cicero/Drances link, Zielinski, makes no reference to Augustus. Rather it is the influence of Pollio, one of Virgil's first patrons, that Zielinski thinks the vital factor here.84 Given that the parallels between Cicero and Drances are developed in terms of that caricatural tradition, which Pollio probably played a central role in creating, this would seem highly plausible.

Not that we can afford to be dogmatic here. Pollio's patronage of Virgil had never been exclusive, and had long ago been overshadowed by that of Maecenas and Augustus.85 Moreover, surely we must accept that Virgil, in writing in such a manner, assumed that such an exploitation of negative images of Cicero would not be displeasing to the Princeps. However, even if the interests of Augustus are posited as a factor in this equation, do we necessarily have to assume untrammelled animus? R. D. Williams, for instance, makes the following comments as to the debate of Drances and Turnus:

The tone of the passage is distanced and intellectual; the reader is not emotionally involved in the rights and wrongs of this personal quarrel - indeed Virgil has gone out of his way to avoid involving us in sympathy for either character. Drances, although he is urging the right course, is self-seeking and malicious and if anything inclines our support towards Turnus; but there is enough truth in what he says to alienate us from Turnus too.86

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84 Zielinski, 12-13.
85 The relationship of Pollio and Virgil, as evidenced by Virgil's Eclogues (3, 4, and very possibly 8) was, however, quite strong. On the stories found in the later commentators as to Pollio's patronage see Peter White, Promised Verse, 255-6.
86 R. D. Williams, vol. 2, 404.
Williams does not specifically mention the identification of Drances with Cicero, but his remarks here may suggest that such allusions to Cicero may have had a more sophisticated ideological purpose than the use of the invectival tradition on Cicero initially suggests. As we have already noted, the evidence of Augustus' own treatment of Cicero suggests that his criticism of Cicero confined itself to his behaviour in the period 44-3 BC; that is, where it reflected on his own good character. Perhaps Virgil, in his depiction of the debate of the Italians, was trying, among other things, to allude to something similar: the young Octavian had only done what duty and necessity required; for even the great orator who assisted him against a reckless and cruel opponent had done so for selfish and ignoble reasons.

One may counter that such an interpretation does not take account of the image of the incestuous father. Yet arguably, these allusions are, despite their common source, not dependent on each other in terms of their purpose. Given the subtle allusiveness of Virgil's approach, and we should always bear in mind that no evidence exists that ancient readers identified these parallels, little can be simply assumed as to its purpose and significance. Let us, in these circumstances, turn to a more general analysis of the response, or non-response, of the most famous Augustan poets, to see whether a wider context can help us in clarifying the situation.

(iii) The "Silence" of the Major Augustan Poets.

The belief that Virgil's hostile allusions to Cicero may have something to do with the attitude of Augustus seem to gain added credence from the total lack of references to the orator in the rest of Virgil's poetry, and the poetry of Horace, Propertius, Ovid and Tibullus. It is not difficult to see something rather disturbing, nay sinister, in such a total absence of explicit references. Surely, we are entitled to expect that the greatest orator Rome had ever known, and arguably the formost literary figure of the late Republican period, would at least rate passing mention in the major poets of the succeeding age.

Nor are such feelings wholly assuaged by the explanations of those who have rejected a political explanation for this silence. Gambet, for
instance, confidently asserts that there is "very little reason to posit any anti-Ciceronian bias to account for the lack of testimonia for Cicero in the major poets." The matter can be easily explained, he argues, by "restrictions of subject matter": for most of the poets of the period, "their themes simply afforded them no opportunity to speak of Cicero." This is not totally true, he notes, in relation to Virgil and Horace, and to a lesser extent, Ovid; for these poets "admittedly touched upon a few themes in which mention of Cicero would not have been out of place." However, it is also true, he argues, that "there is no instance in which their subject matter absolutely obliged them to speak of the orator." Jasper Griffin, who notes the praise lavished on Cicero in the rhetorical schools, and the more restrained but positive appreciation of Livy and Augustus, also discounts the hostility of the princeps as an explanation; he argues that the reason for the silence "must rather be the feeling that Cicero was out of fashion, a man of the last generation - always the least interesting of all generations - and to the sophisticated, a bore."

There is no doubt that there is an element of truth in such explanations. Love-elegy, for instance, is hardly a congenial poetic genre for reference to Cicero, and his failure to appear in most of the poetry of Ovid, Propertius and Tibullus is thus not particularly surprising. One neither finds references here to Cato, and only a few to Pompey. Nor does Cicero seem a particularly apt subject for bucolic and rural didactic poetry, as found in Virgil's Eclogues and Georgics. Moreover, Cicero's basic unsuitability as a subject no doubt interacted with generational changes in literary taste, which in turn may have been symptomatic of

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89 Griffin, *Latin Poets and Roman Life*, 201. He goes on to state: "It was much better to talk about Philetas or Euphorion or Pindar: to be familiar with Cicero's work won no credit, while the names of the fashionable Greek poets reflected on those who dropped them the glory of recherché and glamorous knowledge." In a later article ("Horace in the Thirties," in Niall Rudd, ed., *Horace 2000: A Celebration. Essays for the Bimillenium* [London, 1993], 1-22, at 5 & 21), Griffin is rather more equivocal: "Horace never names Cicero; whether because he was betrayed by Octavian and proscribed by the Triumvirs, or because he was *vieux jeu*, part of the last generation and its tastes, Horace leaves it to us to decide." Indeed, he goes on to say that the absence of Cicero from Virgil is "even more striking, but in a different way...Even Pompey, even Cato, could be included in the *Aeneid*: they were opponents of Caesar, not of his heir. Cicero, proscribed by Octavian, is as unmentionable as Brutus and Cassius, the personal antagonists of the princeps."
90 Moreover, half of the references to Pompey in Love elegy (Prop. 2. 32. 11-16; Ov. Ars am. 1. 67-70, 3. 387-8) are to the use of the Theatre he constructed as a place of romantic assignation.
much more profound changes in ideological perceptions of state and society.\textsuperscript{91} It is interesting that despite the vast gulf in attitude between, for instance, Virgil's \textit{Georgics} and Ovid's erotic poetry, they at times display a somewhat strange unity in their repudiation of the life of the Forum which Cicero's career typified.\textsuperscript{92}

However, generalized arguments as to thematic unsuitability and changes in literary fashion can only take us so far. With regard to the former, we have seen that Manilius was not impeded by his subject matter of astrology from inserting a laudatory reference to Cicero. Nor, turning to prose, did the subject of architecture - which prima facie, seems even less congenial to the task of praising Cicero - deter the Augustan Vitruvius from including a brief, but eloquent reference to Cicero's primacy in oratorical studies.\textsuperscript{93} Moreover, to cite a later, but highly relevant case, Columella's farming treatise, \textit{De re rustica}, written in the Neronian age, and partly inspired by Virgil's \textit{Georgics}, manages to introduce and justify his work with a quotation from, and laudatory reference to, Cicero.\textsuperscript{94} Such examples remind us that however intractable the subject matter, the opportunity to praise the most eloquent of Romans was available, if the will was strong enough. As to Cicero's unfashionability, surely we could expect at least a few passing negative references, if only to the badness of the orator's poetry, if this was the only factor at work here.\textsuperscript{95}

\textsuperscript{91} On the generational "divide", see Elaine Fantham, \textit{Roman Literary Culture: From Cicero to Apuleius} (Baltimore and London, 1996), 102-111. While admitting (102) that the analogy may seem "dangerously facile", Fantham notes the similarities between the response of the personal poetry of the love elegists and the counterculture of the sixties and seventies, with their "same kind of resistance to parental and societal pressures and the same endorsement of alternative value systems."


\textsuperscript{93} Vitr. \textit{De arch.} 9. pr. 17: \textit{Item plures post nostram memoriam nascentes cum Lucretio videbuntur velut coram de rerum natura disputare, de arte vero rhetorica cum Cicerone, multi posterorum cum Varrone conferent sermonem de lingua latina...} It is interesting that J. T. Vallance, in his entry on Vitruvius in \textit{OCD} 3, at 1609, suggests of Vitruvius' work that "perhaps its main function was place-seeking from Octavian."

\textsuperscript{94} Columella, \textit{Rust.} 1. pr. 29 (quotation from Cic. Or. 1-2) & 30: \textit{Nec Brutum aut Caelium Pollionemove cum Messala et Calvo deterruere ab eloquentiae studio fulmina illa Ciceronis. Nam neque ipse Cicero territus cesserat tonantibus Demostheni Platonique, nec parens eloquentiae deus ille Maenius vastissimis fluminibus facundiae suae posteritatis studia restinxerat.}

\textsuperscript{95} Cicero's poetry, already the subject of stinging criticism in his own lifetime (Cic. \textit{Pis.} 72-74; \textit{Off.} 1. 77; \textit{Phil.} 2. 20), became something of a standing joke in Imperial times: \textit{[Sall.] Inv. in Cic.} 3. 5 & 7 (cf. \textit{[Cic.] Inv. in Cic.} 7); \textit{Sen. Controv.} 3. pr. 8 (Cassius Severus); Quint. \textit{Inst.} 9. 4. 41 & 11. 1. 24; Plut. Cic. 2. 3; Mart. 2. 89. 3; Tac. \textit{Dial.} 21. 6; Juv. 10. 122; SHA \textit{Gord.} 3. 2; \textit{Schol. Bob.} (Cic. \textit{Sest.} 123), Stangl, 137. To be sure, much of
The poetry of Horace stands as perhaps the best illustration of the inadequacy of these explanations. As Treggiari has shown through a comparison of Horace's poetry with the orator's letters, there were, despite the strong possibility that the two men were personally unacquainted with each other, an interesting set of linkages via a series of mutual friendships; relationships that probably reflected more than the often empty niceties of the social circles in Rome. Moreover, this hypothesis is reinforced by, and in turn, reinforces, the suggestion that Horace was influenced by the works of Cicero, particularly his philosophical works. In terms of the subject matter and literary legacy of Horace's poetry, Cicero's name would thus seem distinctly relevant. Yet no mention is made of him. Moreover, when Horace has the opportunity to mention an exemplar of oratorical excellence, it is to Messalla Corvinus he turns, not Cicero. This silence is even more startling in the context of Horace's treatment of other opponents of the opprobrium tended to focus on those two infamous lines from the Consulatus Suus: *o fortunatem natam me consule Romam, and cedant arma togae, concedat laurea laudi/linguae* (the variant *linguae* possibly being itself the creation of hostile detractors); the criticism of these being as much a result of their vanity as their perceived aesthetic failings (however, see *Laus Pisonis* 35-36). Yet many modern critics have been scarcely more generous: see, Courtney, *FLP*, 149-178; G. B. Townend, "The Poems," in Dorey, ed., *Cicero*, 109-34. For more favourable appraisals, see Walter Allen Jr. "O fortunatem natam...," *TAPA* 87 (1956), 130-46; W. W. Ewbank, ed., *The Poems of Cicero* (London, 1933), 27-39. Brooks Otis (*Virgil: A Study in Civilized Poetry* [Oxford, 1964], 24-40) gives an interesting discussion of Cicero's conservative and politically-charged poetic tastes and practice, his criticism of the *poetae novi* (Cic. *Orat.* 161; cf. Cic. *Tusc.* 3. 45 & *Att.* 7. 2. 1), and the influence the latter had on the style and outlook of Augustan poetry.

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96 Treggiari, "Cicero, Horace, and Mutual Friends: Lamiae and Varrones Murenæa," *passim*. In relation to the two families mentioned in the title, Treggiari suggests that shared political sympathies and places of residence (notably Formiae) were at work here. Treggiari provides (259-261) a list of those "probably" known personally by both men, which includes the famous example of the jurist Trebatius Testa (the addressee of Sat. 2. 1), who is known so well through Cicero's letters (Fam. 7. 5-22), and to whom Cicero dedicated his *Topica*. Despite his friendship with Cicero, Trebatius had, of course, been a longtime adherent of the Caesarian cause, and was by this time a respected adviser to Augustus.

97 See for instance, E. T. Silk, "Notes on Cicero and the Odes of Horace," *YCIS* 13 (1952), 145-158. Silk suggests the influence on the Odes of Cicero's *Tusculan Disputations*, and possibly, *De re publica*. He also notes a possible reminiscence of *De senectute* in the second *Epode*. Jasper Griffin ("Horace in the Thirties," 5-6), notes that a passage in Cicero's *De Officiis* (1. 111), which links criticism of inconsistent behaviour with criticism of the use of Greek words in one's speech, finds a number of parallels in Horace's *Satires*. Yet Allen ("O fortunatem natam...," 141-3) states that evidence of frequent and conspicuous Ciceronian reminiscence in Horace is "slight".

98 Hor. *Ars* P. 369-372. Horace's debt in this work to Cicero's *Orator* has been analysed at length in Mary A. Grant and George Converse Fiske, "Cicero's *Orator* and Horace's *Ars Poetica*, " *Harv. Stud.* 35 (1924), 1-75.
Caesarism. This veteran of the Republican army of Philippi could relate (Sat. 1. 7) an anecdote concerning his former commander Brutus without any noticeable rancour.\(^99\) He could also wonder aloud (Carm. 1. 12. 35) whether he should commemorate next the death of Cato.\(^100\)

The question of the political attitude of the major Augustan poets is, of course, one of the most vexed and interminable in classical scholarship; resembling nothing so much as a tennis match where the points are uniformly going on serve, yet with no recourse to a tie-break. Much debate, for instance, has centred around the issue of the sincerity of the poets in the overt praise they display of their imperial master; a matter which, by its very nature, can be argued ad infinitum.\(^101\) Many scholars, strongly influenced by postmodernist critical theory, have argued that the question is unanswerable and/or irrelevant; suggesting in the process that the whole issue of the politics of Augustan poetry requires fundamental refocusing and redefinition.\(^102\) Other scholars of a less

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100 Note, however, the obelized Teubner text of Shackleton Bailey (Stuttgardt, 1985), who argues that, given the context, the name of a king would make much more sense: he suggests anne Tullifлеbile to replace an Catonis nobile letum. This is criticised by R. O. A. M. Lyne (Horace: Behind the Public Poetry [New Haven & London, 1995], 179-180), who argues that the blatant chronological incongruity of Cato's inclusion here is not extraordinary, and that in any case such incongruity serves the purpose of highlighting Cato. See further, Chapter 3, n. 118.

101 Frederick Ahl ("The Rider and the Horse: Politics and Power in Roman Poetry from Horace to Statius," ANRW 2. 32. 1 [1984], 40-110), one of the foremost proponents of the "anti-Augustan" attitude of the Augustan poets, speaks of "the presumption of sincerity" that operates in analysis of the poets: "a presumption based on a still earlier assumption that we really know the kind of people the poets and emperors were." Arguably, Ahl's analysis is, by his own argument, just as presumptuous in its detection of insincerity and ironical subversion throughout the poetry. See also, his "The Art of Safe Criticism in Greece and Rome," AjPhil. 105 (1984), 174-208.

102 So D. P. Fowler ("Horace and the Aesthetics of Politics," in S. J. Harrison, ed., Homage to Horace: A Bimillenary Celebration [Oxford, 1995], 248-266), who argues (249) that "any concern for 'sincerity' or even 'authenticity' is a blind alley." We must move, he argues (250), "from questions like 'Did Horace or Ovid like Augustus?' to 'What is the relation that we construct between Horatian or Ovidian discourse and that of other contemporary systems?' " C. R. Phillips ("Rethinking Augustan Poetry," Latomus 42 [1983], 780-817) - another proponent of new theoretical tools - while recognizing that classical scholars have moved away from simplistic dichotomies, so that "it can no longer appear simply as a case of loving or leaving the princeps ", suggests that the basic problem lies in the retention of nineteenth century empiricism at the expense of comparative methodologies used by sociology. These, he argues, are able to better define the boundaries of acceptable opinion and behaviour. In its most extreme formulations, of course, such approaches tend to not only deny the importance of authorial intention, but reject the validity of any judgment which attempts to identify a definite ideological
radical hue and wary of explanations which to their mind neglect the "purely" artistic ambitions of the poets have also attempted to put the political question within what they see as a wider context. It has been suggested - in, for instance, analysing the frequent instances of recusatio in response to requests from "above" for direct praise of the princeps - that the poets' response was just as much a product of literary convention, and the technical difficulties in finding a suitable and plausible poetic form for imperial panegyric, as it was a question of their ideological motivation.03

Yet despite such eschewals of enquiry into the attitudes and opinions (ideological and otherwise) of the poets, scholars have persisted, and will no doubt continue to persist, in attempting to elicit them. A thorough survey of the immense volume of literature on this topic is obviously beyond the scope of this present work. Yet a number of trends can perhaps be safely identified. The last few years, for instance, has seen a distinct, though by no means wholesale, movement away from the more extreme assertions of "anti-Augustanism" in the poetic response - especially in relation to Virgil and Horace - which were often fashionable in preceding decades.04 Increasing awareness that the Augustan/anti-Augustan antithesis used in earlier scholarship was a dangerously simplistic one, based on overly restricted frames of tendency to a particular text. Duncan F. Kennedy (" 'Augustan' and 'Anti-Augustan': Reflections on Terms of Reference," in Anton Powell, ed., Roman Poetry and Propaganda in the Age of Augustus [London, 1992], 26-58, at 40-41) argues: "whatever the author's intention or however great his desire, no statement (not even made by Augustus himself) can be categorically 'Augustan' or 'anti-Augustan.'" Representative of his general attitude is his statement (47-48): "history-writing, in attempting to impose closure (a manifestation of the will-to-power), paradoxically denies the historicity of history."

03 See, for instance, Jasper Griffin "Augustus and the Poets: 'Caesar qui cogere posset'," in Fergus Millar & Erich Segal, eds., Caesar Augustus: Seven Aspects (Oxford, 1984), 189-218. See also White, Promised Verse, esp. chs. 3 (64-91) & 5 (110-155).

04 See for instance, Douglas Little, "Politics in Augustan Poetry," ANRW 2. 30. 1 (1982), 254-370. Little reasserts the essential loyalty of Virgil and Horace to the new regime, but argues for the ambivalence of Propertius, the disinterest of Tibullus, and the subversive irreverence of Ovid. See also the contributions in Woodman and West, eds., Poetry and Politics in the Age of Augustus. The editors of this collection note (189) the cynicism produced by the sixties about imperialism, and argue that it produced the following assumption about the Augustan poets: "No good poet can seriously support an illiberal regime; therefore, if an otherwise good poet writes poetry to support such a regime, that poetry must either not mean what he says or be bad poetry." They go on to argue (195), on the basis of the forgoing articles, that such an assumption is made dangerous "by the genuine friendships within the circle of writers and principes viri, by the delicacy with which Maecenas treats his poets, by the recognition that Augustus had restored peace, order and idealism to a society that had lost them, by the significance of the form a poem takes and of the time when it was written."
reference, has led to a consequent narrowing of the field for "oppositional" references. Yet this awareness of the problems of ideological definition has been paralleled by a recognition that the attitude of the poets in question was not only heterogeneous and changeable, but often displays at particular moments a deeper ambivalence and unresolved tension. The complexity and fluidity of the poetic response can, no doubt, be seen as partially reflecting similar traits in the nature of the regime and its self-advertisment, which often allowed the poets to interact positively with the symbols and imagery of the new order, without necessary recourse to direct panegyric. Yet it would be rash to argue that such traits serve as a complete and exclusive explanation for the dissonance that can be detected in the poetic response. For however fluid the boundaries of "Augustan" discourse, it is reasonably clear that some of the poetry under examination does not fit within its parameters, and that at least some of this was clearly considered "unacceptable".

At the very least, any assumption that these five Augustan poets acted as unthinking mouthpieces for the dissemination of the regime's political views would seem dangerous in the extreme. The poetry of Tibullus, for instance, totally ignores not only Cicero, but Augustus as well; here, as with the other poets represented in the Corpus Tibullianum, panegyric is reserved for his patron Messalla Corvinus and his family. The precise nature of the relationship between Ovid's *carmen* and his mysterious *error* as factors leading to his relegation to

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105 So Griffin (*Latin Poets and Roman Life*, 168-9), in relation to the poetry of Virgil, states: "It is not my intention to depict Virgil as 'anti-Augustan'; the term is a crudity. But justified revulsion against its excesses must not conceal the central fact about the Aeneid; that it is a poem of loss, defeat, and pathos, as much as it is of triumphant destiny."

106 See for instance, D. C. Feeney, "Si licet et fas est : Ovid's *Fasti* and the Problem of Free Speech under the Principate," in Powell, ed., *Roman Poetry and Propaganda*, 1-25. Feeney notes (1): "What Augustus 'was' cannot be regarded as a given in any context - not even at any one time, let alone over the fifty-six-and-a-half years in which Caesar's heir occupied centre-stage in Roman life." He also goes on to argue (1-2): "If Augustan ideological programmes in art and architecture were constantly evolving over time, we must also acknowledge that, at any given moment in his career, Augustus was a force which could not be pinned down by description...we observe that the régime was multifaceted in many ideological matters". Yet he also argues that Augustus could and did draw "lines in the sand", even if these frequently shifted and, at any one moment of time, depended on an arbitrary and unpredictable application.

107 Little (312) describes this silence as regards Augustus as "remarkable". Little also notes (314-6) Tibullus' reverence towards the cult of Isis-Osiris, which had become politically suspect in the wake of Actium.
Tomis, will no doubt, long continue to be debated. Yet even if we were to assume that the frivolous amorality of the *ars amatoria* operated purely as a pretext for Ovid's punishment, it must first be admitted that, to serve as a plausible pretext, something in the content or tone of that poem must have offended Augustan norms.\(^\text{108}\) Regardless of whether we read into Ovid's unsuccessful panegyric of Augustus, a conscious subversive intent or a naive thoughtlessness, one would be hard pressed to see in him a man who would at any time, rigorously obey Augustan fiats on desirable and undesirable references.\(^\text{109}\)

Nor can the poetry of those who enjoyed the patronage of Maecenas be simply viewed as uncritical medium for the transmission of the imperial will on specific subjects.\(^\text{110}\) Even if we were inclined to view Propertius' later poetry as containing sincere effusions of Augustan sentiment, this is more than offset by distinct signs, both general and specific, of dissent from such sentiment in his earlier books.\(^\text{111}\)

\(^{108}\) For the *Ars Amatoria* as "mere diversionary camouflage" see Peter Green, "Carmen et Error: πρόφασις and αίτία in the matter of Ovid's exile," *Cl. Ant.* 1.2 (1982), 202-220.

\(^{109}\) See Williams, *Change and Decline*, ch. 2, "Ovid: the Poet and Politics," 52-101. Williams strongly rejects readings of anti-Augustan sentiment and irony into much of Ovid's work. Ovid's problems, he argues, arose from the difficulties created by attempting to accommodate panegyric into a recalcitrant medium. Little (316-349) also stresses the often unintentional nature of the offence caused by Ovid's poetry; "His acceptance of the rule of Augustus", he says (349), "is complete and unreflecting". Yet he argues that, despite this, works such as the *Fasti* and the *Metamorphoses* are, in effect, just as subversive to Augustus' moral programme as the earlier erotic verse. Even the exilic poetry, he argues (347), occasionally sounds notes "strangely like defiance", and more generally contains references that seem "tactless" and "ill-considered". For a somewhat different view, see S. G. Nugent, "*Tristia* 2: Ovid and Augustus," in Raafbaulb and Toher, eds, *Between Republic and Empire*, 239-57. The claim that Ovid "could not help himself" is, he argues, preposterous; given what he sees as the incompetence of the poem in question as a panegyric, Nugent strongly asserts an attitude of defiance and protest on the author's part.

\(^{110}\) It is interesting in this context that Domitius Marsus, who as we have seen, was happy to mention Cicero, was probably patronized by Maecenas (Mart. 7.29.7-8, 8.55.21-4): see on this, White, *Promised Verse.*, 37-38.

\(^{111}\) For the sincerity of Propertius' later "Augustan" poetry, see Francis Cairns, "Propertius and the Battle of Actium (4.6)," in Woodman & West, eds., *Poetry and Politics*, 129-168. Cairns notes (131-2) that "almost everyone" writing about this elegy before him has regarded it as "bad and/or insincere". For a later, and very different interpretation of this poem, see Robert Alan Gruval, *Actium and Augustus: The Politics, and Emotions of Civil War* (Ann Arbor, 1995), 249-278. Little (294-308) also accepts a change in Book 4, but argues strongly that his earlier work, in its powerful individualist rejection of traditional morality and all manifestations of civic duty, constitutes radical disaffection from Augustan policy and self-advertisement. Nor was Propertius' recalcitrance restricted to matters of his general attitude to public life. His *recessatio* to Maecenas' requests for panegyrical epic, for instance, makes (2.26-31) what surely must
work of Horace and Virgil also cannot be simply categorised as court poetry. As Jasper Griffin is fond of reiterating, "We are not in the world of Stalin and the Writer's Union."112 The relationships between on the one hand Augustus, and on the other, the former Republican Horace and that victim of the proscriptions Virgil, were ones that probably involved a slow evolution in terms of intimacy and trust; which may not have ultimately led, even at their zenith, to a complete understanding. Horace, who began his poetic career in a mood of grim despair, as evidenced by the very earliest of his Epodes, seems to have taken a considerable time before directly engaging in political panegyric.113 Moreover, the significance of Horace's unambiguous glorification of Augustus and his family found in later works, such as the Carmen Saeculare and Odes Book 4 - which Eduard Fraenkel saw as the climax of both his poetic genius and his admiration for Augustus - is tempered by the knowledge of Augustus' failure to recruit him as his secretary, Horace's continued failure to write a full-scale Augustan epic, and suggestions in the ancient evidence that an element of compulsion lay behind the composition of these later works.114 And while we may wish to reject extreme interpretations of Virgil's Aeneid, as typified by the arguments of the so-called "Harvard School" - which see in its "other voice" a darkness and pessimism incompatible with total acceptance of the regime -, those ingredients cannot be ignored; nor can the suspicion they and other evidence raise, that however admiring Augustus was of the poem, it was not really what he had initially wished for or expected.115

have been highly impolitic reference to Mutina, the civilia busta of Philippi, the defeats in the Sicilian war, and the ruin of Etruria
113 Though see the contributions of R. G. M. Nisbet ("Horace's Epodes and History," 1-18) and DuQuesnay in Woodman and West, eds., Poetry and Politics, for propaganda in the Epodes and Satires.
115 But see Anton Powell, "The Aeneid and the Embarrassments of Augustus," in Powell, ed., Roman Poetry and Propaganda, 141-174. Powell argues that it is precisely in those
Moreover, whatever we make of the poets' actual attitudes towards the new order it should be borne in mind that much of the poetry under discussion was written well before that period around 20 BC, when many scholars see a distinct change in imperial patronage of the poets, with the princeps beginning to interest himself directly in the actual content of their work.\textsuperscript{116} The idea of an Augustan "literary policy" has been contested even for this latter stage.\textsuperscript{117} If the concept is problematical, it is even more so during the thirties and twenties, where the intermediary role fulfilled by Maecenas - "the smoked glass", as Griffin describes it, between the poets "and the naked glare of the sun of Augustus" - may have acted just as much as a point of diffusion of Augustan wants, as a means of facilitating those wants.\textsuperscript{118}

The major Augustan poets were always rather too motley a crew on which to base a "conspiracy of silence". Indeed, if we were ever to see the political sensitivity of Cicero as the overwhelmingly dominant determining factor in the lack of references, then we would have had to passages which retail the sufferings of Aeneas and the sufferings he inflicts, that the propagandistic nature of the work can be most clearly detected; since it is here, he argues, that Virgil essays a comprehensive defence of actions and attitudes which strongly parallel the early career of Octavian. However, Powell temporizes by suggesting that Aeneas' return from the Underworld through the Gates of Ivory - the purveyor of false dreams to the world above - at the end of Book 6, and possibly the description of Aeneas at the killing of Turnus at the end of Book 12, may have constituted "an insurance policy for technical ambition" if Virgil's prophecy that Augustus' system would constitute a lasting triumph, proved incorrect. For a wholesale rejection of the "anti-Augustan" interpretation of the struggle between Aeneas and Turnus, see H.-P. Stahl, "The Death of Turnus: Augustan Vergil and the Political Revival," in Raablaub and Toher, eds., Between Republic and Empire., 174-211. The suggestion that Virgil may have initially thought in terms of something we may wish to call an Augustei is suggested by G. 3. 10-48. Griffin thinks this was the case, but that Virgil came to see it as aesthetically and ideologically unworkable. He goes on to suggest that Augustus was pleased with the poem, but that it failed to satisfy his growing desire "for straight-forward panegyric"; see Griffin, "Augustus and the Poets," 212-215. For a useful summary of trends in Aeneid scholarship in the last hundred years, see S. J. Harrison, "Some Views of the Aeneid in the Twentieth Century," in S. J. Harrison, ed., Oxford Readings in Vergil's Aeneid (Oxford, 1990), 1-20.

\textsuperscript{116} See, for instance, Griffin, "Augustus and the Poets," 214-5.
\textsuperscript{117} For criticism of the idea of an Augustan "literary policy", see White, Promised Verse., passim. White argues that for much the greater part of his rule, Augustus' relationships with the poets were essentially the same as that of aristocrats of the late Republic; relationships, he argues, that saw very little direction on the part of the patron as to the detailed content or tone of the material written. For a very different view, see G. Williams, "Did Maecenas 'Fall from Favour'? Augustan Literary Patronage," in Raablaub and Toher, eds., Between Republic and Empire., 258-75.
\textsuperscript{118} Griffin, "Augustus and the Poets," 195. Griffin goes on to suggest that Maecenas could "serve as a device enabling the poet to evade tackling full-scale encomium of Augustus."
assume that Cicero's name - among all the opponents of Caesarism - held a consistent and totally unique danger, which forced this heterogeneous group to "toe the line" in a way they did with no other political subject. Yet this would have been completely untenable. The exiled Ovid tells us (Pont. I. 23-7) that even the works of Antony and Brutus were openly available in Rome in the last years of Augustus' reign; a period which has so often been seen as one of increased literary repression. Are we really to believe that Cicero and his works were more dangerous than these? As we have seen, it is clear that Cicero's name was by no means wholly absent from the poetry of the Augustan period. As we shall see, the other evidence we have concerning this period clearly indicates that the name of Cicero was often mentioned in texts of other literary genres, and what is more, constantly echoed around the halls of declamation. It is only by getting away from theories that Cicero name was "banned", or that these poets did not "dare" to mention him that political explanations for this phenomenon become in any way plausible.

iv) Summation.

That Cicero's memory was a politically sensitive one was a moderately obvious fact to anyone who was aware even vaguely of the facts about the final year of his life. To poets such as Virgil and Horace, who had personal access to the Princeps and who were writing some of their most profound work at about the same time as Augustus wrote his Memoirs, that awareness may have received a considerable boost from the words and writings of Augustus. Taking into account the exploitation of the hostile tradition on Cicero's career which can probably be detected in Virgil's Aeneid, there seems to be some basis for believing that the response of these two poets towards Cicero may, at this period at least, not contradict the will of the Princeps. Yet even with regard to this work, one cannot help but feel that the poets' response, like that of Augustus' grandson, was more a matter of anticipation on the part of the writer than decree or suggestion on the part of the ruler.

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119 For the classic statements to this effect, see Syme, RR, 486f, and "Livy and Augustus," 72. For criticism of this view, see K. A. Raaflaub & L. J. Samons II, "Opposition to Augustus," in Raaflaub and Toher, eds., Between Republic and Empire., 417-454, at 439-447. See also, Chapter 3, n. 177.
This is especially the case when one views this response in the context of the Ciceronian references of Sextilius Ena, Cornelius Severus and Marcus Manilius. Not only is Cicero referred to in a favourable manner by all these poets, but it also seems pretty clear, especially given the extravagance of their praise, that none of them felt the slightest inhibition in doing so. It would surely be perverse to suggest that any of these men would have ignored clear signs from Augustus that such praise was unwelcome. Manilius' work, initially dedicated to Augustus, praises him extravagantly, and what is more, does so (1. 799-808) within a few lines of his laudatory reference to Cicero. The limited evidence we have suggests that Cornelius Severus' homage to Cicero may have coexisted with praise of Augustus too. We must therefore be very wary of assuming that there was some official policy against mentioning Cicero positively in poetic works. Any bias against Cicero which existed must have been of a more subtle and restricted nature.

Given the improbability of any policy of flagrantly overt official disapproval, political sensitivity can only be viewed as one contributory factor among many if it is to make any sense. We have already noted contextual and stylistic problems which may have militated against the mention of Cicero in some of the major poets. The identity of the lesser patrons of the period was probably also of vital importance here. There is, as we have seen, a strong possibility that the influence of Asinius Pollio was possibly the most important factor in Virgil's response to Cicero. Unsurprisingly, Pollio turns up again in the work of Horace, as a personage sympathetic to his work. Pollio's friend Messalla Corvinus, whose friendship with all these poets except Propertius is clearly attested, looms large here too. As we have seen, Messalla does not seem to have been hostile to favourable mention of Cicero in his presence. Despite this, however, one would imagine that his status as one of the two most distinguished orators of the Augustan period must

120 Hor. Serm. 1. 10. 42-3 & 85, Carm. 2. 1.
121 See White, Promised Verse., 237, 247, 253-4, & 263 for references.
122 S. J. Aubrey Gwynn (Roman Education from Cicero to Quintilian [Oxford, 1926], 161), citing Quint. Inst. 10. 1. 23, states that both Messalla Corvinus and Asinius Pollio wrote declamatory speeches in defence of Catiline. Yet, not only does this passage (et Pollio et Messala defenderunt eosdem) carry no reference to Catiline, but it is generally agreed (see for instance, Butler and Peterson) that it refers to real cases where the two men co-defended, such as that of Lavinia (cf. Quint. Inst. 9. 2. 34-35; Festus, Lindsay, 490, 36)
have created a considerable temptation for poets of the time to laud him at the expense of an orator who was no longer in a position to confer social and financial advantage. Not that we should privilege these relationships as causal factors either. As with Augustus, the patronage of a Pollio, or a Messala was not exclusive, nor necessarily determinant to the nature of the poetry produced. As White's study has so admirably demonstrated, talk of "patronage" and "poetic circles" often serves to veil the wide and open nature of the social relationships enjoyed by the poets, and the consequent range of influences to which they were exposed.123

In the final analysis, one must conclude that there was a strong element of chance in the poetic response to Cicero: a chance concurrence of a number of disparate causal factors, which together militated against a consistently generous amplification of Cicero's memory. In all probability, one of the factors involved here was the history of relations between Cicero and the young Octavian, and the sensitivity of this history to Augustus' good name. Yet the fact that this sensitivity did not dictate a particular response, but rather influenced the response according to the particular circumstances of each writer, can be seen in the following chapter. For in the response of Augustan declamation, we can clearly see how Augustus' ideological imperatives influenced the portrayal of Cicero, while also seeing that the nature of that response was very different indeed.

123 White, Promised Verse, 3-63. White, noting the relatively high social status and financial independence of the major poets, has doubts (see esp. 30-34) about the efficacy of the term "poetic patronage". He also sees (see esp. 35-40) great difficulties in the use of the "circle" metaphor given the complex interactions between players and the lack of direction or cohesiveness exhibited.

a) Cicero and the Augustan Historians.

Those who have argued for a hostile response to the image of Cicero under the Augustan principate have not, however, relied solely on Plutarch's story concerning Augustus' grandson, or the response of the major Augustan poets. The attitude taken by the historians of the period, it is claimed, are also indicative of the trend. Thus, two questions must be answered. Firstly, is it the case that the writers in question do evince such hostility? Secondly, if this is so, what, if any, role did Augustus play in the display of such attitudes? As will soon become apparent, with the historians Asinius Pollio and Livy, there is considerable disagreement among scholars as to the answer to both questions.

(i) Asinius Pollio (76 BC- AD 4)\(^1\)

It is, of course, somewhat misleading to categorize Asinius Pollio simply as a historian. Like Cicero himself, Pollio's career was one that encompassed a wide spectrum of literary activities - not only the writing of history, but poetry, tragedy, grammatical theory, criticism, declamation, and patronage of writers and the arts generally.\(^2\) This was in addition to his distinguished career as statesman and orator. Yet the present categorization is not merely a matter of convenience. For apart from the question - which we shall deal with presently - of Pollio's place in, and attitude to the Augustan regime, it is Pollio's lost Historiae and

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\(^1\) Tacitus (Dial. 37. 7) tells us that Pollio was twenty-one when he prosecuted C. Porcius Cato in the early summer of 54 BC. Jerome (Chron. Halm, 170) states: Asinius Pollio orator et consularis, qui de Dalmatis triumpharat, LXXX aetatis suae anno in villa Tusculana moritur. This is generally taken to apply to AD 4. Yet Groebe (RE, "Asinius [25]," Bd. 2 (1896), 1589-1602, at 1592) dates his death to AD 5. He was certainly alive in the early months of AD 4 (Sen. Controv. 4. pr. 5). See also, Val. Max. 8. 13. ext. 4; Tac. Dial. 17. 6).

\(^2\) For a summary of Pollio's literary activities see Groebe, RE, "Asinius (25)," 1593-1600; and André, esp. 27-66, 81-122. Apart from his own heavy and wide-ranging literary output, and that which he encouraged or inspired from others, he is notable for having founded the first public library in Rome: Plin. HN 7. 115 & 35. 10; Isid. Etym. 6. 5; Ov. Trist. 3. 1. 71; Suet. Aug. 29. 5. For Pollio's role in the development of recitatio at Rome (Sen. Controv. 4. pr. 2), see Alexander Dalzell, "C. Asinius Pollio and the Early History of Public Recitation at Rome," Hermathena 86 (1955), 20-28; Dalzell argues that Pollio's innovation was restricted to formalizing public recitation through its organization at the library he had founded.
the possible influence this work may have had on the extant source material available to us, which has kept his name at the forefront of late Republican/early Imperial research. Furthermore, in terms of our particular subject, it is Pollio's historical treatment of Cicero that will be our major focus, since it is here that his attitude is most difficult to properly assess.

As we have seen, Asinius Pollio was described by Seneca the Elder (Suas. 6. 14) as *infestissimus famae Ciceronis*. We have already examined one instance of Pollio's hostility to the memory of Cicero - his bitter attack in the speech, *Pro Lamia*, delivered some time early in the Triumviral period. We have also noted the Elder Seneca's anecdote (Suas. 6. 27) concerning Pollio's angry reaction to the line of the Corduban poet, Sextilius Ena: *deflendus Cicero est Latiaeque silentia linguae*. In both instances, the evidence needs to be treated with some caution. Pollio's statements in the *Pro Lamia* would seem to date from the immediate aftermath of Cicero's death; moreover, its motivation and significance is highly problematic. Pollio's irritation with Sextilius Ena would seem, given his remarks to Messalla Corvinus, to be as much, if not more, a defence of his own oratorical *dignitas* as a denigration of Cicero's.

However, the story of Pollio's "walk-out" no doubt needs to be read in the wider context of Pollio's hostility to Cicero's brand of eloquence. Quintilian tells us (Inst. 12. 1. 22) of the attacks on Cicero's oratory by Pollio and his son Asinius Gallus, *quī vitia orationis eīus etiam inimice pluribus locis insecuntur*. To be sure, Pollio seems to have in general exhibited a combative attitude in his literary judgments, having regard for the evidence that exists of criticisms of Sallust, Livy and even Caesar. Yet Quintilian's remarks tend to suggest that Pollio's criticism of Cicero showed much more vehemence than was customary. That

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3 Suet. Gram. 10 & Gell. NA 10. 26. 1 (Sallust); Suet. Caes. 56. 4 (Caesar); Quint. Inst. 1. 5. 56 & 8. 1. 3 (Livy). Pollio's criticisms of Caesar's *Commentarii* clearly concerned their content: notably, a somewhat breezy attitude to historical truth. Many scholars have wished to read into Pollio's charge against Livy of *Patavinitas* an ideological perspective (provincial jingoism, more often than not) instead of, or as well as, a stylistic one: see for instance, Syme, RR, 485-6; "Livy and Augustus," 453; AA, 358; see also, A. H. McDonald, "The Style of Livy," JRS 47 (1957), 155-172, at 171-2. The matter is rendered highly problematic by the fact that Quintilian, although clearly suggesting that it was a matter of vocabulary and idiom, does not seem to be able to identify the basis of the criticism: see Kurt Latte, "Livy's *Patavinitas*, " C Phil. 35 (1940), 56-60, who sees it as a matter of a borrowed Greek cliche which really referred to a general lack of *urbanitas*. See also Leeman, *Orationis Ratio*, vol. 1, 196-7.
Pollio displayed an especial dislike of Cicero's oratory is not very surprising given the stylistic gulf that was widely perceived as separating the two men. The wide disparity between Pollio's terse, abrupt Latin and the flowing rhythmic Ciceronian style was directly contrasted by Seneca the Younger (Ep. 100. 6-7) and Quintilian (Inst. 10. 1. 113); the divergence almost certainly carrying the baggage of the Atticist/Asianist controversy of the forties.4

However, it is somewhat unclear, to what extent Pollio's hostile reflections on Cicero's style - which were presumably to be found in specialist works of literary criticism - included attacks on Cicero's character as well.5 Despite the fact that Quintilian's remarks clearly point to *vitia orationis* as the ostensible target of Asinian criticisms, his further use of the word *inimice* may tend to suggest invectival bile. Yet ancient literary criticism could tend towards hyperbole in its description of stylistic disagreement; Quintilian's depiction of Pollio as *inimicus* may simply be metaphorical, conveying the ferocity of their attack on Ciceronian eloquence. Nor, as we shall see, does the evidence regarding Pollio's son, Gaius Asinius Gallus, necessarily make the matter any clearer.6 We need to be careful here in properly distinguishing between the different literary genres in which Pollio dealt with Cicero. Despite the evidence of Seneca and Quintilian regarding the strength of Pollio's hostility, neither authority gives us sufficient justification for simply assuming that all Pollio's criticism of Cicero comprised vicious character assassination. While other works presumably did do this, the only positive evidence of character-attack by Pollio relates to the *Pro Lamia* speech and the *Historiae*.

It is with Pollio's *Historiae* that the problem of adequately delineating the nature and scope of Pollio's negative judgements is most clearly

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4 See Chapter 4, n. 10. Quintilian's remark concerning Pollio, *(a nitore et iucunditate Ciceronis ita longe abest, ut videri possit saeculo prior)* would one thinks, have been guaranteed to set the volatile Pollio's blood boiling!

5 However, André (94) argues: "Les critiques d'ordre littéraire ne formaient pas un ensemble dans un ouvrage particulier, mais devaient être éparse dans les lettres de Pollion ou avoir été formulées au cours de ses exercices de déclamation.

6 The nature and scope of Gallus' criticisms are, as we shall see (Chapter 4 (d), p 303ff), equally problematic. In addition there is the problem of whether Gallus' criticisms, and those of the *Ciceromastrix* of Larcius Licinus, considerably broadened and/or deepened Pollio's assaults on Cicero's memory.
displayed.7 Seneca the Elder is our main source here and gives us a number of important pieces of information, including the longest fragment of Pollio's work that is extant.8 Pollio, Seneca tells us (Suas. 6. 24), was the only major historian to relate Cicero's death maligne. Given the fact that Seneca contrasts this with Pollio's depiction of the brave death of Gaius Verres, together with Pollio's remarks in his summing up of Cicero's career and what he stated in the published version of his pro Lamia, Seneca's remark here surely indicates that Pollio alleged some display of cowardice on Cicero's part. As to the exact nature of Pollio's allegations, we are somewhat in the dark. Seneca explicitly tells us (Suas. 6. 14-15) that Pollio did not include in his histories his claim in the Pro Lamia that Cicero promised Antony that he would destroy his Philippics and produce pro-Antonian speeches if the latter saved his life.

Let us examine the επιτάφιος, as Seneca terms it, of Pollio (Sen. Suas. 6. 24); one that Seneca says was given invitus, but which constituted a plenum testimonium. Pollio says:

_Huius ergo viri tot tantisque operibus mansuris in omne aevum praedicare de ingenio atque industria supervacuum <est>. Natura autem atque Fortuna pariter obscurt est ei, si quidem facies decora ad senectutem prosperaque permansit valetudo; tum pax diutina cuius instructus erat artibus, contigit; namque ad priscam severitatem iudiciis exactis maxima noxiorum multitudo provenit, quos obstrictos patrocinio incolumes plerosque habebat; iam felicissima_

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7 It is quite possible that Pollio had finished writing his Historiae well before the institution of the Principate. A rough terminus ante quem for the work possibly lies, given Hor. Carm. 2. 1, in the generally accepted publication date for the first three books of Horace's Odes of 23 BC: see R. G. M. Nisbet and Margaret Hubbard, _A Commentary on Horace: Odes Book 1_ ([1970] Reprint with correcs., Oxford, 1975), xxxv-xxxvii. If, as most scholars think (see note 22), that poem refers to the Historiae, then it seems to suggest that at least the preface of Pollio's work was recently published. However, the poem in question may be much older than the second half of the twenties. André (43-44), noting Pollio's use of Sallust's historical helpmate, the freedman Lucius Ateius Philologus (Suet. Gram. 10), argues for 35 BC as a terminus post quem for composition. Nisbet and Hubbard (A Commentary on Horace: Book II [Oxford, 1978], 9-10), who tentatively suggest 34 BC as a date for the Horatian ode, postulate that Pollio may well have begun writing well before he obtained the services of Philologus. Yet they provide no real compelling reason why their initial suggestion of the years immediately following Actium, or perhaps even well into the twenties, is hopelessly implausible.

8 For the fragments of Pollio's Historiae, see Peter, HRR, 2. 67-70.
consulatus ei sors petendi et gerendi magno munere deum, consilio <suo> industriaque. Utinam moderatius secundas res et fortius adversas ferre potuisset! Namque utraeque cum evenerant ei, mutari eas non posse rebatur. Inde sunt invidiae tempestates coortae graves in eum certiorque inimicis adgrediendi fiducia; maiore enim simulatae adpetebat animo quam gerebat. Sed quando mortalium nulli virtus perfecta contigit, qua maior pars vitae atque ingenii stetit, ea iudicandum de homine est. Atque ego ne miserandi quidem exitus eum fuisse iudicarem, nisi ipse tam miseram mortem putasset.

(This man's works, so many and so fine, will last for ever; and there is no need to pronounce on his genius and his industry. Nature and fortune smiled alike on him; for good looks and good health remained with him to old age. Further a long period of peace, in whose arts he was well equipped, came his way. The forms of law were being enforced with antique vigour, and there was a great crop of guilty men, many of whom he defended successfully and so bound to himself. Thanks to the great favour of the Gods and his own wisdom and energy, he was very fortunate in his candidature, and administration of the consulship. Would that he could have shown more temperateness in prosperity, more stoutness in adversity! For when either had befallen him, he could not visualize their ever changing. Hence storm-clouds of hatred gathered heavily over him, giving his enemies the more confidence in their attacks on him - for he displayed more spirit in picking quarrels than in carrying them through. But it has fallen to no mortal to be perfectly virtuous: one must judge of a man in accord with the greater part of his life and character. Indeed, I should not judge him as having even met an end to be pitied, were it not that he thought death so pitiable.)

Winterbottom
Seneca (Suas. 6. 25) goes on to comment:

Adfirmare vobis possum nihil esse in historiis eius hoc quem rettuli loco disertius, ut mihi tunc non laudasse Ciceronem sed certasse cum Cicerone videatur. Nec hoc deterrendi causa dico ne historias eius legere concupiscatis; concupiscite et poenas Ciceroni dabitis.

(I am ready to swear to you that there is nothing in his history more eloquent than the passage I have cited; Pollio, I think, here not merely praises Cicero - he rivals him. I do not say this to deter you from a strong desire to read his history. Desire to do so - and you will make amends to Cicero.)

[Winterbottom]

A number of scholars have interpreted the passage's "grudging" praise as, in fact constituting a conscious and insidious assault on Cicero's memory. Arthur J. Pomeroy, for instance, describes it as a "demolition" of Cicero's character and career. And, to be sure, one can find in the passage much that could lead one to support such a conclusion. The opening sentence, where Pollio speaks of the superfluity of any praise of Cicero's literary efforts does look suspiciously like avoidance, especially as we know of Pollio's heated criticism of Cicero's stylistic "faults". Pollio's emphasis on the role of nature, fortune and the favour of the Gods in his rise to prominence and the glory of his consulship seem, to modern eyes at least, to diminish somewhat the scale of his achievement. His description of Cicero's clients as noxii suggests that Cicero's legal advocacy hindered rather than served the cause of justice; going on to imply how this forcibly bound many to political support. Perhaps echoing the ideas of the Stoic creed, Pollio strongly highlights Cicero's failure to show moderation in victory and fortitude in defeat as his major character flaw, and links it to his failure to pursue quarrels with the same spirit he entered into them. Finally, there is the barbed

10 So Pomeroy, The Appropriate Comment., 144.
11 Leeman (Orationis Ratio., 189-90) suggests that this criticism may carry an allusion to Cicero's own words in the De officiis (1. 90): ut adversus res, sic secundas immoderate ferre levitatis est. Remarks made by the Younger Seneca (Ep. 100. 9) may suggest that
comment - which Pomeroy describes as a "Parthian shot" - regarding Cicero's fear of death, which presumably relates to Pollio's spiteful description of Cicero's death mentioned by Seneca.\textsuperscript{12}

Yet we must not be too hasty here. Given what we already know of Pollio's attitude to Cicero, it is all too easy to jump to the conclusion that this summary of the dead orator's life must have been composed with malicious intent. Regardless of Pollio's real opinion of Cicero, alternative readings do suggest themselves. Pollio may rush over Cicero's literary endeavours, but his \textit{ingenium} and \textit{industria} are noted, as are the magnitude and quality of Cicero's \textit{operes}, which are further described as immortal. Lavery argues that Pollio's emphasis on what we might call Cicero's "good luck" probably did not necessarily carry the same strongly negative force to the Roman reader as may be conveyed to the modern one.\textsuperscript{13} Certainly \textit{Fortuna} and \textit{virtus} could be conceived of as rivals, yet it does not seem to be the case here. Cicero's \textit{fortuna} and \textit{felicissima sors} is balanced by Pollio with Cicero's personal qualities: fortune may have provided him with a long period of peace, but he was well-equipped to pursue the arts of that peace. Not only the \textit{magnum munus} of the Gods, but also Cicero's \textit{consilium} and \textit{industria} are mentioned in his candidature for, and administration of his consulship. Cicero not only admitted but at times boasted of the guilt of many of his

\textsuperscript{12} Leeman (\textit{Orationis Ratio.}, vol. 1, 189-90) similarly describes this remark as \textit{in cauda venenum}.
\textsuperscript{13} Lavery, 72.
clients. Perhaps most importantly, there is Pollio's statement, following on from his criticism of Cicero's instability of character, that no man reaches *virtus perfecta*. Does not this necessarily imply that Cicero had at least some share of *virtus*?

Of course, it can be argued that any praise contained within Pollio's summary is rendered purely notional or even ironic by the highlighting of Cicero's flaws. The attitude of Seneca is interesting here. Pomeroy argues that Seneca shows himself fully aware of what Pollio was doing:

> Seneca himself seems to join in the game when he declares that there is nothing more eloquent in Pollio's work than this passage. This is in itself an elegant back-handed compliment, for in this passage, Seneca says, Pollio is not praising Cicero, but struggling to rival him. Given Pollio's independent, non-Ciceronian style, the words are ironic, especially as Seneca immediately states that he has not said this to put his audience off reading Pollio. "Go ahead and read him - that way Cicero will get his own back."15

As the differences between Pomeroy's translation and that of Winterbottom suggest, the text here is somewhat ambiguous. The phrase, *ut mihi tunc non laudasse Ciceronem sed certasse cum Cicerone videatur*, is taken by Pomeroy as an admission on Seneca's part that the passage does not constitute praise of Cicero, while Winterbottom's reading encompasses both praise and rivalry. Seneca's final words, *concupiscite et poenas Ciceroni dabitis*, are somewhat cryptic. As Winterbottom notes, a literal translation would be "Desire to do so (i.e. read the rest of Pollio's histories) and Cicero will punish you". Arguably, however, the most plausible explanation for these obscure remarks is that they largely relate to the style rather than the content of Pollio's prose. This, says Seneca, is the only passage in the histories

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14 Cicero was to boast after his successful defence of Aulus Cluentius that he had thrown dust in the eyes of the judges (Quint. *Inst.* 2. 17. 21). This was, of course, in a private letter. But Cicero did publicly defend such a practice (*Off.* 2. 51) on the authority of Panaetius.

15 Pomeroy, *The Appropriate Comment.*, 144-5.
which comes close to rivalling the fluency of Ciceronian prose. A reading of the rest of the histories reflects glory on Cicero rather than Pollio. Seneca is indeed exercising his wit here at Pollio's expense, but this does not necessarily imply knowledge of Pollio's alleged malicious intent. In any case, Pomeroy's reading would also necessitate an ironic intention to Seneca's prefacing remarks, where he describes the passage as a *plenum testimonium*, which Pollio gave *invitus*. For if Pomeroy is right, Pollio's "praise" is anything but grudging; rather it is willingly given so as to tarnish the reputation Pollio ostensibly honours.

The line here between grudging praise and ironic deflation is necessarily a fine one. But the distinction is important. Pomeroy's interpretation suggests that Pollio's ἐπιτάφιος is merely a continuation of Pollio's vendetta with Cicero. An alternative reading of the situation - the one favoured here - is that, for whatever reason, Pollio in some way moderated his criticisms of Cicero, or at least moderated the manner in which he made those criticisms, when it came to writing history. Rather than damning Cicero with faint praise, Pollio is, as John Ferguson put it, indulging in "an exercise in what has been called 'praising with faint damn'." Corroboration for this idea may perhaps be found in the works of the later Greek historians. The theory - most famously propounded by Emilio Gabba - that Appian directly used Pollio's *Historiae* as his major source in writing his *Bellum Civile*, while often the subject of passing criticism and doubt, has never been challenged by a comprehensive or detailed response. This is perhaps to a large extent due to an increased

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16 Pomeroy, *The Appropriate Comment.*, 145f, notes Seneca's reservations with Pollio's harsh Latin (Sen. Controv. 4. pr. 3).
17 Ferguson, 13.
18 Emilio Gabba, *Appiano e la storia delle guerre civili* (Florence, 1956). See, also by the same author, "Note Sulla Polemica Anticiceroniana di Asinio Pollione," *RSI* 69 (1957), 317-339. Alan Gowing (The Triumviral Narratives of Appian and Cassius Dio [Ann Arbor, 1992], 3) says of Gabba's central thesis, that it "has never received wide acceptance." See also by the same author, "Appian and Cassius' Speech before Philippi (Bella Civilia 4. 90-100)," *Phoenix* 44 (1990), 158-81. Gabba's claim that Pollio was a direct source has been contested by scholars positing an intermediate Greek filter: see for instance, Homeyer (78), who argues thus on the basis of perceived resemblances between the portrait of Cicero in Appian and that in Plutarch. Gabba's claim that Pollio was the dominant source for Books 1 & 5 of Appian's work has also been strongly contested, given that many scholars feel that Pollio's work only covered the period, 60-42 BC: see for instance, E. Badian, "Appian and Asinius Pollio [Review of Gabba]," *CR* 8 [1958], 159-162; see also, n. 22. For Messalla Corvus' possible role as the source of material in Book
perception among scholars that traditional methods of *Quellenforschung* have some inherent flaws. There is, for instance, the failure to adequately take into account the large amount of lost ancient material - from both historical and other genres - which may have acted as sources for extant works. Furthermore, there has been something of a reappraisal of the working method of historians and other writers in the ancient world, which has challenged the long-held idea that they generally followed a single source to the exclusion of all others.\(^\text{19}\) Moreover, there is the growing scholarly consensus that later writers such as Appian and Dio do not simply uncritically regurgitate the viewpoint of their sources, but have, to a considerable extent, interposed their own beliefs and ideas on the material with which they were working.\(^\text{20}\)

However, there has been a general acceptance that Appian's *Bella Civilia* was heavily influenced, either directly or indirectly, by *Historiae* of Pollio.\(^\text{21}\) Obviously, if this is the case, then important evidence emerges as to Pollio's wider treatment of Cicero's career. Interesting from this perspective is a comparison of Appian's account with that of Cassius Dio. For even if we restrict our purview to the period from 60 BC - the commonly assumed starting point of the work - down to Cicero's death, the two works exhibit striking differences of attitude and tone in regard to Cicero.\(^\text{22}\)

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5 (a point even Gabba was later to accept), and possibly material on events during the Philippi campaign and afterwards in Book 4, see Gowing, "Appian and Cassius' Speech," 159-61.

19 See, in relation to Appian and Dio, Gowings discussion (39-40) of the so-called "Nissen's Law". Note, however, the discussion of C. B. R. Pelling ("Plutarch's Method of Work in the Roman Lives," *JHS* 99 [1979], 74-96, where the material factors which often led ancient writers to rely heavily on a single source, are noted.

20 Gowing (*Triumviral Narratives.*, 2) is representative of this trend: "I intend to compare Appian and Dio as interpreters rather than mere transmitters of history, as authors whose works, however derivative, nevertheless provide valid evidence for the evolution of important historiographical trends and perspectives between the second and early third centuries AD."

21 Thus Gowing (*Triumviral Narratives.*, 40): "Few would now doubt...that in some fashion (i.e., either directly or indirectly) Asinius Pollio's lost History...was a major source for Appian and perhaps a subsidiary source for Dio."

22 The sole piece of evidence for Pollio's starting point being 60 BC is the opening line of *Hor. Carm.* 2. 1: *Motum ex Metello consule civicum* ; generally taken as referring to Q. Caecilius Metellus Celer. As László Havas ("Asinius Pollio and the Fall of the Roman Republic," *ACD* 16 (1980), 25-36, at 25-27) has argued, there is the possibility that this is a reference to another of the numerous Caecili Metelli who became consul in the last one hundred years of the Republic. Havas plumps for Metellus Creticus, consul in 69 BC; arguing, on the basis of the opening words of App. *B. Civ.* 2, that Pollio saw this as the
To be sure, Appian’s references to Cicero are less than plentiful, at least in the period before the death of Caesar. Nor do they, by any means, depict Cicero in a positive light. He mentions the Vettius affair of 59 BC (B Civ. 2. 12-13), and the allegation that Cicero had been one of the instigators of Vettius’ attempt to kill Caesar and Pompey. But Appian’s account of the alleged plot communicates a great degree of scepticism, especially when he notes Caesar’s failure to continue investigating the matter after his success in gaining political ascendancy over his rivals. Cicero’s failure of nerve when under attack by Clodius in 58 BC, and the scorn this evoked among people at the time, is duly noted (B Civ. 2. 15). However, he goes on to relate (B Civ. 2. 16) the successful efforts of Pompey, under attack from Clodius, and Milo to have Cicero recalled, and the extensive celebrations which followed. Appian’s main intention in both these passages seems, if anything, to be in drawing a comparison between the vicissitudes and behaviour of Demosthenes and Cicero.

Dio’s somewhat more extensive material for this period, is not only a great deal more opinionated, but much more hostile. Dio (38. 9. 2f) maintains the genuineness of the Vettius plot, alleging that Cicero and Lucullus were the instigators, and stating that they were only saved by Vettius inclusion of Bibulus as one of the ringleaders, the man who had warned Pompey of the plot. Dio alleges (38. 10. 1) that it was on the basis of this incident and Cicero’s denunciations of Caesar in his speech in defence of Gaius Antonius that Caesar and Pompey started to suspect Cicero of hostility. Dio goes on (38. 11-17) to relate Caesar’s revenge on beginning of the final Republican interlude between the μοναρχία of Sulla and Caesar. Yet, Appian’s statement, read in its proper context, can hardly bear the meaning that the constitutional changes of 70 BC marked a restoration of republican rule. Cognizance should be taken, however, of the contribution of Clarence W. Mendell (“The Epic of Asinius Pollio,” YCIS 1 (1928), 195-207), who ingeniously argues that Horace’s words are not a reference to Pollio’s Historiae at all, but rather an epic poem of the civil war — a proto-Lucan.

To some extent, this may be due to the relative brevity of his work in relation to that of Dio, as well as the different focus on events held by the two historians. As Gowing (Triumviral Narratives., 143) notes: Dio “was more interested in the type of internal political intrigue that characterized those years, while Appian presses on to the climax of the conflict between Pompey and Caesar.”

Milo’s popularity on account of his role in the return of Cicero is also mentioned later (App. B Civ. 2. 20)

In addition, Cicero’s attempts to arrange a compromise in 49 BC are mentioned without comment (B Civ. 2. 36), as is Cicero’s encomium on Cato (B Civ. 2. 99).
Cicero through the agency of Clodius, in the course of which Cicero is not only outwitted by his opponents and depicted as irresolute and intemperate, but his career is subject to the most hostile consideration. Cicero, Dio says (38. 12. 4-5), inspired fear rather than good-will:

(For Cicero annoyed great numbers by his speeches, and those whom he aided were not so thoroughly won to his side as those whom he injured were alienated, for most men are more ready to feel irritation at what displeases them than to feel grateful to anyone for kindnesses, and they think they have paid their advocates in full with their fee, while their chief concern is to get even with their opponents. Cicero, moreover, made for himself very bitter enemies by always striving to get the better of even the most powerful men and by always employing and unbridled and excessive frankness of speech toward all alike. For he was in pursuit of a reputation for sagacity and eloquence such as no one else possessed, even in preference to being thought a good citizen. As a result of this and because he was the greatest boaster...
alive and regarded no one as equal to himself, but in his words and in his life alike looked down upon everybody and would not live as any one else did, he was wearisome and burdensome, and was consequently both disliked and hated by those very persons whom he otherwise pleased.

[Cary]

Dio notes (38. 17. 4f) that with Cicero's flight, itself constituting a technical admission of guilt, even many of those who had supported him while he was still in the city, supported the measures against him and his property. Dio then (38. 18-29) goes on to embellish events with a long and rather unusual dialogue set in Macedonia between the exiled and hopelessly distraught Cicero and a Greek philosopher named Philiscus. The dialogue, set up on traditional consolatory models, does as a matter of necessity, involve praise of Cicero, some of which contradicts the explicit comments of Dio found elsewhere. Yet the general line of argument involves strong criticism of Cicero's failure to act in a brave and resolute fashion, despite his intellectual and physical advantages. There is also a continued harping on the theme of the hatred which Cicero's oratory inspires. The very fact that a man such as Cicero has to be lectured on the invulnerability of his soul and the moral supremacy he retains over his enemies, necessarily places him in an inferior position. Moreover, Philiscus' urgings (38. 27-29) that Cicero seek a retired existence, farming and writing like Xenophon and Thucydides, rather than pin all his hopes on a return to political life, take on a somewhat ironic hue, especially in the light of Philiscus' prophetic warning (38. 29. 1f) that a return to politics would probably lead to the orator's death.

Dio notes Cicero's return from exile (38. 30 & 39. 6-11) in a relatively restrained manner, and the same is the case with events in 56 BC (39. 18-22). However, with the trial of Gabinius (39. 59-63) in 54 BC, Dio uses the opportunity (39. 63. 5) to note that Cicero, who had previously been

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26 See esp. Dio 38. 22, where Cicero is described by Philiscus as a most sagacious and just man
prosecuting Gabinius, was forced, at the insistence of Pompey, to defend Gabinius in the second trial, and that this led to the epithet "turn-coat" (αὐτόμολος) being applied to him even more than before. Dio goes on (40. 54. 1f) to describe Cicero's faint-heartedness at Milo's trial in 52 BC, noting that the extant speech was written afterwards when he had recovered his courage, and relating Milo's ironic comments on the published speech. Dio also alleges (40. 55. 4) a similar failure in Cicero's speech in the same year against Plancus. Some of the other passing references to Cicero prior to Caesar's murder, while not damning his behaviour, fail to do Cicero full justice as well.

The situation regarding the depiction of Cicero after Caesar's murder is somewhat more complex. Appian's references to Cicero become more numerous, and in general more hostile. Interestingly - though again it can be hardly said to prove anything - this is exactly what we would expect if Appian was using Pollio's history as a major source, since it was in this period that defence of Pollio's own conduct would have required strong criticism of Cicero's policy and motivation. Of events in 44 BC, Appian only refers to Cicero's praise of the amnesty to the tyrannicides (B Civ. 2. 142), and Cicero's early praise of Antony (B Civ. 3. 4); both without much comment. But with the new year, Cicero's importance increases considerably. Cicero is head of a large group in the Senate, whom Appian calls the Κικερωνείοι (B Civ. 3. 50, 51 & 54), who wish to have Antony declared a public enemy. Their frustration by the Tribune Salvius (B Civ. 3. 50-1) is followed by two speeches, one from Cicero (B Civ. 3. 52-53) and a reply from Lucius Piso (B Civ. 3. 54-60), which again (3. 61) leads to the frustration of designs of the "Ciceroniani". Appian then goes on in the same passage to make the claim that Cicero altered the ensuing decree of the Senate addressed to

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28 Dio (36. 44. 2) mentions this epithet in reference to Cicero at the time of the trial of Manilius (66 BC). The term also recurs in Calenus' speech (46. 3. 4).
29 In fact Cicero rated his prosecution of Plancus very highly indeed (Cic. Fam. 7. 2. 2-3).
30 Dio (41. 18. 4) has Cicero fleeing with other senators to Greece without even appearing before Caesar (quite incorrectly: Att. 8. 9), not only because they thought Pompey had justice on his side, but because they thought he would win. Dio mentions (43. 13. 4) Cicero's Cato only in order to illustrate Caesar's generosity of spirit and admiration for Cato, since the latter only responded by writing his Anticato. Dio also mentions him at 42. 10. 2 (Cicero's return to Italy after Pharsalus); 43. 43. 5 (Cicero's remarks concerning Caesar's dress); and 43. 46. 4 (Cicero's joke concerning Caninius the consul).
Antony so as to make it more harsh than was intended. Appian states that:

οὔτω μὲν φιλονίκως τε καὶ ψευδώς τὰς ἐντολὰς ὁ
Κικέρων συνέγραφεν, συνεδριάς ἐχθρας τοσήδε ύπούσης,
ἀλλ', ὡς ἔοικε, τὸν δαίμονιον τὰ κοινὰ ἐς μεταβολὴν
ἐνοχλοῦντος καὶ αὐτῷ Κικέρωνι κακῶς ἐπιλογικῶς.

(These were the false and provoking terms in which Cicero wrote the instructions. No great hatred underlay his action, but it would seem that the divine will was interfering with public affairs to bring about change and was intending no good for Cicero himself.)

The passage, as Gowing notes, serves to partially absolve Cicero of responsibility for his actions, discarding as it does the widely-held notion, even maintained by Appian's Piso (B Civ. 3. 56), that Cicero was motivated at this time largely by hatred of Antony. Appian goes on (B Civ. 3. 62-3) to note Antony's angry reply to the demands, in which he describes Cicero as more of a tyrant and king than Caesar, and points out the inconsistencies of Cicero's position. Appian then tells us (B Civ. 3. 66) of Cicero's leadership of the war preparations in Rome, and his exactions from the Antonians; and resulting from this, the activities of Ventidius, including an alleged attempt to march on Rome and seize Cicero, who flees the city in fear.

In the aftermath of Mutina, we are told (B Civ. 3. 74) of Cicero's measures to honour and increase the power of Decimus Brutus at the expense of Octavian. Appian speaks of Cicero's frenzy (οἰστρος) and lack of taste (ἄπειροκαλία) in reference to the public festivities he ordered after Antony's defeat; thus suggesting that by now, Cicero's behaviour was being guided by personal hatred. Appian then relates (B Civ. 3. 82) the story of Octavian's offer to Cicero of a joint consulship; which Cicero, in his ambition for high office (φιλαρχία) suggested

31 Gowing, Triumviral Narratives., 149.
obliquely to the Senate. His final references to Cicero (B Civ. 3. 89, 91, 92 & 93) before the Proscriptions reveal Cicero in a less than glorious light: disappearing as Octavian marches on Rome, reappearing with the arrival of the African legions, proclaiming his loyalty to Octavian in person, scheming again at the news of the desertion of two of Octavian's legions, and then fleeing again when the news proved untrue.

Dio's account gives us a long speech by Cicero to the Senate supporting the Amnesty in the aftermath of Caesar's murder (44. 22-33), which certainly does no disservice to Cicero. Indeed Dio goes on (44. 34. 1) to state that it was this speech that persuaded the Senate to adopt the proposed measures. After mentioning Cicero's dream concerning Octavian (45. 2. 2), Cicero's return to Rome in the aftermath of the falling-out of Antony and Octavian (45. 15. 3-4), and the omen portending Cicero's demise at the beginning of 43 BC (45. 17. 3-4), Dio confronts the reader with two enormous and conflicting speeches by Cicero and Q. Fufius Calenus (45. 18-47; 46. 1-28). As with Appian's debate between Cicero and Piso, Cicero is frustrated in his designs by Calenus' attack. Moreover, on the basis of this, Dio is led to further criticize Cicero's behaviour and motivation. As he says (46. 29. 1):

τοιαύτα τοῦ Καλήνου εἰπόντος ὁ Κικέρων οὐκ ἦνεγκεν. αὐτός μὲν γὰρ καὶ ἀκρατῶς καὶ κατακορεῖ τῇ παρρησίᾳ ἀεὶ πρὸς πάντας ὁμοίως ἐχρῆτο, παρὰ δὲ δὴ τῶν ἄλλων οὐκ ἥξιον τὴν ὁμοίαν ἀντιλαμβάνειν. καὶ τότε οὖν ἀφείς τὸ τὰ δημόσια διασκοπεῖν ἐς λοιδορίας αὐτῷ κατέστη, ὡστε τὴν ἡμέραν ἐκείνην καὶ διὰ τοῦτο οὖς ἢκιστα μάτην κατατριβήναι.

32 Appian says that Cicero did not mention his own name, but suggested that one of the older senators, a man of prudence, be Octavian's colleague. The Senate, Appian says, guessed Cicero's intent and laughed at his ambition. See note 44.

33 Appian's account of Cicero's death (B Civ. 4. 19-20) would seem not to come from Pollio. While not casting Cicero in the role of hero, it could hardly be categorized as maligne. Appian himself states (B Civ. 4. 16) that the famous "Proscription narrative" (B Civ. 4. 17-51) was culled from numerous sources. As Gowing (Triumviral Narratives., 157) notes, Appian's failure to include the death of Verres also suggests that Pollio was not, at least entirely, the source for the narrative, given Sen. Suas. 6. 24. Even Gabba (Appiano., 222-9) argues that Pollio is not the source for the narrative. Appian also speaks of personal research in relation to his narration of Cicero's death (B Civ. 4. 19-20) See also, Homeyer, 68-70; and Appendix.

34 For the provenance of this speech, see Millar, "Some Speeches in Cassius Dio," 17-18; Gowing, Triumviral Narratives., 228-234.
(Such language from Calenus Cicero could not endure; for while he himself always spoke out his mind intemperately and immoderately to all alike, he could not bring himself to accept similar frankness from others. So on this occasion, too, he dismissed the consideration of the public interests and set himself to abusing his opponent, with the result that that day was wasted, largely on his account.)

Subsequent references to Cicero are few and far between. Dio describes the stratagem of Calenus and other Antonians to get Cicero out of the way by sending him as an envoy to Antony (46. 32. 3-4), and Cicero's refusal to take the bait. He also mentions Octavian's attempts to gain the consulship through Cicero (46. 42. 2), and the subsequent attempts by his soldiers to extort it by threats of force, to which he notes (46. 43. 4-5) Cicero replied in kind, paving the way, Dio says, for his death.35 After this, there are only Dio's brief descriptions of the circumstances of Cicero's death and the treatment of his body (47. 8 3-4 & 46. 11. 1-2).

In general, Dio's assessment of Cicero displays a much greater depth and range of hostile reflection. The only period where this can be said to be not the case is that following Mutina, and here, as Gowing notes, this is largely due to the fact that Dio has seemingly discounted Cicero as an important player in events. The distinction between the two treatments is exhibited at its most extreme in a comparison of the debates between Cicero and Piso in Appian (B Civ. 3. 52-60), and that of Cicero and Calenus in Dio (45. 18-47; 46. 1-28). Both sets of speeches share at least one common feature: that at the conclusion of both debates, as Gowing notes, "Cicero emerges indisputably the weaker".36 But that is where the similarity ends. Piso's speech is a restrained and sober affair. Piso defends the legality of Antony's position regarding his confrontation with Decimus Brutus in Cisalpine Gaul, the propriety of Antony's behaviour as Consul after the death of Caesar, and consequently, attacks the inconsistencies in Cicero's conduct towards Antony. Such criticism as there is, however, is confined to the question at hand, and moderate

35 For an elucidation of Cicero remarks here, see Gowing, Triumviral Narratives., 152, n. 30.
36 Gowing, Triumviral narratives., 149.
in tone. Indeed, the strongest statement that he makes is: "Κικέρωνα δὲ καὶ ἐς ἀνωμαλίαν ἑξέστησεν ῥ ἦ χθορα".

The speech of Calenus is another matter altogether. This is a wide-ranging invective, which not only blames Cicero for most of the major political conflicts of the last twenty years, but accuses him, in ferocious terms, of serious political, financial and sexual impropriety. The speech exhibits numerous parallels with the other pieces of invectival material concerning Cicero which survive.37 So vicious, indeed, is Calenus' attack, that it may be thought that the speech hardly offers a representative piece of evidence as regards the portrayal of Cicero in Dio.38 At times the allegations made by Calenus go far beyond, or even, openly contradict the content of Dio's narrative.39 Yet, as Gowing notes, the extreme nature of the attack, and the factual discrepancies it sometimes displays with Dio's actual narrative, should not blind us to the fact that, both in many specific details and more generally, the speech of Calenus is basically in harmony with Dio's perception of Cicero. For the portrait it presents of a cowardly, meddlesome and envious weathercock, who out of ambition misuses his oratorical gifts to viciously abuse his opponents, and who thrives on civil discord, is one we have already noted from the narrative.40

37 See the discussion in this chapter, pp 212f.
38 So Lavery (19-23), who goes on (23) to make the extraordinary claim: "apart from the Calenus-document, it seems clear that Dio's general account is favourable to Cicero's memory, deriving as it does from Livy, and perhaps in part from the anecdotal tradition close to the biographical writings of Tiro and Nepos." Yet he is not alone; Richter, also assuming Dio's heavy debt to Livy, goes on to state ("Das Cicerobild," 197): "Der Cicero des Cassius Dio is kein anderer als der des Livius, d.h. der mit gemäßiger Kritik wiedergegebene Cicero des Asinius Pollio, und demejenigen des Plutarch durchaus verwandt." Such views represent a triumph of Quellenforschung over simple observation.
39 Calenus' allegations - that it was Cicero who was behind Milo's murder of Clodius (46. 2. 3), that Cicero was the major cause of the breakdown of relations between Pompey and Caesar in 50-49 BC and that it was he who persuaded Pompey to flee Italy in 49 BC (46. 2. 2 & 46. 12. 1-4), and that Cicero was behind the murder of Caesar (46. 2. 3 & 46. 22. 3-5) - find no support in Dio's narrative. In other instances, Calenus' speech somewhat exaggerates features of the narrative. Thus while Dio (37. 29. 1f) notes Cicero's intimidation of Catiline through the bribery law, and states (39. 42. 1) that Catiline and his insurrection gained a greater importance than it should have due to the reputation of Cicero and the latter's published speeches, he does attest (37. 29-38) to the reality of the plot and the seriousness of the conspirators' intentions. In Calenus' speech (46. 2. 3 & 46. 20. 1-2), Catiline and his supporters are portrayed as wholly innocent dupes of a Ciceroian plot.
40 Gowing, Triumviral narratives, 147-8, 238-9. To give just one notable instance, Calenus' describes Cicero thus (46. 3. 4): "ἀπιστος τε γαρ φύσει και ταραχωδὸς ἐστί, καὶ οὐτε τι ἐργα ἐν τῇ ψυχῇ ἔχει καὶ πάντα ἀεὶ κυκά καὶ στέφει, πλείστος μὲν τροπὰς τρεπόμενος τοῦ πορθμοῦ πρὸς δὲν ἔφυγεν, ἐφ’ ὕπερ καὶ αὐτόμολος
Indeed, it was on the basis of the contrast between the speeches of Piso and Calenus that Gabba postulated an even more complex linkage between the later Greek historians and the work of Pollio. Both speeches, he argued on the basis of shared material, derived from the work of Pollio.41 However, the speech of Calenus, he argues on the basis of the remarks of Seneca the Elder, derives from invectival material that Pollio ultimately decided to exclude from his historical work.42

Considering the nature of the evidence, this is all very speculative, and calls for the exercise of great caution. We simply cannot be sure to what extent Appian's work faithfully reflects that of Pollio. We know (B Civ. 4. 110; 5. 45) that Appian consulted, or at least had knowledge of the Memoirs of Augustus; even Gabba had argued that Appian's third book revealed a complex interplay of the dominant Pollio-source with pro-Octavianic material.43 Given that Augustus also had an interest in criticizing Cicero's actions in 43 BC, delineation between his Memoirs and Pollio's work for this period is by no means simple.44 What of Livy, who has been suggested as another source of Appian's work, and who,
as we shall see, was not averse to criticizing Cicero?45 What, given recent trends of scholarship, of Appian himself?46 Dio's sources are just as problematical. Certainly, Gabba's idea that Dio, having found Pollio's Historiae unsatisfyingly moderate, sought out Pollio's more lurid material by special research, does not sound terribly likely. Perhaps more plausible is the use of later works that had incorporated rhetorical invective, at least some of which may have ultimately stemmed from Pollio.47 All we can really say is that if modern scholarship has been correct in positing that Appian's account reflects Pollio's Historiae more faithfully than Dio's, then it may constitute further evidence that Pollio did not take this opportunity to indulge in the extremes of damning invective that other works of his seem to have.48 And surely this is the correct conclusion. For even if we were to view Pollio's epitaph as a subtly malicious piece of subversion, it would not make a great deal of sense if Pollio had unmitigatedly damned Cicero throughout the body of his work.

45 So Homeyer, 78-79.
46 The passage we examined (App. B Civ. 3. 61; see n. 31) concerning Cicero's rewriting of the senatorial decree addressed to Antony is a case in point. The influence of τὸ δαιμόνιον can be found in later books (e. g. B Civ. 4. 134, 5. 128), and as Gowing (Triumviral Narratives., 149) notes, "recounts his frequent recourse to θεοβιλάβεια". Gowing argues persuasively ("Appian and Cassius' Speech," 158, n. 78; Triumviral narratives., 16) that the idea of θεοβιλάβεια and related concepts are "likely to be Appian's own addition", given that they are used not only throughout the whole Bella civilia, but in his Punic and Syriaca as well. Of course, this could suggest that Appian's thematic imperatives have in this instance "softened" the interpretation of Cicero's alleged forgery as transmitted by his source or sources.
47 Fergus Millar ("Some Speeches in Cassius Dio," 19, n. 91), commenting on Gabba's theory as to the Pollio-speech of Appian being "historical" Pollio, and the Calenus speech of Dio being "non-historical" Pollio, states: "I doubt if it is simple as that"; see also by the same author, A Study of Cassius Dio., 52-55. Nor has Gabba adequately explained the change in identity of the speakers. However, Millar ("Some Speeches in Cassius Dio," 20-21) does go on to suggest an indirect linkage between the speech of Calenus and Pollio, possibly by way of a freedman of Pollio's, Asinius Pollio of Tralles, mentioned in the Suda (Adler, 4. 185) as writing a history of the Civil war. He does, however, also make clear that "the point cannot be pressed", noting that Tralles work may have been a simple translation of his patron's Latin work, or that the patron's historiae may have been mistakenly attributed to his freedman; see also on this, Schwartz, RE, "Asinius (23)," Bd. 2 (1896), 1589, and Groebe, RE, "Asinius (25)," at 1595. Nonetheless, it is interesting that some of the themes found in Pollio's ἐπιτάφιος are also found in Dio: the hatred Cicero inspired by reason of his pride and ambition, his lack of balance in his responses to situations, his use of his oratory in the cause of guilty men. See also, pp 212f.
48 Thus, as Gowing (Triumviral Narratives., 161) notes, it is comparison with Dio that "shows just how mild" Appian is with regard to Cicero. In contrast Gabba (Appiano., 239) states: "Ora, che la tradizione di Appiano sia ferocemente anticiceroniana si è dimostrato agevolmente".
Any theories why Pollio might have "toned down" his criticism of Cicero in his Historiae must also remain speculative. Indeed, we know so little of the nature and reasons for Pollio's antipathy, that it is somewhat difficult to judge just how great a concession this may have constituted on his part. Lavery argues: "as a historian, Pollio had the integrity to recognize, in a frank evaluation, Cicero's merits as a statesman and orator." This accords with the generally high estimation of Pollio's independence and objectivity in his historical works. Yet we must not rule out the possibility that Pollio moderated his criticisms with an eye to a reading public, who may not have looked favourably at a vicious denunciation of Cicero's entire career, especially from one with such a well-known literary and political "agenda" concerning Cicero. It is interesting, for instance, that Pollio - ostensibly at least - praises Cicero's works, when it is clear he had a very poor opinion of them. This may be "objective" but is it "honest"?

The issue of Pollio's independence, also raises the question of the nature of the relationship between Pollio and Augustus, and its significance with regard to Pollio's expressed views in his writings. Up until recently, this question would have been thought scarcely worth considering. Lionized by Ronald Syme, - who, in effect, claimed to be re-writing in his The Roman Revolution, the lost Historiae, replete with Republican and Antonian sympathies - Pollio was generally considered

49 Pollio's letters to Cicero (Cic. Fam. 10. 31-33) appear to show the greatest respect for Cicero, and, indeed, some degree of familiarity. Personal dislike, however, can hardly be ruled out, given that Pollio's flatteries may simply be disingenuous. Furthermore, we may want to take into account Pollio's rather ugly habit of attacking rivals only when they were absent. We are told (Plin. HN pr. 31) that Pollio was composing declamations attacking Lucius Plancus, which were to be published only after Plancus' death. Plancus reply was memorable: *cum mortuis non nisi larvas luctari.* It has been suggested that Pollio may have been suffering from a "bad conscience" about his behaviour in 43 BC; Boissier (388f), speculates as to whether the publication of Cicero's letters, revealing Pollio's "treachery" towards Cicero, may have been a contributing factor. Obviously, the matters of stylistic divergence and literary rivalry were of great importance. Lavery (72) even postulates that Pollio "was annoyed because he was never given a place among the Atticists in Cicero's treatises." Of course, it is anyone's guess as to whether one categorises Pollio's feelings here as envy and pique at being overshadowed by Cicero's giant reputation, or a matter of sober critical judgment. See also, André, 93-94, who while noting political and stylistic estrangement, stresses what he sees as their very different characters.

50 Lavery, 75.
as a man who was, both in deed and word, antagonistic to the rise of Octavian and the Augustan settlement which followed.51

However, this previous orthodoxy has very largely been turned on its head. In particular, A. B. Bosworth's article, which analysed in detail Pollio's career, both before and after the formation of the second Triumvirate, argued most persuasively, that the ferocia of Pollio - as Tacitus (Ann. 1. 12. 4) described it - could not simply be equated with ideological opposition to the new regime. He contended that the assumption of strong Republican sympathies on Pollio's part found no support in the evidence, and that there was little indication that Pollio indulged in serious political opposition to Augustus; most provocatively of all, he argued that rather than being essentially a disillusioned Antonian, Pollio transferred his allegiance to Octavian as early as 40 BC, and that henceforth he was a committed if outspoken amicus of the future Princeps. 52

There is no doubt that in general Bosworth's analysis has served as a valuable corrective. Indeed, given that Pollio's political career presents us with a picture of almost impeccable Caesarian attachment, it seems difficult to understand how an assumption of a substantive "republican" intransigence could ever have been made.53 However, it should be

51 For Syme's claim to be writing the history of Pollio, see RR, 5-7. In a literary sense, Pollio, to some extent, takes on the role as Syme's hero (RR, 6): "Pollio, the partisan of Caesar and of Antonius, was a pessimistic Republican and an honest man. Of tough Italic stock, hating pomp and pretence, he wrote of the Revolution as that bitter theme demanded, in a plain, hard style." He goes on: "Pollio, however, did not suffer himself...to be captured by the government. This austere and embittered champion of Libertas, passionate and ferocious, defended his ideals in the only fashion he could, by freedom of speech. Too eminent to be muzzled without scandal, too recalcitrant to be won by flattery, Pollio had acquired for himself a privileged position." One could argue that there was a basic paradox in Syme's conception of Pollio (RR, 166) as "a scholar, a wit and an honest man, a friend of Caesar and of Antonius but a Republican." Not that he was wholly blind to other interpretations of Pollio's position. He notes (RR, 193) that Pollio possibly used the proscriptions to settle private scores. Also, he was to conclude (RR, 512): "on a cool estimate, Pollio as well as Messala will be reckoned among the profiteers of the Revolution. Enriched by both sides, Pollio augmented the dignity as well as the fortunes of his family." Further reflection seems to have increased his doubts (see esp., AA, 215-6, where he notes the views of Bosworth [see note below]), but brought no retraction.

53 As Bosworth ("Asinius Pollio and Augustus," 452) states: "Pollio's claim to be a republican, apart from the passage of Tacitus already discussed, rests squarely upon his three letters to Cicero, written in the spring and early summer of 43 BC." As Bosworth's analysis (452-462) of the three letters amply demonstrates, Pollio's declarations of
noted that there are a number of problems with some of Bosworth's contentions. The evidence adduced by Bosworth for Pollio's alleged transfer of allegiance in 40 BC is somewhat problematical. The same can be said about Pollio's alleged support for Octavian in the latter's struggle with Antony in the late thirties. Furthermore, while Bosworth is correct in highlighting the slimness of our data regarding Pollio's dissent from the Augustan regime, his contention that the relevant incidents are either trivial or reveal Pollio's closeness to the Princeps, is open to challenge. Moreover, Bosworth fails to deal with patriotism and loyalty to the free state are strongly undermined by the evasiveness and inconsistencies which riddle his arguments.

54 Bosworth ("Asinius Pollio and Augustus," 462-473) strongly challenged the assumption that the province Pollio held in 39 BC after his consulship was Macedonia, arguing that it was, in fact, Illyricum (i.e. a province within Octavian's sphere of influence). Further more, he postulates (470) that the reason for this change of allegiance was Pollio's failure as "the dominant partner in the alliance of Antonian generals" to relieve Perusia in 41-40 BC. A. J. Woodman (Velleius Paterculus: The Caesarian and Augustan Narrative (2. 41-93) [Cambridge, 1983], 192-196), noting the strong evidence linking Pollio to both Antony's Macedonian province and the Dalmatian territory of Octavian, resurrects the idea, first suggested by André (22-23), of Pollio operating under a "roving military commission" that led to operations in both provinces. Pollio was given a triumph for his victory over the Parthinia (in Macedonia) due to Antony's seniority over Octavian, and Pollio's Antonian sympathies at the time. Pollio's later disillusionment with Antony and the war of Actium, Woodman argues, increased the evidential confusion as to Pollio's office, since both Octavian and Pollio would have wished to downplay any services that Pollio had earlier performed for Antony. Certainly, retirement from public life at the age of 37 or 38 hardly looks like the action of a man who has wholeheartedly swapped his allegiance.

55 Bosworth argues ("Asinius Pollio and Augustus," 447-8) that Pollio's pamphlet, contra maledicta Antonii, mentioned by Charisius (Keil, Gramm. Lat., 1. 80. 2) and the anecdotal evidence supplied by Velleius Paterculus (2. 86. 3) is to be interpreted in terms of a disavowal of, and an attack on, his old patron Antony, "which was all Octavian could have wished from him." In particular, Bosworth suggests that Pollio's work was analogous to the works, also mentioned by Charisius (Keil, Gramm. Lat., 1. 104. 18 [De Antonii status ]; 1. 146. 34 [De vectigalium Asiae constitutione ]; 1. 129. 7 [Contra Antonii litteras ]), produced at this time by Messalla Corvinus, which given his loyal service to Octavian at this time, are probably rightly assumed to be political invective in the service of Octavian; see also, Syme, AA, 207-8. While accepting that the passage in Velleius shows Pollio's disillusionment with Antony and his failure to help his cause in the late thirties, Woodman (VP: C & A N., 232-4), however, rejects Bosworth's explanation. He suggests that the most plausible interpretation of the pamphlet, given Velleius' evidence, is that Pollio argued that despite Antony's failings, "he (Pollio) was still too closely involved with Antony, both emotionally and politically, to join Octavian." That Pollio's position was interpreted as "neutrality" is also suggested, Woodman further argues, by Velleius' inclusion of this anecdote in a passage illustrating the clementia of Octavian.

56 There are only three incidents from the Principate that attest disagreement between Pollio and the Princeps: his attack on Augustus' performances of the Iusus Troiae after his grandson Aeserninus broke his leg in participating (Suet. Aug. 43. 2); Augustus' written rebuke to Pollio for holding a dinner party, seemingly unaffected by the news of the death of Gaius in AD 4, and Pollio's reply where he pointed to his dining formally the day his son Herius died (Sen. Controv. 4. pr. 5); and his patronage of Timagenes of
the possibility that Pollio's historical analysis revealed a stronger degree of divergence from Augustus' views than his actions ever did. In short, while Bosworth's erasure of Pollio from the ranks of an Augustan opposition is almost certainly valid, his depiction of Pollio as a long-running and totally committed supporter of the new order is somewhat more doubtful.

Yet we are also left with the distinct possibility that Pollio's historical judgments concerning Cicero, in particular his comments regarding Cicero's behaviour in the period following the death of Caesar, displayed many similarities with the views expressed by Augustus in his autobiography. Imperial dictation is a temptingly simple explanation, but given the fact that revisionist analysis has failed to demolish the idea that Pollio was often idiosyncratic in his views and actions, it would be a crude and unsatisfactory one. In any event, a much more plausible reason for such a confluence beckons: the simple fact that both Augustus and Pollio had deserted the senatorial cause in late 43 BC. Both men may have had an interest in disparaging Cicero's behaviour in this period, but it was a common interest arrived at independently.

Alexandria, a noted Greek scholar, after the latter had been expelled from Augustus' house for witticisms against the imperial family (Sen. De ira 3. 23. 4-8; Sen. Controv. 10. 5. 21-2). Bosworth rightly notes that in the case of the first incident, Pollio's protests were successful, while in the other two matters, there is more than a suggestion of close friendship between the two men. At first glance, the episodes hardly appear to be of the greatest importance. Yet we need to be careful here. In the case of Aeserninus, one should be aware of the importance Augustus attached to the intellectual and physical education of the young in the development of his new order: see for instance, Zvi Yavetz, "The Res Gestae and Augustus' Public Image," in Millar and Segal, eds., Caesar Augustus: Seven Aspects., 1-36, esp. at 19. As to Pollio's behaviour in the latter two cases, we simply do not have enough evidence to pronounce on whether the restraint displayed in the language and behaviour of Augustus indicates the close friendship existing between the two men, or simply the fact that Pollio's fame and status led Augustus to treat him with "kid gloves". Nor is Bosworth's confident assertion that the Timagenes incident "had no political importance" possible to verify. Certainly Timagenes thought it serious enough to burn the histories he had written in Augustus' honour (Sen. Controv. 10. 5. 22), a singular insult to a ruler who was so conscious of his literary representation.

57 Note, for instance, his praise for Brutus and Cassius (Tac. Ann. 4. 34. 2); see on this, however, n. 120. Gowing has argued ("Appian and Cassius' Speech," 158, n. 1; Triumviral Narratives., 3, n. 5) that Bosworth's reassessment of Pollio's politics casts new doubts on Gabba's thesis, posited as that was on Pollio evincing alternately, pro-Antonian and pro-Republican sentiments. Yet it would not be surprising - even if Pollio had aligned himself with Octavian at a fairly early date - for him to have taken a very different line when writing his Historiae, if only to parade a spurious independence. To be sure, a remark made by Pollio after being on the receiving end of Octavianic Fescenninos (Macrobr. Sat. 2. 4. 21: non est enim facile in eum scribere qui potest proscribere ) shows that Pollio was more than aware of the dangers - in the Triumviral period at least - of even a "literary" independence.
We began this analysis with the Elder Seneca's description of Pollio as the greatest enemy of Cicero's reputation. It is also clear, despite the probable "moderation" of Pollio's treatment of Cicero in his *historiae*, that Pollio was essentially hostile to Cicero's memory as a statesman in that work, and that this, along with the ferocity of his criticisms in other works, cemented his reputation as Cicero's greatest posthumous _obtrectator_. It is also highly probable, as we shall see, that Pollio's criticisms were one of the most important sources for later _obtrectatores Ciceronis_, both those attacking Cicero's eloquence, and those attacking his statesmanship and character. This reputation should not blind us, however, to the fact that Pollio's response reveals not a little complexity and ambiguity. The personal invective ferociously unleashed upon Cicero in the published version of a triumviral speech, and presumably in a number of other works, cannot be absolutely verified as having constituted a significant ingredient in Pollio's literary criticism. Nor does it appear to have constituted, in the main at least, the significant strand in his *Historiae*. Moreover, it is important to recognize that there is little reason for linking Pollio's attacks with the wishes or dictates of the Augustan regime, despite certain similarities of opinion. The simplistic labelling of Pollio as a "hostile source" is more than a little misleading.

(ii) Livy (59 BC-AD 17 or 64 BC-AD 12)\(^{58}\)

If we are in grave danger of too quickly assuming the worst about Asinius Pollio's comments on Cicero, then surely we are confronted with the opposite pitfall with regard to Livy's references. Livy's literary admiration for Cicero was considerable; and this can lead easily to the presumption that such feelings were mirrored by a similar enthusiasm for Cicero's life and character. However, as we shall see, the extant Livian material does not bear out such a conclusion. Livy's references to Cicero contain a considerable amount of critical material. Thus, as was

\(^{58}\) See Syme ("Livy and Augustus," 414-6), who raises serious problems with Jerome's dates (i.e. 59 BC-AD 17) and suggests 64 BC as the year of Livy's birth. He thus also backdates Livy's death to AD 12, though he is willing to accept, given the unreliability of Jerome's dating, that he "might have prolonged his life beyond AD 17". It would seem reasonably certain, however, that those books dealing with Cicero's career (up to Book 120) were both written and published during the reign of Augustus since a superscription on the mss of *Per.* 121 states: *qui editus post excessum Augusti dicitur.*
the case with Pollio, it is necessary to analyse the nature and degree of Livy’s criticism, as well as considering its possible causes.

Livy’s stylistic debt to Cicero, especially when considered in the context of his fellow historians, Sallust and Pollio, has often been noted by scholars.\textsuperscript{59} Furthermore, two fragments explicitly attest Livy’s admiration for Cicero’s eloquence. Quintilian tells us (\textit{Inst.} 10. 1. 39 [cf. \textit{Inst.} 2. 5. 20]; Jal, frag. 82) that Livy, in writing to his son, advised: \textit{legendos Demosthenem atque Ciceronem, tum ita, ut quisque esset Demostheni et Ciceroni simillimus}. Jerome tells us (\textit{ad Pammachium}, prol. Lib. 2 \textit{in Hoseam}, 6-7; Jal, frag. 55) that Livy stated that Cato, \textit{cuius gloriae neque profuit quisquam laudando nec vituperando nocuit, cum utumque summis praediti fecerint ingenii}. This, of course, is a reference to Cicero and Caesar, who wrote a \textit{Cato} and an \textit{Anticato} respectively.\textsuperscript{60} Further references to Cicero’s greatness as an orator are, as we shall see, to be found in Livy’s account of Cicero’s death, preserved by the Elder Seneca.

Yet the portrait of Cicero the man painted by the surviving fragments is a good deal more complex. Once again, thanks to Seneca the Elder, we possess, as was the case with Pollio, Livy’s summation of Cicero’s career (\textit{Suas.} 6. 22). Seneca also preserves, as was not the case with Pollio, Livy’s description of Cicero’s death (\textit{Suas.} 6. 17). Furthermore, we have another body of evidence which serves - somewhat imperfectly given the possibilities of unrepresentative selectivity and contamination - as a further "control" in our analysis: the \textit{Periochae} for the lost Livian books dealing with the late Republic, as well as the works of the later epitomizers who may have used Livy.

\textsuperscript{59} See especially, A. H. McDonald, "The Style of Livy," \textit{JRS} 47 (1957), 155-72; Duff, \textit{Golden Age}, 475-82; Leeman, \textit{Orationis Ratio.}, 190-7; all of whom strongly juxtapose the style of Livy with those of Sallust and Pollio. We should, however, be careful in simply labelling Livy a "Ciceronian" in prose style. As Duff (\textit{Golden Age.}, 480) has noted, Livy’s prose also shows the differences made necessary by a different genre, and wrought by time: "On the one hand, there is much to recall Cicero in Livy’s sonorous dignity and fulness almost to redundancy, his wealth of colour, his gift of pictorial vision, and his plethora of rhetorical exclamations and apostrophes. On the other hand, there is much that heralds the Latin of Tacitus."

\textsuperscript{60} Pomeroy ("Livy’s Death Notices," 180) says of this passage, that it "gently remonstrates with both Caesar and Cicero for their \textit{Catones}. " This seems somewhat unwarranted given the brevity of the passage.
Certainly, both the tone and content of Livy's description of Cicero's death suggest a basically laudatory intent. Seneca explicitly uses Livy (Suas. 6. 16) to refute the allegation of Pollio, already mentioned, that Cicero offered to retract what he said in the Philippics. Seneca states: T. Livius adeo retractationis consilium habuisse Ciceronem non dicit ut neget tempus habuisse. Livy's account also contradicts Pollio's claim (Suas. 6. 24) that Cicero had died in a cowardly fashion. He recounts Cicero's final days thus:

M. Cicero sub adventum triumviorum urbe cesserat, pro certo habens, id quod erat, non magis Antonio eripi se quam Caesar Cassium et Brutum posse; primo in Tusculanum fugerat inde transversis itineribus in Formianum ut ab Caieta navem conscensurus proficiscitur. Unde aliquotiens in altum provectum cum modo venti adversi retulissent, modo ipse iactationem navis caeco volente fluctu pati non posset, tedium tandem eum et fugae et vitae cepit, regressusque ad superiorem villam, quae paulo plus mille passibus a mari abest, "moriar" inquit "in patria saepe servata." Satis constat servos fortiter fideliterque paratos fuisse ad dimicandum; ipsum deponi lecticam et quietos pati quod sors iniqua cogeret iussisse. Prominenti ex lectica praebentique inmotam cervicem caput praecisum est. Nec <id> satis stolidae crudelitati militum fuit: manus quoque scripsisse aliquid in Antonium exprobrantes praeciderunt. Ita relatum caput ad Antonium iussuque eius inter duas manus in rostris positum, ubi ille consul, ubi saepe consularis, ubi eo ipso anno adversus Antonium quanta nulla umquam humana vox cum admiratione eloquentiae auditus fuerat; vix attollentes lacrimis oculos humentes intueri truncata membra cives poterant.

(Marcus Cicero had left the city at the approach of the triumvirs, rightly regarding it as certain that he could no more be rescued from Antony than Cassius and Brutus from Caesar. First he had fled to his estate at Tusculum, then cross-country to his house at Formiae, intending to take ship at

61 See p 132.
Caieta. He put out to sea several times, but sometimes the winds were against him and forced him back, sometimes he himself could not put up with the tossing of the vessel as it rolled on the dark groundswell. Finally he grew weary of flight and life, and, returning to the inland villa, which is little more than a mile from the sea, he said: "I shall die in the country I have so often saved." There is no doubt that his slaves bravely and loyally showed readiness to make a fight of it; and that it was Cicero himself who ordered them to put down the litter and suffer calmly the compulsions of a harsh fate. He leaned from where he sat, and offered his neck without a tremor; his head was struck off. The soldiers, in their stupid cruelty, were not satisfied. They cut off the hands, too, cursing them for having written attacks on Antony. The head was taken back to Antony, and, on his orders, placed between the two hands on the rostra, where as consul, and often as ex-consul, and in that very year attacking Antony, he had been heard amid such admiration for his eloquence as had rewarded no other human voice. The Romans could scarcely bear to lift eyes wet with tears to look on his mutilated body.)

[Winterbottom]

To be sure, use of the verb fugere - so pregnant when used in regard to Cicero - and the reference to Cicero's mal de mer may initially suggest a subversive intent. We may even be inclined to read Ciceronian vanity into the words Livy gives him to speak. Yet the loyalty of Cicero's slaves, and above all the resignation and steadfastness of Cicero himself can only be interpreted one way. Livy not only manages to affirm Cicero's bravery in the face of death, but also notes the brilliance of his eloquence and the grief of the Roman people at his loss. Yet this highly sympathetic treatment needs to be read in the context of Livy's ἐπιτάφιος, the tendency of which is a good deal more problematic. Livy's judgment (Suas. 6. 22) is as follows:

Vixit tres et sexaginta annos, ut, si vis afuisset, ne immatura quidem mors videri possit. Ingenium et operibus et praemiis operum felix, ipse fortunae diu prosperae; sed in longo tenore felicitatis magnis interim ictus vulneribus, exilio, ruina
partium pro quibus steterat, filiae morte, exitu tam tristi atque acerbo, omnium adversorum nihil ut viro dignum erat tullit praeter mortem, quae vere aestimanti minus indigna videri potuit, quod a victore inimico <nihil> crudelius passus erat quam quod eiusdem fortunae conpos ipse fecisset. Si quis tamen virtutibus vitia pensarit, vir magnus ac memorabilis fuit et in cuius laudes exequendas Cicerone laudatore opus fuerit.

(He had lived sixty-three years: so that if no force had been brought to bear his end could not be thought premature. His genius was fortunate in its works and their rewards; he himself long enjoyed good luck. But during the long flow of success he was from time to time afflicted with great wounds, exile, the collapse of his party, the death of his daughter and his own grievous and bitter end. Yet of all these disasters he faced none but his death as becomes a man: and even that to a truthful critic might have seemed the less undeserved in that he suffered at the hands of his victorious enemy no more cruelly than he would have acted had he himself enjoyed that good fortune. But weighing his virtues against his faults, he was a great and memorable man; and to sing his praises one would need a Cicero for eulogist.)

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Seneca's comments on this passage are also pertinent. He states: Ut est natura candidissimus omnium magnorum ingeniorum aestimator T. Livius, plenissimum Ciceroni testimonium reddidit. Winterbottom translates the passage thus: "Livy, naturally the most fair-minded judge of all great genius, gave Cicero his full meed of praise". Perhaps Leeman's translation gets the sense even better: "With that impartial

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62 As with most of Seneca's text, there are problems with the text of this passage. For a discussion of some of the variant readings, see Gambet, Cicero's Reputation., 47-49. Gambet notes and rejects Tenney Frank's emendations and interpretation, which give the meaning: "...of all his misfortunes, he met nothing according to his deserts except his death." Gambet also notes that without the addition of nil (or nihil) after quod a victore inimico, the sense here would be - somewhat implausibly given both the context and historical reality - that Cicero would have practiced clemency with Antony. Gambet's rejection of Frank's reading has the support of Jal's Budé edition (Paris, 1979) of the fragments (229-30, 288-9). His reading of nil or nihil has the support of both Jal and Winterbottom. Gambet also notes (47, n. 35 & 36) two other minor textual problems.
judgment with which he weighs all men of genius Titus Livius has rendered the ampest tribute to Cicero."

Interpretation of the Livian passage by scholars has exhibited a wide range of opinions as to its general tone and attitude.63 As could perhaps be anticipated, Carcopino takes the dimmest of views: "There is nothing here to make us honour Livy for his ardent devotion to Cicero's memory."64 He detects a "sinister irony" in Livy's use of Cicero's age and hostility to Antony as extenuating factors in considering his death. On the other hand, Gambet is keen to minimize the force of Livy's criticisms: "The overall laudatory character of the passage" he says "is clear".65 Comparing the Livian passage with that of Pollio, he says that, as regards criticism of Cicero: "In Pollio it is the rule; but in Livy the exception."66 The difficulties inherent in the passage are perhaps best illustrated by the views of Syme. In an earlier article, he described it as "sympathetic but balanced".67 However, he was later to suggest that - given the "fervent" literary admiration of Livy for Cicero, his judgment must be said to be "cool".68

As a preliminary observation, it must be said a dispassionate analysis of the passage does not really seem to bear out the easy confidence of Gambet here. The most striking feature when one first reads the passage is, as Leeman notes: "Livy's reserve towards a man whom he is known to have admired as the greatest Roman literary genius." As Leeman goes on to say: "it is after all amazing how far the judgements of Livy, Cicero's admirer and follower, and of Pollio, who hated Cicero and strove against him, agree with each other."69 Even on the most positive assessment of Pollio's comments, this is surprising. Gambet argues that Livy makes only two major criticisms of Cicero's behaviour: his failure

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63 A review is given by Lavery (Cicero's Reputation., 41). It should be noted that Lavery misinterprets Zielinski's opinions here. Zielinski's depiction (35) of Livy as "sein [Ciceros] begeisteter Verherer" is with reference to the question of style only. Zielinski's opinion as to Livy's historical judgment (14) is slightly different: "Diese war nun im ganzen für Cicero nicht ungünstig".

64 Carcopino, vol. 1, 17-18.

65 Gambet, Cicero's Reputation., 49.

66 Gambet, Cicero's Reputation., 52.

67 Syme, "A Roman Post-mortem," 211.

68 Syme, "Livy and Augustus," 437; see further, 426-9 & 435-7. He suggests, like Carcopino, that Livy's judgment directly reflects the coolness of the Princeps to Cicero's memory.

69 Leeman, Orationis Ratio., vol. 1, 190.
to confront adversity like a man, and his remark that Cicero's death might be *minus indigna* considering that he would have been no less merciless in his treatment of Antony had roles been reversed. Yet arguably, these criticisms are not only serious ones, but represent a very substantial element within the summation.

Moreover, further critical material in the passage has been detected. For instance, Pomeroy, whose analysis of Pollio's summation of Cicero - suggesting a strongly malicious intent - we have discussed, seems to argue that Livy's views are hardly any more positive than those of Pollio. Assuming that the Livian passage was essentially a re-writing of that of Pollio, he categorizes it as "an improvement...but not necessarily a repudiation." In this context, he notes further evidence of criticism. Once again, like Pollio, Livy lays emphasis on Cicero's good fortune. Livy's description of Antony as Cicero's *inimicus*, Pomeroy argues, reveals a view of the struggle which does not simply modify the picture drawn by Cicero, but completely overturns it. Perhaps, most importantly, Pomeroy argues that Livy's final remark - *et in cuius laudes exequandas Cicerone laudatore opus fuerit* - is strongly ironic.

Earlier, Leeman, whose more general impressions we noted above, had taken a much more cautious approach as to the extent of Livy's criticism. While the differences between the verdicts of Pollio and Livy are slight and subtle, they are, he argues, significant. He notes that while Pollio attacks Cicero's behaviour in both prosperity and adversity, Livy criticizes Cicero's behaviour only when he was enjoying the latter

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72 Pomeroy notes the use of this term in preference to Cicero's depiction of Antony as *hostis*. Taken with Livy's remark as to Cicero only suffering what he himself would have inflicted on Antony, this suggests, argues Pomeroy (*The Appropriate Comment*, 147; see also 'Livy's Death Notices', 181), that Livy "views Cicero's struggle with Antony as a factional struggle, based on personal animosity". Technically, of course, it was Cicero who was now *hostis*.
73 This argues Pomeroy ("Livy's Death Notices," 181) is rendered highly probable by "the almost agonistic rewriting of Pollio's obituary", which ends of course with a biting criticism. Pomeroy goes on to say (The Appropriate Comment., 148, n. 9) of a remark of Valerius Maximus (5. 3. 4: *quoniam qui talem Ciceronis casum satis dignae deplorare possit, alius Ciceron non existat.* ) which seems to echo Livy - though this time with a clearly laudatory intent - that, "This shows a total misunderstanding of Livy's evaluation - according to the latter, Cicero's death does not deserve lamentation."
condition; which Leeman sees as only according with historical reality. Livy's remarks concerning the fact that Antony did to Cicero what Cicero would have done to him are also, Leeman suggests, fair comment. Furthermore, while accepting that Livy's final remark does look "at first sight...like a venomous allusion to Cicero's well-known failing of self-praise", he rejects the possibility, commenting that "we must realize that such an innuendo would rather be in the manner of Tacitus or...Pollio, than of Livy."

Indeed, there do seem to be a number of problems with the more extreme interpretation of Livy's critical attitude, as may perhaps be discerned from Pomeroy himself. His assumption that Livy's epitaph was inspired by that of Pollio seems fair enough in itself, given the similarities of structuring and focus. However, he goes on to make the further, and arguably mistaken, assumption that Livy's opinions minutely ape, if in a less emphatic manner, the lines of criticism laid down by the earlier epitaph. To be sure, Pomeroy states that Livy's re-writing "removes malice" by correcting the judgment of Pollio, and that, like all his obituaries, is an attempt "to give a just assessment of historical figures in terms of their contribution to the development of Rome." However, it is questionable whether such remarks represent a logical conclusion, given his reading of the text. We observed that Seneca, while noting the candour of Livy's judgment, states that he gave to Cicero a *plenissimum testimonium*. To be sure, Leeman's wholesale rejection of ironic intent in Livy's final remark may tend to pay too much reverence to the traditional portrait of Livy as the slow-witted and guileless provincial: why not a gentle witticism? Yet if, as Pomeroy argues, Livy's final remark is to be interpreted as strongly ironic, does this not necessarily render his praise of Cicero - *vir magnus et memorabilis* - nugatory? If such were the case, we must either

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74 Leeman, *Orationis Ratio*, vol. 1, 190. See also Lavery, 42. This is to some extent recognized by Pomeroy (*The Appropriate Comment*, 147.), though he typifies it as "sharply" bringing out Cicero's disasters.

75 Leeman, *Orationis Ratio*, vol. 1, 190. See also Gambet, *Cicero's Reputation*, 50; Lavery, 42-43. As Lavery (42) remarks: "Nobody who has read the *Philippics* can picture the orator, if victorious, altruistically pardoning Antony."

76 Leeman, *Orationis Ratio*, vol. 1, 190.


78 Pomeroy suggests (*The Appropriate Comment*, 147-8) that Livy balances Cicero's literary genius against his statesmanship. This seems a simplistic dichotomy, but even if it were the case, it would still not explain the final irony.
conclude that Seneca has totally misunderstood Livy's attitude, or that he is being ironic himself, something which, in this instance, Pomeroy does not argue. The same could be said of Pomeroy's argument that Livy portrays Cicero's struggle with Antony as purely a personal one, which raised no questions of principle. Such a conclusion would seem to have far-reaching consequences as far as Cicero's general reputation goes. Yet again this does not seem borne out by Seneca's remarks. In any event, Pomeroy's opinions on this point seem highly strained, given the nature of the evidence. For Livy's statement that a victorious Antony did to Cicero what a victorious Cicero would have done to Antony hardly necessitates the conclusion that Livy regarded their struggle as one devoid of meaning or principle.

At this point it is worthwhile considering the other surviving material relating or possibly relating to Livy's work: in particular, the Livian summaries and historical epitomes in the Livian tradition. As mentioned earlier, the problem here is in deciding what sort of reliance can really be placed on this material as a faithful transmitter of Livy's content and judgments. The debate concerning the relationship between the *Periochae* and Livy's text highlights the problem. The automatic assumption that the summaries were taken not from Livy directly, but from an intermediate and now lost epitome, has been questioned; and with it, the tendency to suspect widespread contamination from other sources. Yet, even those scholars who have argued along these lines openly admit both that the question of an intermediate source cannot be definitely settled and that some degree of contamination has occurred.79 Furthermore, even if we were to accept the most optimistic assessment on these questions, there remain

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79 For a recent summary of the scholarly debate on the *Periochae* see, L. Hayne, "Livy and Pompey," *Latomus* 49 (1990), 435-442, 435-6. Hayne notes that recent scholarship has generally tended towards a positive reappraisal of the reliability of the *Periochae*, and seen its connection with Livy as direct. Yet, as she also notes, these tendencies have not been universal. Furthermore, the tentative nature of such conclusions is quite clear. Cynthia Begbie ("The Epitome of Livy," *CQ* 17 [1967], 332-338, at 337-8), for instance, admits: "the *Periochae* may have been made directly from Livy's text, though they could equally be from an intermediate copy." Hayne also notes that certain instances of contamination are somewhat few and far between, given Jal's drastic pruning (in his Budé edition [Paris, 1984] of the *Periochae*, vol. 1, xxxix-xlvii) of W. J. Bingham's list of discrepancies (A Study of the Livian *Periochae* and their Relation to Livy's 'ab urbe condita' [Unpub. Dissertation. University of Illinois, 1978], 392) from 124 to 15. Yet she also states (436): "It is undeniable that the epitomator at times added information not in Livy, and reorganised his Livian material." See Appendix.
significant concerns as to whether these summaries - bearing in mind the processes of partial selection and extreme condensation by which they were derived - can adequately reflect both Livy's treatment of the many and varied events he was describing, and the subtle emphases he may have given to those events. For not only does their author seem to exclude mention of many important incidents, but even with those that are mentioned, we often lack the vital comments and opinions of the historian.80

Indeed, these serious limitations in the Periochae are particularly obvious in the case of Cicero: not only are the references to him extremely few in number, but in addition, they provide us with little meaningful information.61 We are told (Per. 103) that Cicero was sent into exile by Clodius, but we are not told Livy's feelings on the matter.82 Cicero's return from exile in 57 BC with the help of Pompey and Milo, takes place, we are told (Per. 104), ingenti gaudio senatus ac totius Italiae. This is a Ciceronian formulation, to be sure, but one that may constitute no more than what Livy thought to be factual.83 Most interestingly, in the light of the fragments preserved by Seneca the Elder, Cicero's death

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80 See, for instance, Brunt's pithy (and withering) assessment ("On Historical Fragments and Epitomes," CQ 30 (1980), 477-494) of the Periochae for Book 2. He concludes (488): "The principles (if any) of the abbreviator elude me." One such guiding principle may have been the abbreviator's relative lack of interest in constitutional matters. Begbie (338) says that this "is characteristic of all the summaries." She goes on (338, n. 2) to state: "This is no doubt reflected in the almost exclusively 'military' events recorded in Periochae 90-142, which stretch from the death of Sulla to 9 BC." However, M. L. W. Laistner (The Greater Roman Historians [Berkeley, 1977], 80-81) regards it as more likely that this faithfully reflects Livy's narrative, and "that Livy intentionally avoided full discussion of the legislation and controversial questions of the first century." He goes on to state: "From one point of view they were perhaps dead issues; regarded from another, their detailed analysis might have led the historian onto dangerous ground."

81 Cicero is mentioned in Per. 70 (as the only source for the story that M. Antonius tore the shirt off Aquilius to show his scars and thus gain him acquittal), Per. 102 (the conspiracy of Catiline), Per. 103 (Cicero's exile), Per. 104 (Cicero's return from exile), Per. 111 (Cicero not taking part in the Battle at Pharsalus), Per. 120 (Cicero's proscription and death). Julius Obsequens, with his total concentration on prodigies, is even more unhelpful. He mentions Cicero just twice: a reference to his consulship (61), and to the destruction of a statue of Cicero by a gale in 44 BC (68).

82 Per. 103: M. Cicero lege a P. Clodio tribuno plebis lata, quod indemnatos cives necatisset, in exilium missus est. Carcopino's suggestion (vol. 1, 18) that this passage indicates Livy's approval of Cicero's exile seems far-fetched.

83 See for instance, Cic. Red. sen. 24, 25, 28, 29 & 39; Red. pop. 1, 11, 16 & 18. Gambet, Cicero's Reputation., 42, n. 26, notes an argument that ingenti should be translated as agente, thus suggesting that Cicero's return was forced by Milo: ingenti is generally read.
is related in a brief and factual manner, with no hint being given of Livy's sympathetic treatment, or of his summation of Cicero's career.\$84\$

Two of the references, however, seem to be offering comment on Cicero's actions. Of the conspiracy of Catiline, we are told (Per. 102): *Ea coniuratio industria M. Tullii Ciceronis eruta est.* Even Carcopino has to admit that this statement constitutes praise of Cicero.\$85\$ Moreover, the description of the conspirators' plan accords with Ciceronian orthodoxy.\$86\$ The other passage is more problematic. It states that during the battle at Pharsalus: *Cicero in castris remansit, vir nihil minus quam ad bella natus.* Presumably, Livy meant the camp at Pharsalus, in which case he is almost certainly wrong.\$87\$ However, for our purposes, the important question is what Livy means here. Gambet argues that there are two possible interpretations of the passage: "Livy could mean that Cicero was a coward; or he could mean that Cicero...was so pre-eminently a man of peace, that is - that there was nothing for which he was less suited naturally than warlike endeavours."\$88\$ Gambet plumps for the second alternative, in particular noting that Livy seems to be recalling a phrase in Asinius Pollio's "epitaph" (*tum pax diutina cuius instructus erat artibus contigit*). There may be something in this latter point, especially when one also takes into account the depiction of Cicero at Pharsalus by the poet Lucan, for whom Livy was a major

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\$84\$ Per. 120: *Huius (Cicero) occisi a Popillio legionario milite, cum haberet annos LXIII, caput quoque cum dextra manu in rostris positum est.* See Appendix.

\$85\$ Carcopino, vol. 1, 18

\$86\$ L. Catilina bis repulsam in petizione consulatus passus cum Lentulo praetore et Cethego et compluribus aliis coniuravit de caede consulum et senatus, incendis urbis et opprimenda re publica, exercitu quoque in Etruria comparato.

\$87\$ Luckily for Cicero - the camp was, of course, quickly overrun. Jal (*Periochae.,* vol. 2, 85-86) states that the term *in castris* is "très ambiguë", and may have meant Dyrrachium. From *Cic. Div.* 1. 68 & *Fam.* 9. 18. 2 (cf. *Plut. Cic.* 39. 1), it appears clear that Cicero was at Dyrrachium at the time of battle. Making the matter even more confusing is a Scholiast's assertion that Livy placed Cicero in Sicily at the time of the battle (*Scholium Bernense in Lucan. Pharsalia* 7. 62 - Jal, frag. 45). Jal (*Fragments.,* 279) suggests that this could be a garbled reference to his stay at Brundisium, given the reference to an encouraging letter from Caesar. Gambet (*Cicero's Reputation.,* 42, n. 27) suggests that this could be a garbled reference to his stay at Brundisium, given the reference to an encouraging letter from Caesar. Gambet (*Cicero's Reputation.,* 42, n. 27) suggests that Livy's ignorance of Cicero's letters to Atticus was responsible for his error, and puts this forward as evidence that the letters were not published yet. However, these letters tell us nothing of Cicero's whereabouts on the day of the battle. In *Att.* 11. 4a (mid-June 48 BC), Cicero is seriously ill and at Dyrrachium. Yet in *Att.* 11. 4 (15 July) he is back in Pompey's camp. Moreover, using this logic the letters of the *ad Familiares* collection would not have been published either.

\$88\$ Gambet, *Cicero's Reputation.*, 43. Jal (*Periochae.,* 85-86) seems to assume that the reference has a hostile intent.
source. Yet Gambet seems to have overlooked here what Livy says in his epitaph (omnia adversorum nihil ut viro dignum erat tuit praeter mortem). Now to be sure, Livy is probably not speaking here purely of physical courage, but that very fact alerts us to the possibility that Gambet's polarised alternatives do not constitute the only interpretations available to us. For even if in the earlier passage, Livy did not directly and viciously accuse Cicero of physical cowardice, this does not necessarily mean that the passage was entirely neutral in tenor. Given Livy's general admiration for military valour, and his disapproval of Cicero's failure of nerve in the face of adversity, the possibility that Livy indulged in some critical reflection can hardly be ruled out. This is especially the case when one brings into consideration the words of Lucan mentioned already. For in this passage - assuming that it represents a faithful transmission of Livy's general meaning - we possess not only an eloquent description of Cicero's inherent dislike of all things military, but the suggestion that such a nature led him on to folly in a situation of war. Yet once again we are at the mercy of the abbreviator's selection and brevity: it simply is not possible to know whether this reference constitutes the foundations of a substantial passage devoted to Cicero's unwarriorlike character, or refers simply to a remark made in passing which caught the eye of the summarizer.

89 Lucan - speaking of the situation on the eve of Pharsalus when Pompey was resisting the calls of his army to engage the enemy - says of Cicero (7. 62f): Cunctorvm voces Romanvm maximvm auctor/Tullium eloquii, cuius sub iure togaque/Pacificas saevus tremuit/Catilina secures;/Pertulit iratus bel/is, cum rostra forumque/Oparet, passus tam longa/silentia miles. (Addidit invalidae robur facundia causae. Walsh ("Livy and Augustus," PACA 4 (1961), 26-37, 32) states that Livy was "virtually the sole source" for Lucan's epic, basing his views on the seminal 1912 study of Pichon. See, however, Jamie Masters, Poetry and Civil War in Lucan's "Bellum Civile" (Cambridge, 1992), 15-19.

90 Gambet (Cicero's Reputation., 42, n. 27) makes the tentative suggestion that Livy's placing of Cicero at Pharsalus constituted an attempt to shift some of the blame for the defeat at Pharsalus from the shoulders of Pompey, noting that Lucan does this explicitly. Frederick Ahl (Lucan: An Introduction [Ithaca and London, 1976], 160-4) argues that Lucan simply uses Cicero as a pertinent symbol of that senatorial libertas, which in time of war saw freedom become its own greatest enemy. However, Ahl notes (162, n. 29) alternate views on Lucan's attitude to Cicero, some of which assume hostile caricature. W. R. Johnson (Momentary Monsters: Lucan and his Heroes [Ithaca and London, 1987], 76) describes Cicero's following remonstrance to Pompey (Luc. 7. 68-85) as a "particularly nasty, insulting speech". However, even if one is not inclined to wholly accept his depiction of the poem as an absurdist drama of despair, Johnson's analysis stands as a useful reminder of the extent to which Lucan may have remodeled the factual material and tone of his sources.

91 One must assume that the remarks in Per. 119 (Adversus C. Caesarem, qui solus ex tribus ducibus superat, parum gratus senatus fuit, qui Dec. Bruto obsidione Mutinensi a Caesare liberato triumphi honore decreto Caesaris militumque eius mentionem non satis gratam habuit.) may hint at a strongly critical portrayal of Cicero's behaviour in 43 BC.
Nor are the other epitomizing sources of much help here. Again we are faced with similar problems to those concerning the *Periochae*: extreme brevity and interpolation. The second century universal historian Florus, described in some of the manuscripts as an epitome of Livy, is laconic in his treatment of Cicero: his only three references concerning Catiline, the amnesty, and the proscriptions. There is, however, some interesting material here: in particular, Florus’ comments regarding Cicero’s first speech against Catiline. Florus (2. 12. 7) states here: *Consul habito senatu in praesentem reum peroravit; sed non amplius profectum, quam ut hostis evaderet seque tum palam ac professe incendium suum restincturum ruina minaretur.* There would seem to be a suggestion here that the first Catilinarian oration did not lead to the desired result, that is, the neutralization of Catiline, but rather, by driving him from the city, increased Rome’s danger. Now given what we already know concerning Livy’s sober judgment of Cicero’s political career, it is not improbable that Livy’s account of the Catilinarian episode may have varied substantially from that of Cicero himself, and may have contained reservations. Yet there are grounds for caution here. *Per.* 102 certainly gives no hint of what Florus seems to be saying. Indeed, it tends to suggest the opposite: *Ea coniuratio industria M. Tullii Ciceronis eruta est. Catilina urbe pulso de reliquis coniuratis supplicium sumptum est.* The mention of Cicero’s *industria* is echoed by an earlier statement of Florus (2. 12. 5), where this quality is said to be the factor which led to the discovery of the plot. Now whether the *Periochae* text here is any better guide to the original Livian text is open to question, but it must inevitably increase any doubts we have concerning Florus’ reliability.

Yet given the recurrent story of Octavian’s proffered joint-consulship, it would be dangerous to simply assume that Livy depicted Cicero’s behaviour as synonymous with that of the Senate: see Chapter 4, pp 260ff.

92 Florus 2. 12. 1-12 (Catiline), 2. 16. 5 (Cicero’s head upon the rostra), 2. 17. 4 (the amnesty). It is generally accepted now that while Florus’ dominant source was Livy, he exploited numerous other sources including Caesar, Sallust, Virgil, Seneca the Elder and Lucan: see Jal’s Budé edition (Paris, 1967), vol. 1, xxix.

93 As noted earlier (Chapter 1, p 20), it has been claimed, probably incorrectly, that Sallust implied something similar. It is interesting then that Jal (*Florus*, xxix) notes the influence of Sallust in Florus, 2. 12 (esp. at § 12; cf. Sall. Cat. 61. 4). Perhaps Florus can be seen as misinterpreting Sallust’s meaning in a similar fashion.
The references found in "Livian" writers of late antiquity are much more unrewarding. Eutropius, for instance only manages to mention Cicero twice - predictably in the context of the Catilinarian conspiracy and the proscriptions - and with virtually no comment.\textsuperscript{94} The \textit{De viris illustribus} of Pseudo-Victor contains more information, but so much of it is palpable nonsense, that any reliance on it would be dangerous.\textsuperscript{95} The Christian writer Orosius mentions that the amnesty voted after Caesar's death was on Cicero's recommendation.\textsuperscript{96} But, apart from that, there are only the predictable references to Catiline and the proscriptions; and as to the former, Orosius forbears going into detail, noting significantly, that the speeches of Cicero and the narrative of Sallust are known well enough.\textsuperscript{97} Orosius' remarks are a salutary warning against placing too much reliance on such jejune material concerning an event of this kind; for given the fame of the incident, the wealth of material available to ancient writers, and the almost mythic status that the conspiracy had attained in the Roman mindset, the chances of interpolation would seem relatively extreme.

Other sources of Livian material suggest themselves: Valerius Maximus for instance, or Appian and Dio. However, considerable problems arise in their use. Any attempt to delineate "Livian" aspects of Appian's Cicero-portrait from "Pollian" material, especially given Livy's subtle revisions of Pollio's judgments, would seem virtually impossible. Dio's unremitting maliciousness hardly seems to fit the Livian epitaph, however we read it. Livy is one of Valerius Maximus' two major sources; unfortunately the other is Cicero himself. Moreover, even where we have \textit{exempla} which cannot stem from Cicero such as those on Cicero's death, there are considerable problems concerning contamination.\textsuperscript{98}

\textsuperscript{94} Eutr. 6. 15 & 7. 2.
\textsuperscript{95} [Aur. Vict.], \textit{De vir. ill.} 81. We are, for instance, told that Cicero was descended from the Sabine king, Titus Tatius, and that he was Aedile when he prosecuted Verres, and that as Praetor he set Cilicia free from piracy. We are also told that one of the parties behind his exile were the \textit{Sullani} who he had attacked in the \textit{Pro Sexto Roscio Amerino}, which at a pinch might be a garbled reference to those \textit{Optimates} (especially Hortensius) whom Cicero had bitterly reproached for their betrayal in 58 BC; the author perhaps mixing up that speech with the \textit{Verrines}.
\textsuperscript{96} Oros. 7. 6. 5
\textsuperscript{97} Oros. 6. 6. 5-7 (the Catilinarian conspiracy, where he says, \textit{Sed hanc historiam agente Cicerone et describente Sallustio saitis omnibus notam nunc a nobis breviter fuisse perstriclam sat est}. ); Oros. 6. 18.11 (Cicero's death)
\textsuperscript{98} See Appendix.
The *Periochae* and the epitomators may throw little additional light on Livy's perception of Cicero, but they at least tend to support the notion that Livy's *candor* should not be misinterpreted as outright hostility. For their treatment of Cicero is generally favourable, and any possible instances of criticism do not stray radically from those explicitly enunciated in the Senecan fragment. If we reject the more extreme interpretations of that latter passage's tendency, then Livy's remarks there strike one as being the quite reasonable corrections of a serious and diligent historian, with a relatively detailed knowledge of Cicero's career and character. Moreover, the even-handed nature of Livy's criticisms is highlighted, and perhaps to some extent further explained, by much of the literary material surrounding it in the work of Seneca.

Yet is Livy's historical integrity the only factor at play here? It has been argued, for instance, that Livy's historical writing may have been heavily influenced by Stoic concepts; and that, as a consequence, Livy's criticism of Cicero's weakness in the face of adversity stems from the fact that Cicero is being measured by a "Stoic yardstick". At first glance, the notion may appear somewhat dubious, especially given the lack of direct evidence of Stoic attachment on Livy's part. But it should by no means be rejected as impossible. Livy's interest in philosophy and his authorship of several works on the subject is attested by Seneca the Younger. One of the major problems here, however, is in attempting to disentangle peculiarly Stoic theories from traditional Roman ideas generally. Indeed, the very determination of what constitutes the

99 See, in particular Laistner, The Greater Roman Historians, 68-77; P. G. Walsh, "Livy and Stoicism," AJP 79 (1958), 355-375. Laistner is tentative in his argument as to Livy's Stoicism, admitting (71): "The evidence is not as unequivocal as one could wish." However, Lavery considers Livy's epitaph of Cicero one of the strongest pieces of evidence, commenting (74) that it is "indubitably Stoic in tone." Walsh, also, is cautious. Significantly, in a later review of the question (Livy., G & R. New Surveys in Classics No. 8. Oxford, 1974, 11-13.) he is even more cautious, stating (12) that there are many differing interpretations of Livy's philosophical and religious beliefs, and that these result from "varying assessments of Livy's philosophical preoccupations, and from the interpreters' own subjective insights." See also Lavery, Cicero's Reputation., 42, n. 38 & Gambet, Cicero's Reputation., 48 f.

100 Sen. Ep. 100. 9 (speaking of those who may be rated more highly than the philosopher Fabianus in stylistic excellence): *Nomina adhuc T. Livium, scripsit enim et dialogos, quos non magis philosophiae adnumerare possis quam historiae, et ex professo philosophiam continentis libros; huic quoque dabo locum.*

101 As Walsh ("Livy and Stoicism," 356) notes with regard to the relationship between Stoicism and Roman intellectual development: "The whole of Roman historiography, from Cato to Tacitus, is greatly coloured by Stoic cosmological and ethical theories, for
proper "yardstick" for Stoicism as regards major metaphysical and ethical questions is not always an easy matter in itself. With particular reference to Cicero, manly fortitude may have been one of the major preoccupations of Stoic ethics, but it can hardly be described as within their sole preserve. Given these difficulties of delineation, the inclination to use Livy's alleged "Stoicism" in an exculpatory fashion - as something that could "explain away" Livy's criticisms - would seem to be a dangerous one. As we have seen, Asinius Pollio may have written philosophical works of a Stoic hue. Yet few scholars would suggest that Stoicism was the origin, or even one of the most significant determinants in forming his attitude.

Stoic ethics can at least be incorporated as a possible factor in the making of Livy's attitude towards Cicero, while preserving the idea of the historian's attachment to "impartial" historical judgment. Obviously, the same cannot be said of the alleged influence of an Augustus hostile to the memory of Cicero in determining Livy's attitude; for such a theory implicitly denies or, at least, substantially diminishes the importance of the historian's personal views. However, there has been considerable disagreement among scholars as to the nature of the Stoic philosophers dominated its development. Livy is the traditionalist par excellence; we must concede that the philosophical outlook inherent in his history, and the very language expressive of such an outlook, is common to Roman traditionalistic thought."

102 Much effort has been expended, for instance, on the question of Livy's beliefs concerning supernatural phenomena and the nature of divine influence on human affairs. Given the co-existence in Livy's work of an exhaustive citation of prodigies and omens, together with both strong suggestions of scepticism concerning many of these occurrences, it has been argued (Walsh, "Livy and Stoicism," 373-375; Lavery, 69-71), that Livy's work, especially when read in the context of Cicero's De divinatione and De natura deorum - exhibits a neo-Stoic compromise between ethical determinism and a rationalistic outlook to the world. Yet as Walsh notes ("Livy and Stoicism," 373, Livy., 12-3), this compromise, which is based on a view of the Gods as being part of, rather than outside, the world, and achieving their ends by working through men, is essentially in line with the old Roman theology. Moreover, the identification of this compromise as "Stoic" is also problematic. As Walsh notes ("Livy and Stoicism," 374), Stoics were split on the question of whether the future could be foretold. Furthermore, we should also note, as is strongly illustrated in Cicero's De natura deorum, the ambiguous position of the various strands of Platonic thought - which aimed to find a middle way between what they saw as Epicurean "Atheism" and Stoic credulity - in this debate. As Walsh admits ("Livy and Stoicism," 374, Livy., 12) Livy's attitude can just as easily be equated with those of the Academic Cotta, as with the Stoic Balbus.

103 Gambet (Cicero's Reputation., 52) for instance says: "Livy is critical of Cicero only when his Stoic idealism or his political realism force him to be."

104 see n. 11.

105 Notably Carcopino (vol. 1, 17-18), who simply assumes that the hostility he imputes to Livy is a manifestation of Augustus' hatred.
relationship between Livy and Augustus, and the attitude of Livy towards the principate and the events which led to its creation. Syme, for instance, while acknowledging that Livy was "not a flatterer and a timeserver", has emphasized the pressures of imperial patronage, and maintained that his annals "were written in joyful acceptance of the new order, in praise of the government and its achievements." However, other scholars have detected somewhat less enthusiasm for the new order, and, what is more, a consistent espousal of a "Republican" ideology not wholly reconcilable with it. P. G. Walsh, for instance, not only rejects the suggestion that Livy's work was written so as to glorify Augustus' regime, but argues that the work openly reflected "Livy's uncompromising senatorial outlook". Walsh goes on to argue that, despite the problems of evidence concerning Livy's treatment of the first century BC, his sympathy for the Optimate cause in the civil wars is "transparent"; while his handling of events after 27 BC showed a brevity reflecting a distinct lack of enthusiasm. Peterson goes one step further by suggesting, in an analysis of Book 1 of Livy's history, that it reveals a subversive subtext, clearly warning both Augustus and his other readers, that "Romans will not tolerate unmitigated monarchy."

We are faced here with a multifarious array of problems. Once again the poverty, both in terms of quantity and quality, of evidence constitutes a formidable hurdle. But in addition to this, there is the considerable problem of identifying what exactly constitutes an anti-Augustan, or at least an independent, position. One particular piece of evidence brings this into strong focus. Tacitus' account of the trial of Aulus Cremutius Cordus, includes a speech from Cordus in which, speaking of the freedom of speech that existed under Augustus, he states (Tac. Ann. 4. 34. 3) that:

_Titus Livius, eloquentiae ac fidei praeclarus in primis, Cn. Pompeium tantis laudibus tulit, ut Pompeianum eum_

Augustus appellaret; neque id amicitiae eorum offecit. Scipionem, Afranium, hunc ipsum Cassium, hunc Brutum nusquam latrones et parricidas, quae nunc vocabula inponuntur, saepe ut insigni<es> viros nominat.

(Livy, with a fame for eloquence and candour second to none, lavished such eulogies on Pompey that Augustus styled him "the Pompeian": yet it was without prejudice to their friendship. Scipio, Afranius, this very Cassius, this Brutus - not once does he describe them by their fashionable titles of brigand and parricide, but time and again in such terms as he might apply to any distinguished patriots.)

[Jackson]

The term *Pompeianus* is in itself ambiguous, being a word that could simply imply praise of Pompey, or more generally an attachment to republican ideals. Nor, of course, were these meanings necessarily mutually exclusive. Now Tacitus seems to be saying that Augustus gave the title to Livy on the basis of his praise of Pompey alone. But given the following reference to Livy's respectful usage of other "Republican" leaders - one of whom was not noted for his personal attachment to Pompey - it seems more than reasonable to suggest that Augustus' epithet had a wider meaning, whether the speaker intended it or not.

Yet even if we are fully justified in reading an ideological component into Livy's designation as a "Pompeian", we are faced with the further problem of locating such a stance in the context of Augustan "orthodoxy" regarding the fall of the Republic. Syme, for instance, has consistently maintained that evidence of "Republican" sentiment in Augustan literature, far from being a sign of disaffection or opposition to the new order, reflects a consistent policy, whereby Augustus

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110 Syme ("The Allegiance of Labienus," *JRS* 28 [1938], 113-125, at 125 = *RP* 1 (1979), 62-75 at 75) notes: "as the Latin language lacked a single word to express the meaning of 'Republican' or 'anti-Caesarian', the term 'Pompeianus' was called into service." For Livy's generally favourable treatment of Pompey, see Hayne, "Livy and Pompey," *passim*.

111 As Syme ("The Allegiance of Labienus," 75) notes, despite Pompey's "violent, illegal, and treacherous career" he "had become sanctified by dying for the Republic against Caesar."
disassociated himself from his Caesarian heritage, and appropriated much of the imagery of the defeated party, so as to create a fraudulent guise of Republican legality. The "Pompeian" epithet, Syme argues, reveals the collusion of Princeps and Livy in this sham: "The Emperor and his historian" he states "understood each other."

This alleged ideological realignment on the part of Augustus continues to divide scholars. This will no doubt continue, reliant as we largely are on a hotchpotch of scattered and allusive remarks and anecdotes (often preserved outside their original context), the later literary tradition, and vague surmises concerning the significance and meaning of matters such as the deification of Caesar. However, while the nature of our evidence suggests that extreme caution is required, the subtleties and apparent contradictions of what is available to us tends to suggest that, even at the time, the matter was complex and perhaps not fully resolved. The Augustan Principate itself represented something of a historical contradiction: much of its symbolism and legitimacy, as is shown in the name and person of the first Princeps, resting on the legacy of Caesar; yet, by its very structure and vital elements of its self-presentation, also constituting something of a repudiation of that legacy. There seems little doubt that, in many respects, Augustus' alleged "detachment" of his regime from its Caesarian heritage has been

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113 Syme RR, 317.

114 Witness, for instance, the two very different viewpoints recently displayed in the articles of Ramage and White, concerning the treatment of Julius Caesar in the Augustan period: Edwin S. Ramage, "Augustus' Treatment of Julius Caesar," Historia 34. 2 (1985), 223-245; Peter White, "Julius Caesar in Augustan Rome," Phoenix 42 (1988), 334-356. Ramage argues (223): "the emperor from the beginning of his rise to power carried out a subtle program of propaganda designed to suppress Caesar and to put distance between himself and his father". On the other hand, White strongly discounts the idea of dissociation from Caesar on the part of Augustus. Ramage severely weakens the force of his argument by postulating, largely on the basis of a highly idiosyncratic reading of the coinage, that the young Octavian attempted to distance himself from Julius as early as his assumption of the consulship in 43 BC.
overdrawn. Yet, it remains a fact - to take a potent image as an example - that in the new Augustan forum, the statue of the divine Julius presided over a pantheon of both Julian ancestors and Republican heroes, the latter including Sulla and, most probably, Pompey. In such a situation, we should, arguably, be speaking in terms of a reconciliation - however historically paradoxical and problematical that may have been - which redefined recent history, rather than in terms of a fundamental, if fraudulent, realignment.

Other factors are also at work here. The Augustan attitude to recent history is often viewed as a constant, perhaps because with much of our material we are unclear about its dating, circumstances and intended audience. Yet these factors must have been crucial. No doubt, the Augustan Memoirs - written in the mid-twenties BC, for an audience restricted to his social peers, and in a genre which encouraged a relatively detailed examination of events - displayed many significant differences of opinion, tone and emphasis from those gnomic and obfuscatory remarks found in the much later Res Gestae. Even where the above variables do not seem to play a part, seeming contradictions emerge. The same Augustus, who to Seius Strabo could praise Cato as a good citizen for not wishing the alteration of the existing constitution, could also write an Anticato, and recite it to a chosen audience of friends.

115 White's article constitutes a valuable and persuasive corrective to this controversy. His suggestion that the main image problem facing Augustus concerned his own actions, rather than Caesar's, does seem pertinent. As he says (345): "The proscriptions were what everyone remembered about the war." His analysis of Augustan poetic treatment of Caesar (346-353) shows that he was referred to more often than any other notable Roman of recent times, apart from Augustus, whose precedence is easily explained as that of the living ruler over the dead one. Moreover, his argument (355) that the important nature and novelty of Caesar's deification would suggest that "apotheosis was anything but a quiet track onto which troublesome personalities could be shunted" does have considerable force. Arguably, however, White does skate over some of the evidence - Virgil's call for Caesar to disarm before Pompey (Aen. 6. 834), for instance - which is uncongenial to his argument. Moreover, it is arguable that Caesar's deification, if not representing a complete depersonalization of, and dissociation from the historical Caesar, nevertheless contained elements of redefinition, such that it did not simply constitute a sanctification of his life, as White (353) would have it.

116 For a list of the nineteen known summi viri (which includes such disparate figures as Metellus Numidicus, Marius, Sulla and Lucullus), see Sage, "The Elogia of the Augustan Forum," 193. For the probable inclusion of Pompey, see Luce, "Livy, Augustus, and the Forum Augustum," 129-30.

117 See in this context, Feeney's remarks (Chapter 2, n. 106).

118 Macrobr. Sat. 2. 4. 18: quisquis praesentem statum civitatis commutari non volet et civis et vir bonus est; Suet. Aug. 85. 1: Multa vari generis prosa oratone composuit, ex
Cassius, were the subject of variable treatment on his part. The town of Mediolanum could see a smiling Augustus commend their loyalty to Brutus, in keeping a statue of the latter in their forum, and also see the orator Albucius Silus almost punished for pointing to the very same statue, and referring to Brutus as *legum ac libertatis auctor et vindex*. Obviously, such changes in the imperial response had its limits. Yet, if the attitude of the *Princeps* could show considerable variations on these matters, it is no real surprise when we find his subjects expressing views that we could easily assume to be dangerously heterodox.

*quibus nonnulla in coetu familiarium velut in auditorio recitavit, sicut Rescripta "Bruto de Catone," quae volumina cum iam senior ex magna parte legisset, fatigatus Tiberio tradidit perlegenda.* Presumably composition of the latter work also took place in Augustus' old age. No reference is given for when the former comment was made; however, given that Strabo was Praetorian Prefect in AD 14, this probably also dates from this late period. Syme (RR, 506) suggests that Augustus' pamphlet on Cato was laudatory, though this appears to be impossible. For an interesting re-analysis of the evidence from Macrobius, see Lyne, *Horace: behind the Public Poetry*, 160-1. As Lyne notes, it is clear that Strabo assumed that his attack on Cato's *pervicacia* would please Augustus. As to the tenor of what he calls Augustus' "chilly and dignified response" he goes on: "Had I been the flattering Strabo, I would not have been so crude as to denigrate Cato again. But neither should I have taken Augustus' response as my cue to start praising the great republican conservative. I simply should have shut up on the topic." Lyne may be slightly exaggerating the touchiness of the *Princeps* here. Yet the *Anticato* gives us pause, as does the note of exasperation in one of his favourite expressions - *contenti simus hoc Catone* - which we are told (Suet. Aug. 87. 1) was used *cum hortatur ferenda esse praesentia, qualiacumque sint.*

119 Plut. *Comp. Dion et Brut.* 5; Suet. *Rhet.* 6. In the incident involving Albucius, we are told that L. Piso was presiding as proconsul; Syme (AA, 332) dates Piso's promagistracy to 16 or 14 BC. As to Augustus' visit, perhaps it dates to around the same time; he was visiting Spain and Gaul in 16-13 BC. See also, App. B Civ. 4. 51, where Brutus' quaeor "Ποιότητας" (identified as L. Sestius Quirinalis [cos. suff. 23 BC]) is praised by a visiting Octavian (or is it Augustus?) for bringing out to him his portraits of Brutus.

120 Of course, Livy's praise of the Tyrrancides was mirrored, Tacitus tells us, by that of Pollio and Messalla Corvinus (for whom see also, Plut. *Brut.* 53). Elizabeth Rawson ("Cassius and Brutus: The Memory of the Liberators," in I. Moxon, J. D. Smart, and A. J. Woodman, eds., *Past Perspectives: Studies in Greek and Roman Historical Writing* [Cambridge, 1986], 101-11; reprinted in Elizabeth Rawson, *Roman Culture and Society: Collected Papers* [Oxford, 1991], 404-507), who assumes the strong hostility of the Augustan autobiography to the Liberators, notes Nicolaus' relatively balanced portrait of Brutus (see for example, Nic. Dam. *Vit. Caes.* 59, 61, 92, 93, & 100) in his account of Caesar's assassination. She assumes that this is the result of Nicolaus' use of additional sources, most probably Asinius Pollio. Bellemore (Nicolaus., xxii) considers that the Caesar extract (§§ 59-106) has nothing to do with Augustus' *Memoirs*. No doubt, the line taken by the Augustan *Memoirs* on Brutus and Cassius probably mirrored in its basic tone the viciousness of Valerius Maximus' treatment: e.g. Val. Max. 1. 5. 7, 6. 4. 5. Yet even here is there not a very subtle concession in the Valerius' statement (6. 4. 5) that the monstrous deed of killing Caesar made Brutus *suarum prius virtutem quam patriae parentis parricida?* A similar point, interestingly enough, is made by Velleius Paterculus (2. 72. 1), whose tone towards the Tyrranicides, in comparison to Valerius, is significantly more moderate. That, of course, might be the influence of Pollio or Messalla Corvinus or even Livy. Yet, even Velleius' concessions are very limited, and that very
All these factors, then - the inevitable changes in perception and policy wrought by four decades of Augustus' sole rule, the nature of our evidence, and the ideological ambiguity of Augustus' regime - must be taken into account when assessing Livy's attitudes and their place within Augustan politics. To note a pertinent example of the evidential problem - outside that of the *Periochae* and epitomes - there is the famous passage in Seneca the Younger (Sen. N. Q. 5. 18. 4) speaking of the effect of the winds: *Nunc, quod de Caesare maiore vulgo dictatum est et a Tito Livio positum in incerto esse utrum illum magis nasci an non nasci reipublicae profuerit, dici etiam de ventis potest.* Now this passage has often been used as evidence of Livy's critical attitude towards Caesar, and, indeed, is one of the few instances of direct criticism we can call upon. Yet, as White notes, it is not at all clear whether Livy was endorsing the remark, or simply reporting it. Moreover, it has been cogently argued that this remark does not even refer to Caesar, but rather to Marius.

Consideration also needs to be given to the possibility that Livy's attitude and position may have altered over time as the political conditions around him changed and developed. A. J. Woodman, for instance - on the basis of a revised interpretation and dating of the composition of the early books - has argued that Livy's attitude towards the new order, which had been, at the very least, pessimistic before the Battle of Actium, changed to a highly positive one during the course of the Principate; leading not only to a marked change in content and style,
but to Livy extending his work beyond the bounds originally intended. That Livy began writing in the late thirties would initially seem a convenient hypothesis on which to reconcile some of the evidence we possess. For not only could the pessimism of Livy's preface be sheeted home to the lawlessness and naked tyranny that characterised the Triumviral period, but also those unflattering allusions to Caesar's heir which Peterson found in Livy's description of the Regal period. Yet, the foundations on which Woodman builds these theories must be considered somewhat tenuous. Moreover, one wonders whether the very grave doubts about the young Caesar which Woodman and others have read into the early books of Livy's work could have dissipated so completely during the period of the Principate, that he performed - as the wholly positive depiction of Octavian in the Periochae seems to indicate - a complete somersault, and wholly exculpated the latter from any responsibility for the horrors of that period. However, it is by no means impossible, and perhaps the hostile attitude taken in the

124 A. J. Woodman, Rhetoric in Classical Historiography: Four Studies., London and Sydney, 1988, 128-140. Woodman, on the basis of a re-interpretation of Livy's preface, and the theories of T. J. Luce on possible later interpolations in the first pentad, suggests that Livy had written, and indeed published (there being a later second edition) the first pentad before the end of the civil wars in 31 BC.

125 Woodman's thesis rests on a re-interpretation of the famous passage in 1. 1. 9: quibus nec vitia nostra nec remedia pati possimus. This has generally been assumed to refer to Augustus' failed marriage legislation of 28 BC. If this is the case, he says (133): "it follows that Livy's preface must post-date 28 BC." Woodman (132-4), noting the arguments of Badian as to the illusory nature of this legislation, suggests that the vice referred to is civil war, and the unpalatable remedy, the prospect of a dictatorship, which at the time Livy and his contemporaries saw as the only alternative. The argument is ingenious, but needs further elucidation.

126 The treatment in the Periochae could even be interpreted as the exact opposite of what we might expect if Livy's view of Augustus was on an upward trajectory, if - and this is an open question - we are, as Walsh has argued ("Livy and Augustus," 34), to draw negative inferences from the brief and almost wholly military flavour of Books 133-142. Woodman (139) suggests the opposite: "since many of his earlier books had dealt with the acquisition of Rome's empire, he was thus able to suggest that history had come full circle and that the Augustan age was challenging the past in glory." Not much is to be gained from speculation as to deeper political significance in the superscription, qui editus post excessum Augusti dicitur, found on the manuscripts of the Periochia for Book 121. Presumably, this refers to Books 121-142 in toto. That this has reference to the politically sensitive nature of Livy's attitude in this book would, however, appear dubious. As Syme ("Livy and Augustus," 412) notes: "The preceding book told of the Proscriptions: for a historian the most delicate episode in all the versatile and unedifying career of the young Caesar." Moreover, one wonders if the reign of Tiberius provided any more inviting an atmosphere for the espousal of anti-Augustan sentiments than that of Augustus.
Periochae to Antony might also be taken as evidence of such a whitewash.\textsuperscript{127}

Taking into account all the variables mentioned above, it must be said that the evidence for Livy’s hostility to Augustus and his regime is slight, to say the least. Yet these same variables also suggest that Augustus’ remark should not be simply interpreted as a metaphorical “wink” in the direction of a suitably pliant historian from a fellow “Pompeian”. Tacitus’ account tells us two things of importance: firstly, that the friendship of Augustus and Livy - and we are pretty much in the dark as to the extent of that friendship - was not seriously affected by Livy’s attitude; and secondly, that the friendship survived not because of Livy’s sympathies but in spite of them. We have seen that, given the fluidity of Augustus’ own attitude towards the recent past, praise of Caesar’s and Augustus’ enemies was not, by its very nature, evidence of hostility to the Principate. Surely, however, this then indicates not Livy’s adherence to an official “party line” - for no such thing existed - but an attempt by the historian to reconcile the conflicts of the civil wars with the complex ideological character of the new order. This attempted reconciliation may have been equivalent to that attempted by Augustus, but, as Tacitus’ statement reveals, it was by no means identical with it.\textsuperscript{128}

Where does this leave us in relation to Cicero? We have already seen that Augustus himself seems to have evinced little interest in denigrating the memory of Cicero beyond what was required to exculpate his own actions in the period following Caesar’s death. No evidence survives on how Livy dealt with the relationship of Cicero and the young Octavian. Possibly, Cicero was included as one of those ungrateful and ill-disposed senators, whose attitude was responsible for Octavian’s reconciliation with Antony and Lepidus (Per. 119). Yet the

\textsuperscript{127} Per. 117, 130, 131, 132 & 133. See Laistner, 82. Note also Florus’ suggestion that the horrors of the proscriptions were largely Antony and Lepidus’ doing, and that Caesar percussoribus patris contentus fuit (2. 16. 6).

\textsuperscript{128} Note in this context, T. J. Luce’s comparison of the elogia of the summi viri in the Augustan forum with Livy’s attitude to them in, “Livy, Augustus, and the Forum Augustum,” passim. Luce argues (129) that Augustus and Livy were “in emphatic agreement” as to history being “the great repository of exempla by which one might measure the worth of one’s own contributions.” However, he goes on to note that there are many disagreements in detail and judgment, suggesting, he argues, not only Livy’s independence of outlook, but the possibility that it reflected serious differences of opinion between the two men.
Senecan fragment tends to suggest that Livy did not simply regurgitate the arguments laid down in the ruler's autobiography. For if Livy's qualifying remarks concerning the death of Cicero help to leaven anyone's guilt, it is that of Antony; the same Antony who, if the *Periochae* are any guide, was generally treated by Livy in a markedly unsympathetic tone, and who had become for Augustus and his subjects such a convenient scapegoat for Cicero's death. Thus Livy's critical attitude towards Cicero here, rather than possibly demonstrating his status as a mouthpiece of official disapproval of Cicero's memory, would seem to be some of the best evidence we possess of the historian's independence of outlook.

(iii) Summation.

Apart from Pollio and Livy, there is virtually no further meaningful information on which to base our conclusions concerning the treatment of Cicero in Augustan historiography. From the universal historian Diodorus Siculus, we have two fragmentary references to the Catilinarian conspiracy, which from our perspective are not particularly helpful, since they tell us little or nothing of Diodorus' attitude to Cicero.\textsuperscript{129} From the polymath Fenestella, who wrote an annalistic history of Rome in at least twenty-two books, we have - thanks to the frequent corrections of his statements by Asconius - a number of passages with relevance to Cicero, which may come from this work.\textsuperscript{130}

\textsuperscript{129} Diod. Sic. 40. 5 (the divulging of the plot to Cicero by the lover of one of the conspirators), for which see Sall. *Cat.* 43; Diod. Sic. 40. 5a (Cicero's strategem in the Senate to force Catiline into exile), for which see Cic. *Cat.* 1. 20-1. For the dating of the composition of this work, see Kenneth S. Sacks, *Diodorus Siculus and the First Century* (Princeton, 1990), 160-72. Sacks sees Diodorus as beginning research around 60 BC, composition 46/45 BC, and publishing around 30 BC, though he notes that some scholars have seen Diodorus as writing during the Principate. Interestingly, Sacks postulates that while admiring of Caesar, Diodorus may have been hostile to Octavian, and that this may have led him to excise the Civil Wars from his treatment.

\textsuperscript{130} According to Jerome (*Chron.* Halm, 172), Fenestella died in AD 19 in the seventieth year of his life. Yet given what Pliny the Elder states (*HN* 33. 146: *Fenestella, qui obit novissimo Tiberii Caesaris principatu*) it has been suggested that Jerome's dating mistakenly backdates Fenestella's birth in the consulship of Sex. Pompeius (35 BC) to the sole consulship of Pompey in 52 BC, thus also backdating his death, which really occurred in AD 35 or 36; see Wissowa, *RE* "Fenestella," Bd. 6. 2 (1909), 2177-9, at 2177. In extant passages, Asconius refers to Fenestella at least five times, possibly seven: see Asc. *Pis.* C, 1 (?), & 5; *Mil.* C, 31; *Corn.* C, 66 & 70 (?); *Tog. cand.* C, 85 & 86. In addition, Aulus Gellius (*NA* 15. 28. 4) gives us another reference. We cannot be sure, however, that these references do not come from other works on constitutional and social antiquities. For Asconius' attitude towards Fenestella, see Marshall, *A Historical Commentary on Asconius*, esp 53-55. Marshall notes that, given the possibility that the careers of the
Yet for our purposes, only three of these fragments have any relevance, and even these do not seem to give us any clear hint as to Fenestella's opinion of Cicero. The laudatory references to Cicero of the historian Aulus Cremutius Cordus, preserved by Seneca the Elder (Suas. 6. 19), may very possibly have been written in Augustan times. However, we cannot be absolutely sure that Cremutius' remarks date from the Augustan period, and because of this, and for thematic reasons, they will be dealt with in the following chapter. Suffice to say here, that Cordus' praise of Cicero - if indeed written and disseminated during Augustus' reign - does not seem to have caused any major problems for either Cordus or the princeps.

Ultimately then, Pollio and Livy stand as the only two significant bases for our conclusions concerning the response of Augustan historiography to the image of Cicero. To generalise from the statements of the two most famous, and probably the best, of the historians of that age may appear a somewhat dangerous exercise, given that the quality and tenor of their analysis might be, because of their exalted status, somewhat unrepresentative. The tendency to see these two historians as representing extremes of opinion is, as we have seen, overdrawn. However, that very same status is also indicative of how highly influential their narrative and judgments were with both contemporary and later historians.

As we have already seen, any conclusions concerning the work of these two men is subject to a major qualification: the nature of our evidence. We must always bear in mind the fact that we are dealing with "lost" works, and that this dictates a great degree of caution in any judgments we do make. The fragments, fortuitously preserved through the agency of Seneca the Elder, and the perilous business of source-hunting in later

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131 Gell. NA 15. 28. 4, where Gellius points out that Asconius noted Fenestella's mistake regarding Cicero's age at the time of the Pro Roscio Amerino; Asc. Tog. cand. C, 85 & 86, where Asconius argues against Fenestella's assertion that Cicero defended Catiline in the extortion case in 65 BC. Gambet (Cicero's Reputation., 106-108) argues as to the references to Cicero's defence of Catiline: "In this instance at least, then, Fenestella's handling of the orator appears to have been somewhat unsympathetic." Yet given Asconius' remarks here regarding the political capital Cicero could have made out of Catiline's ingratitude, it would seem open to suggest that Fenestella had asserted the point in order to further blacken Catiline, rather than to highlight Cicero's expediency.

132 See Chapter 4 (c) (ii), pp 282f.
works, can only give us a vague and imperfect understanding of their conception of the period, and the place they gave Cicero within it. Despite this qualification, or perhaps because of it, our analysis of the evidence for Pollio and Livy admirably highlights four major interrelated issues concerning the reception of Cicero's memory and, more generally, attitudes towards the civil wars and collapse of the Republic during the Augustan Principate. Firstly, it is abundantly clear that these historians treated Cicero as a figure of considerable importance in both the culture and politics of the late Republic, and discussed him at length. This may appear an obvious point. Yet given the propensity of modern scholars to attempt to diminish that importance, and ongoing assertions that silence was the officially preferred response when Augustan Romans came to dealing with Cicero, this needs to be noted. Whatever Pollio and Livy think of Cicero, they seem to have seen the need to discuss him at length and seem relatively unconcerned in doing so.

Secondly, given certain conclusions concerning our evidence, we are struck by the efforts of these two historians to achieve a balanced portrait of the dead orator. Pollio, the author of vicious invective concerning Cicero's character, and fierce critic of his oratorical style, reluctantly gave Cicero some measure of credit. Livy, the fervent admirer of Cicero's literary genius, clearly identifies the man's flaws as well as his greatness. In recent times it has become customary to view historiography in the ancient world as little more than the handmaiden of rhetoric. The ancient historians, we are told, had a notion of historical truth fundamentally different from that of the modern historian. Rather than being based on a notion of recording what actually happened, it was basically concerned with both avoiding bias, and presenting a picture which seemed true enough, consistent with the rhetorical concept of inventio. Thus "historical truth", it is argued, revolved around the precepts of impartiality and plausibility. Whatever the truth of these

133 Notably, Woodman, Rhetoric in Classical Historiography, esp. ch. 2. From a detailed analysis of Cicero's letter to Luceius (Cic. Fam. 5. 12) and Book 2 of the De Ora tore, he argues (83): "Cicero resembles the major Roman historians in seeing truth in terms of impartiality... (and)... does not present truth as the opposite of what we would call fiction." Woodman does in fact recognise (see esp. 90f) that the ancients believed that a "hard core" of factual matter should lie at the heart of a historical work. Indeed he states (92): "the concept of a true hard core seems to have been the very thing which distinguished historiography from the other types of literature." However, he goes on to argue that, because in practice the distinction between this hard core and the
assertions, it is nonetheless incontestable that ancient historical writers display a strong preoccupation with the need to avoid bias, as well as engaging in substantial rhetorical elaboration. Now even if such tendencies reflect the "unscientific" nature of ancient historiography, the evidence of Pollio and Livy suggests that this does not wholly negate its worth. It is interesting, for instance, that Seneca seems inspired - perhaps by the more informed and realistic observations of the declamer Varius Geminus (Sen. Suas. 6. 11-14) - to introduce the historical passages as something of a corrective, to the declamatory material on the death of Cicero. As a factual corrective, the historical passages on the death of Cicero would appear somewhat dubious. Yet in more general terms, the "medicinal" value of the historians - after being confronted with the lionizing and demonizing tendencies of the declaimers - is marked. For characterized as the declamatory material is by a distinct tendency to sanctify Cicero's character, and to rail against Antony's execution of Cicero as a criminal and totally unjustified act, it tends to throw the judgments of these historians into sharp relief. The temptation to read into this contrast a hostile motivation thus must be balanced by a recognition of the role played by the rules governing the historical genre.

Thirdly, it seems fair to conclude that while not uncritical, the historical response to Cicero was, on the whole, positive. As has been argued, the suggestion that the criticisms of Pollio and Livy totally subvert their ostensible acts of praise, strains the available evidence. It could be argued that, even on the most optimistic assessment of Pollio's work, the description of it as "positive" may be misleading; yet taking into account the modification of attitude in relation to his other literary

rhetorically-elaborated superstructure was not kept, the distinction was largely meaningless. Arguably, however, this very recognition of a kernel of truth suggests that historiography was not simply another branch or subset of rhetoric, but rather a genre that, while intersecting with it, could still be distinguished from it. For it implies that there was a conception in the ancient mind, however vaguely and nebulously it was applied, that the liberties rhetoricians could take with historical matter were far wider than those historians were supposed to take. Note, for instance, Cicero's words at Cic. Brut. 42-43. Christopher Pelling ("Truth and Fiction in Plutarch's Lives, " in D. A. Russell, ed., Antonine Literature [Oxford, 1990], 19-51, at 42), whilst agreeing with Woodman as to the highly "rhetorical" nature of ancient historiography, argues: "I prefer to think of a similar concept of truth, but one which was pursued and presented with different narrative conceptions and licenses." However, he admits, that "in practice the difference (i.e. between himself and Woodman) is largely semantic."

134 See Appendix.
works, the term seems reasonable. Moreover, if Pollio's description of
the death of Cicero is any guide (Sen. Suas. 6. 24), the most pungent of
Pollio's criticisms in his Historiae found little favour with
contemporary historians. This is not to say that these historians
portrayed Cicero's alleged character flaws as minor or insignificant; but
neither were such faults used in a manner fatal to Cicero's good repute.

Fourthly, and finally, the simple attribution of these historians'
opinions to the will and direction of the first Princeps must be
considered crude and unsatisfactory. Such a belief initially developed
when it was assumed that Augustus was unremittingly hostile to the
memory of Cicero. As we have seen, the theory of a consistent animus
towards Cicero on the part of Augustus personally is fragile to say the
least. The evidence as to the historians does nothing to assuage such
doubts. In fact, the evidence concerning the saying and writings of the
Emperor, and that of Pollio and Livy shows, if anything, a confluence
towards a judgment where criticism is more than balanced with praise.
We know that Augustus could, at times, tolerate praise of Cicero, as long
as it did not impinge on his own good name; he could even pronounce
it himself. In these circumstances, it seems more plausible to suggest
that such a confluence, rather than being the result of explicit and direct
political influence, more simply reflects the experiences, interests and
opinions of the individual writer, as well as the the reality of Cicero's
own life.
b) Seneca the Elder, Cicero and Augustan Declamation.135

There is not a little irony in the fact that the most voluminous, and indeed most complimentary, series of references we have to Cicero in the Augustan age is to be found in the excerpts of declamation collected by Seneca the Elder.136 Most scholars have argued that in the

135 For the identification and dating of the declaimers mentioned by Seneca see, Henri Bornecque, Les Déclamations et Les Déclamateurs D'Après Sénèque Le Père (1902) Hildesheim, 1967), 137-201; W. A. Edward, The Suasoriae of Seneca the Elder (Cambridge, 1928), xl-xliv. Gambet (Cicero's Reputation., 55-92) makes a formal classificatory distinction between the professional rhetoricians and those orators who declaimed on Ciceronian subjects. Here, reference will be made to the evidence for the status and dating of individuals as they appear in the text. There are, as Lavery has noted (46, n.4) some difficulties in trying to precisely date many of these declaimers. Yet his solution - to group them all in a section devoted to Tiberian evidence - is not only somewhat extreme, but highly misleading. Gambet's assertion (73, n. 71), based largely on the authority of Teuffel, that the floruit of the vast majority of Senecan declaimers, especially those mentioned in the three "Cicero" declamations, lies in the reign of Augustus would seem correct. There are, however, distinct problems with the implications for Cicero's memory that Gambet draws from this fact: see Chapter 4 (b), p 225f.

136 For the dating of Seneca's life and works see, Edward, Suasoriae, xxii - xxvii; Miriam Griffin, "The Elder Seneca and Spain," JRS 62 (1972), 1-19, esp. 4-5; Lewis A. Sussman, The Elder Seneca (Leiden, 1978), 18-24; Janet Fairweather, Seneca the Elder (Cambridge, 1981), 3-16; and by the same author, "The Elder Seneca and Declamation," ANRW 2. 32. 1 (1984), 514-556, at 517. There are many problems here. Seneca's birth is only to be deduced from his comments in Controv. 1. pr. 11, that it was the civil wars rather than his age which prevented him witnessing Cicero declaim. Fairweather notes (328, n. 2) that, despite attempts at more precision, the safest dating that can be presumed from this passage is that he was born some time in the fifties BC. The only one sure date available for us is the terminus ante quem for his death: before Seneca the Younger's exile by Claudius in AD 41 (Sen. Consol. ad Helv. 2. 4-5; not Gaius as stated by Winterbottom in the introduction to his Loeb edn., xxii; see Dio 60. 8. 5-6 & Schol. ad Juv. 5. 109). It seems that he outlived Tiberius, as he speaks of the latter (Suas. 3. 7) in the past tense. Suet. Tib. 73 (a fragment from "Seneca" on the death of Tiberius), may be supporting evidence, though Griffin ("The Elder Seneca and Spain," 4 & 10) suggests that it more likely comes from a work of Seneca the Younger than the Elder's lost Historiae; Fairweather (Seneca the Elder, 17) & Sussman (The Elder Seneca, 139) are more cautious. That the writing of the Controversiae and Suasoriae occurred, at least in part, in his last years is indicated by his references to the fall of Sejanus (Controv. 9. 4. 21), the death of Mamercus Aemilius Scaurus in AD 34 (Suas. 2. 22), and the reference to Tiberius noted above. It has been asserted (for instance, Griffin, "The Elder Seneca and Spain," 11) that Seneca's open citation of Titus Labienus (Controv. 10. pr. 4-8) - which includes an open denunciation of book-burning -, Cassius Severus (esp. Controv. 3. pr.), and Cremutius Cordus (Suas. 6. 19 & 23), shows that most, if not all, of the work was written after Tiberius' death, since the works of these men, banned in the reigns of Augustus and Tiberius respectively, were only re-published in the reign of Caligula (Suet. Calig. 16). However, as Fairweather argues (Seneca the Elder, 15, "The Elder Seneca and Declamation," 517, n. 4), this is open to contention; see also the article of Jane Bellemore mentioned in Chapter 4, at n. 165. Publication of the work is even more problematical. A fragment of Seneca the Younger's Life of his father (see F. Haase, L. Annaei Senecae Opera Quae Supersunt [Leipzig, 1853], vol. 3, 436-7) suggests that at
development of declamation as public social activity, aimed primarily at display rather than simply as practice for public oratory, we are seeing the effects of the death of the free Republic and its replacement by the Augustan Principate. Whatever the connection between display declamation and the new autocracy, the nature of declaratory rhetoric - especially its unwritten central premise that eloquence could constitute an end in itself - represented a fundamental denial of the Ciceronian oratorical ideal. Yet despite this, Seneca's evidence gives us the very clear impression that Cicero was treated with almost unanimous deference and respect by Augustan declaimers. Most interestingly, Cicero is unreservedly praised not simply as an exemplar of eloquence, but as an outstanding statesman struggling to preserve the free State;

least some of Seneca's works had not been published by the son in accordance with the father's wishes, though whether this included his declamatory work is unclear. Griffin ("The Elder Seneca and Spain," 11) suggests that the work was probably published during the Elder's lifetime. Edward (Suasor., xxvii), on the basis of a somewhat exaggerated notion of the work's political dangers, suggests some time after the Julio-Claudian period. 137 Thus, for instance M. L. Clark (Rhetoric At Rome: A Historical Survey [Third edn., revised by D. H. Berry. London and New York, 1996], 85) states: "Declamation then grew up with the end of the Republic, and there is an obvious connection between the political revolution and the change in rhetoric, for with the establishment of the principate the free life which had fostered the oratory of the Republic came to an end." see also, Edward, xvi-xx; S. F. Bonner, Roman Declamation in the Late Republic and Early Empire (Liverpool, 1949), 42-5; Sussman, The Elder Seneca, 12-13. That loss of freedom and opportunity was the primary cause of the rise in popularity of declamation has been contested: see for instance, E. P. Parks, The Roman Rhetorical Schools as a Preparation for the Courts under the Early Empire (Baltimore, 1945). Parks (e. g. at 19) rightly notes the numerous opportunities for forensic oratory that existed during the Empire, but as Bonner notes (44), the significant factor for great oratory was probably qualitative not quantitative. Fairweather rightly notes (Seneca the Elder, ch. 2) the extremely misleading nature of Seneca's account (Controv. 1. pr. 12) of the history of declamation - which Seneca describes there as rem post me natam - and the deep roots of declamatory development. Yet she is able to show (124) only one instance (Suet. Gram. 7) of the sort of public declamatory entertainment during the late Republic, which later became so popular under Augustus. None of the ancient sources, not even Tacitus' Dialogus, makes a precise connection between the rise of declamation as a social event and the establishment of the Principate. Given, however, the confluence of ancient debate on the theme of the decline of eloquence - which did at times recognise political change as a cause - on the one hand, and criticism of declamatory practice on the other, there is a distinct suggestion that a linkage was perceived. Analyses of the First Century AD references to the decline of eloquence include Harry Caplan, "The Decay of Eloquence at Rome in the the First Century," in Harry Caplan, Of Eloquence: Studies in Ancient and Medieval Rhetoric (1944) Ithaca, 1970), 160-195; Lewis A. Sussman, "The Elder Seneca's Discussion of the Decline of Roman Eloquence," CSCA 5 (1972), 195-210; Williams, Decline and Change, ch. 1, "Contemporary Analyses of Decline", 6-51; and Fairweather, Seneca the Elder, 132-148. On ancient criticism of declamation see Bonner, 71-83 & Fairweather, Seneca the Elder, 143-148. The persistent tradition (Quint. Inst. 2. 4. 41-2) that the tyrannical Demetrius of Phalerum invented declamatory exercises on judicial and deliberative themes may also constitute evidence of such a perception.
reflections are even made, as we shall see, linking the death of Cicero and that of liberty. If any body of evidence seems to make a nonsense of assertions concerning Augustus' attainment of silence on the subject of Cicero from the educated classes, it is this evidence provided by Seneca.

Initial reactions to such a strange phenomenon, as a result, tend to be extreme. Perhaps we are seeing some form of literary opposition to the new regime, some sort of republican "guerilla warfare", conducted through the imaginary cases and debates, and behind the shelter of school walls and private salons. On the other hand, the case may be entirely the opposite, the evidence simply displaying the total insignificance of Cicero's memory in the period; a manifestation of that hollow and fraudulent republican sentiment, which Syme and others have seen in action throughout Augustan self-representation. A deeper analysis of the declamatory excerpts quickly reveals the limitations of both these positions. The ideological implications of this highly laudatory position are clearly demonstrable, but so too is its complex and subtle relationship with wider political developments in society. Moreover, such an analysis, together with an examination of other evidence that we possess, both from Seneca and other sources, concerning the rhetorical treatment of Cicero's reputation at this time, arguably reveals both conscious and unconscious reflections on Cicero which reveal a more complex and critical attitude towards him than would be initially apparent.

Obviously we must be very careful in our use of the declamatory evidence. The very nature of rhetorical exercise, encouraging, as it did, the single-minded pursuit of stylistic ingenuity and technical virtuosity, may lead us to suspect the sincerity of some of these fulsome tributes, especially when Seneca gives us some specific examples of declaimers who either hide their real attitude, or are capable of declaiming for or against Cicero.\textsuperscript{138} Arguably, however, the sincerity, or lack thereof, of each particular declaimer is somewhat less important than the evidence we receive of the "voguishness" of adopting a laudatory attitude towards Cicero in the rhetorical schools at this time. Of course, we might want to question whether praise of Cicero was as fashionable as Seneca depicts it, given his own admiration for Cicero, and the existence of evidence from

\textsuperscript{138} Gambet, Cicero's Reputation., 56-60.
other sources indicative of rhetorical hostility. But given the fact that Seneca includes significant information concerning *obrectatores Ciceronis* in his work, the additional evidence may not be as incompatible as first seems.

(i) *Controversia* 7.2: the Ungrateful Popillius.

*Popillium parricidii reum Cicero defendit; absolutus est.*
*Proscriptum Ciceronem ab Antonio missus occidit Popillius et caput eius ad Antonium rettulit. Accusatur de moribus.*

Of the seventy-four subjects that Seneca gives us as themes for *Controversiae* - those rhetorical exercises that took the form of speeches for the prosecution or defence in imaginary court cases - very few have immediate reference to specific historical events. Even fewer have as their subject a specific event from Roman history. So *Controv.* 7. 2, which postulates an imaginary charge of misconduct against Popillius, Cicero's alleged killer, on the grounds that his victim had defended him successfully against a charge of parricide, is somewhat abnormal to start with. Much academic interest has focussed on the fictional nature of the whole scenario - not only the trial for misconduct, but also, as Seneca tells us, the assumption that Cicero had defended Popillius on a charge of parricide, and even possibly, Popillius' involvement in Cicero's killing. Yet, most importantly for our purposes here, is the attitude assumed by the declaimers in dealing with Cicero and his death.

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139 See *Controv.* 4. 2 (Metellus blinded); *Controv.* 4. 8 (a patron proscribed during the Civil Wars); *Controv.* 6. 4 (a proscribed man in exile contemplating suicide); *Controv.* 4. 8 (The Vestal's verse); *Controv.* 9. 2 (How L. Flamininus executed a criminal at dinner); *Controv.* 10. 3 (a women with divided allegiances during the civil wars)

140 For the fictional nature of the legal scenario, see Bonner (124-5), who notes that an *actio de moribus* is found in Roman law only in cases pertaining to divorce. Bonner suggests that "the position envisaged may be that of the summoning of Popillius by the Censors." For the historical problems concerning the death of Cicero and Popillius' involvement, noted by Seneca himself (*Controv.* 7. 2. 8), see Appendix. Gambet (*Cicero's Reputation.*, 75, n. 81) says that the value of the evidence from this *Controversia* "is considerably diminished...by the fact that the evidence itself takes its origin from a more or less hypothetical situation." He goes on to state: "consequently, we shall not deal extensively with this evidence." One must question, however, whether the situations envisaged in *Suasoriae* 6 & 7 are any less "hypothetical".
Of the numerous declaimers whose efforts are recorded by Seneca, only one shows clear hostility to Cicero's memory. This is Romanius Hispo, of whom Seneca (§ 13) says:

_Hispo Romanius vehementi colore usus est et duro; patronum enim dedit Popillio et dixit aliter se causam actu tem Popilli, aliter Antoni; pro Popillio dicturum: occidere nolui, coactus sum; pro Antonio dicturum: occidi Ciceronem oportuit. Et dixit locum, aliter non potuisse pacari rem publicam quam si ille turbator oti e re publica sublatus esset. Solus ex declamatoribus in Ciceronem invectus est. Quid? ille, inquit, cum Antonium hostem iudicaret et omnis Antoni milites, non intellegebat se et Popillium proscripsisse? Hic color prima specie asperior est, sed ab illo egregie tractatus est._

(Romanius Hispo used a forcible and tough colour. He let Popillius have an advocate, and said that he would conduct the cases of Popillius and Antony differently. For Popillius he would say: "I didn't want to kill him. I was made to." For Antony: "Cicero had to be killed." And he produced a passage in which he said that the state couldn't have been pacified unless the disturber of the public peace had been got rid of. He was the only declaimer who inveighed against Cicero. "Surely, when he judged Antony, together with his whole army, a public enemy, he realised that he had proscribed Popillius too?" This colour is at first sight rather hard to stomach, but it was excellently handled by Hispo.)

[Winterbottom]

Despite some problems, the general identification of this figure with the "Romanus Hispo", whose unsavoury activities as a _delator_ in the early part of Tiberius' reign are so memorably described by Tacitus (Ann. 1. 74. 1-2), is almost certainly correct.141 We shall discuss the political

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141 Ernst Badian ("More on Romanus Hispo," RSA 3 (1973), 77-85) has argued for "Romanus" as the correct form of the name. This is firmly rejected by F. R. D. Goodyear (The Annals of Tacitus, Books 1-6. Volume II: Annals 1. 55-81 and Annals 2 [Cambridge, 1981], 158-9), citing the overwhelming Senecan evidence for "Romanius". According to Tacitus, his co-prosecution together with Caepio Crispinus, of Granius Marcellus in AD 15, set a major precedent for Tiberius' reign. It has been a considerable point of contention.
ramifications of such an identification later. The important thing to note here is that Hispo appears to have been the only declamer who used this particular exercise to have openly confronted the embarrassing truths of 43 BC.

Not that the other declamatory passages are free from more subtle criticisms of Cicero. Rubellius Blandus (§ 5), for instance, has Cicero being harried by the ghost of Popillius’ unavenged father, because Cicero claimed his son to be innocent of parricide. Argentarius (§ 14), arguing the case for Popillius on the basis of necessity, suggests that Popillius’ only alternative was suicide, and hoc nec Cicero poterat. Marcellus Aeserninus (§ 10) has Antony devising Cicero’s destruction by his former client, ut sciat quantum illi defensi rei profuerint, a strong echo of his grandfather Pollio’s epitaph (Suas. 6. 14-15). Such remarks are, however, hardly damning, and are to some extent balanced

as to whether the following character sketch of the impoverished, obscure and ambitious delator, which Tacitus says inspired many men of the same type to the same career, refers to Crispinus or Romanius. While the text as it stands suggests Crispinus, Goodyear’s proposed emendation of the text (159-60) would favour Romanius. Syme (“Tacitus: Some Sources of Information,” JRS 72 [1982], 68-82, at 77 = RP 4 [1988], 199-222, at 215), who had earlier plumped for Crispinus (Tacitus, vol. 1, 326 & vol. 2, 693-4), was even more attracted to Goodyear’s solution than Goodyear was! Gerth (RE “Romanius [1],” Bd 1A (1) [1914], 1063-4) further identifies him with the “Romanus”, whose allegations against Seneca in AD 62 backfired so badly as to lead to his own fall (Tac. Ann. 14. 65). But as Bornecque (193) points out, if Pollio had heard Hispo declaiming as Controv. 4. 6. 3 seems to indicate (not therefore after AD 5), then we are talking of an improbably, if not impossibly, long public career.

142 see pp 200f.

143 Blandus was the first eques to teach rhetoric in Rome and also taught the philosopher and friend of Seneca, Fabianus (Controv. 2. pr. 5). On the basis of these pieces of information, and the linking of his name with such declaimers as Pompeius Silo, Porcius Latro, Buteo and Passienus, he is generally felt to be of the older generation of Senecan declaimers, but more precise dating is dangerous: see Fairweather, Seneca the Elder, 92-3 & 344, n. 45. Tacitus (Ann. 6. 27) in mourning the marriage of Rubellius’ grandson (cos. suff. AD 18) to Julia daughter of Drusus - notes that the grandfather came from Tibur.

144 A rhetorician, Argentarius was a pupil of Cestius Pius, of whom he was so plagiaristic as to be a cause of considerable irritation to his former master (Controv. 9. 3. 12-13), who called him Cesti simius. Like Cestius he was Greek, though he followed Cestius in never declaiming in Greek. He has been identified by Reitzenstein (RE “Argentarius,” Bd 2 [1896], 712) with a poet “Marcus Argentarius” found in the Palatine Anthology. It is possible that some of Cestius’ hostility to Cicero may have rubbed off on to Argentarius: Gambet (Cicero’s Reputation., 73, n.74 ) suggests that Argentarius might be comparing Cicero unfavourably with Cato.

145 M. Claudius (RE 234) Marcellus Aeserninus, son of the Consul of the same name in 22 BC, was the grandson of Asinius Pollio (Controv. 4. pr. 3-4; see also Suet. Avg. 43), who instructed him in oratory, Aeserninus being a precocious talent. He was Praetor in AD 19, and turned down defending Piso in AD 20 (Tac. Ann. 3. 11), but thereafter disappears from the record. He may have died young; see Syme, AA. 126 & 150.
by more favourable remarks.\textsuperscript{146} Janet Fairweather has suggested that few declaimers chose to defend the "more obviously villainous characters".\textsuperscript{147} Here, however, the declaimers are perfectly willing to defend Popillius, but only as long as it does not compromise Cicero's good repute. Apart from Romanius Hispo, all the other declaimers use the "Nuremburg defence" of obeying orders. Indeed, such a defence often merely allows the declaimers to switch the focus of their outrage from Popillius' perfidy to Antony's vindictiveness.

The general tone of those extracts, where the role of Popillius' accuser is assumed is a wildly theatrical outrage at the murder of such a great orator. The horrific aspects of Popillius' duplicity are heightened by the declaimers in their depiction of the scene of the two men meeting, with suitably trusting obliviousness on the part of Cicero.\textsuperscript{148} More sober judgments of the nature of the imaginary case were, however, not wanting. Thus Porcius Latro argues (§§ 8-10) in his division on this topic (as does Varius Geminus), that the charge cannot be based on his killing such an eminent citizen as Cicero; in strict terms Popillius had been acting under the authority of the State and during the exigency of civil war.\textsuperscript{149} If Popillius is to be found guilty, the argument of the prosecutor must be founded simply on Popillius killing his advocate. But this does not mean that Cicero is rendered unimportant. As Latro also says (§ 8): Naturale est autem ut, quod in nullo patrono fieri oportuit, indignius sit factum in Cicerone patrono. The other declaimers, when accusing Popillius, take up this idea. Popillius was patently guilty: only Cicero's genius saved him from the gruesome fate of the convicted parricide. As Mento (§ 3) says: Non magis quisquam alius occidere Ciceronem potuit praeter Popilliumquam quisquam

\textsuperscript{146} See Argentarius' remarks against Popillius (7. 2. 2). Aeserinus' remarks above are prefaced by others where Antony, wondering how to punish Cicero, reflects that Cicero had long ago fortified himself against the fear of death; suggesting that he did not follow his grandfather's views blindly.

\textsuperscript{147} Fairweather Seneca the Elder, 151. See for instance, Controv. 10. 4. 15.

\textsuperscript{148} As Seneca (7. 2. 14) notes: A parte accusatoris illo loco quo Popillius venit nemo non aliquid voluit novi dicere. One declaimer, Sabidienus Paulus even had Cicero reading his defence of Popillius at the time of his entrance!

\textsuperscript{149} The rhetorician Latro was an intimate friend of Seneca, and a fellow Spaniard. He is placed by Seneca (Controv. 10. pr. 13) together with Albucius Silus, Arellius Fuscus and Junius Gallio in a tetradeum of the foremost declaimers; in the ranking of whom, Seneca says: Hi quotiens confixissent, penes Latronem gloria fuisseit, penes Gallionem palma. Seneca gives a detailed portrait of Latro at Controv. 1. pr. 13-24. According to Jerome (Chron. Helm, 168-9), he took his own life in 4 or 3 BC to escape from the pain of quartan fever.
alia Popillium praeter Ciceronem defendere.\textsuperscript{150} Such was Popillius' debt to Cicero that he is in effect \textit{bis parricidam}, as Capito (§ 5) calls him.\textsuperscript{151}

More explicit praise of Cicero, as a statesman as well as the great orator, is not wanting. Latro (§ 1) for instance exclaims, \textit{Pro di boni occisum Ciceronem malos mores voco}. Quintus Haterius (§ 5), including a quotation from Cicero's second Philippic (Phil. 2. 64), states: \textquoteleft Qui modo Italiae ueris relatus est, nunc sic a Popillio refertur? Proposito in rostris capite Ciceronis, quamvis omnia metu teneretur, gemitus tamen populi liber fuit.\textsuperscript{152} Capito (§ 6) asks the question, \textit{Ciceronem quisquam potuit occidere qui audidit?} He goes on to laud Cicero's consulship (§§ 6-7), claiming that his achievements outrank those of Romulus, Metellus the Blind, Fabricius, the Scipios, Aemilius Paulus, Crassus and Pompey; for \textit{nemo hostis Catilina propius accessit}.

Not that the declaimers in general reveal any great depth of knowledge regarding Cicero's life and achievements. Scattered remarks echo Cicero's own words from the more famous of his speeches.\textsuperscript{153} Triarius (§ 4) makes reference to Cicero's great enemies, Verres, Catiline and Clodius.\textsuperscript{154} Varius Geminus, in defending Popillius, has the latter obeying Antony for fear that some client of Clodius might be sent instead, who would have tortured Cicero; thus linking Antony and Clodius together in a way Cicero did in the second \textit{Philippic}.\textsuperscript{155} This

\textsuperscript{150} Almost nothing is known of this declaimer, who does not even rate a mention in \textit{RE}.
\textsuperscript{151} Capito seems to have been active at the same time as Porcius Latro: see \textit{Controv.} 10. pr. 12.
\textsuperscript{152} Haterius was suffect Consul in 5 BC. He seems to have died in AD 26 (Tac. \textit{Ann.} 4. 61), though Jerome (\textit{Chron.} Helm, 172) has him dying in AD 24, at the age of ninety. The voluble and rather old-fashioned nature of his eloquence is remarked upon by Seneca (\textit{Controv.} 4. pr. 6-11) and others (Tac. \textit{Ann.} 4.61, Sen. Ep. 40. 10). He seems to have been a stylistic imitator of Cicero: \textit{Controv.} 4. pr. 10; and Tac. \textit{Ann.} 1. 13, where in a speech addressed to Tiberius he began, \textquoteleft quo usque patieris, Caesar?\textquoteright? Seneca (\textit{Controv.} 4. pr. 7) notes Augustus' caustic remark that, \textit{Haterius noster sufflaminandus est}. His relations with Tiberius were fragile, this being more the result of his exaggerated sycophancy than any disloyalty; see Tac. \textit{Ann.} 1. 13 & 3. 57, Suet. \textit{Tib.} 27 & 29. See also Syme, AA, 145-6. See also, \textit{Chapter 4}, n. 15.
\textsuperscript{153} Apart from Haterius' quotation from the second \textit{Philippic} mentioned above, Sepullius Bassus (7. 2. 1) uses a paraphrase from \textit{Verr.} 5. 118, Cestius Pius (7. 2. 9) quotes from the \textit{Pro Sexto Roscio} (72), and Marcellus Aeserninus (7. 2. 10) seems to be making reference to Cicero's words in either \textit{Cat.} 4. 3 and \textit{Phil.} 2. 119.
\textsuperscript{154} Triarius is only known through Seneca. He seems to have declaimed in the presence of Cestius Pius, Porcius Latro, Votienus Montanus and Pollio; see \textit{Controv.} 1. 3. 9, 1. 6. 11, 2. 3. 19, 7. 4. 10 & 9. 6. 11.
\textsuperscript{155} See Lavery, 58. For Geminus, see n. 166.
replicates the tendencies we shall see in *Suasoriae* 6 & 7, where the most famous of Ciceronian speeches are the most utilised, and a high level of historical knowledge is not particularly noticeable.

The treatment of this theme gives us an entrée to the most pertinent aspects of the declamatory treatment of Cicero, as found in the Senecan collection: the markedly pro-Ciceronian stance, and the highly melodramatic and unhistorical approach taken by most declaimers is symptomatic, as we shall see, of those extracts found in the *Suasoriae*. Indeed, it is in the rarity of those voices that, either in criticising Cicero or attempting some form of realistic evaluation of Cicero's position, dissent from the norm, that we begin to appreciate how powerful a tool declamation was in mythologizing Cicero's memory.

(ii) *Suasoriae* 6 and 7: Should Cicero Recant?

*Suas. 6:* Deliberat Cicero an Antonium deprecetur.

*Suas. 7:* Deliberat Cicero an scripta sua conburat, promittente Antonio incoluitatem si fecisset.

*Suasoriae* - rhetorical exercises taking the form of speeches offering advice to mythical or historical figures as they face some crucial decision - obviously offered greater opportunities to discuss specific historical situations than *Controversiae*. Nevertheless the two *suasoriae* which feature Cicero are the only two of the surviving eight topics for *suasoriae* which deal with a Roman theme. Now while this may be to some extent a result of Seneca's own admiration for and interest in Cicero, and also the loss of part of Seneca's text, we might also want to ask whether there was something about Cicero as he was perceived - whether positive, negative or both - that made him a popular subject for this type of declamation.

Lavery, for instance, states: "It could be suggested that the mere treatment in the schools of such subjects as that of *Suasoria* 7 points to a locus on Cicero's cowardice." And, indeed, there may be something in this. Seneca explicitly tells us (*Suas. 6. 14-15*) that it was Pollio's

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156 Lavery, 54.
allegations of Cicero's cowardice in the Pro Lamia which gave rise to the topic for Suas. 7. It is interesting, for instance, that many of the declaimers seem keen to juxtapose Cicero with Cato. Julius Bassus (Controv. 2. 4. 4.) had stated: Nemo sine vitio est: in Catone <deerat> moderatio, in Cicerone constantia, in Sulla clementia. Quintus Haterius (Suas. 6. 2) says: M.Cato, solus maximum vivendi moriendique exemplum, mori maluit quam rogare - nec erat Antonium rogaturus. Marcellus Aeserninus also points Cicero to Cato's example, twice (Suas. 6. 4 & 10), as does Cestius Pius (Suas. 6. 10). Many of the declaimers do seem to berate Cicero as if he were in need of strengthening. Porcius Latro (Suas. 6. 3) for instance says: Eo ore cui se debet salus publica humilia in adulationem verba summittes? Pudeat; Verres quoque proscriptus fortius perit. Certainly there seems to be the unspoken assumption here that Cicero needs strong guidance to reach a decision, which someone such as Cato would make without hesitation. Cicero's perceived lack of constantia may therefore be an important factor in making Cicero a popular topic for such suasoriae.

However, such reflections can only be taken so far. For even if these suasoriae gained important inspiration from negative impressions of Cicero's personality, it is clear that the overwhelming number of declaimers adopt a fiercely pro-Ciceronian attitude in declaiming on these topics. Indeed, Seneca says (Suas. 6. 12) of the theme in Suasoria 6: Alteram partem pauci declamaverunt. Nemo <paene> ausus est Ciceronem ad deprecandum Antonium hortari; bene de Ciceronis animo iudicaverunt. Much of this praise, it is true, is made implicitly in violent attacks on the character of Antony. Pompeius Silo (7. 5) describes the latter as follows:

Hominem et vitio naturae et licentia temporum insanientem, inter scaenicos amores sanguine civili luxuriantem: hominem qui creditoribus suis oppigneravit rem publicam, cuius gulae duorum principum bona, Caesaris ac Pompei, non potuerunt satis facere! Tuis utar, Cicero, verbis: "cara est cuquam salus quam aut dare aut eripere

157 Probably of the younger generation of rhetoricians, since we are told (Controv. 10. pr. 13) that Seneca's sons had heard him declaim. Possibly the same man as the poet mentioned in Ovid (Trist. 4. 10. 47).
"potest Antonius?" Non est tanti servari Ciceronem ut servatum Antonio debeam.

(The demented product of faulty character and the license of the times, reveling in the blood of Romans while conducting amours with actresses, a man who gave the state as a pledge to his creditors, whose greed could not be satisfied with the property of two great men, Caesar and Pompey! To employ your own words, Cicero: "who holds life dear when it is in the discretion of Antony to give it or take it away?" If I have to owe Cicero's life to Antony, it is not worth saving.)

Phoenix

Indeed Cicero is further advised by Silo (7. 11) not to treat with Antony, not simply because such a deal would be ignoble and shameful to Cicero, but also because Antony could not be trusted. He suggests that Antony was only taunting: he would make Cicero burn his books in order to shame him, and then kill him anyway. Silus' concentration on a sober appraisal of Antony's trustworthiness as his main argument was, as Seneca tells us (7. 10), slightly unusual. Yet the tenor of that appraisal certainly was not.

Yet, explicit praise of Cicero is not wanting either. Cornelius Hispanus (6. 7) states: Repete agedum tot patrocinia, tot clientelas, et maximum beneficiorum tuorum, <consulatum> ipsum: iam intelleges Ciceronem in mortem cogi posse, in preces non posse. Cestius Pius (7. 2) says of Cicero's eloquence, that if it had been listened to, it would have prevented the establishment of the first Triumvirate and the outbreak of civil war. He mentions the Consulship, which saved Rome, his exile (described as consulatu honestius ), his opposition to Sulla, and his detachment of Antonius Hybrida from the cause of Catiline.

Moreover, Cicero's death is openly and unequivocally linked to the death of the free State. Arellius Fuscus Senior (6. 6) says, nec potes non

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158 Silo was probably a rhetorician, though Borneque (187) suggests that he was an ancestor of the consul of AD 32. He declaimed at the time of Latro and Cassius, the latter accounting him a poor declamer, though potentially an eloquent orator (Controv. 3. pr. 11).

159 Nothing about the life of this declaimer is known.

160 For Cestius, see n. 168.
Fuscus repeats the theme, telling Cicero, *per rem publicam, quae, ne quid te putes carum illi reliquere, ante te perit.* Seneca tells us that Albucius Silus (6. 9) argued thus: *moriendum esse Ciceroni, etiamsi nemo proscriberet eum.* This was followed, Seneca tells us, by an invective against the times. Quintus Haterius (7. 1) addresses Cicero: *Hortarer te, Cicero, ut vitam magni aestimares si libertas suum haberet in civitate locum, si suum in libertate eloquentia, si non civili ense cervicibus luderetur.* Cicero, thus, becomes a symbol of the Republic: he cannot continue to live without freedom. However, it is Cicero's eloquence, and the immortality which this eloquence bestows on Cicero, which constitutes the main line of argument. Fuscus (7. 8) says:

> Quoad humanum genus incolume manserit, quamdiu suus litteris honor, suum eloquentiae pretium erit, quamdiu rei publicae nostrae aut fortuna steterit aut memoria duraverit, admirabile posteris vigebit ingenium *<tuum>*, et uno proscriptus saeculo proscibes Antonium omnibus.

(So long as the human race survives, so long as literature has the honour due to it, eloquence its reward, so long as the fortune of our country holds or its memory is preserved, your genius shall flourish in the admiration of posterity. Proscribed for a generation, you shall proscribe Antony for all generations.)

[Winterbottom]

In another passage (6. 5-6) Fuscus makes it clear that Cicero will not only be granted immortality through people's memories, but his soul will

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161 One of Seneca's *tetradeum*, Arellius, a rhetorician, was probably an Asian Greek, though it is unclear whether Controv. 9. 6. 16 - where *ex Asia* has been generally amended to *ex Asianis* - should be taken as a reference to his nationality, his style or both. For the "Asianic" nature of Fuscus' style, see Fairweather, *Seneca the Elder*, 243-251. He had as his pupils, Ovid (Controv. 2. 2. 8-9), and the philosopher Fabianus (Controv. 2. pr. 1 & 5). Seneca speaks of the influential nature of Arellius' rhetoric *me iuvene.*

162 Another of Seneca's *tetradeum*, from Novara in Cisalpine Gaul. His career, which included both rhetorical teaching and a somewhat bumbling career as an orator is treated in detail by Suetonius (Rhet. 6) and Seneca (Controv. 7. pr). Jerome (Chron. Helm, 168) places the high point of his career in 6 BC. His suicide - the result of an incurable tumour - in old age, Borneceque (146-7) dates to AD 10, though this is largely a guess. For his "indiscretions", see, see n. 119.
live on in the stars, mirroring the ideas enunciated by Cicero in the Somnium Scipionis. Publius Asprenas (7. 4) states: Permitte populo Romano contra Antonium liceri. <Si> scripta combusseris, Antonius paucos annos tibi promittit: at, si non combusseris, [quam] populus Romanus omnes. 163 As Quintus Haterius (7. 1) puts it: Ingenium erat in quod nihil iuris haberent triumvira la arma. Commentus est Antonius quemadmodum, quod non poterat cum Cicerone [proscribi, a Cicerone] proscibertur.

So desperate, indeed, are those declaiming Suasoria 7 to save the "immortal" fruits of Cicero's eloquence, that as Seneca tells us (Suas. 7. 10), no one advised him to burn his works. Seneca drily remarks: omnes pro libris Ciceronis solliciti fuerunt, nemo pro ipso. Seneca goes on to argue - somewhat in contradiction to his outrage when Pollio suggested Cicero had offered such a retraction, and when Varius Geminus in Suas. 6 tries something along these lines - that such terms were really not so bad that Cicero would not have considered such a deal. Indeed, Quintilian (Inst. 3. 8. 46) tells us that in his day when both of these suasoriae were still declaimed upon, it was considered quite acceptable to argue that Cicero should try to save his life, though only on the basis that the interest of the State demanded it. Not that we should assume from this that declaimers of Seneca's day evinced no interest in the fate of Cicero himself. They mostly claimed, however, that the State, the interest of which might demand Cicero's survival, no longer existed.

As with Controv. 7. 2, one does not discern a deep level of knowledge of Cicero's career from the declamatory extracts. Literary reminiscence from Cicero's works is in general restricted to the more famous of his speeches, notably the Verrines, the Catilinarians, the Pro Milone, and of course the second Philippic. 164 As Fairweather points out, it would be dangerous to assume from this that Cicero's speeches were little read in the early Principate: such restricted selection possibly shows little more than an anticipation of the judgment of later generations, that

163 Nothing is known of this declaimer, though presumably part of the family that produced consuls in 36 BC, AD 6 & 29.
164 For a full discussion and list of Ciceronian reminiscences in the two suasoriae see Fairweather, Seneca the Elder, 84-94, and 343-4, n. 21-28. The extract from the declamation of Porcius Latro (Suas. 6. 3) is an exceptional example, recalling Verr. 2. 5. 161, Cat. 1. 2 & Phil. 2. 63-4. Cestius Pius also displays a wider knowledge of Cicero's career in Suas. 7. 2, and quotes from the Pro Sexto Roscio in Controv. 7. 2. 3.
these works constituted the summit of Cicero's genius. Yet, even if
this rather stale treatment tells us little about their real knowledge, it
does strongly suggest that we should be wary of automatically assuming
that this declamatory interest in the memory of Cicero strictly correlated
with a deep appreciation of his wider legacy.

At least one declaimer dared to be different. The orator Varius Geminus
(6.11), when arguing the case against Cicero begging Antony, suggests as
an alternative that Cicero flee Italy. He noted that Brutus, Cassius and
Sextus Pompeius had done so, and he asked Cicero, quid deficimus? et
res publica suos triumviro habet. Seneca goes on to note the main
points of his argument:

Deinde etiam quas petere posset regiones percurrit: Siciliam
dixit vindicatam esse ab illo, Ciliciam a proconsule egregie
administratam, familiares studiis eius et Achaian et Asiam,
Deiotari regnum obligatum beneficiis, Aegyptum et habere
beneficii memoriam et agere perfidia paenitentiam. Sed
maxime illum in Asiam et in Macedoniam hortatus est in
Crassi et in Bruti castra.

(Then he ran through all the regions Cicero could make for.
Sicily had been avenged by him, Cilicia excellently
administered under his governorship; Achaia and Asia were

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165 Fairweather, Seneca the Elder, 86-7 (as against Sussman, The Elder Seneca, 32, n. 66). See also, Juv. 10. 1256 & Tac. Dial. 37. 6.
166 On Geminus see, RE "Varius (22)." Helm (Bd 8A (1) [1955], 413-4) & Eck (Suppl. 14 [1974], 827). The identification with the "Quintus Varius Geminus" mentioned in ILS 932 (EJ 205) is tentatively made by Eck; Syme (HO, 97) accepts it without question. That inscription reads: Q. Vario Q. f. Gemino leg. divi Aug. Il proces. pr. tr. pl. q. quaesit. iudic. praef. frum. dand. Xovir. stl. iudic. curatori. aedium sacr. monumentor.que public. tuendorum. is primum omnium Paelign. senator factus est et eos honores gessit. Superaeqani publice patrono. The reference to divus Augustus in the inscription makes it clear he outlined the first princeps. If the identification is accepted, then we perhaps surmise that as a novus homo, Geminus may have felt some affinity with the orator from Arpinum; though we should take into account here the very different reaction of the novus Pollio. Edward (Suasoriae, xliii) and Bornecque (197) assume that the "Caesar" referred to in Controv. 6. 8, before whom Geminus pleaded a case, is Julius Caesar. However, as Winterbottom suggests, it is probably Augustus. Eck's statement that the reference to Augustus as "Caesar" must indicate that Geminus entered the Senate in the Triumviral period or the very early twenties BC may not be necessarily true: see, for instance, the references to Augustus as "Caesar" in Controv. 10. 5. 21-2, which probably dates from the Principate. Outside Seneca, Geminus is also referred to by Seneca the Younger (Ep. 40. 9) as a critic of the oratory of P. Vinicius (cos. ord. AD 2), and by Jerome (ad Jovin. 1. 28; Migne PL 23. 261), where he is described as sublimis orator.
familiar from his student days. Deiotarus' kingdom was bound to him by services rendered, Egypt remembered a benefit conferred - and also repented of an act of treachery. But he especially urged him to go to the camp of Brutus and Cassius in Asia and Macedonia.)

[Winterbottom]

As the orator Cassius Severus was moved to comment (6. 11), while others declaimed, Geminus gave *vivum consilium*. Seneca (Controv. 1. pr. 18) praises his friend Porcius Latro for his outstanding memory for historical material. Despite Latro's relatively heavy use of famous Ciceronian material, however, he produces nothing akin to Geminus' effort, displaying as it does a knowledge of Cicero's career which stretched well beyond his famous speeches. Nor does the evidence for Geminus' exceptional use of history stop there: for he was, according to Seneca (6. 12), one of the few who declaimed the other side of the argument, and ventured to convince Cicero to beg Antony for pardon. Most declaimers, says Seneca, *bene de Ciceronis animo iudicaverunt*. Geminus said:

*Spero me Ciceroni meo persuasurum ut velit vivere. Quod grandia loquitur et dicit: "mors nec immatura consulari nec misera sapienti," non movet me: idiotam gerit; ego belle mores hominis novi: faciet, rogabit. Nam quod ad servitutem pertinet, non recusabit; iam collum tritum habet; et Pompeius illum et Caesar subegerunt: veteranum mancipium videtis.*

(I hope I will persuade my friend Cicero to consent to live. I am not moved by his fine talk, the way he says: "Death is not early for a former consul nor distressing for a wise man." He is a private citizen now. I am pretty sure of the character of the man; he will do it, he will beg pardon. As to slavery, he will not refuse it; his neck is already worn - Pompey and Caesar have broken him in: you see before you an experienced slave.)

[Winterbottom]
Seneca adds that, in his usual fashion, Geminus had *complura alia scurrilia* to make on Cicero's character. This may suggest that Geminus' full declamation was heavily abusive towards Cicero. Yet Seneca's words - implying as they do that Geminus was in the habit of flouting social niceties - also caution us against reading into this the "true" feelings of Geminus. More likely it represents the outpourings of one bold and mischievous enough to use his knowledge of history to outrage his audience. There is certainly an air of playfulness in Geminus' words here, especially his air of affected intimacy with Cicero (*Cicero meus*). Moreover, Seneca's following characterisation (6. 13-14) of Geminus' *divisio* seems to indicate no great hostility to Cicero's standing. True he does suggest that it was right for Cicero to ask for pardon, since he had "proscribed" Antony before Antony had proscribed him. But he goes on to say that Cicero would not be begging for his own life *sed pro re publica,* for Cicero may have lived long enough for himself, but not long enough for the Republic. He goes on to mention Cicero's change of heart regarding Vatinius - perhaps something of a subtle twit at Cicero's expense - and suggests Antony would be an easier proposition; perhaps Antony was most angry with Cicero because Cicero did not think him worth pleading with. In any case, Geminus argued, Cicero would be a slave wherever he went: *ferendum esse aut Cassii violentiam aut Bruti superbiam aut Pompei stultitiam.* Thus Geminus, however scurrilous Seneca finds him, would seem to have offered a considerable amount of serious and sympathetic advice.

The case of the influential rhetorician, Cestius Pius, is another matter altogether. The passages where Cestius declaims on the subject of Cicero reveal not a hint of hostility; quite the contrary in fact. Cestius' true feelings, however, were as Seneca tells us (7. 12) quite another matter: *Erat autem Cestius nullius quidem ingenii <amator>, Ciceroni etiam infestus.* After which Seneca, with quite a degree of relish one

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167 Thus anticipating the argument said by Quintilian to be the best for arguing this side of the *suumorâe.*
168 Jerome (*Chron.* Helm, 167) tells us that he came from Smyrna, and was teaching in Rome in 13 BC. Despite being Greek, he refused to declaim in his native language (*Sen. Controv.* 9. 3. 13). His abusive remarks towards the son of Quinctilius Varus (*Sen. Controv.* 1. 3. 10) show that he was still active around AD 9.
169 See *Suas.* 6. 4 & 10, 7. 2-3 & 10; also *Controv.* 7. 2. 3, 12 & 14.
suspects, goes on to tell us the story we have already noted of his thrashing at the hands of Cicero's son.\footnote{170} Earlier (Controv. 3. pr.), we have Cassius Severus expounding at length (§§ 8-18) on the disparity between his brilliant oratory and mediocre declaiming.\footnote{171} Among a number of hostile reflections on the practice of declamation, Cassius notes (§§ 14-15), how the \textit{pueri} or \textit{iuvenes}, who throng the schools, judge rhetoricians such as Latro or Cestius better speakers than such great orators as Pollio, Messala Corvinus or Passienus. They would even, says Cassius, prefer Cestius Pius to Cicero, \textit{ nisi lapides tимерent}. The only speeches of Cicero that are read by them, he says, are those to which Cestius had written replies.\footnote{172}

Cassius (Controv. 3. pr. 16-7), was outraged at Cestius' presumption. After abusing Cestius in front of his students, just as he was about to recite an \textit{In Milonem}, he resolved to revenge Cicero on Cestius through the courts.\footnote{173} After summoning him before a praetor, and throughly abusing him, he requested that Cestius be charged \textit{lege inscripti maleficii}. Next, he took him before another praetor, and accused him of ingratitude. Finally, he haled him before the Urban Praetor, requesting a guardian for him. Whatever the legal status of the actions used by Cassius, it seems reasonably clear that his use of them here was spurious and parodic; designed to show up Cestius' ignorance of legal

\footnote{170} See Chapter 1, n. 144.  
\footnote{171} A significant figure it seems in the stylistic development of Latin oratory (Tac. Dial. 19), Cassius is also of great interest in terms of political and legal developments in the last years of Augustus' rule. Both his character and oratory are given varied reports by our sources. Concerning his oratory, Seneca the Elder (Controv. 3. pr. 1-7), Tacitus (Dial. 19 & 26), and Quintilian (esp. \textit{Inst.} 10. 1. 116-7, 12. 10. 11) give us a high estimation, though there seems to have been something of a consensus that his penchant for \textit{acerbitas} (Quint. \textit{Inst.} 10. 1. 117, also 6. 3. 27 & 12. 10. 11; Tac. \textit{Dial.} 26) often undermined the \textit{urbanitas} and \textit{feroor} for which he was celebrated. As a result he was often unsuccessful in his cases (Macrob. \textit{Sat.} 2. 4. 9), which seem to have been all prosecutions (Sen. \textit{Contr.} 3. pr. 5). These included one of a close friend of Augustus, P. Nonius Asprenas on a charge of poisoning, a noted \textit{cause célèbre} of the time (Plin. \textit{HN} 35. 164; Quint. \textit{Inst.} 10. 1. 22; Suet. \textit{Aug.} 56. 3; Dio 55. 4). His character is given hostile attention by Tacitus (Ann. 1. 72 & 4. 21), who, perhaps influenced by similarities with later \textit{delatores} (Syme, \textit{AA}, 411), makes reference to his low birth, criminal habits, and slanderous pamphlets directed against the well-born. Seneca, in his various references to him, gives us a more favourable impression. See n. 177 and Chapter 4, n. 33.  
\footnote{172} Similar remarks are made by Messalla in Tac. \textit{Dial.} 26. 8: \textit{Quotus enim quisque scholasticorum non hac sua persuasione fruitur, ut se ante Ciceronem numeret, sed plane post Gabinium?} Sextus Iulius Gabinianus was a noted Gallic rhetorician of the Flavian period.  
\footnote{173} Cestius' reply to Cicero remained notorious: see Quint. \textit{Inst.} 10. 5. 20.
knowledge. Cassius says that he promised to stop his persecution if Cestius was willing to swear to Cicero's supremacy in eloquence: *Nec hoc ut faceret vel ioco vel serio effici potuit.*

The examples of Varius Geminus and Cestius Pius reveal two important facets of the declamatory response to Cicero. Firstly, they make very clear the dangers of assuming that a declaimer sincerely believes what he says in regard to Cicero. No doubt Asinius Pollio and Cestius Pius were not alone among the orators and rhetoricians of the day, in feeling that their eloquence surpassed that of Cicero. Secondly, and as a corollary to the above, these examples highlight the strong peer pressure existing at the time toward a favourable view of Cicero's oratorical genius and political career. Despite Cestius' combative approach when teaching his students, he does seem to have adopted a highly laudatory attitude in all the declamation that Seneca witnessed. Others no doubt nursed their sense of self-important superiority to Cicero even more secretly. Varius Geminus' negative reflections on Cicero's character were virtually unique, and even he does not seem to have undertaken the other side of *Suasoria* 7, where the destruction of Cicero's works was required. The *lapides* that Cassius Severus says the young students feared, if they openly avowed the supremacy of Cestius to Cicero, may have been figurative, but they were no less potent in their effect.

(iii) The Political Significance of Seneca's Evidence.

How does this pro-Ciceronian tendency in declamation fit in to the political scene of the time? Is it possible, for instance, that rather than

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174 See Bonner, 86. Note, for instance, Cassius' amusement (§ 17) at Cestius asking for an adjournment after the initial summons. Winterbottom states here that the actions were clearly chosen for their declamatory connections. As to *lege inscripti maleficii*, Winterbottom translates it as "under the law on unspecified offences". Bonner (86-7), who had earlier accepted such a meaning, suggests that it may have been based on a real law, arguing that Quintilian (*Inst.* 7. 4. 36), only proves the law to have been heavily used by the declaimers, not invented by them. Winterbottom (at Controv. 5. 1) is much more sceptical. Richard Bauman (*The Crimen Maiestatis in the Roman Republic and Augustan Principate* [Johannesburg, 1970], 257) rejects such a translation, and suggests that it has reference to the Sullan law on defamation. However, he does not make clear whether he regards Cassius' action as genuine. In any case, given the subject of *Controv.* 5. 1, his theory would seem to be impossible. On an *actio ingrati*, Bonner (87-8) notes that despite Seneca the Younger's statement (*Sen. Ben.* 3. 6. 1) that the law was a declamatory fiction, such an action did exist in certain circumstances in both Roman and Greek law; notably that of freedmen under an Augustan law. Winterbottom (at Controv. 2. 5) notes that the parallels are very limited. Requesting a *curator* in cases of insanity did, however, have a firm basis in Roman law; see Bonner, 93.
showing the integration of a sympathetic attitude towards Cicero into the new ideology, it represents a strain, however literary and remote, of Republican opposition to Augustus and the Principate? At first glance, such an idea may seem superficially attractive. The death of Cicero - involving as that event did the participation of the Princeps - may seem, as Fairweather notes, "a surprisingly dangerous topic for declaimers of the early empire to deal with." The identity of some of Cicero's champions and detractors may also initially suggest political ramifications. Was not Cicero's self-styled defender, Cassius Severus, banished for political crimes? Did not Romanus Hispo, the one

175 So Edward, speaking of the publication of Seneca's work, states (Suasoriae., xxvii): "there are few periods when it would not have been dangerous to be related to the author of this book." Its sentiments - among which Edward highlights the attitude of, and references to Cicero in Suas. 6 & 7 - "have often too much of the candour of the old republic." 176 Fairweather, Seneca the Elder, 84. She goes on to suggest: "Perhaps part of its charm lay in the danger." However, note her remarks quoted on p 204. 177 Cassius' relegation to Crete by a senatus consultum (Tac. Ann. 4. 21; upgraded in AD 24 to formal exile on the island of Seriphus so Tacitus tells us), together with the burning of his books (Suet. Calig. 16), raises a number of problems. Tacitus, in noting Tiberius' revival of the treason law, states (Ann. 1. 72. 3): Primus Augustus cognitionem de famosis libellis specie legis eius tractavit, commotus Cassii Severi libidine, qua viros feminasque inlustres procacibus scriptis diffamaverat. Bauman (Crimen Maiestatis, 257-265), noting a trial (Dio 55. 4), which seems to refer to Cassius, and which ended in acquittal, suggests there were two trials: one in AD 6 (Sen. Controv. 2. 4. 11; Tac. Ann. 1. 72; Dio 55. 4) which he survived, and then another in AD 8 (Tac. Ann. 4. 21; Dio 56. 27; Jer. Chron., Helm, 176) which led to his relegation; both trials involving criminal defamation, which had, according to Bauman, been effectively brought under the ambit of the crimen maiestatis in AD 6. This view is criticized by Griffin ("The Elder Seneca and Spain," 14, n. 158), who sees no reference in Dio 55. 4 to maiestas. Dio's later reference, if it refers to Cassius' relegation would place the trial in AD 12, though Bauman and Syme (AA, 411-12) prefer Jerome's dating. Cassius' relegation would seem to be linked to the persecution of Titus Labienus (Sen. Controv. 10. pr. 4 - 8), the burning of whose books led to his committing suicide, and who was no doubt (Pompeianus spiritus) a relative of the Labieni who had fought against the Caesarian cause. Despite Labienus' similarity to Cassius, the two were great enemies (§ 8). Winterbottom (note on § 7) even suggests that Cassius was behind the Labienius' harassment, since Seneca says the author of Labienus' woes had his works burnt in turn, though this seems improbable given Cassius' implicitly disapproving remarks (§ 7) on the burning (Mam. Aemilius Scaurus makes more sense given §§ 2-3). Whether Labienus had been subject to a charge of maiestas is unclear: Bauman, Impietas in Principem (Munich, 1974), 31, n. 42; Goodyear, Annals, vol. 2, 151. That the downfall of these two men was a matter of political persecution has been contested: Raaflaub and Samons ("Opposition to Augustus," 417-54, at 439-41), for instance, note that our sources make it clear that both men suffered as a result of having outraged many sections of society with their writings, and go on to note Seneca's attestation (Controv. 2. 4. 13) of Augustus' tolerance of attacks on himself and the Imperial family. Yet one has to doubt whether any rigid distinction - and Seneca's description of Labienus (§ 5) bears this out - can be made between political dissent and wider criticism of societal norms. Moreover, it is a common trait among autocratic
declarer who argued the rightness of Cicero's death in Controv. 7. 2, become one of the most notorious and hated delatores under Tiberius? 178 We may also wish to see significance in the remarks of Albucius Silus (Suas. 6. 9) to Cicero: si cui ex triumviris non es invisus, gravis es.

Yet the evidence as a whole suggests insuperable problems with any theory that these declamatory topics represented an open ideological battleground. The example of Romanius Hispo is more than counterbalanced by that of Bruttedius Niger, whose wholly conventional and laudatory historical account of Cicero's death is preserved by Seneca (Suas. 6. 20-21), and whose unsavoury career in delation is also noted by Tacitus (Ann. 3. 66). 179 Cassius Severus' defence of Cicero was it seems prompted by outrage at Cestius Pius' stylistic presumption, rather than any ideological affiliation. Praise or denunciation of Cicero has no simple correlation to political behaviour under the first Princeps. Indeed, the very notion that the rhetorical schools could have in general maintained a high level of ideological independence under the early Principate seems unrealistic. It is clear from Seneca that Maecenas, Agrippa, and Augustus himself took a considerable interest in the practice of declaiming, and that Augustus often attended performances. 180 And despite Seneca's attestation of the relative freedom of speech existing during his reign (Sen. Controv. 2. 4. 13), it is clear that declaimers, on the whole, clearly appreciated their position, trod cautiously, and paid the usual obsequies to their ruler. 181

regimes to portray persecution as being pressed upon them by the will of their subjects. Yet, such trials could only take place with the complicity of the ruler, and as we have seen Augustus' tolerance probably never ran at a constant: see in this context, Chester Starr, Civilization and the Caesars: The Intellectual Revolution in the Roman Empire (New York, 1965), 82-85. The fact that Fabius Maximus, Augustus' intimate friend, prosecuted Cassius (Controv. 2. 4. 11) is also suggestive.

178 See n. 141.
179 See Chapter 4 (b) (ii), pp 298f.
180 See Sen. Controv. 2. 4. 12-13, 4. pr. 7, 9. 3. 14, 10. pr. 14, 10. 5. 21-22 & Suas. 3. 6-7. See also Suet. Aug. 89. 3, for Augustus' open refusal to allow his own name to be used as a subject for declamation.
181 An interesting example of the trend towards self-censorship is Latro's faux pas (Sen. Controv. 2. 4. 12-3) regarding Marcus Agrippa's low birth. While it seems Latro did not suffer for his unwittingly offensive allusion, Latro, so Seneca tells us, could not forgive himself for such an offence. Seneca's own political opinions probably reflect those of the majority of the declaimers whom he portrayed with reasonable accuracy. Several aspects of his work hint at a politically recalcitrant attitude: the reasons he gives for the decline of eloquence (Controv. 1. pr. 6-7); his acquaintance, in some instances close friendship, with many men who suffered persecution under the imperial regime (Cassius
Moreover, while in later years declamation on themes involving political questions seems to have led to political persecution, there is no evidence that such was the case under Augustus. Quintus Haterius stands as a stark example of the disjunction between what a man might say in the fervour of declaiming and how he acted in real life.

Indeed, the declaimers' treatment of Cicero gives us one of the best examples of their acute sensitivity towards the interests of Augustus. As Zielinski has noted, the official tolerance of Cicero's memory by the first Princeps rested to some extent on luck: the chance concurrence of historical circumstances, which meant that Cicero's foremost enemy in the Caesarian cause also ended up as Augustus' greatest rival for supreme power. Fortunate though it was, the logic of this dichotomy exerts itself remorselessly in the declamatory response. Apart from a few isolated examples, the declaimers heap upon Popillius and Antony all of the blame for Cicero's death. In this, the Senecan evidence is

Severus, Labienus, Cremutius Cordus, Votienus Montanus, Junius Gallio, Ovid, Mamerius Aeemilius Scaurus, Attalus Stoicus; his strong criticism of book-burning (Controv. 10. pr. 5-7); his warning to his sons of the dangers of a political career (Controv. 2. pr. 3-4); also the fragment - possibly from his Histories - preserved by Lactantius (Div. Inst. 7. 5. 14), which suggests that the loss of Rome's liberty, quam Bruto ducet et auctore defendatur, led to a senility which only kingship could support. But caution is required here. The Lactantian fragment is possibly from a philosophical work of the son: so Griffin, "The Elder Seneca and Spain," 9-10 (against this Sussman, The Elder Seneca, 139-141). As to the evidence of his declamatory anthology, Seneca shows much evidence of prudence. He praises Augustus' tolerance of free speech (Controv. 2. 4. 13): where he does note persecution - for instance Labienus (Controv. 10. pr. 5-7), Scaurus (Controv. 10. pr. 3) and Stoicus (Suas. 2. 12) - he makes no explicit mention of the Emperor as the instigator; as to the persecution of the others, he is all but silent. Oblique too is his reference to the political causes of the decline of eloquence, which he describes euphemistically as the loss of pretium pulcherrimae rei. Like Tacitus, Seneca has a poor opinion of those who purposely seek out trouble (Controv. 2. 4. 13): sed horum non possum misereri qui tanti putant caput potius quam dictum perdere. The thriving but short-lived fortunes of his progeny, which Seneca (Controv. 2. pr. 4) seems to have encouraged, reinforces the notion of his essential pragmatism. See further, Griffin, "The Elder Seneca and Spain," 13-14; Sussman, The Elder Seneca, pp 31-33; n. 223.

182 For cases involving exile and death penalties for declamation see, Dio 59. 20. 6 (Caligula) & 67. 12. 5 (Domitian). Perhaps significantly both examples involve anonymous tyrants.

183 See n. 152. Note Haterius' strange remark at Suas. 7. 1: Quod ad me quidem pertinet, multum a Cicerone absurum; tamen non taudet tantum me vitae meae sed pudet. This perhaps suggests that Haterius was all too aware of the gulf between what he said about Cicero and his own behaviour as a senator.

184 Zielinski, 9: "Für die erstere war es ein Glück, daß Ciceros unmittelbarer Feind nicht der spätere Augustus gewesen war, sondern Antonius, derselbe, der im Kampfe um die Weltherrschaft bei Actium unterlegen war und bald darauf - zum guten Teile wenigstens - den Erbfluch des Caesarismus mit sich in sein ägyptisches Grab genommen hatte; dieser feine Unterschied machte es dem Prinzipate leichter, mit dem gemordeten Republikaner einen für beide Teile ersprießlichen Frieden zu schließen."
totally in line with the trends we have identified from the other evidence of the Triumviral and Augustan periods, and concurs with the position taken by Augustus himself in his actions and writings. The depiction of Cicero as a symbol of free oratory could be countenanced, but only through a stark contrast with the autocratic excess of Augustus' former triumviral partner and rival. Buried under the weight of rhetorical verbiage, the young Octavian's less than honourable role in Cicero's death could be conveniently avoided.

Why not avoid Cicero altogether? Surely such a theme raised in everyone's mind the failure of Octavian to protect the life of a man whose oratory had raised him to public office, and thus legitimacy? Such questions ignore the fact that the potential dangers of such themes for the Princeps were more than adequately compensated by the ideological advantages they offered. The demonization of Antony served an important purpose for Augustus, helping to distance him from the brutality and lawlessness of the Triumvirate. Cicero, both as Antony's most hated enemy and as a symbol of free oratory, was a perfect vehicle for such a process. Moreover, we should not underestimate the difficulties which would have faced the Princeps if he had tried to proscribe the memory of a man whose literary and oratorical influence was, by almost common consent, monumental. Far better to allow his subjects to place him among their heroes and shift the blame for his death onto one whose memory needed to be continually blackened, while he kept a relaxed but watchful eye on proceedings so as to make sure that declaimers did not stray too far from the agreed agenda.

Two pieces of evidence highlight the soundness of such observations. Firstly, as Janet Fairweather has noted, there is the fact that in Controv. 7. 2, not one of the declaimers explicitly mentions the fact that Cicero was hailed Pater Patriae, despite the fact that, as she says, "the theme of this controversia almost cries out for sententiae complaining that Popillius, having killed his own father, had gone on to murder the father of his country." Cicero might be lionized as the enemy of Antony, but to accord him a title that he shared with Augustus might not only risk stealing the latter's thunder, but give rise to all sorts of

185 Fairweather, Seneca the Elder, 85.
unsetting thoughts and suggestions concerning his behaviour to a man whom not only he had called father, but the whole of Rome also. Secondly, there are the remarks of Albucius Silus (Suas. 6. 9) we noted above, concerning the burdensome nature of Cicero to all the Triumvirs. Seneca states in his prefacing remarks that, *Et solus ex declamatoribus temptavit dicere non unum illi esse Antonium infestum.* Albucius' isolation here is mirrored by that of Romanius Hispo in Controv. 7. 2. Moreover, as we have seen, Albucius was particularly inept at treading the fine line between acceptable and unacceptable historical references.\(^{186}\)

Not that we should view the proceedings as wholly directed by Augustus like some master puppeteer, with the declaimers as unwitting dupes.\(^ {187}\) More likely, the subject-matter and tone of declamatory rhetoric involved a complex dialectical process, whereby ruler and ruled constantly tested the limits of each other's tolerance. Indeed, at a deeper, more profound level, there probably was a form of incipient "republican" sentiment at work here among some of the declaimers: these themes providing a forum whereby the frustrations involved in losing old freedoms could be aired, without raising the uncertainties and dangers involved in real political action. Yet the important thing to note here is that this venting of pent up feelings - many scholars use the metaphor of a safety-valve - probably served Augustus' interests as well, by allowing the yearning for freedom to be partially satisfied in a situation divorced from real political institutions.\(^ {188}\)

It would perhaps have been helpful if we were able to compare the treatment of Cicero in Augustan declamation with that of others who were his contemporaries: Caesar, Pompey, Cato and the Tyrannicides, Brutus and Cassius. We do know that at least the first three of these figures were the subject of declamations; as to whether this began in Augustan times, and if so, what line was taken by the declaimers, we

\(^ {186}\) See nn. 119 & 162.

\(^ {187}\) As Sussman (The Elder Seneca, 15) states: "Those with a Machiavellian cast of mind might well consider the very careful support of declamation by Augustus and succeeding emperors as a device to keep this talented group busily and happily diverted."

have little evidence. Whether because of political sensitivities, the author's own predilections, the loss of material, or a combination of these, themes on these figures do not appear in Seneca's collection. Given, however, the nature of the passing references in Seneca to these men and the treatment of Cicero, it is perhaps not too difficult to guess what the general lines of portrayal would have been. Cato's innate virtue would be unquestioned, though perhaps the nature of the subject would have hinted at, and some of the declaimers (Controv. 2. 4. 4) would have made more explicit, his lack of moderatio. The generalship of Pompey would have been given its due, and his treacherous murder at the hands of the Egyptians would have been mourned at length, perhaps without too open reference to the benefit that accrued to Caesar from this deed. Caesar's generalship and his clemency would have accrued praise, though perhaps not without reference, implicit or explicit, to his autocratic ambitions. His death at the hands of Brutus and Cassius would no doubt be subject to ostensibly strong censure, even if official tolerance towards the attitudes evinced by the likes of Pollio, Messalla Corvinus and Livy allowed room for more nuanced treatment.

189 We do know (Controv. 2. 4. 8) that Seneca at least contemplated recording a suasorial theme involving Pompey and Caesar, which was declaimed at the time: on Theodotus, adviser to Ptolemy XIII, and instigator of Pompey's murder. If Quintilian (Inst. 3. 8. 55-58) is a good guide, this was a discussion, in the presence of Julius Caesar, on the punishment to be meted out to Theodotus. It included questions of expediency (Was it to Caesar's advantage that Pompey be slain? Would executing Theodotus risk war with Egypt at a highly inopportune moment?), and questions of honour (Is Caesar required to revenge Pompey, or does such revenge, by implying that Pompey did not deserve to die, impugn the cause of the Caesarians?). Arguably, such open discussions, like Quintilian's discussion of the Cicero suasoriae (see p 194), might not reflect general Augustan practice. Yet, Seneca the Younger (Ben. 2. 20; cf. Cons. Helv. 9. 5) gives us an fairly impartial discussion of whether Brutus was in the right killing Caesar after having received clemency from the latter (criticizing him only for either being frightened by the name of king, or failing to see that liberty was already dead); Seneca's wording (disputari solet) possibly suggesting a declamatory theme on the topic. Quintilian gives us other examples of exercises from the late Republic: see for instance, Inst. 3. 5. 11 & 10. 5. 13 (Was Cato right in giving Marcia to Hortensius?); 3. 8. 19 (Caesar deliberates whether to continue with the invasion of Germany); 3. 8. 33 (Pompey deliberates where to flee after Pharsalus); 3. 8. 47 (Caesar deliberates whether to accept the crown); 7. 4. 2 (Caesar deliberates whether to attack Britain). Cato seems to have been an especial favourite: Martianus Capella (Halm, Rhet. Lat. Min. 456, 1, 30) gives us a theme where Cato deliberates whether to commit suicide rather than face Caesar. Echoes of similar themes can be found in Persius (3. 44.) and Seneca the Younger (Ep. 14. 13ff & de Olio, passim). Lucan (2. 338ff), as Bonner notes (8, n. 3), gives us something akin to a verse suasoria from Marcia herself, on the theme of Cato's marriages.

190 Controv. 10. 3. 1 & 5. See n. 189.

191 Note, for instance, Quintus Haterius' attitude in Suas. 7. 1, where Cicero's decision to beg pardon from Julius Caesar is applauded, although the Republic no longer stood, since Caesar, unlike Antony, was a bonus princeps.
of the Tyrranicides in a wider perspective. In each case, no doubt, those lines of argument that hinted too strongly at the old ideological conflicts, and their relevance to the present were politely but firmly eschewed by all but the bravest or the most foolhardy.

iv) Seneca the Elder and *Obtrectatores Ciceronis.*

However, is Seneca's portrayal of the Augustan rhetorical schools - as promoting and upholding a strongly sympathetic attitude towards Cicero the man and Cicero the orator - an accurate one? Certainly, there is evidence from other sources which suggests that Cicero's reputation was strongly assailed in treatises on the nature of oratory and exercises related to the declamatory tradition. The question must thus be addressed as to whether it is possible that Seneca has - possibly out of his deep admiration of Cicero's greatness and/or that of influential friends - misrepresented the weight of anti-Ciceronian sentiment in the circles of Augustan eloquence. As we shall see, the question is a difficult one: much of our evidence is vague and/or highly problematical in terms of authorship, dating and purpose. Despite these problems, however, enough evidence survives on which to make reasonably secure judgments on the general outlines of the Senecan material and its trustworthiness.

A number of general references attest attacks on Cicero made after his death. As we have already noted, an outraged Quintilian (*Inst.* 12. 10. 12-15) tells us how after Cicero's proscription, his enemies violently assailed his reputation as an orator, noting that his fiercest critics were those who styled themselves *imitatores Atticorum.* As we also noted, it is unclear as to what precise period Quintilian is speaking of here, and whether his focus is primarily political or stylistic. The only

192 Note should be taken of the highly problematic reference by Porcius Latro to Brutus' oratorical attacks on Pompey at Sen. *Controv.* 10. 1. 8. Winterbottom, on the authority of Müller's emendation in his 1887 Teubner text, reads it as follows: *M. Bruti sceleratissimi <calumniatoris> eum eloquentiam lacerat, cum quidem eius civili sanguine non inquinatas solum manus sed infectas ait; atque ille tamen, cum tres consulsus ac tres triumphos scinderet, adeo non timuit ne esset reus ut etiam diseru esse curaverit.* He obelizes the original *sacratissimi,* which was in the text of nearly all the manuscripts. Kiessling's 1872 Teubner text read: *M. Bruti sacratissimi...vaniloquentia laceret.* Despite the positive views of Brutus evinced by major Augustan luminaries, *sacratissimus* would seem a rather dangerous superlative for anyone to use, let alone Latro who, as we have seen, had a horror of causing offence.

193 See Chapter 1, pp 70f
posthumous detractors Quintilian identifies by name are the Asinii (Inst. 12. 1. 22). No doubt, Quintilian was aware of others who questioned Cicero’s stylistic excellence in the early Principate: he is, for instance aware of Cestius Pius (Inst. 10. 5. 20), though he makes no direct allusion to Cestius’ hostility to Cicero’s memory in mentioning his In Milonem. However, the fact remains that Quintilian’s remark leaves us largely in the dark as to the strength and importance of Ciceronian detractors in this period.

Asconius (Tog. cand., C, 93-4), noting the contemporary response to the In Toga Candida, states that:

_Hui orationi Ciceronis et Catilina et Antonius contumeliose responderunt, quod solum poterant, infecti in novitatem eius. Feruntur quoque orationes nomine illorum editae, non ab ipsis scriptae sed ab Ciceronis obtrectatoribus: quas nescio an satius sit ignorare._

(Catilina and Antonius made an offensive reply to this speech of Cicero’s, and chose the only course they could: to attack his lack of noble descent. Certain other speeches were put out under their names, written not by them but by Cicero’s enemies: better perhaps to leave them aside.)

[Squires, revised]

It is somewhat frustrating that Asconius has so tantalisingly cut short his discussion of these works. It is generally assumed that the mention of _obtrectatores Ciceronis_ must refer to posthumous detractors of Cicero, writing answers to Cicero’s great speeches as did Cestius Pius. Yet, one wonders whether this might not be a reference to anonymous pamphlet literature of Cicero’s lifetime. Even those many scholars inclined to dismiss the "Sallustian" _Invectiva_ as an authentic specimen of such literature cannot reject the strong probability that such productions were composed in abundance during the late sixties and

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194 Quintilian (Inst. 9. 3. 94) quotes - via a work of the Augustan rhetorician Rutilius Lupus - from a speech of Antonius Hybrida, attacking Cicero at this point in time. Clift (Latin Pseudepigrapha, 92) suggests that this is from an authentic speech, though Syme ("Review of Clift," 203) argues that Asconius’ remarks do not carry the implication that genuine speeches by Antonius and Catilina were in existence.

early to mid fifties BC. In any event, Asconius' remarks bring into focus the question of pseudepigrapha and literary forgeries which dealt with Cicero. The production of such works had a long history, it no doubt received a strong added impetus in Latin literature from the declamatory exercises which dominated the curriculum of the rhetorical schools. Unfortunately, many of the surviving specimens of this type of production relevant to our study are rendered problematical by continuing problems concerning their authenticity. The extreme scepticism of last century, which saw the authenticity of a large number of Cicero's works - including the Catilinarian speeches - impugned on dubious stylistic grounds, has given rise to many scholars adopting a markedly cautious attitude in this regard.

We have already noted the continuing disagreements concerning the *Invectiva in Ciceronem*, attributed to Sallust, as well as those concerning the two letters of "Brutus" (ad Brut. 1. 16 & 17). Similar dispute continues over the so-called *Commentariolum Petitionis*, an epistolary treatise attributed to Cicero's brother Quintus, which advises

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196 The distinction between literary forgeries and pseudepigrapha is made by Gordon Williams (OCD 2, 444), on the basis that the former represents "a deliberate attempt to have the works attributed to someone other than himself." P. J. Parsons (OCD 3, 604), states that forgeries form a "subclass" of pseudepigraphic literature. In practice, of course, such a *mens rea* is very hard to establish. For a comprehensive survey of Latin pseudepigrapha, see Clift, *Latin Pseudepigrapha*. Clift's central thesis (see esp. 150-153) - that the institution of public libraries at Rome considerably diminished the possibility of false attribution - may be, argues Syme in his review of this book "sound enough", but fails to take into account the sophistication that these works often possessed. For literary forgeries, see the entertaining account of Anthony Grafton, *Forgers and Critics: Creativity and Duplicity in Western Scholarship* (Princeton, 1990). Grafton notes (10-20) the interesting evidence provided by Galen as to the ubiquitousness of forged literary material. Galen not only wrote at length on the identification of Hippocratic pseudepigrapha, but surmised (ΠΠΟΚΡΑΤΟΤΕΣ ΠΕΡΙ ΦΥΣΙΟΣ ΑΝΘΡΩΠΟΥ ΒΙΒΛΙΟΝ (Kühn, 15. 105)) that the establishment of the Royal libraries at Alexandria and Pergamum greatly stimulated the production of such works. Indeed, Galen was forced by such forgeries of his own works to write a work (ΠΕΡΙ ΤΩΝ ΙΑΙΩΝ ΒΙΒΛΙΩΝ (Kühn, 19. 8-61)) - distinguishing his genuine products from fakes.

197 See Sen. Controv. 3. pr. 16, on Cestius Pius' *In Milonem*. Impersonation of famous mythical and historical figures, or *prosopopeia*, constituted an important subspecies of declamatory exercise; see Quint. Inst. 3. 8. 48-54. Quintilian notes (§§ 52-54) that impersonation sometimes takes place in *controversiae*, and may constitute an exercise in itself (he cites here Priam's speech to Achilles and Sulla's address to the people on the resignation of his dictatorship, by way of examples), but sees it mainly as a variant form of the deliberative theme. Moreover, the praise or censure of a distinguished figure was in itself, one of the exercises which constituted part of the preliminary *προγυμνάσματα* (Suet. Rhet. 1).

198 See Clift, 121.

199 See Chapter 1, p 14f and Chapter 1, n. 201.
Cicero on tactics he should use in running for the consulship. Of this work it is probably true to say that there has been a failure to provide clinching evidence as to clear historical anachronism or error. Yet the work will no doubt continue to raise suspicion for two basic reasons. Firstly, it seems to lack a clear context, given that although the author seems to suggest a desire for publication (Comment. pet. 58), its cynical evaluation of electoral practice would have made this highly impolitic. Secondly, several passages in the work show clear resemblance to passages in the later In Toga Candida, thus necessitating - as all scholars have agreed - the hypothesis that Cicero must have borrowed some of his phraseology from Quintus' work if the latter is to held genuine. Although such dubious elements necessitate that the notion of inauthenticity must be seriously entertained, there are problems as well with the assumption that the work is a rhetorical production of imperial origin; even as a piece of pseudepigrapha the work must remain something of a mystery.


201 As the more cautious attitude adopted by Henderson in the introduction to her 1972 Loeb edition of the work (740-749) demonstrates; though as she also says (743): "nor have doubts been dispelled." Scholars have generally managed to find escape routes for even the most disquieting passages, even if the explanations fail to wholly convince. The defece of Q. Gallius, for instance, which Asconius (Tog cand., C, 88), says Cicero undertook after his election as consul, is alluded to by "Quintus" (Comment. pet. 19). Balsdon (248-9), however, while accepting that Asconius must be right, argues that the reference in the Commentariolum need only be to Cicero's acceptance of the 'brief', not the actual defence. However, David et al. (273ff) have argued that Asconius could have been mistaken, or that the adverb postea does not refer to the In Toga Candida: see also, Marshall, Asconius Comm., 300-1.

202 As noted by Nisbet, "The Commentariolum Petitionis," 84. Some scholars (see, for instance, Richardson, 439-441) have no problem with arguing for both Quintus' extreme political naivety and Cicero's stylistic exploitation of his brother's work, though both hypotheses seem very dubious. It has been suggested that an enlarged franchise for the voting assemblies may lie behind the writing of the treatise (so, T. P. Wiseman, "The Census in the First Century BC," JRS 59 (1969), 59-75, at 67), though such a hypothesis would suggest that Quintus was in no way lacking political nous, as other proponents of authenticity have argued.

203 Many scholars, for instance, argue that the nature and scope of the work does not fit within what we know of pseudepigraphical productions of the time. Richardson (439-9) suggests that the modest and conversational tone of § 58 would make this a very odd piece of suasorial writing. Not so odd perhaps, if rather than a simple piece of mistakenly attributed rhetorical fancy, we are looking at attempted forgery. Balsdon (243) rejects this idea on the basis that forgeries were "usually vituperative and
In addition, secure dating of such works to any general period of the Imperial age remains virtually impossible. We know from Quintilian's references that the *Invectiva in Ciceronem* must, if it is bogus, date from some time earlier, though that is all we know. The *Commentariolum* has suggested to some scholars a first century AD dating, but that is based on little more than possibly dubious assumptions as to levels of interest in such subject-matter during the Empire. The problems persist where we are on secure ground concerning the spuriousness of a particular text. The nature of such works as the *Epistula ad Octavianum* and the two letters of Brutus, with their hostile reflection on the character of the first princeps, would seem to make an Augustan dating somewhat unlikely. However, the dating of a work which does not exhibit these characteristics, such as the *Invectiva in Sallustium*, is little more than guesswork. The same polemic", while the *Commentariolum* is not only neither, but "hardly even troubles to be exciting". Given the extent of our knowledge, however, it would seem rash to assume that all attempted forgeries were written in a vein of pure invective, which in any case, this work does conform to in parts (see esp. §§ 7-12). It has also been claimed that the quality and depth of the historical knowledge displayed in the work militates against a later rhetorical exercise; David et al., for instance have argued (see 257f) that the authenticity of the work is strongly suggested by the detailed, and often unique prosopographical information contained within. They also argue that the information (§ 19, see 271f) concerning the political importance of the *sodalitiae* as instruments of electoral influence, far from constituting evidence of anachronism, is the strongest evidence for authenticity, since it reflects the evolution of hitherto inoffensive religious associations into such politically influential "gangs" as were to be exploited by Clodius and others in the fifties. Whether such information "proves" authenticity could be disputed; arguably it simply goes to prove the strength of a later writer's sources. As Henderson remarks ("De Commentariolo Petitionis," 14) there seems to be something of an assumption that such later authors had no greater stock of information than ourselves, and furthermore "that imperial Romans could not read.

204 See Chapter 1, pp 14f.

Henderson ("De Commentariolo Petitionis, " 19 & 21) argues that the *Commentariolum* suggests a date of composition later than the reign of Augustus, and possibly later than that of Claudius, given that its unpolemical nature seems at odds with the heated debate on Cicero's literary legacy in the earlier imperial period. However, she does say (21) that "the later-Augustan period cannot be excluded." As for a *terminus ante quem*, she suggests the time of Trajan, as after this, she argues, interest in republican political history was slight. As she herself admits (21), "these are mere subjective guesses, set down to be criticized by others of greater learning and competence.

206 Certainly, the reproaches "Brutus" heaps on Cicero for choosing comfort and servility over freedom is somewhat reminiscent of the point of issue in the *suasoriae* 6 & 7 in Seneca the Elder. Yet these *suasoriae* topics did of course survive Augustus. A *terminus ante quem* for the Brutus letters is provided by Plutarch (*Cic.* 45 & *Brut.* 22), who accepts them as genuine.

207 On this *Invectiva* see, Alphonsus Kurfess, "De Invectivis quae tamquam Sallustii et Ciceronis traditae sunt." *Mnemosyne* 40 (1912), 364-380, esp. 377-380. See also Gambet, *Cicero's Reputation*, 153. The bogus nature of this work is universally agreed upon,
goes for the more obscure surviving products of this "genre": an *Oratio antequam iret in exilium*, which "Cicero" delivers to the People and equites, attacking his persecution by Clodius; or the speech *Si eum P. Clodius legibus interrogasset*, which the Bobbio scholiast (Stangl, 108) mentions in passing; or the so-called "Fifth Catilinarian" or *Declamatio in L. Catilinam*, found in manuscripts of Sallust and Cicero, and attributed not only to Cicero but also, interestingly enough, to Porcius Latro. Yet even if it were to prove the case that none of these works was a production of an Augustan rhetorician, this does not necessarily mean that they have no relevance in an analysis of the treatments of that time. That somewhat stultifying continuity, which saw the same or similar themes declaimed upon under Romulus Augustulus as under Augustus, suggests that the content and argumentation in declamatory treatments from later, or indeed earlier ages, may not lead us hopelessly astray in elucidating tendencies within the Augustan schools.

*The Invectiva in Ciceronem* possibly provides us with the most distinctive evidence of that continuity. Zielinski and Gabba, both of
whom reject the notion of Sallust’s authorship, have noted the parallels this work exhibits with the speech of Calenus in Dio (46. 1-28), which they go on to suggest constitutes strong evidence of the former’s inauthenticity and its composition in the rhetorical schools of the Empire. Some of these parallels are indeed notable: the charge against Cicero (Inv. 7; Dio 46. 18. 6) of incest with his daughter Tullia; the charge ([Sall.] Inv. in Cic. 3; Dio 46. 20. 1) that Cicero was responsible for the Catilinarian conspiracy; the attack on Cicero’s claim to be guardian of constitutional propriety (Inv. in Cic. 1, Ubiubi M. Tullius, leges, iudicia, rem publicam defendit; Dio 46. 16. 3-4 & 20. 2); his corrupt use of the law during periods of civil disturbance to persecute the innocent and enrich himself (Inv. in Cic. 3 & 5; Dio 46. 4. & 6); the references (Inv. in Cic. 7, Romule Arpinas; Dio 46. 21. 4) to Cicero’s presumption in presenting his consular deeds as representing a second founding of Rome; indeed, his presumption in daring to glorify his consulship in writing at all (Inv. in Cic. 3, 5 & 6; Dio 46. 21. 3). More generally, there seems to be a shared locus on a number of more general aspects of Cicero’s evil character: his fickleness (Inv. in Cic. 7; Dio 46. 3. 3-4); his ingratitude (Inv. in Cic. 5; Dio 46. 22. 3); his egotism (Inv. in Cic. 5; Dio 46. 22. 7); and his sexual immorality (Inv. in Cic. 2; Dio 46. 18. 3-6).

From these similarities both scholars have not only argued for the bogus nature of the Inveictiva, but infer the influence of the known detractors of Cicero in the Augustan age in their composition. Zielinski, who rejects as unlikely the direct or indirect use by Dio of the anti-Philippics of Antony, suggests the influence of Pollio as a more attractive proposition. He also suggests Cestius Pius as a possible source, noting the number of Greek loci which occur in the Calenus-speech, and the convenient link he provides between Roman and Greek rhetorical treatment of Cicero. As we have seen, Gabba suggests that Dio had

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210 For a list and discussion of these parallels, see Zielinski, 14-16 & 280-8 & Gabba, "Note Sulla Polemica," 319-321. Zielinski's later comments are to be found in a section entitled "Die Cicero- Karikatur in Altertum", originally published in Festchrift des philologischen Vereins im München. 1905. On the question of authenticity and the significance of these correspondences, Zielinski comments (281): "Für eine richtige Lösung der Frage ist es unumgänglich, die pseudosallustianische Invektive mit der des Calenus zusammen zu betrachten; es sind zum Teil dieselben Vorwürfe, die hier wie dort wiederkommen."

211 Zielinski, 287.

212 Zielinski, 14 & 287-8. As he states (285): "die Karikatur ist durch die Hände eines griechischen Rhetors gegangen." He notes that Cestius’ alleged accusation (Sen. Sues. 7. 13) that Cicero was an unlearned man finds a parallel in the remarks of Calenus (46. 6.
Pollio's *Histories* as a source, but supplemented them with rhetorical material, again that of Pollio, which included those *sordidiora* he left out of his *Histories*, but published in his *Pro Lamia*. 213

It is tempting to simply accept these theories, given that they neatly tie together the invectival material concerning Cicero with the known detractors of his reputation. Yet caution is required. We have already noted that the parallels between the two works does not really provide us with the incontrovertible evidence that the *Invectiva* is a product of the Imperial schools as Zielinski argued; arguably, it might merely denote the highly influential nature of an authentic work on the rhetorical tradition.214 And even if the *Invectiva* proved to be a later rhetorical piece, we cannot rule out that other material contemporary to Cicero had an influence on the composition of the Calenus speech; arguably we know enough about attitudes towards Cicero in his own lifetime to state that the depiction of him as a coward, hypocrite and political weathercock was not simply a posthumous invention.215 In addition, the correspondence between the *Invectiva* and the speech of Calenus is not of such an all-encompassing nature that we can automatically assume that the latter work is simply a greatly inflated treatment of the former.216 Moreover, despite Zielinski's arguments to

2 & 46. 21. 4). He argues that further evidence of the Greek schools is to be found in the accusation that Cicero's father was a fuller, which he suggests (15 & 285) is inspired by the "tanner" gibes directed at Cleon in Aristophanes, and the punning of Cicero's name in Dio 46. 18. 1, which would have made no sense in Latin. Millar ("Some Speeches in Cassius Dio," 20) says of this: "Unless one believes Dio was capable of a play on words, the conclusion must be correct." However, Zielinski (14) is unsure whether any link can be pressed between Cestius and Pollio. As we have seen (Chapter 3, n. 47), Millar posited a linkage between Pollio and later literature via the mysterious Asinius Pollio of Tralles. 213 Gabba, "Note Sulla Polemica," 336. See Chapter 3, pp 147f.

214 See Chapter 1, pp 14f.

215 Zielinski (287) rejected the idea that the Anti-Philippics of Antony were a source - "direkt oder indirekt" - of the Calenus-speech, arguing that use of Cicero's second *Philippic*, which reproduces many of Antony's allegations against Cicero, general historical knowledge and rhetorical color-technique explains the matter. Gabba ("Note Sulla Polemica,"321-5) is more cautious, and suggests that in Pollio, Dio had a source that may have incorporated Antonian material. Plutarch's reference (Cic. 41. 6 - attacking Cicero's divorce of Terentia and, more generally, his stay-at-home behaviour) to Antony's replies strongly suggests that these works had been published, and were at least an indirect source for his work, but apart from what Cicero and Plutarch tell us, we know nothing more as to the allegations.

216 Millar ("Some Speeches in Cassius Dio," 19) argues this, stating (n. 84) that he "can see no similarity of language such as might indicate a direct connection." He notes, in particular, that the allegedly strongest instance of literary reminiscence (*Inv. 5*/Dio 46. 5. 1: *atque cum eiusmodi sit* /'ël τοιούτοι αὐτός ὑν/) does not have the same point of reference. Moreover, despite the shared references to incest and provocation of the
the contrary, independent evidence of the nature of Pollio's *sordidiora* is, as we have seen and shall again see, somewhat lacking. The same goes for Cestius Pius.

Notwithstanding these problems, it is clear that many of the charges - both general and specific - which are to be found in the *Invectiva* constitute part of a body of abuse that was exploited by rhetorical detractors of Cicero, and which retained a highly influential role in Imperial attitudes towards Cicero, as its further utilisation by writers such as Plutarch and Cassius Dio illustrates. Furthermore, despite the over-schematic and over-dogmatic attempts of Zielinski and Gabba to sheet home the origins of this hostile and caricatural tendency to Pollio and Cestius Pius, there is no doubt that these two highly influential, but very different figures must have played a leading role in the development of this image.

Nevertheless, apart from the *Invectiva*, we possess no other specimen of possible Augustan pseudepigrapha attacking Cicero in such an abusive manner. The *Commentariolum*, with its somewhat amoral discussion of electoral campaigning, particularly in its references to the *sodalitates* (§ 16-19), and the necessity of making false promises (§ 44-49), would, as we have already noted, have been a work highly damaging to Cicero, if published in his own lifetime. But as a piece of pseudepigrapha, it seemingly has, as Henderson has stated, "no axe to grind". "Quintus" may advise Cicero to lie, but he states (§ 45) that such an evil, *magis ad tempus quam ad naturam accomodatum tuam*. Abuse is reserved (§§ 7-12) for Antonius Hybrida and Catiline, whose immoral ways are directly juxtaposed (§ 8) to Cicero's probity: *Immo homini navo, industria, innocenti, diserto, gratioso apud eos qui res iudicant, optandi competitores ambo a pueritia sicarii, ambo libidinosi, ambo egentes.* The enthusiastic, if somewhat inept response to the *Invectiva in Ciceronem* found in the *Invectiva in Sallustium* suggests, moreover, that admirers of Cicero were willing to reply in kind.

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217 See Chapter 1, pp 71f; Chapter 4, pp 303f.
218 See Chapter 3, pp 197f.
220 Clift (91-92) states: "It would naturally be extremely difficult to attribute speeches falsely to Cicero because his authentic works were so widely published and read during..."
Interestingly, this work does not restrict itself to reviling Sallust, but contains (§§ 5-12) a defence of Cicero's behaviour in both private and public life. Even if we had literally dozens of surviving pieces akin to the "Sallustian" Invectiva, the situation would not necessarily be any different. For how could we distinguish between those, like Cestius Pius, who composed on the basis of a genuine dislike of Cicero's great name, and those who - and Varius Geminus might be a pertinent example here - composed, to use Syme's words, "for the fun of the thing"?\textsuperscript{222}

\textsuperscript{221} His novitas highlights his inherent virtue (§ 5); his political ambition and strict administration of those offices he had achieved had served the interests of Rome, and thus revealed the truthfulness of Cicero's poetic boasts which "Sallust" sneered at (§ 6-7); the charges of immorality directed against him and his wife and daughter are rebutted, as are the charges of avarice and peculation (§ 9); his behaviour at the time of his exile is defended, and the popularity of his return noted (§ 10); and his political inconsistency is argued to reflect the supremacy of his devotion to the Commonwealth over all other concerns (§§ 11-12).

\textsuperscript{222} Syme, "Review of Clift," 201.
v) Summation.

In short, there is nothing to suggest that Seneca the Elder’s depiction of the generally favourable reception of Cicero’s memory by the orators and rhetoricians of Augustan Rome is a misleading one. Nor, for that matter, is there any firm basis for assuming that Seneca was so uncritically devoted to Cicero’s good name as to tendentiously skew his portrayal of general attitudes: despite his obvious admiration for Cicero as an orator and statesman, Seneca has no basic problem with citing criticism of Cicero, or differing from the orator in his stylistic judgments.Indeed, it is only on account of Seneca’s information concerning the hostility of Pollio and Cestius Pius to the memory of

223 For Seneca’s attitude towards Cicero see: Gambet, Cicero’s Reputation., 113-118 & 231-233, Lavery, 44-47, Sussman, The Elder Seneca., 32, Fairweather, Seneca the Elder., 84-103. We have already noted the sympathetic interest Seneca displays in Cicero in the three Ciceronian themes he gives us, and the highly defensive attitude he takes towards Cicero’s more notable critics, such as Pollio and Cestius Pius. Seneca makes a number of other highly laudatory references to Cicero. Thus, he wonders aloud (Controv. 10. pr. 6) what would have been the consequences if the bookburnings of later years had been visited on Cicero’s works. This refers back to his earlier claim (Controv. 1. pr. 6-7): quidquid Romana facundia habet quod insolenti Graeciae aut opponat aut praferat circa Ciceronem effloruit; omnia ingenia quae lucem studiis nostris attulerint tunc nata sunt. He goes on to lament (Controv. 1. pr. 11) that civil war prevented him from seeing Cicero’s declaiming with Hirtius and Pansa, describing Cicero’s genius, quod solum populus Romanus par imperio suo habuit, going on to title him the viva vox. As Fairweather notes (Seneca the Elder., 83-84) the latter references bear something of a similarity to those made by Velleius Paterculus (1. 17. 3-4), and as she also notes (23 & 88) the reference to “insolent” Greece echoes a remark of Cestius Pius (Suas. 7. 10). Fairweather goes on to question how much of Seneca’s appreciation of Cicero came from firsthand knowledge of his works, noting (88) that many of his references to him have “a highly rhetorical flavour untypical of his criticism”, and that often he is probably just reporting what other critics have said. However, despite noting (92-94) the lack of influence that Cicero’s rhetorical treatises left on Seneca’s work, and suggesting (88) that most of Seneca’s Ciceronian allusions could have come from “secondary sources, oral and written”, she is cautious (91-92 & 102-103) as to making a final assessment of Seneca’s amount of personal knowledge, especially given the evidence in Controv. 7. 2, and Suas. 6 & 7 of careful historical investigation on his part. However derivative Seneca was in his tastes and opinions, his belief in Cicero’s greatness is clear. Moreover, and most importantly in terms of our present perspective, Seneca’s “sponge-like capacity”, as Fairweather describes it (91), “for absorbing other people’s criticisms”, and his penchant for serious historical analysis, seem to have combined to produce an attitude which, while sensitive to the more outrageous attacks on Cicero’s memory, was not adverse to a measure of critical reflection on Cicero. He can, as we have seen, include and praise Livy’s critical evaluation of Cicero. He also notes (Controv. 2. 4. 4) the sententia of Sepullius Bassus as to Cicero’s lack of constantia, and (Controv. 3. pr. 8) Cassius Severus’ remark that Cicero lost his eloquence in poetry; though in both these instances the comment is balanced by criticism of others. He moreover comments (Controv. 7. 3. 9), probably again on the authority of Cassius Severus, on Cicero’s inability to restrain himself in the matter of punning, though he also says that Cicero transformed this vice into a virtue.
Cicero that scholars have been able to even vaguely grasp the outlines of the anti-Ciceronian invective tradition during the early Principate. As regards the Augustan period, Seneca's analysis of the situation is straightforward: both men's animus was pronounced and noticeable, and influenced the form and tenor of the debate on Cicero; but in holding such a position they were very much in the minority. Pollio could, by his aspersions against Cicero's behaviour just before his death, inspire the subject of a *suasoria*; but the declaimers virtually to a man refused to argue along the lines that Pollio alleged Cicero had followed. Cestius Pius's dislike of Cicero, and his avowal of his supremacy in eloquence over him, seems to have only intermittently manifested itself in public declamatory invective against Cicero. The evidence we possess from other sources helps, somewhat imperfectly, to fill out our knowledge of the Cicero-haters, but does not substantially alter our perception of their number and significance.

In the following chapter we shall be examining the question of Cicero's stylistic reputation in the early Principate and its effect on his reception. Yet it is worth noting at this point that Romans were not the only ones interested in Cicero's enormous oratorical stature. The "insolent" Greeks, stimulated perhaps by the developing lines of the "Atticist/Asianist" conflict in Latin oratory, and by the boasts made for Cicero by Seneca the Elder and others, also joined in the debate.224 The noted Augustan rhetorical theorist, Caecilius of Calacte undertook a stylistic comparison of Cicero with Demosthenes.225 The Περί ὅψους (12. 4) of "Longinus", a work mostly, though not universally dated to the first century AD, and by some scholars even to Augustan times, also attempts a comparison of the two orators (12. 4).226 "Longinus", tentative in breaking the long standing Greek convention against

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224 For the possibility that Greek neo-Atticism was inspired by the Latin conflict, see George Kennedy, The Art of Rhetoric in the Roman World, 300 BC - AD 300 (Princeton, 1972), 352-3.
225 For a summary of Caecilius' work, see Kennedy, 364-9.
226 For a classic exposition of the argument for a 1st century dating of this work, see D. A. Russell's introduction to his 1964, Oxford edition, xxii-xxx. As Russell says therein, such a dating is strongly suggested by the discussion (44) of the reasons for the decline of eloquence (with its strong parallels to discussions found in the works of the Senecas, Petronius, the Elder Pliny and Tacitus), and given that the author speaks there (§ 6) of a prevailing world peace. For an Augustan dating, see G. P. Goold, "A Greek Professorial Circle at Rome," TAPA 92 (1961), 168-92. Some scholars still argue, however, that the work was written by the third century AD scholar and statesman, Cassius Longinus: see for instance, Williams, Change and Decline, 17-25.
commenting on Latin eloquence, nevertheless strongly contrasts the concentrated power of Demosthenes with the broad and overwhelming sweep of Cicero—lightning and thunder as against a steadily destroying fire. The comparison is by no means to Cicero's disadvantage. Plutarch (Dem. 3), himself eschewing a stylistic comparison of the two orators due to his mediocrity Latin, compares Caecilius work to a beached dolphin. Given this remark and Caecilius' strongly "Atticist" perspective, it would seem reasonable to suppose that his work may have not been overly friendly to Ciceronian "pathos". Yet, for our purposes, the important thing is that Greek intellectuals were making the comparison in the first place. For it illustrates clearly that Cicero's status, however contested, as the symbol of Roman oratorical genius was not confined to the narrow confines of the Latin declamation, but had made its mark at a very early stage among the wider intelligentsia of the Empire.

What do the Senecan extracts tell us about the specific nature of the rhetorical reception of the Ciceronian image in the Augustan period, and its relationship to other material we have examined? It is probably fair to say that of the two types of declamatory exercise popular in the rhetorical schools of the early Empire, it is the *suasoria* that appeals most to modern susceptibilities. Arguably, this is at least partly because this form of exercise seems to offer greater potential possibilities for an imaginative interaction with the historical past, in a context of deliberations which recall the freer nature of political institutions and discourse under the Republic. Yet on an analysis of the Ciceronian *suasoriae* preserved by Seneca, it seems extremely dubious whether such an interaction is occurring. Little interest seems to have been taken in treating the theme as an exercise in hypothetical historical enquiry, and rather too much in hackneyed exclamation and descriptive

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227 Gambet (Cicero's Reputation., 88) assumes that the views of Caecilius on Cicero are essentially reproduced in "Longinus". This is almost certainly wrong. Caecilius' "purist" predilections, illustrated by the titles of his works listed in the *Suda* and the criticisms of "Longinus", whose work is a reply ([Longinus] *Subl.* 1. 1; see for instance 8. 1-2 [Caecilius' failure to discuss τὸ πάθος], 32. 8 [Caecilius' presumption in asserting the supremacy of Lysias over Plato]). For a recent re-assertion of the view that it was Caecilius who created the idea of the canonical ten Attic orators, see Ian Worthington, "The Canon of the Ten Attic Orators," in Ian Worthington, ed., *Persuasion: Greek Rhetoric in Action* (London, 1994), 244-63.

228 See Edward, *Suasoriae.*, xxxiii. The ancient view was the opposite, as the ratio of material in Seneca's text indicates; see also Messalla's comments in Tac. *Dial.* 35. 4.
narrative. In this context, Varius Geminus' knowledgeable approach stands as the foremost of exceptions to the rule.

Such tendencies are drawn into even starker contrast by the coexistence in Seneca's *Suasoriae* of both declamatory and historical treatments of Cicero's death. With regard to the interaction of the rhetorical schools and the writing of history, there is a distinct suggestion here of one-way traffic. As the Senecan material clearly shows, the influence of rhetorical material and practice on the historiography concerning this event is great indeed. However, the same material conversely shows how little historiography influenced the practice of rhetoric. That *candor*, which Seneca praises in Livy's estimation of Cicero for instance, is clearly missing in most of the declamatory extracts; so too, is the attempt to place Cicero's dilemma within a wider political or historical framework. Indisputably, the sympathetic attitude of the schools was one of the most important factors in the preservation of Cicero's good name in the early Principate. However, the very nature of that attitude meant that "preservation" often smacked of "fossilization". Zielinski's appellation for the hostile rhetorically-developed portrait of Cicero - *Die Cicerokarikatur* - could with justice be applied to the sympathetic tradition developed in the schools as well.

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230 See Appendix.
c) The Age of Augustus - Conclusion.

As we said at the beginning of the last chapter, the question of Cicero's reception in the Augustan period does not admit an easy answer. Yet as we have seen throughout these chapters, many scholars have been happy to provide as much. Hostility, preferably by means of omission, it is argued was the official policy, and is consequently reflected in the literature of the period. As we have seen, an officially preferred policy of silence cannot even withstand inspection of the writings of Augustus, let alone those of his subjects. As for a transparent policy of official hostility, even a cursory inspection of the evidence at hand makes such an interpretation wholly untenable. The evidence provided by the Elder Seneca on the declamatory reception of Cicero is alone enough to contradict such an assertion.

Indeed, such is the flood of approving remarks in the declamatory extracts, in poetry and other genres, that there is a real danger of going to the opposite extreme and positing an almost complete and unequivocal adoption of the Ciceronian image by both literary society and the new political order. Such a view would be just as dangerous. The strong criticisms of Cicero's behaviour in the last year of his life which were no doubt to be found in Augustus' Memoirs, the variable heat of Pollio's attacks, the sober reservations of Livy, and very possibly the responses of such poets as Virgil and Horace, all point to the fact that Cicero's reception was by no means untroubled, or wholly free of ideological sensitivity.

Yet as we have also seen, criticism of Cicero in this period cannot be neatly encapsulated into an all-pervading rubric of political disfavour. Augustus seems to have limited the scope of his criticism, and what is more, allowed himself room for revision. Pollio and Livy cannot simply be viewed as Imperial stooges, and as regards Cicero, seem to have had very much their own agendas. Nor can the poetry of Virgil and Horace be simply viewed as "politics by other means"; wider personal and literary imperatives may have had as much to do with their treatment or non-treatment of the great prose stylist as the criticisms they may have read in the Augustan Memoirs.
Perhaps part of the reason why there has been such a partial and simplistic reading of the evidence lies in the general course of modern scholarship on the subject of Augustan politics and literature. It is probably fair to say that much of our most important evidence resides in sources that many would consider "obscure" or "minor". Such characterizations are in themselves suggestive, revealing as they do a regrettable and wholly unhistorical tendency to privilege certain literary material - in particular the major poets of this period - on the basis of both ignorance and perhaps an irrational assumption that "great" literature provides a truer guide to the opinions and feelings of both ruler and ruled than does more mediocre fare.231 However, undoubtedly the most important factor has been the persistent assumption that the man who had agreed to Cicero's death in 43 BC and now ruled the Roman world simply would not have allowed - whether from personal animus, a pragmatic realization of the sensitivity of the issue, or both - a positive picture of his victim to have been propagated. As we have already seen, evidence from the Triumviral period tends to indicate that not only did Octavian, as he then was, fail to stop such a propagation, but furthermore, actively encouraged it when it suited his own interests. If such was the case when the foundations of his rule were much more unstable, then it seems somewhat illogical to assume that the opposite was the case when the ruler had shed much of his revolutionary past, and was consolidating an image of traditionalist virtue.

231 The neglect which the works of Seneca the Elder suffered up until the last three decades is perhaps the most striking example of this. Earlier this century, S. J. Aubrey Gwynn (Roman Education., 158), speaking in the context of Seneca's evidence, bravely, but truthfully asserted: "Those who know the Augustan age only from the works of Virgil, Horace, Ovid, and Livy can form no true judgment of the literary society in which these stately 'Augustans' moved." In retrospect, it is somewhat bizarre that, as late as 1984, Janet Fairweather ("The Elder Seneca and Declamation, 554-5) had to state the following obvious truism: 'Of the importance of this art of declamation the elder Seneca leaves us in no doubt. It is not just that rhetoricians like Latro and Cestius were bolstered up in an exaggerated self-esteem by the adulation they received from pueri and iuvenes of bad taste...The fact emerges from the elder Seneca's passing remarks that the majority of the most distinguished literary men of Rome during this period took an interest, often an enthusiastic interest, in the niceties of controversiae and suasoriae. " Her further characterization (556) of the mainstream attitude among the educated classes of the time, that "rhetoric - that is, given the curriculum standard in the schools of that period, declamation - is the central literary discipline", still manages to shock ancient history undergraduates. Elaine Fantham (Roman Literary Culture, 90) has also noted how modern perceptions of Augustan literature have been dominated by the poets due to the coincidence of their "rare talents" wit the "enlightened policy of an absolute but idealistic ruler", and how this has obscured the fact that the bulk of literary output was in prose - history, scholarship and especially rhetoric.
Very simply, many scholars have not only tended to concentrate on a very small amount of the available evidence, but a very narrow concept of the relationship between the Princeps and his subjects. Yet the widespread assumption that the official attitude towards the history of the late Republic was both pedantic and rigid is, as we have seen, fallacious. Moreover, the notion that Augustus had both the means and the desire to minutely control the nature of all public discourse is not only anachronistic, but denies those very facets of the new dispensation which allowed for its acceptance by the old governing class of Rome. This is not to say that official attitudes to recent history could not evince a consistency as to fundamental issues, or that the Princeps did not punish public expression that directly challenged such attitudes. Indeed, the evidence we have examined illustrates - the responses of the Senecan declaimers perhaps best of all - the extent to which the interests of Augustus delimited discourse on a potentially dangerous subject. Yet what that evidence also clearly indicates is the basically "inclusive" nature of Augustan ideological representation. Viewed as the greatest of orators, viewed as the enemy of Catiline and Antony, the memory of Cicero was not only acceptable, but could be remunerative. It was a delicate balancing act to be sure, but was as nothing compared to the inherent problems in proscribing the memory of a man who, by his own ability and relentless self-publicity, had carved himself the topmost niche in Roman oratory and literature.
Chapter 4. The Early Julio-Claudian Period: The Death of Politics.

a) The Early Julio-Claudian Period - Introduction.

The death of Augustus would seem to mark a major watershed as to the reception of Cicero in early Imperial Rome. We have noted that the Augustan response to Cicero is distinctly heterogeneous in character. Thus, despite the fact that the majority of extant references exhibit a laudatory conception of the dead orator, this tendency is counterbalanced by dissenting attitudes, ranging from the measured criticisms of the historians and others, to a strongly hostile strain of invective which was to be immensely influential in shaping attitudes in later times. Yet despite the range and complexity of this response, the attitude of the first Princeps, we have argued, constituted a vital factor in shaping it. The vicissitudes of the relationship between Cicero and the young Octavian in 44-43 BC led to an inevitable sensitivity in regard to Cicero: a sensitivity which, rather than creating an attitude of pronounced hostility or disapproval on the part of the Emperor, manifested itself in an ambiguous and at times somewhat contradictory series of responses by him, which while allowing the generation of various attitudes on the part of his subjects, placed ultimate restrictions upon them. It would thus seem fair to assume that with the passing of Augustus, the way was opened to an even freer discussion of Cicero's political legacy.

The dawning of the Julio-Claudian age has, however, been seen as marking an important change to the reception of Cicero on rather different grounds, and with dramatically different consequences. For it has been argued that this period saw a distinct acceleration of a process whereby Cicero's primacy as the Latin language's foremost prose stylist came under challenge. The image of Cicero as the embodiment of Latin eloquence, it is asserted, fell into general disuse under the Julio-Claudian emperors, and only saw the light of day again with a Ciceronian revival under the Flavians. This Ciceronian "Dark Age", it is claimed, marked a wholesale reversal of the trends we witnessed in Augustan times, where his acceptance by the majority of educated
Romans as the most eloquent of men stimulated discussion of him as a statesman as well as a literary paradigm.

Yet, as we shall see, the most marked characteristic of the Julio-Claudian evidence with respect to the reception of Cicero is its continuity with that of the preceding age. Balanced historical judgment, uncritical declamatory laudation, literary and personal attacks: all these facets of the Augustan response find strong echoes in the literature of the following age. This is not to say that ideological and stylistic perceptions of Cicero remained unchanged. However, while subtle but profound changes in the appreciation of Cicero may be detected, we are also made more than aware of the immense importance held by the preceding age and its literary productions in forming and maintaining certain key characteristics of the Ciceronian image throughout the Imperial period.
b) The Alleged Decline of Cicero's Stylistic Reputation: Another Ciceronian "Dark Age"?

Before undertaking an analysis of the major extant references to Cicero from the first half of the Julio-Claudian period, we need to undertake a wider purview of Latin stylistic developments in the first century AD. For one of the major strands in Gambet's analysis of Cicero's reputation in the period up until the death of the Emperor Vespasian, is his theory that the Julio-Claudian period was characterized by a profound decline in Cicero's oratorical reputation.\(^1\) Using the evidence provided by Seneca the Elder as his major focal point, Gambet argues that the criticisms of Cicero by such Augustan luminaries as Asinius Pollio and Cestius Pius spawned "a vigorous and effective movement away from Cicero in the schools." The younger generation of Augustan rhetorical students, he argues, were increasingly seeing Cicero as "passé", and only showed acceptance of Cicero's oratorical primacy and consequently praised him in declamatory exercises because they feared the reaction of the older generation of orators and rhetoricians, one of the latter being the elder Seneca himself. By the time of Tiberius, Gambet suggests, this movement had "grown and swelled" considerably; the authority of Pollio having been augmented by the added criticisms of his son, Asinius Gallus. Cicero's growing stylistic unpopularity, moreover, was mirrored in a decline in popularity of Cicero as a declamatory theme during this period. By the time of Caligula, Gambet argues, this anti-Ciceronian movement was becoming "devastatingly effective", and for the next twenty five years maintained a position as fashionable literary opinion, until displaced by a "classicist" revival under the Flavian emperors. This tendency, which Gambet sees as a "Dark Age" not only for Cicero, but for Latin oratory in general, had its ironical aspect as well, in that it was in the eloquence of Seneca the Younger - whose father was such a "militant" member of the "old guard" - that it reached its apogee, and Cicero's repute fell to its lowest ebb. To be sure, Gambet notes, not all subscribed to this new orthodoxy. Writers of the early Julio-Claudian period continue to repeat the laudatory formulations we have noted in the Augustan evidence, and works such as Asconius' detailed

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\(^1\) Gambet, *Cicero's Reputation.*, see esp.: 33-4, 85, 91-2, 117-8, 120, 139, 147-8, 157, 172-3, 184-8, 189-93, 198-9, 204, 218, 230, 232-3, 238-244, 249-250.
commentaries on Cicero's speeches suggest that even under Nero, Cicero was not forgotten. However, Gambet argues that the opinions of the former represent little more than a hangover from their youthful education in rhetorical schools much more friendly to Cicero's good name, while the latter are "a somewhat isolated minority" now in the position formerly inhabited by Cicero-haters such as Pollio and Cestius Pius.

As already noted, it is in Seneca the Elder that Gambet finds much of his strongest evidence for this "Ciceronian" generation gap. Thus, Seneca's long treatment of the oratory of Cassius Severus (Sen. Controv. 3. pr. 1-18) - including (§§ 16-18) Cassius' account of his persecution of Cestius Pius on account of the latter's attacks on Cicero, which we have already examined - makes reference to the strong hold Cestius' views had on his students. Noting his own relative weakness in declaiming, Cassius rails against the arrogance of the schoolmen, stating (§§ 14-15):

*Diligentius me tibi excusarem, tamquam huic rei non essem natus, nisi scirem et Pollionem~Asinium et Messalam Corvinum et Passienum, qui nunc primo loco stat, minus bene videri <dicere> quam Cestium aut Latronem. Utrum ergo putas hoc dicentium vitium esse an audientium? Non illi peius dicunt, sed hi corruptius iudicant: pueri fere aut iuvenes scholas frequentant; hi non tantum disertissimis viris, quos paulo ante rettuli, Cestium suum praferunt sed etiam Ciceroni praferrent, nisi lapides timerent. Quo tamen uno modo possunt praferunt; huius enim declamationes ediscunt, illius orationes non legunt nisi eas quibus Cestius rescripsit.*

(I should take more pains in my defence (pleading that I was not born for such things) if I didn't know that Asinius Pollio, Messala Corvinus and Passienus (now our leading orator) are rated as declaimers below Cestius and Latro. Do you think this the fault of the speakers - or their hearers? They are not worse speakers; the audience is judging by worse standards. It is the boys, usually, or the youths who throng the schools: and they prefer Cestius to the eloquent men I have just mentioned - and they'd prefer him to Cicero if they didn't
It is thus, argues Gambet, only on account of their fear of the older generation's "stones" - one suspects a figurative reference here - that the younger generation refrained from either deriding or ignoring Cicero. The fact that Cestius does not seem to have declaimed hostilely on the subject of Cicero in front of his peers, taken with Seneca's remark (Suas. 6. 12) that almost no one "dared" to declaim on the subject of Cicero in a manner which reflected badly on his character, reinforces for Gambet, the notion that a strong element of coercion lay behind the popularity of Cicero in the schools of the Augustan and early Julio-Claudian periods. Yet the process was far advanced by the end of Seneca's life, to the extent, argues Gambet, that knowledge of Cicero's orations was not generally common. Comparing the heyday of the Augustan declaimers with the time at which he is writing, Seneca remarks (Suas. 2: 19): Tam diligentes tunc auditores erant, ne dicam tam maligni, ut unum verbum surripi non posset; at nunc cuilibet orationes in Verrem tuto licet pro suis <dicere>. Indeed, argues Gambet, Seneca (Suas. 6. 27) could only get his own sons to read the laudatory historical and poetic treatments concerning Cicero's death by a trick. All this, together with Seneca's more general remarks (Controv. 1. pr. 6-7) concerning the decline of eloquence from the time of Cicero, suggests to Gambet a consistent movement away from Ciceronian orthodoxy, which Seneca vainly fought against. Gambet notes that the "growing strength" of the trend away from Cicero can be most plainly discerned in the fact that "Seneca's work includes not a single extract on Cicero from a declaimer of the Julio-Claudian period."

Clearly, the inspiration for Gambet's arguments here is Zielinski's Cicero in Wandel der Jahrhunderte, which, however, proposes a

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2 Gambet, Cicero's Reputation., 118. Gambet overlooks the fact that the trick consists of affixing another suasoria on the theme of Cicero, which is of course full of laudatory references to the latter. As Seneca (Suas. 6. 16) makes clear, the alleged problem here is not the subject of Cicero, but the lack of interest of his sons in any form of literature apart from declamation.

3 Gambet, Cicero's Reputation., 147.
somewhat more complex situation *vis-à-vis* this Ciceronian decline. Zielinski's analysis was inspired in turn by Eduard Norden's *Antike Kunstprosa*, which had viewed the whole history of prose style in Greek and Latin from Hellenistic times onwards as a struggle between the forces of Atticism and Asianism, and which saw in the new type of oratory developing in the early Empire - for which he used the neologism "the new style" - a manifestation of Asianist tendencies. Exploiting Norden's Atticist/Asianist dichotomy, Zielinski argued that the early Imperial period saw Ciceronianism attacked on two fronts. On one side was the Atticist movement, which found in Cicero's emotional, wordy and rhythmically ordered prose style symptoms of Asianic degeneracy, and which, beginning with such of Cicero's younger contemporaries as Calidius, Calvus and Brutus, was carried into the Imperial age by the even more extreme Atticism of Asinius Pollio. On the other was the Asianist tendency, which took floridity, pathos and the use of prose rhythms to new extremes, and found a natural home in the new unreal world of display declamation, in which Asiatic Greeks such as Cestius Pius were feted. The attack of the ruggedly purist Atticists, who dominated stylistic fashion in the Triumviral and early Augustan periods, was followed by that of the extreme Asianists who dominated school rhetoric and the Roman literary scene up until at least the Flavian dynasty. Thus alternately buffeted from either side - by the cold and hot "fevers" of Atticism and Asianism as Zielinski calls them: "Cicero zunächst fast ohne Nachfolge blieb." As the Asianist *Fieber* reached its climax with Seneca the Younger, the protests of Ciceronians, such as that found reflected in the debate between Encolpius and Agamemnon at the beginning of the *Satyricon* (Sat. 1-5), were of little effect.

At first glance, the theory that even during the early Imperial period, Cicero was, so to speak, the meat in the Atticist/Asianist sandwich, seems reasonable enough. Quintilian (*Inst.* 12. 10. 10-57), after retailing (§ 12) the charges of Asianism made against Cicero by his

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4 Zielinski, ch. 4: *Nachleben von Ciceros Stil in der Antike*, 29-36.
6 Zielinski, 35.
7 Zielinski, 36. Of Asconius, Zielinski says here: "und mochte ein Cicerofreund auch noch so gelehn sein - er durfte nur im stillen, wie Asconius, mit seinen Söhnen seiner Liebhaberei obliegen."
contemporaries, states (§ 13) that: *Ille tamen, qui ieiunus a quibusdam et aridus habetur, non aliter ab ipsis inimicis male audire quam nimii floribus et ingenii affluentia potuit.* Statements such as these tend to suggest that the Asianic extravagance of later stylists had reached the point of making Cicero's prose seem positively "Attic". Further analysis tends to suggest, however, that the situation was a good deal more complex than this. There would seem to be distinct problems with locating the different stylistic strands of early Imperial Latin prose within a rigid Atticist/Asianist dichotomy. Terms of ancient stylistic demarcation are highly problematical in general, and this is especially the case with Atticism and Asianism. Even for that period where we know most about this controversy in its Latin context - the Forties BC - its nature is only partially understood, and consequently, its importance questioned. Even if the Atticist movement of this time must be taken seriously, the meagre evidence at our disposal continues to make identification of its adherents, beyond Calvus and Brutus, extremely difficult. This is even more the case with alleged post-Ciceronian

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8 Thus A. E. Douglas ("M. Calidius and the Atticists," CQ 5 [1955], 241-7, at 241) attacking the assumption that M. Calidius was an Atticist, dismisses that movement as "the short-lived aberration of a group of highbrows"; A. E. Douglas, . In later comments (Cicero, Greece & Rome: New Surveys in the Classics No. 2 [Oxford, 1968], 37-9), he even questioned the identification of Brutus as one of the *Attici* as well: see also Douglas' introduction to his edition of the *Brutus* (Oxford, 1966), xii-xv. As Douglas himself admits (Cicero, 38), "hardly anybody" agrees with him in taking this extremely minimalist position, either in his specific identification of *Attici*, or more generally; see the criticism of his views in Fairweather, *Seneca the Elder*, 345, n. 61. Certainly, the correspondence referred to by Tacitus (Dial. 18. 4-5) between Brutus and Calvus on the one hand, and Cicero on the other, which Quintilian also probably attests (Inst. 9. 4. 1; 12. 1. 22; 12. 10. 12 & 13), and to which Douglas makes little reference, suggests that their disagreement was not without considerable heat: see G. L. Hendrickson, "Cicero's Correspondence with Brutus and Calvus on Oratorical Style," AJP 47 (1926), 235-258; Leeman, *Orationis Ratio*, 138-141. Moreover, Douglas' views tend to rely rather too heavily on Cicero's depiction of the Atticists in *Brutus* and the *Orator* as an anaemic and ineffective group, who defined "Attic" purity in an overly narrow way: see Fairweather, *Seneca the Elder*, 94-102. Cicero's criticism of Calvus (*Brut. 283*, *ad Fam. 15. 21. 4*) - who is the only orator of the time we know with absolute certainty to have styled himself "Attic" -, for instance, which harped upon his lack of *vis*, is to some extent contradicted by the comments of such admirers of Cicero as Seneca the Elder (*Controv. 7. 4. 6-8*) and Quintilian (*Inst. 10. 1. 115*), as well as Calvus' friend Catullus (53); compare, however, Tac. *Dial.* 21. 2.

9 See Leeman, *Orationis Ratio*, 136-142 & 155-167. In terms of "Atticism", Leeman rejects Caelius, is highly dubious about Calidius, and only tentatively positive as to Caesar. He states (159) that: "The Atticists, pseudo-Atticists and crypto-Atticists whom we have discussed so far form by no means a homogenous group, nor is it easy to discover a common oratorical ideal, though they probably were united in their rejection of Ciceronian exhuberance, both in ornatus and in pathos." Fairweather is somewhat more assertive, arguing (*Seneca the Elder*, 99-100) that Cicero's contention in the *Orator* that the self-styled *Attici* erred in using only the *genus humile*, and eschewed prose
Attici, Asinius Pollio and Messalla Corvinus. Pollio's identification as one of the extreme "Thucydidean" Atticists disparagingly referred to by Cicero (Or. 30-32), although relying heavily on a disparate set of brief references, may seem safe. Messalla Corvinus, whose style was of an altogether smoother variety than that of Pollio, is another matter.

Even more problematical is the wholesale identification of prose modernism - Norden's "new style" - in the early empire with a triumph of Asianist tendencies. Fairweather for instance, in a detailed survey of the evidence provided by Seneca the Elder, has fundamentally rhythms, is contradicted by an analysis of the extant fragments of Calvus. Yet such an analysis ironically tends to suggest that the distinction between Cicero and his critics was somewhat more ephemeral than is often assumed.

10 See Leeman, Orationis Ratio, vol. 1, 160-162. Cicero does not put a name to any of these Thucydidii. If the later criticisms of Pollio's son Gallus, and Largius Licinus (Gell. NA 17. 1. 1) are a good guide, Pollio among other things claimed that Cicero spoke parum integre atque inproprie atque inconsiderate. Leeman (161) interprets this as a charge that "Cicero lacked a sense of correct and pure Latinitas, used too many metaphors, and showed negligenta", which he says "is at once recognizable as typical of the Atticist attitude." His rough and abrupt "primitivist" style (though note the Elder Seneca's [Controv. 4. pr. 3] remarks concerning his declamation) is directly contrasted, somewhat unfavourably, with that of Cicero by Seneca the Younger (Ep. 100. 7) and Quintilian (Inst. 10. 1. 113), and, as Leeman notes (162), does recall Cicero's remarks (Or. 32: mutilia quaedam et hiantia) about the Thucydideans' style. Yet Pollio also attests the confusing and pedantic nature of these stylistic quarrels. Despite the archaic flavour that Quintilian noted in Pollio's diction, the latter attacked Sallust - the most notable of all Thucydidean imitators - for excessive use of archaisms (Suet. Gram. 10, Gell. NA 10. 26). Moreover, his famous epitaph on Cicero does not immediately strike one as particularly "primitivist" despite Leeman's assertions; though this may be due to an atypical "Ciceronian" flavour to the piece, perhaps hinted at by Seneca. See also, Chapter 3, pp 136f.

11 Leeman, who sees in Caesar's interest in pure Latinitas an Atticist trait, notes (Controv. 2. 4. 8, Tac. Dial. 18. 2) that Messalla had a similar interest, and says of him (Orationis Ratio, vol. 1, 221): "Thus he seems to have been a sincere, conscientious and refined orator, who shared attention to pure and correct expression with the Atticists, but at the same time strove after the nitor of the genus medium." Suetonius (Tib. 70. 1) states that Tiberius, who seems to have been something of an archaizer (Suet. Aug. 86. 2), took Messalla as his model. But Suetonius also suggests that Tiberius' obscurity was the result of his own additions (or subtractions) rather than following Messalla. Accusations that Messalla's oratory at times lacked sufficient force (Quint. Inst. 10. 1. 113; Tac. Dial. 20. 1; but not perhaps Tac. Dial. 21. 4, which despite the common translation, could easily be interpreted as meaning that Messalla did not lack vis as regards his spirit and talent) may initially recall to mind Cicero's criticisms of Calvus, but there is no hint in the sources of Messalla's austerity. Indeed, Tacitus' Aper, the avowed modernist, seems to see him (Tac. Dial. 18. 2) to be a more refined orator than Cicero. Syme suggests a "Ciceronian" hue to Messalla's oratory: "Livy and Augustus," 52-3; AA, 215-6 (though see 145-6, which seems to somewhat contradict this). Quintilian's emphasis on the nitor of Messalla's oratory (Inst. 10. 1. 113; see also 1. 7. 35), following as it does a reference to Pollio's lack of Cicero's nitor, is suggestive. Moreover, Messalla's youthful eloquence won the approval of Cicero himself (Cic. ad Brut. 1. 15. 1). Certainly, Seneca the Elder (Suas. 6. 27) gives us no reason for thinking that Messalla, like Pollio, cavilled at Cicero's high reputation. See also, Chapter 2, n. 122.
challenged the proposition that all, or even a majority of early imperial declaimers can be typified as "Asianic". As a preliminary point, she notes that Seneca's use of the term is very narrow in sense and sparingly applied. In her analysis of that usage and of the Senecan declaimers, she goes on to argue that the ancient critics saw a marked degree of heterogeneity in their prose styles; a heterogeneity that can even be partially discerned today. Most importantly of all, she goes on to argue:

...nowhere does Seneca give us any warrant for supposing that all these diverse stylists were considered either by themselves or by their contemporaries as belonging to a single united Asianist movement. He uses the term Asianus just enough to show that the battle of the books between Atticists and Asianists was not a dead issue, but he uses it in a way that makes it implausible that he regarded himself or Latro, his favourite declaimer, as belonging to the Asianist camp, and so sparingly that it might not seem unreasonable to deduce that in his time it was very much the exception, rather than the rule, for a rhetorician to be classifiable as ex Asianis.  

13 As Fairweather says (Seneca the Elder, 245-6): "all Seneca's explicit references to the rhetoric of Asiani have to do with minutiae, that is, imitations of particular sententiae in particular controversiae." She notes (245) that Seneca makes only four references to Asianism (Controv. 1. 2. 23, 9. 1. 12f, 9. 6. 16, 10. 5. 21), and the only Latin declaimer referred to in this context is Arellius Fuscus, whose explicit identification as an Asianist (9. 6. 16) depends on an emendation of ex Asia to ex Asianis. Fairweather is inclined to accept this emendation on the basis of her analysis of Fuscus' prose style (246-251), which she sees as varying markedly from almost all other declaimers. This, she argues, was quite different - as Seneca (Controv. 2. 2. 8) himself notes - from the consistently terse and agitated style of Porcius Latro, favoured by Seneca, which on the basis of Controv. 3. pr. 7 she describes (200) as the genus dicendi ardens et concitatum.  
14 See Fairweather, Seneca the Elder, 276; Leeman, Orationis Ratio, vol. 1, 231.  
15 Fairweather, Seneca the Elder, 296. Apart from Fuscus, one of the few Latin declaimers who Fairweather suggests (286-7 & 297) could be a possible Asianus is the excitable but politically timid Q. Haterius (See Chapter 3, n. 152). Seneca the Elder's analysis of his eloquence (Controv. 4. pr. 6-12) places emphasis on his extravagant pathos and rapid volubility, the latter of which drew a witticism from Augustus (Haterius noster sufflaminandus est - § 7), and (§ 8) led Haterius to employ a freedman to stop him from going to extremes. As Fairweather notes (297), Seneca suggests (§ 7) a Greek source of inspiration for his eloquence. Identification of Haterius as an Asianus would be interesting, since he seems to have been something of an imitator of Cicero (Controv. 4. pr. 9). Moreover, Seneca states (§ 10) that with the exception of his use of old words, nemo erat scholasticis nec aptior nec similior. But this would seem to refer
From the basis of the evidence provided by Seneca, she is inclined to reject the few scattered remarks in the ancient evidence linking the prose style of the early Empire to Asianism.\(^\text{16}\)

To be sure, one might wish to take issue with certain parts of Fairweather's argument here, especially her assumption that Asianism in the late Republic and early Empire can be neatly characterised by its volubility.\(^\text{17}\) Arguably, however, given the problems in strictly defining the characteristics of the Asian tendency, her problem is that, rather than going too far, she has not gone far enough in questioning the applicability of the Atticist/Asianist division to the classification of early Imperial eloquence.\(^\text{18}\) Thus despite the fact that Leeman tends to assume in general that early Imperial prose was notable for its dominantly Asianic character, it is he perhaps who gets closest to the truth when he posits a synthesis of characteristics from both Atticist and Asianist tendencies as having been vital to developments at the time.\(^\text{19}\) Despite this, Fairweather’s analysis still serves admirably in illustrating the pitfalls in simply assuming that in the declamatory rage of the early Empire - indeed in literary modernism in general - we are seeing a more to his verbal dexterity rather than the somewhat abnormal fluency and amplitude of his prose. Tacitus (Ann. 4. 61) suggests that his style of oratory was not subsequently influential. One declaimer who Fairweather (283-5) definitely does not associate with Asianism is Cestius Pius, who seems to have been incapable of reproducing Fuscus' volubility due to his limited command of Latin (Sen. Controv. 7. 1. 27). Leeman agrees, stating (Oratiois Ratio, vol. 1, 230) that he was "by no means an Asianist".

\(^\text{16}\) Notably the remark made by Encolpius (Pet. Sat. 2): nuper ventosa istae et enormis loquacitas Athenas ex Asia commigravit. Fairweather (Seneca the Elder, 300) says of this passage: "If we have to choose between the evidence of Seneca the Elder and Petronius' Encolpius on this issue, it is surely more sensible to take seriously the objective reporting of the older authority than to accept without question the partisan and hackneyed generalizations in Petr. Sat. 2."

\(^\text{17}\) Fairweather notes (Seneca the Elder, 257-9) Cicero's remarks (Brut. 325) as to their being two types of Asianism: one pointed and sententious, the other swift and voluble. She, however, goes on to dismiss the first, "pointed" Asian style as a factor in the development of the styles of the early Imperial declaimers, claiming among other things that Cicero's account implies that this style had gone out of fashion "at the beginning of the first century BC." This is not immediately apparent on the face of it, since Cicero speaks of both styles in the present tense. Somewhat contrarily, Fairweather later states (303): "Asiani were undoubtedly among those who in the Elder Seneca's day participated in the general fashion for sententiousness." See also, n. 20.

\(^\text{18}\) Indeed she seems to imply (Seneca the Elder, 262 & 264) that if anything, such purveyors of agitated sententiousness as Latro saw themselves as the heirs of the "Attic" oratory of Calvus, rather than any Asianic tradition.

\(^\text{19}\) See Leeman, Oratiois ratio, vol. 1, 231 & 240.
species of extreme Asianism which threw the relatively restrained abundance of Cicero's prose into the shade.\textsuperscript{20}

Yet as Winterbottom has said: "clearly something did happen to oratory after Cicero."\textsuperscript{21} Even if we eschew the use of a rigid Atticist/Asianist dichotomy in our discussion of the "new style" - or whatever else we wish to call it - we are left with the question of Cicero's reception in an age whose eloquence tends to suggest a profound reaction against Ciceronian norms. There is still the evidence adduced by Gambet - who does not mention the Atticist/Asianist controversy - as illustrating the developing tendency among rhetorical students to reject Cicero's exalted status in Latin oratory, and consequently avoid discussion of him as an orator and statesman.

But does it illustrate this tendency? A closer look at the "evidence" tends to suggest a much more complex picture regarding developments in oratory and rhetoric in the early Empire and its effect on the reception of Cicero. Seneca the Elder's information on the "generation gap" concerning opinions of Cicero is a case in point. For instance, given the Roman obsession with themes of moral and intellectual decline - an obsession shared by Seneca (\textit{Controv.} 1. pr. 6f) - it would seem dangerous to place too much reliance on the fulminations of him and his contemporaries against the stylistic degeneracy of \textit{pueri} and \textit{iuvenes}

\textsuperscript{20} The proposition that the Silver Age represented a triumph of Asianism still has influential proponents, notably Michael Winterbottom, who sees in the predilection for rhythm, \textit{sententiae}, and pathos in first century AD prose, elements of the Asianist tendency: Michael Winterbottom, "Cicero and the Silver Age," in \textit{Eloquence et Rhetorique chez Ciceron, Sept Exposes, Suives de Discussions, Entretiens sur l'antique classique, XXVIII} (Vandoeuvres-Geneva, 1982), 237-274; see also his article, "Asianism and Atticism" in \textit{OCD}\textsuperscript{3}, 191. Yet it is striking that the modernist Aper reserves his strongest criticisms of Cicero (\textit{Tac. Dial.} 22) for his earlier speeches, those which Cicero himself was to suggest later (\textit{Brut.} 316, Or. 106-8) represented youthful Asianic excess. It is his much later speeches that Aper praises (\textit{Dial.} 22. 2) for their "point" and sententiousness. If "Asianism" can encompass both Cicero's youthful long-windedness and his later intensity, one must question its usefulness as a critical tool in terms of later developments in oratory. Winterbottom, ("Cicero and the Silver Age," 260; "Quintilian and Rhetoric," in T. A. Dorey (ed), \textit{Empire and Aftermath: Silver Latin II} [London, 1975], 79-97, at 80-81) takes the course of assuming this is misleading special pleading on the part of the modernist.

\textsuperscript{21} Winterbottom, "Cicero and the Silver Age," 256. As Winterbottom argues (258), however, the gulf between Cicero and the eloquence should not be interpreted as "unbridgeable". After noting continuities in the use of rhythm, \textit{sententiae}, and pathos, he remarks (266) that Quintilian might have been surprised "had he been miraculously transported to a court addressed by Cicero, to find how Silver the great orator really was."
as evidence of a chronologically specific historical occurrence. Moreover, even if we were to accept this youthful rebellion at face value, it is far from clear that Cicero was the only focus for their disregard: Gambet's analysis of Cassius Severus' remarks fails to note his explicit statement (Controv. 3. pr. 14) that even the reputation of the great Augustan orators - Pollio, Messalla Corvinus and Passienus - suffered as a result of the students' adulation of school rhetoricians such as Cestius Pius and Latro. Criticism such as that of Cassius Severus, or of Votienus Montanus (Controv. 9. pr. 1-5) tends to suggest that Augustan orators in general felt keenly their own neglect by the young as oratorical models in favour of the new, and to them, somewhat fraudulent display rhetoric. Moreover, the pretensions of the scholastici and the adulation of their ignorant students was to remain a perceived problem well into the time of the supposed Ciceronian revival.22

Similarly exaggerated and clichéd, one would think, is Seneca's remark (Suas. 2. 19) that at the time of writing men could pass off the Verrine orations as their own. It does seem that Cicero's Verrines were conceived by some modernists as epitomizing the long-winded tedium of the "ancients" at their worst.23 Yet it is not hard to suspect that Seneca is indulging in deliberate hyperbole: for surely his point here is to draw a dramatic contrast between the exacting knowledgeability of Augustan audiences - who could spot borrowings of even a single word from a piece of Latro's declamation - and the lax standards of the present day, by citing what was still one of the most famous set of speeches in the corpus of Latin oratory.24 Scholars have generally been of the opinion that the curricula of the Latin grammatical and rhetorical schools of the first century AD probably did not include systematic reading and analysis of prose texts.25 Moreover, the detailed historical commentaries of Asconius, written a generation after Seneca's

22 Tac. Dial. 26. 9; see Chapter 3, n. 172. Quintilian himself (Inst. 2. 5. 1f) seems to have experienced something akin to this problem in his failure to introduce the study of oratorical and historical works as part of the formal curriculum in his school, since the refusal of his students to take anything but his own eloquence as an exemplar was one of the main reasons for his lack of success.

23 Tac. Dial. 20. 1.

24 Gambet's use of this passage as evidence for the decline of Cicero's reputation begs the question as to why men who supposedly found his oratory repellent should want to plagiarise his works in the first place.

25 See for instance, M. L. Clarke, Higher Education in the Ancient World (London, 1971), 21-2 & 38-9. As Clarke notes, the situation seems to have changed in later centuries.
comments, may not necessarily provide evidence to the contrary. Yet it would be very dangerous to extrapolate from this the idea that young men in Julio-Claudian Rome did not as a rule read Cicero. Quintilian - who in Book 10 of his *Institutio Oratoria* provides what amounts to an orator's "good reading guide", and which includes a large number of historians, philosophers and orators - suggests that even among the rhetoricians of his day (*Inst.* 10. 1. 37), his emphasis on the benefits of reading may have been somewhat abnormal. Yet it is in the Julio-Claudian period that men such as he, Pliny the Elder, and even Asconius were educated, and developed not only a deeply-held admiration for Cicero, but a detailed knowledge of his works. Given this context, Zielinski's depiction of Asconius enlightening his sons on Cicero in some dark corner must be judged somewhat implausible.

Even more dubious is Gambet's contention that it was during the rule of Tiberius that declamation on themes concerning Cicero - such as those we see in Seneca the Elder - dried up. A lack of Julio-Claudian declaimers on the Ciceronian themes in Seneca's work would not really be very surprising or, for that matter, sinister. Given that Seneca's purpose, ostensibly at least, is to inform his sons as to the dicta of declaimers from the past generation whom they did not hear (*Controv.* 1. pr. 1 & 6), we do not expect to find many of the younger generation in Seneca's work in general. The list of Latin orators and rhetoricians

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26 The purpose of Asconius' work is somewhat problematical, given the absence of historical study in Roman education, and the lack of other evidence for the study of famous orations in the rhetorical schools at this time. Marshall (*Asconius Comm.* 32-38) suggests that the commentaries were written as background material for the study of Cicero's orations by Asconius' sons, while the latter attended a rhetorical school. But as he himself admits (35), in the context of Quintilian's account of his failed experiment with the reading of oratory (see n. 22), "it is clear that Cicero was not yet widely read in either the grammar or the rhetorical school." May it not have been that the very reading of Cicero's speeches, as well as the informing as to the historical background, took place outside the classroom? Marshall may have something in his added suggestion (32-33) that the commentaries were written to inform his sons on senatorial procedure, either as a supplement to or a replacement for the traditional *tirocinium fori*, which, while not extinct, may have been becoming rarer and, or briefer. Marshall goes on to argue (37-38) that the dedication of the work to his sons is "no mere literary device" given their simple and note-like style, and that their wider circulation, which was not originally intended, occurred through the interest of friends who wanted something similar for their own children. Given, however, the conjecture (19-21) that Asconius wrote commentaries on a very large number, if not all, of Cicero's speeches, we might wonder whether Asconius' scholarly interests led to the work soon outgrowing its original purpose.

27 This is not an invariable rule. He for instance excerpts the rhetorician Musa, whom he tells us (*Controv.* 10. pr. 9) his sons have sometimes heard; also Mamercus Aemilius
mentioned in Seneca who do not declaim on the subject of Cicero is not a particularly impressive one, and some of them are referred to so infrequently by Seneca that they can be dismissed as not providing meaningful evidence.28 Given our lack of chronological information, it is very doubtful whether any of these figures can be clearly distinguished as being either predominantly "Augustan" or "Tiberian".29 Moreover, it is far from clear that all the declamatory extracts on Ciceronian themes can be restricted to the Augustan age.30 Certainly, Seneca himself gives us no hint, explicit or implicit, that the Ciceronian themes were suffering from a decrease in popularity. Nor for that matter does

Scaurus, whom he heard declaim with his sons (Controv. 10. pr. 2). Fairweather argues (Seneca the Elder, 27-29) that Seneca's suggestion that the work was composed due to the entreaties of his sons may well be "fictional or semi-fictional". Yet, she clearly believes that the work was designed to preserve specimens of declamation from the Augustan age, if not just for the entertainment of Seneca's sons.

28 Gambet (Cicero's Reputation, 267-9) mentions Votienus Montanus, M. Aemilius Scaurus, Alfius Flavus, Clodius Sabinus, Clodius Turrinus, Licinius Nepos, Volcacius Moschus, Vallius Syriacus, Vibius Rufus, L and P. Vinicius and Papiarius Fabianus. Of this list only Votienus, Turrinus, Moschus, Vibius Rufus and Fabianus, who became first and foremost a philosopher, could be described as frequently cited declaimers. Gambet's list is by no means complete; notable absences including Seneca's friend and adoptive father of his son Novatus, Junius Gallio, and Junius Otho.

29 Scaurus, who was suffect consul in AD 21, and who was prosecuted for maiestas in AD 32 and 34, committing suicide on the last occasion, was clearly already a leading figure by the beginning of Tiberius' reign (Tac. Ann. 1. 13). Votienus Montanus, who was exiled in AD 25 (Tac. Ann. 4. 42) was probably of the same generation as Scaurus (Controv. 9. 5. 14-17). Moschus, whose bequest to his city of exile Massilia is mentioned by Tacitus (Ann. 4. 42) for the year AD 25, and who according to Jerome died in AD 27, was clearly exiled during the reign of Augustus, as his defence by Pollio (Sen. Controv. 2. 5. 13) shows. Vallius Syriacus, who was killed in AD 30 by Tiberius (Dio 58. 3. 7) on account of his friendship with Asinius Gallus, was presumably of the same generation as the latter. Vibius Rufus seems to have attained the suffect consulship of AD 16 in old age: he had married Cicero's widow Publilia (Dio 57. 15. 6, CIL 14. 2556: see Syme, "Sallust's Wife," 1087-9; "Vibius Rufus and Vibius Rufinus," 1425-7; AA, 225 & 363), and his son Vibius Rufinus seems to have attained the consulship in AD 21 or 22 (Syme, "Vibius Rufus and Vibius Rufinus," 1430-2). Rufus' old-fashioned oratory was heard by Pollio (Sen. Controv. 9. 2. 25). The Vinicii mentioned by Seneca are probably the consuls of 5 BC and AD 2. Gallio, who suffered exile and then confinement in Rome in AD 32 due to a piece of ill-judged sycophancy (Tac. Ann. 6. 3), was known to Messalla Corvinus and friendly with Ovid (Sen. Suas. 3. 6-7, Ov. Pont. 4. 11). This, together with his friendship with Seneca and his adoption of the latter's son, suggests considerable maturity by the time of Augustus' death. Otho, who attained the praetorship in AD 22 (Tac. Ann. 3. 66), had earlier kept a school. Alfius Flavus had declaimed as a child prodigy in the school of Cestius Pius (Controv. 1. 22-23).

30 Seneca tells us (Controv. 10. pr. 12) that his sons have heard Julius Bassus, who did declaim on Cicero (Controv. 7. 2. 5). Cestius Pius may have been still declaiming after Augustus' death: see Griffin, "The Elder Seneca and Spain," 8. Gambet furthermore seems to have forgotten that he has reclassified - probably wrongly - the fragment of Bruttedius Niger's history preserved by Seneca (Sen. Suas. 6. 21-22), as a specimen of Julio-Claudian declamation (Cicero's Reputation, 137-9); see Chapter 4, pp 298f. See also, the references to Marcellus Aeserninus (Chapter 3, n. 145), Q. Haterius (Chapter 3, n. 152) and Romanius Hispo (Chapter 3, n. 141).
Quintilian (Inst. 3. 8. 46-7), who would one think have said something if he or someone else had resurrected the themes of *suasoriae* 6 and 7 from a long abeyance. Indeed, Quintilian’s unconcerned reference to these themes is the strongest suggestion we have that they continued to be declaimed throughout the first century AD.\(^{31}\)

However, the main flaw in Gambet’s analysis lies in his assumption that the flight from Ciceronian stylistic norms, while beginning in the Augustan age, only gained momentum during the Julio-Claudian period. Fairweather’s analysis of the Senecan declaimers clearly demonstrates that the "new style", or perhaps we should say "new styles", characterize the eloquence of the majority of Augustan declaimers - who Gambet depicts as "old guard" Ciceronians - and not just that of known Cicero-haters such as Cestius Pius. Already in Augustan times, Haterius’ use of Ciceronian vocabulary drew notice by its strangeness (Sen. Controv. 4. pr. 9): *sed quaedam antiqua et a Cicerone dicta, a ceteris deinde deserta dicebat, quae ne ille quidem orationis citatissimae cursus poterat abscondere: adeo quidquid insolitum est etiam in turba notabile est*. If such a giant of Augustan declamation as Porcius Latro can be termed "modernist", even for that matter, Seneca himself, then the whole idea of Cicero’s reputation being propped up by the dominance of old traditionalists collapses to the ground.\(^{32}\) Clearly we are dealing with a much more profound disjunction between style and sentiment than the simple notion of a generation gap can encompass.

Evidence provided by Seneca and Tacitus gives us a dramatic example of this disjunction, in the person of Cassius Severus. Tacitus’ *Dialogus*

\(^{31}\) The lack of Ciceronian themes in the *Declamationes minores pseudo-Quintilianeae* is a graphic example of the inherent dangers in arguing from silence. These declamations, which may well have something to do with the school of Quintilian (see on this, Michael Winterbottom, ed., *The Minor Declamations Ascribed to Quintilian* [Berlin and New York, 1984], xii-xix), would no doubt be used as evidence of the extinction of the Ciceronian themes found in Seneca if it were not for Quintilian’s remark. The one explicit reference to Cicero the man in this work (268. 20) is familiar enough: *Quid ego dicam quantum civitati profuerit eloquentia? Sibi nocuit. Summos utriusque partis oratores videamus. Nonne Demosthenen illum oppressum veneno suo scimus, nonne Ciceronem in illis in quibus totiens placuerat rostri poena sua expositum...* Other literary references and reminiscences are to be found at 259. 12; 297. pr.; 307. 2; 388. 11, 29 & 32. See also, Winterbottom, "Cicero and the Silver Age," 253-4.

\(^{32}\) See Fairweather, *Seneca the Elder*, 304-325, "Declaration and Literary Modernism in the Early Empire".
gives us clear evidence that Cassius was commonly conceived as being the first "modernist" orator. The modernist Aper says (Dial. 19. 1-2) of him:

Nam quatenus antiquorum admirationes hunc velut terminum antiquitatis constituere solent, qui usque ad Cassium **** <Cassium> quem reum faciunt, quem primum adfirmant flexisse ab ista vetere atque directa dicendi via, non infirmitate ingenii nec inscitia litterarum transtulisse se ad illud dicendi genus contendendo, sed iudicio et intellectu. Vidit namque, ut paulo ante dicebam, cum condicione temporum et diversitate aurium formam quoque ac speciem orationis esse mutandam. 33

(The common practice of the eulogists of antiquity is to make this line of demarcation between the ancients and ourselves. Down to the time of Cassius...Now as to Cassius, who is the object of their attack, and who according to them was the first to turn away from the straight old path of eloquence, my argument is that it was not from defective ability or want of literary culture that he went in for that style of rhetoric, but as the result of sound judgement and clear discrimination. He saw that with altered conditions and a variation in the popular taste, as I was saying a little while ago, the form and appearance of oratory had also to undergo a change.)

[Peterson/Winterbottom]

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33 Messalla (Dial. 26. 4-6), while expressing balanced criticism of Cassius' oratory says nothing to contradict Aper's assertion of Cassius' significance. He indeed says (Dial. 26. 4): primus enim contempto ordine rerum, omissa modestia ac pudore verborum, ipsis etiam quibus utitur armis incompositus et studio feriendi plerumque deiectus, non pugnat, sed rixatur. Though Seneca the Elder does not speak of Cassius in these terms, there is nothing in his remarks which contradicts it. Seneca's description of Cassius' style (Controv. 3. pr. 18) includes the statement: Compositio aspera et quae vitaret conclusionem. Regardless of whether the latter part of this remark refers to an absence of periodic structure, as Winterbottom translates it, or avoidance of artistic clausula rhythm, as Fairweather thinks (Seneca the Elder, 281), it suggests a markedly un-Ciceronian style.
Yet this "founder" of prose modernism is precisely the same person who we have seen persecuting the hapless Cestius Pius for daring to compare himself favourably to Cicero! The inference is clear and unavoidable: there would seem to be no precise or consistent correlation between the style adopted by a speaker or writer, and the attitude he adopts to Cicero, or any other orator of the past for that matter, either as an orator or a statesman.³⁴

At first glance this would seem rather surprising for a society which not only possessed such an acute sense of stylistic nuance, as well as a deep and highly sophisticated interest in the imitation of past literary models, but also drew such strong connections between the stylistic and moral characteristics of a man. How then did Romans reconcile their failure to use Cicero as their model for speaking with their continued praise of him, both as orator and as a man?

A number of possible reasons suggest themselves. For instance, we often tend to blithely assume that Romans had no real concept of material or spiritual progress; that they considered virtue as always consisting in a return to past standards. Yet the situation is somewhat more complex than is often assumed. So, despite the widespread obsession with ideas of literary decline, it seems that at least some Romans possessed an evolutionary concept of the changes in Latin eloquence, which encompassed both positive development and an appreciation of the excellence of the "Ancients".³⁵ Certainly, Tacitus' Aper argues (Dial. 19) that changes in popular taste and the nature of society - particularly in the legal system - led inevitably to the stylistic

³⁴ So as Fairweather says (Seneca the Elder, 84): "No matter how violent a reaction the declaimers' own rhetoric represented against the Ciceronian ideal, they were prepared to declaim with enormous fervour on themes...based on stories about the great orator's life and death." Winterbottom looks at the other side of the coin, stating ("Cicero and the Silver Age," 256-7): "It would be perverse to claim that, just as Cicero continued to be highly esteemed as an orator throughout the century, so he continued to mould the style of contemporary oratory."

³⁵ Modern scholars have been more dubious as to whether the changes in style between Cicero and the Augustan declaimers can be explained away as a gradual process: see Fairweather, Seneca the Elder, 259-264.
changes typified by the eloquence of Cassius Severus. Furthermore, as we have seen, Aper is by no means totally dismissive of the oratory of Cicero and his generation. Similar ideas can perhaps even be discerned in Quintilian.

Moreover, the lack of imitation of Cicero is not as surprising as would first seem. The very sophistication of ancient theories of imitatio meant that orators and rhetoricians were as wary of its dangers as they were enthused by its possibilities. Certainly, Quintilian (Inst. 9. 4. 73, 10. 2. 18) is as disparaging of the crude efforts of self-proclaimed Ciceronian - who felt they replicated Cicero's style by compulsively ending every period with esse videatur - as Tacitus' Aper is (Dial. 23. 1). Indeed, this threat of Ciceronian imitation degenerating into what could be perceived as crude parody may have led men, including even the most fulsome admirers of Cicero's greatness, to consciously or subconsciously eschew rigorous and singular imitation of Cicero.

Arguably, however, the gulf between the widespread belief in Cicero's stylistic greatness and the even more widespread failure to replicate his style was never fully reconciled within a logical framework: even that

36 Unlike Curciatius Matemus (Dial. 36-42), who takes up this sociological perspective to argue for the impossibility of great oratory in periods of settled peace and rule by a single man, Aper suggests that this change need not be seen as decline.

37 See n. 20. He even attempts (Dial. 17) by some rather dubious chronological reasoning, to recover Cicero and his late Republican contemporaries for the modernist cause.

38 See Winterbottom, Quintilian and Rhetoric," 89-90. As he notes (89), it is interesting that Quintilian's survey of literature, while reaching an "emotional climax" with Cicero, goes on to discuss and praise later orators. However, Winterbottom's citation of Inst. 2. 5. 23-4 as evidence of his championing of modern orators with reference to those of the late Republic is somewhat dubious; here Quintilian seems to be using "ancients" with reference to Cato and the Gracchi (see Inst. 2. 5. 21). More secure are Quintilian's remarks at Inst. 10. 1. 122, where veteres would seem to encompass orators of the generation of Cicero. Marc Laureys ("Quintilian's judgement of Seneca and the scope and purpose of Inst., 10, 1," A & A. 37 (1991), 100-25, at 115-6) takes a cautious view about evolutionary concepts in ancient literary criticism, but argues for Quintilian's essential optimism concerning the development of oratory.

39 For the problems of imitation in an age of perceived decline, see Elaine Fantham, "Imitation and Decline: Rhetorical Theory and Practice in the First Century after Christ," C Phil. 73 (1978), 102-16.

40 So Quintilian, after recounting the dangers inherent in dependence on a single literary model, says (Inst. 10. 2. 25) that for his own part, he would consider it sufficient to model his eloquence solely on Cicero, si omnia consequi possem, and sees no harm in borrowing from Caesar, Caelius, Pollio and Calvus as well. Pliny the Younger, who proclaims himself (Ep. 1. 5. 11-12) an aemulator of Cicero, despairs of attaining Cicero's greatness (Ep. 4. 8. 4-6), and perhaps because of this, seeks other literary models as well (Ep. 1. 2. 2-4).
most effusive and unreserved of Cicero's admirers, Quintilian, possesses a prose style far removed from that of Cicero. Yet if evolutionary literary ideas and the perceived dangers of *imitatio* do not fully bridge the gulf, arguably they go some way toward making it less puzzling. When we further take into account the sentiments evoked by the sort of "toga versus arms" imagery that Cicero himself had encouraged, and which so powerfully caught the imagination of the Augustan declaimers, perhaps there is no puzzle at all.

The strange thing about Gambet's wider argument of Ciceronian stylistic decline is that he seems - in his detailed and perceptive analyses of the

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41 Winterbottom (Quintilian and Rhetoric," 91), for instance, says: "It remains, however, that Quintilian rarely writes a sentence that could be mistaken for one of Cicero's...Moreover, when he does pull out all the stops, Quintilian is clearly not trying to write like Cicero." See also Duff, Silver Age, 328-9. Less certain are the validity of Winterbottom's assertions ("Quintilian and Rhetoric," 89-92; "Cicero and the Silver Age," 253-8) that Quintilian's failure to write Ciceronian Latin can be simply explained by the fact that what really interested Quintilian about Cicero was not his language, but rather his broader rhetorical and educational ideology. Yet Quintilian (Inst. 12. 1. 19-20) only grudgingly denies Cicero the title of the perfect orator, and one suspects, only finally does so because Cicero denied himself the title. Moreover, his awareness of the inherent dangers in using Cicero as one's sole model (see n. 40) can hardly be taken as implying that one should not try to imitate Cicero in the first place; quite the reverse in fact. Quintilian's criticisms of Cicero's style are most notable for their relative paucity, the frequent apologetic riders attached to them, and the often tangential nature of their reference. His discussion of prose rhythm (9. 4), which begins by foreshadowing some disagreements with Cicero (§ 2), contains only minor criticisms of the latter's practice (e.g. §§ 16-18, 41), and few divergences from Cicero's own discussion in the *Orator*. His later discussion of Atticism and Asianism (12. 10. 12f) basically replicates the arguments found in the same work and the *Brutus*. He vaguely speaks of redundancy in relation to Cicero's oratory (Inst. 6. 3. 5, 12. 1. 20,12. 10. 13), but never really follows through with any systematic criticism; although he does venture to suggest at one point that Cicero often was guilty of tautology (8. 3. 51). He seems to accept (6. 3. 1f) that at least some of the witticisms collected under Cicero's name were in bad taste - later making special mention of Cicero's predilection for puns (6. 3. 47-49)-, but promptly blames Tiro or whoever published the three books of Cicero's *loci* for failing to be more selective. Even his admission (11. 1. 24) that Cicero failed to show restraint in self-glorification in his poetry is partially excused by a reference to Greek precedent, and also prefaced (11. 1. 17-23) by a defence of his practice in this area in his oratory.

42 National pride may have entered the equation as well. As we have seen (Chapter 3, pp 217f), Greek critics had begun comparing Demosthenes with Cicero at an early stage, probably to the latter's disadvantage. The ready identification of Cicero as the "Roman Demosthenes", which would have been a matter of great controversy in the later years of Cicero's own life, may have gained added impetus from such comparisons, given the acute awareness of Greek "insolence" (Sen. *Controv.* 1. pr. 6; cf Vell. Pat. 2. 34. 3; Nepos, frag. 58 [Marshall]) in literary matters. Even the Younger Seneca (n. 47) may have imbied this idea. To be sure, the avowedly Ciceronian Quintilian may envisage (Inst. 10. 1. 105) a storm in asserting the parity of Cicero's eloquence with Demosthenes, one suspects that the controversy lay as much in the comparison of Latin eloquence with Greek as in the use of Cicero as the Roman representative; for the loss of Roman confidence in this regard, see Williams, *Change and Decline*, ch. 3, 102-52, esp., 138f.
attitude of Seneca the Younger, for instance - to recognize clearly the complexities of the issue.\textsuperscript{43} If none of Seneca's works had survived, it could perhaps be argued that Seneca's stylistic attitude towards Cicero was basically hostile, though even this would be problematical.\textsuperscript{44} Yet as Gambet clearly shows, Seneca's works reveal a very different picture. For instance, he describes Cicero's style as gradarius (Ep. 40. 11) which in its context - that given the natural propensities of Latin in relation to Greek, slowness is better than excessive speed - is clearly praise.\textsuperscript{45} Seneca also contrasts Cicero with Pollio (Ep. 100. 7), and quite favourably it would seem:

\begin{quote}
Lege Ciceronem: compositio eius una est, pedem curvat lenta et sine infamia mollis. At contra Pollionis Asinii salebrosa et exilens et ubi minime exspectes, relictura. Denique omnia apud Ciceronem desinunt, aput Pollionem cadunt exceptis paucissimis, quae ad certum modum et ad unum exemplar adstricta sunt.
\end{quote}

(Read Cicero: his style has unity; it moves with a modulated pace, and is gentle without being degenerate. The style of Asinius Pollio, on the other hand, is "bumpy", jerky, leaving off when you least expect it. And finally, Cicero always stops gradually; while Pollio breaks off, except in the very few cases where he cleaves to a definite rhythm and a single pattern.)

\[\text{[Gummere]}\]

Seneca goes on to state in the same letter (§ 9) that in matters of at least philosophical prose style, his mentor Fabianus would only be ranked below Cicero, Pollio and Livy in descending order.\textsuperscript{46} Other laudatory references to Cicero's style are not hard to find, nor are numerous citations of his works, as well as instances of literary reminiscence,

\begin{footnotes}
\item[44] See the discussion of the the passage of Aulus Gellius following.
\item[45] Seneca prefaces this comment with the statement: Cicero quoque noster, a quo Romana exiluit.
\item[46] See Chapter 3, n. 11.
\end{footnotes}
which further attest to the depth of Seneca's acquaintance with the Ciceronian corpus.47

To be sure, there is criticism as well. A jibe at Cicero's poetry is to be found in De ira, as well as in a passage from a Senecan letter preserved by Aulus Gellius.48 There is also (Const. Sap. 17. 3; cf. 18. 5) a negative reflection on Cicero's urbanitas, in this instance its failure to harm the genial Vatinius. Nothing here which one cannot find in Quintilian.49 Rather more significant, as well as problematic, is Seneca's discussion (Ep. 114. 15f) of specimens of what he considers faulty compositio.50

Included among these is the following statement (§ 16):

Quid de illa loquar, in qua verba differuntur et diu expectata vix ad clausulas redeunt? Quid illa in exitu lenta, qualis Ciceronis est, dehexa et molliter detinens nec aliter quam solet, ad morem suum pedemque respondens?

(And what shall I say of that arrangement in which words are put off and, after being long waited for, just manage to come in at the end of a period? Or again of that softly-concluding

47 Further praise of Cicero's literary greatness is to be found in Sen. Ep. 21. 4, 107. 10, 118. 1 (in both the latter passages he is described as vir disertissimus), and NQ 2. 56. 1. Lavery (110) finds a further reference in the fragmentary De remediis fortunae, at § 12. 4 (Si muti fuissent Cicero et Demosthenes, et diutius vixissent et lenius obiissent), which links Cicero with Demosthenes as a symbol of eloquence. The point cannot be pressed; Haase, while accepting the genuineness of the work, marks the passage as additio (vol. 3, 454; see also, vol. 1, xvi). Cicero's authority in philosophical word-usage is explicitly evoked at Ep. 58. 6 (Cicero being described as an auctor locuples) and Ep. 111. 1. Despite eschewing detailed use of Cicero's philosophical works in terms of content, he was clearly well read in these: Ep. 17. 2 & 49. 5 (both probably from the Hortensius); Ep. 108. 29-34, and Gell. NA 12. 2 (references to the De re publica). For the intellectual influence of Cicero's philosophical works on Seneca's political thought, notably the influence of De re publica and his "Caesarian" speeches on De Clementia, see Griffin, Seneca, ch. 3, 129-171, esp., 148f; ch. 10, 315-66, esp., 341f. We have already seen (Chapter 1, pp 68f) his considerable interest in Cicero's correspondence: Ep. 21. 4, 97. 4, 118. 1f, Ben. 5. 2. He also cites Cicero's Pro Milone (Tranq. 11. 4). For instances of possible literary reminiscence see Gambet, Cicero's Reputation, 167.

48 Ira 3. 37. 5: ridiculing the theory that one must necessarily dislike those who scorn one's literary talents, he states: Cicero, si derideres carmina eius, inimicus esset. As Gambet argues (Cicero's Reputation, 168) this carries the implication that disliking Cicero's poetry would be a perfectly natural reaction. For the Gellius passage, see n. 52. The famous remark about Cicero's consulship (Brev. Vit. 5. 1: non sine causa sed sine fine laudatum) may stem from Cicero's poetic efforts as well; despite the clear technical criticism in the fragment preserved by Gellius, Seneca, like many critics (see Chapter 2, n. 95) may have been as irritated by the vanity as the style.

49 See n. 41.

50 § 15: Ad compositionem transeamus. Quot genera tibi in hac dabo, quibus peccetur?
style, Cicero-fashion, with a gradual and gently poised
descent, always the same and always with the customary
arrangement of rhythm!)

Seneca's criticism of the repetitive nature of Cicero's clausulae would seem to contradict his positive assessment of Cicero's rhythmical patterns in Ep. 100. Arguably, however, there is a way to reconcile these statements. For, as Gambet notes, Seneca, like Tacitus' Aper, shows clear signs of possessing something of an "evolutionary" view of stylistic developments in Latin. In the very same letter (§ 13) he states: Adice nunc, quod oratio certam regulam non habet; consuetudo illam civitatis, quae numquam in eodem diu stetit, versat. As Gambet also notes, it is the idea that style must be judged within its chronological context which allows Seneca (Gell. NA 12. 2. 7), in a passage from his lost 22nd book of Epistulae Morales, to blame the times Cicero lived in rather than Cicero himself for his use of Ennian archaisms. Moreover, the suspicion that such a theory informs Seneca's criticism is strengthened by his description of this stylistic failing as qualis Ciceronis est; which surely suggests that the real focus of the criticism is Ciceronian imitators rather than Cicero himself. If this is indeed the case, then there is not a little irony in the fact that Quintilian (Inst. 10. 1. 125-131) marks out the

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51 See Gambet, "Cicero in the Works of Seneca Philosophus, " 177; Cicero's Reputation, 171-3. Leeman (Orationis Ratio, 275-6) also sees this factor as explaining the difference.
52 Non fuit Ciceronis hoc vitium, sed temporis. Gellius (NA 12. 2. 1f) discusses - in a fashion the vehemence of which is not very surprising given the subject matter and Gellius' own stylistic predilections - this passage (§§ 4-9) in which Seneca not only criticizes Cicero's use of Ennius, but includes the suggestions that Cicero used Ennius to make his own verse look good, that it adversely affected even his prose style, and that he exploited Ennius to escape the charges that his style was marked by too much nitor and lascivia. Even without controlling the remarks here through the rest of the extant letters, we can see the limits that Seneca places on his criticism: not only does Seneca blame the times rather than Cicero, but his criticism includes Virgil as well as Cicero; moreover, Cicero is implicitly included among the eloquentissimi viri (§ 4), and described (§ 5) as summus orator.
53 Perhaps something of an analogy can be drawn here between Seneca's criticisms of Cicero in Ep. 114 and his criticisms of Sallust in the same letter (§§ 17-19). Seneca speaks of the vitia of Sallust's style, but he also notes (§ 18) that the historian's most notorious mannerisms were used with some discretion and were the products of instinctive composition. The real object of Seneca's criticism would seem to be L. Arruntius, whose conscious and laboured attempts to imitate Sallust's style, lead, according to Seneca, to a style where those mannerisms were running out of control: see Leeman, Orationis Ratio, 276-7.
deleterious effects of imitation as the main strand in his criticism of Seneca himself.\textsuperscript{54}

Thus with Seneca we find yet another disjunction; but this time of a somewhat different nature to that we identified with the orators and rhetoricians of Augustan times. In the case of the latter, we see a gulf between their admiration of Cicero both as an orator and a statesman on one hand, and their stylistic practice on the other. In the case of Seneca, we not only have a gulf between the overall tendency of his evaluations of Cicero's style and his own practice, but also that between those evaluations and his estimation of Cicero as a man, which contain significant, if hardly damning, reservations.\textsuperscript{55} The latter is especially perplexing, given that Seneca propounds such a strong linkage between style and the man as to state (Ep. 114. 1) that \textit{talis hominibus fuit oratio qualis vita}.\textsuperscript{56} We may, of course, wish to see significance in the fact that one of Seneca's most important stylistic criticisms of Cicero is to be found in the same letter as this proverb; but given the nature of that criticism and the rather vague nature of his argumentation here, the linkage appears far from certain.\textsuperscript{57}

Despite recognizing these facets of Seneca's response to Cicero, Gambet maintains that it is with him that the anti-Ciceronian trends, first

\textsuperscript{54} See Laureys, 123-4. Leeman (\textit{Orationis Ratio}, vol. 1, 279) states: "Seneca fell as a victim of his own law of evolution." As Leeman also notes (280), it is unfortunate that we have lost Quintilian's \textit{De causis corruptae eloquentiae}, given the brevity of his treatment of Seneca in the \textit{Institutio Oratoria}, and his intimations in the latter work (§§ 125-6) that his criticisms there were much harsher. Yet as Quintilian says in the same place, the reason for that criticism lay in Seneca's influence on young impressionable minds who, he says, fell far below him as he below the ancients.


\textsuperscript{56} Seneca says of this maxim (§ 1): \textit{Hoc quod audire vulgo soles, quod apud Graecos in proverbium cessit}. Cicero (\textit{Tusc.} 5. 47) states that it comes originally from Socrates. Possibly, Seneca even got it from Cicero.

\textsuperscript{57} Indeed, it is difficult to see what relationship there could be between Seneca's criticism of Ciceronian \textit{clausulae} and those criticisms he makes of him as a man, unless we consider that the unchanging "softness" of Cicero's period closures was, for Seneca, revealing as to that lack of vision and strength which he sees Cicero sometimes displaying. It should be noted, however, that Seneca's argumentation throughout the letter is not marked by a complete or consistent identification of stylistic faults with individual character. Thus on the one hand, he strongly affirms (§§ 20-22) the idea that style is the mirror to the soul, citing (§§ 4-6) Maecenas as a pertinent example; yet he equivocates on assigning responsibility, stating (§ 8; see also §§ 2-3): \textit{Quod vitium hominis esse interdum, interdum temporis solet}. Given the remarks Seneca makes about Cicero's "Ennianisms", this would arguably tend to suggest that Seneca did not perceive Cicero's stylistic faults as primarily symptoms of Cicero's moral corruption.
discernible in Augustan times, reach their climax. He places great emphasis, for instance, on remarks made by Quintilian (Inst. 10. 1. 126) and Suetonius (Ner. 52), indicative of Seneca's considerable hostility to the older orators in his training of the young, which arose out of fear of eclipse. Neither source mentions Cicero by name as having been singled out: presumably oratorical rivals of Cicero such as Calvus and Pollio were just as much the target of Seneca's alleged paranoia concerning the "ancients". Moreover, it would appear difficult to wholly credit these stories, given Seneca's command to his younger friend Lucilius to read Cicero, and all the other laudatory references at our disposal. Indeed, by asserting that imitatio is the chief criterion on which to judge the reception of Cicero by Seneca, Gambet's analysis threatens to obfuscate rather than clarify the differences that exist between his views and those of so-called neo-classicists: for on this basis alone, the works of Quintilian arguably stand as just as much a denial of Cicero as those of the man Quintilian rails against.

Of Cicero's reputation for eloquence in the period following his death, Plutarch (Cic. 2. 4-5) states:

προϊόν δὲ τῷ χρόνῳ καὶ ποικιλώτερον ἀπτόμενος τῆς περὶ ταῦτα μούσης, ἔδοξεν οὐ μόνον ῥήτωρ, ἄλλα καὶ ποιητής ἄριστος εἶναι. Ρωμαίων. ἢ μὲν οὖν ἐπὶ τῇ ῥητορικῇ δόξα μέχρι νῦν διαμένει, καίπερ οὐ μικρὰς γεγενημένης περὶ τοὺς λόγους καινοτομίας, τὴν δὲ ποιητικὴν αὐτοῦ, πολλῶν εὐφυῶν ἐπιγεγομένων, παντάπασιν ἀκλητή καὶ ἀτιμον ἔρρειν συμβέβηκεν.

(As he advanced in age and tackled this art (i.e. poetry) at a more complex level, he was thought to be not only the Romans' best orator but also their best poet. His reputation for oratory, however, remains safe to the present day,

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58 See also Tac. Ann. 14. 52. 3. Suetonius tells us that Seneca actively discouraged Nero from reading the veteres oratores so that his student's admiration for his teacher's style would last longer. Quintilian says that Seneca never tired of disparaging the "better" authors generally, for fear that the young men would stop appreciating his works once they had read the former. Gambet (Cicero's Reputation, 167-8) does see, however, a strange consistency in Seneca's attitude, since Seneca's fear sprang from the same source as his praise: "Seneca's conviction of Cicero's excellence as an orator."

59 Leeman suggests (Orationis Ratio, pp 278-9) that Suetonius' allegation "may go back to the gossip-tradition, which so often is Suetonius' source of information".
although there has been not a little innovation in prose style, but it so happens that his poetry, many talented poets having come after him, has fallen completely into disrepute and dishonour.)

Now one may be tempted to dismiss Plutarch's statement here as reflecting the assumptions of an ignorant Greek. Yet everything Plutarch says here - the decline in Cicero's poetic reputation, his outstanding oratorical reputation and its continuance despite the stylistic developments since his death - is completely vindicated by the available evidence. The somewhat simplistic characterization of Quintilian as an uncritically fulsome admirer of all things Ciceronian has tended to obscure the fact that his statement, (Inst. 10. 1. 112) that Cicero was regarded non hominis nomen, sed eloquentiae, has a wider application. The concept of Cicero's oratorical pre-eminence is, of course, a sine qua non for such as Tacitus' Messalla (Dial. 25. 3). But even among the most determined of modernists, such as Tacitus' Aper and Seneca the Younger who, at least ostensibly, assert the concept of progress in Latin oratory, we find the idea of Cicero as the personification of Roman eloquence looming large. Thus while Aper may assert (Dial. 18), on good evolutionary principles, the superiority of Messalla Corvinus to Cicero, it is always Cicero ipse to whom he invariably returns - and not always in a hostile spirit - as the true litmus test of those principles. Such was the strength of the initial Imperial identification of Cicero with Latin oratorical genius, so clearly displayed in the works of Seneca the Elder, that not even self-avowed "modernists" could completely avoid its spell. We may, if we wish,

60 See Chapter 3, p 218.
61 Nor, indeed, could those men of the next century, whom we perceive as representatives of a dominant "archaizing" tendency. Hadrian (SHA Hadr. 16. 6?) may have preferred Cato the Elder to Cicero. Aulus Gellius, however, basically accepts Cicero's pre-eminence. He scorns (NA 10. 3. 1f) those who assert the superiority of Gaius Gracchus over Cicero, and argues for the supremacy of the Elder Cato over Gracchus on the basis of what he perceives as the former's aspiration to achieve what Cicero later did in fact achieve. His copious discussions of Cicero's arrangement and selection of words are almost unanimously approving. Moreover, as we have already seen (with the Younger Seneca (NA 12. 2. 1f), he is hostile towards those who attack "faults" in Cicero's style, even - in the context of Asinius Gallus and Lucius Lincinus - comparing (NA 17. 1. 1) it to sacrilege! His practice sentence (NA 17. 13. 2) - non dubium est, quin M. Tullius omnium sit eloquentissimus - is probably reflective of a prevailing attitude in his circle. Fronto conforms somewhat more closely to the modern perceptions of the archaizing sensibility in criticizing Cicero's failure (Ad M. Caes. 4. 3 [Van den Hout, 57]; cf. Ad Ant. 3. 1 [Van
condemn this identification as "illogical" - though arguably, it is no more so than the veneration displayed today to Shakespeare - but this does not lessen its power and significance in terms of the general conception of Cicero.

Winterbottom has stated that: "Materials for a proper assessment of the influence of Cicero on the literature of the first century AD do not exist." However, as Winterbottom himself suggests, enough evidence is at our disposal to clearly demonstrate that an analysis of the stylistic trends in Latin in this period can only take us so far in understanding the reception of the image of Cicero at that time. By setting our sights only upon the dominant characteristics of the style of our sources, we are in danger of overlooking the clear evidence that, however un-Ciceronian that style, it could co-exist with a knowledge and use of his works, and most importantly, with Cicero’s literary and political glorification. Perhaps we could go even further, and even see in the "new style" the greatest compliment to Cicero of them all: a desperate attempt to escape from that Ciceronian "shadow" which the Younger Seneca saw as engulfing Cicero’s contemporaries. Arguably, however, that would overly minimize the self-confidence of the modernist movement; a self-confidence, which in the hands of its most able exponents, was able to radically diverge from Cicero without damning him.

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c) Cicero and the Julio-Claudian Historians.

For much of our knowledge of the historiographical response to Cicero in the early Julio-Claudian era, we are indebted once again to Seneca the Elder. His preservation of extracts concerning the death of Cicero and general estimates of Cicero's life from Cremutius Cordus, Aufidius Bassus and Bruttedius Niger constitute an extremely fortunate circumstance. The textual problems surrounding Seneca's works, together with his own rigorous editing of these extracts, may leave us feeling somewhat confused and frustrated in our attempts to glean the wider tendencies of these works. However, such feelings should not blind us to the fact that, relative to almost every other subject of these historians' inquiries, we are uniquely privileged in having at least a direct acquaintance with their description and analysis of Cicero. Yet, unlike the Augustan historians, where the information provided by Seneca constitutes by far the most important evidence for our inquiry, we have here important information from other sources. Velleius Paterculus' universal summary history contains a relatively large number of references to Cicero, dealing with many different facets of his life and political career. Valerius Maximus' handbook of Roman and Greek historical exempla, besides utilizing Cicero relatively heavily as a source, gives us a number of stories concerned with the orator's life. Both writers help us considerably to understand developments in the historical characterization of Cicero at that time.

What were the basic elements of that characterization? It has been argued that this material is chiefly marked by its reminiscence of the themes and language of the Ciceronian declamations preserved by Seneca the Elder. Now as we shall see, the influence of declamatory rhetoric on these historians' images of Cicero is easily discerned. At times, indeed, it is rather difficult to see any real distinction between this "historical" material, and the extravagant fulminations which characterize the declamatory response we examined earlier. Yet this is not the whole picture. A detailed analysis of the historians' references to Cicero suggests that however much declamation shaped the style and content of historiographical enquiry at this time, knowledgeability of primary materials, judicious assessment, and even original reflection, did not entirely wither away. Even if in attenuated form, the well-
informed and balanced assessments of Livy and Pollio find echoes in the historians of the next generation.

i) "Rhetoricizing" History and "Historicizing" Rhetoric: Velleius Paterculus and Valerius Maximus. 63

That the names of Vellius Paterculus and Valerius Maximus are often found linked together in general surveys of Latin literature, despite the markedly different nature of their works, is not only a sign of their chronological and alphabetical proximity, but also symptomatic of their like treatment at the hands of mainstream modern scholarship. Ignored and disparaged for much of the last century and a half, both writers have only recently begun to receive the attention and re-evaluation that the nature of their works - each unique in terms of the extant literature of

63 For the dating of the composition of Velleius' history see G. V. Sumner, "The Truth About Velleius Paterculus: Prolegomena," *Harv. Stud.* 74 (1970), 257-297, at 284-8, A. J. Woodman, "Questions of Date, Genre, and Style in Velleius: Some Literary Answers,"*CQ* 25 (1975), 272-306, at 273-282, Raymond J. Starr, "The Scope and Genre of Velleius' History,"*CQ* 31 (1981), 162-174, at 169-172. Due to Velleius' method (1. 8. 1; 2. 49. 1; 2. 65. 2; cf. 1. 8. 4; 2. 7. 5) of dating certain events so many years before the entry of the man generally assumed to be the dedicatee of the work, Marcus Vinicius, into the consulship on 1 January AD 30, it is thought that the work must have been composed between Vinicius' designation for the office, probably in the early summer of AD 29, and his laying down of the office on 30 June, AD 30. Sumner argues that Velleius was still writing in AD 30, and was still probably writing after Vinicius' consulship had ended. Woodman rejects this, and indeed argues that Velleius must have stopped writing by Jan. 1, AD 30. He does, however, say that the idea of Velleius writing what was possibly close to 50,000 words in five or six months is implausible, and suggests that Vinicius' consulship may well have been promised to him several years earlier, thus allowing Velleius to have begun as early as the mid twenties. Starr argues, contra Sumner and Woodman, that all the references to Vinicius' consulship can be seen as later additions, and that Velleius "could have started at any time." For the dating of Valerius' work, see in particular, C. J. Carter, "Valerius Maximus," in T. A. Dorey, ed., *Empire & Aftermath.*, 26-56, at 30-34. Carter disputes the evidence, generally accepted hitherto, for dating his composition between AD 27 and 31. He argues that the identification of Valerius' Sextus Pompeius (2. 6. 8) with the consul of AD 14 and the proconsular governor of Asia of some time in the latter half of the twenties is highly dubious; and that the association of Valerius' reference (6. 1. pr) to Chastity's guardianship over the nuptial couch of "julia" or of "the julii" (depending on one's acceptance of an emendation) with Livia (thus dating the passage to before the latter's death in AD 29) is "hopelessly contrived", and even if it referred to Livia, need not necessitate her being alive. However, he does accept the likelihood that Valerius' condemnation of an unnamed traitor (9. 11. ext. 4) probably refers to Sejanus, but suggests (330) that the reference "could easily have been jotted down and inserted long after the rest was written." Scholars since have generally accepted the identification of Sextus Pompeius with the consul of AD 14, whose proconsulship has been revised to AD 24/25 on the authority of Syme (HO, 161-2). However, they have been more circumspect about a more precise dating than some time in Tiberius' reign; see W. Martin Bloomer, *Valerius Maximus & the Rhetoric of the New Nobility* (Chapel Hill and London, 1992), p 1, and Clive Skidmore, *Practical Ethics for Roman Gentlemen: The Work of Valerius Maximus* (Exeter, 1996), xv.
this period - fully justifies. The works of both writers have also come to
be seen as among our clearest indicators of the rhetorical nature of
ancient treatments of historical material, and its possible accentuation
due to the formalization and popularization of declamation in the
period following the fall of the Republic. With reference to our
particular problem of the reception of the image of Cicero, a link
between the two writers can be discerned in their almost wholly
laudatory conception of that man's eloquence and statesmanship; a
conception which, moreover, contains vibrant echoes of the
declamatory treatment of Cicero found in the works of Seneca the Elder.

The renewed interest in these two writers has served, however, to add
significant caveats not only to the simplistic labelling of their works as
symptomatic of literary and ideological corruption, but also to the view
that their understanding of late republican history reflects nothing more
than the regurgitation of the emotive and generalised clichés of the
Senecan declaimers. In analysing the references to Cicero by these two
writers, it soon becomes clear that while rhetorical idealization of Cicero
is a vital ingredient in their works, their knowledge and understanding
of Cicero cannot be wholly circumscribed by the rubric of the basic
declamatory depiction.

Velleius Paterculus.

Velleius Paterculus' work stands alone as the only extensive surviving
specimen of historical enquiry dealing with Rome, written during the
Julio-Claudian and Flavian periods. If there is one passage dealing

64 Thus Woodman, despite arguing strongly that the problem of rhetorical influence on
ancient historiography lies in the very nature of the historical genre itself (i.e. its lack
of an applicable concept of historical truth which distinguished "what actually
happened" from "what seems plausible"), does allow that the Roman educational
system may have played a vital role in further obfuscating any technical boundaries
that may have been perceived between historiography and the clearly "literary"
genres; Woodman, Rhetoric in Classical Historiography, 100.
65 The question of whether Velleius' work actually constitutes "history" is of course
linked to the controversy surrounding the politics of Velleius and his motives for
producing the work; see pp 265f. However, it may be worth noting at this point the
remarks of Sumner. For, as he points out ("The Truth About Velleius Paterculus," 281-2),
however we wish to categorize Velleius' treatment of the Principate and Tiberius in
particular, it would seem unlikely, given the chronological range of the work alone, that
it constituted, as Lana had earlier argued, nothing more than a thinly disguised piece of
propaganda for the Tiberian regime. Something of Lana's attitude has been inherited by
Syme, whose hostile analysis of Velleius' motives leads him to generally eschew use of
with Cicero in that work which has come to be seen as characterizing his attitude towards the orator, it is surely his famous, or should one say infamous, remarks (2. 66) on Cicero's murder at the hands of Antony, in which he includes an expansive and extravagant denunciation of Antony's crime:

_Furente deinde Antonio simulque Lepido, quorum uterque, ut praediximus, hostes iudicati erant, cum ambo mallent sibi nuntiari, quid passi essent, quam quid emeruissent, repugnante Caesare, sed frustra adversus duos, instauratum Sullani exempli malum, proscriptio._ (2) Nihil tam indignum illo tempore fuit, quam quod aut Caesar aliquem proscribere coactus est aut ab ullo Cicero proscriptus est. Abscisaque scelere Antonii vox publica est, cum eius salutem nemo defendisset, qui per tot annos et publicam civitatis et privatam civium defenderat. (3) Nihil tamen egisti, M. Antoni (cogit enim excedere propositi formam operis erumpens animo ac pectore indignatio) nihil, inquam, egisti mercedem caelestissimi oris et clarissimi capitis abscessi numerando auctoramentoque funebri ad conservatoris quondam rei publicae tantique consulis incitando necem. (4) Rapuisti tu M. Ciceroni lucem sollicitam et aetatem senilem et vitam miseriorem te principe quam sub te triumviro mortem, famam vero gloriameque factorum atque dictorum adeo non abstulisti, ut auxeris. (5) Vivit vivetque per omnem saeculorum memoriam, dumque hoc vel forte vel providentia vel utcumque constitutum rerum naturae corpus, quod ille paene solus Romanorum animo vidit, ingenio complexus est, eloquentia inluminavit, 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 Ciceronis nomen cedet.

the word "historian", and use "panegyrist" instead; Syme, "Mendacity in Velleius," _AJP_ 99 (1978), 45-63, at 62 = _RP_ 3 (1984), 1090-1104, 1103; _AA_, esp. 435. As to the related question of the work's designation as "universal" history, see Raymond J. Starr, "The Scope and Genre of Velleius' History," 162-5. As he notes, the loss of most of Book 1 - possibly as much as 40 per cent of the entire work - often obscures the fact that, despite a clear emphasis on Roman history even in the first book, there was probably a continued interweaving of Roman and Greek affairs in the lost section.
(Then the vengeful resentment of Antony and Lepidus - for each of them had been declared public enemies, as has already been stated, and both preferred to hear accounts of what they had suffered, rather than of what they had deserved, at the hands of the senate - renewed the horror of the Sullan proscription. Caesar protested, but without avail, being but one against two. The climax of the shame of this time was that Caesar should be forced to proscribe any one, or that any one should proscribe the name of Cicero. By the crime of Antony, when Cicero was beheaded the voice of the people was severed, for no one raised a hand in defence of the man who for so many years had protected the interests both of the state and of the private citizen. But you accomplished nothing, Mark Antony - for the indignation that surges in my breast compels me to exceed the bounds I have set for my narrative - you accomplished nothing, I say, by offering a reward for the sealing of those divine lips and the severing of that illustrious head, and by encompassing with a death-fee the murder of so great a consul and of the man who once had been saviour of the Republic. You took from Marcus Cicero a few anxious days, a few years of old age, a life which would have been more wretched under your rule than was his death in your triumvirate; but you did not rob him of his fame, the glory of his deeds and words, nay you but enhanced them. He lives and will continue to live in the memory of the ages, and so long as this universe shall endure - this universe which, whether created by chance, or by divine providence, or by whatever cause, he, almost alone of all the Romans, saw, with the eye of his mind, grasped with his intellect, illumined with his eloquence - so long shall it be accompanied throughout the ages by the fame of Cicero. All posterity will admire the speeches that he wrote
against you, while your deed to him will call forth their
execrations, and the race of man shall sooner pass from the
world than the name of Cicero be forgotten.)

[Shipley, revised]

This extravagant piece of exclamatory rhetoric has tended to attract both
the disgust and amusement of modern scholars. Leeman, for instance
says of it: "I know no better example of the abominable Asianistic
deviations of the New Style in its most corrupt form." Both he and
Woodman note its close resemblance to the suasorial passages on Cicero
preserved by Seneca; Woodman even suggesting that a cut-and-paste
swap of §§ 3-5 with one of the declamatory extracts would not only be
possible, but largely undetectable. As Woodman elsewhere remarks,
Velleius eschews use of the formal ἐπιτάφιον utilised by Livy, Pollio
and the other historians excerpted by Seneca; giving us instead what is
essentially a suasorial speech, which by its eulogistic tone, "functions as
an epitaphion without actually being one." "The passage" he argues
"is an excellent illustration of the rhetorical nature of Roman
historiography - just as Seneca's two suasoriae illustrate the often
historical character of rhetoric."69

Yet even when viewed in isolation, this passage is not without
considerable interest. The ideological tenor of the chapter is
unmistakable and unsurprising: it was Antony and Lepidus who
instituted the proscriptions, and it was they, above all Antony, who
forced Octavian to accede to the death of Cicero. As we have seen, the
depiction of Cicero's death as scelus Antonii is common to nearly all
the declaimers extracted in Seneca. The suspicion that such a line

66 Leeman, Orationis Ratio, vol. 1, 250. He does, however, go on to state (251): "Perhaps
we have not done justice to Velleius by only quoting from a digression...and we must agree
that his narrative style is much less indigestible."

Latin II, 1-25, at 13. As he says: "In fact the whole section would look no more out of
place in these suasoriae than, for example, Arelius Fuscus' speech (Suas. 7. 8) on Cicero
would if it were inserted into Velleius' narrative here." As he notes elsewhere (Velleius
Paterculus: The Caesarian and Augustan Narrative (2. 41-93) [Cambridge, 1983]. 144),
the only real concession here to a "historical mould" is the placing of the initial verbs in
the past tense... Leeman (Oratio Rationis, vol. 2, 464, n. 39) also notes similarities with
another passage of Fuscus (Suas. 6. 6), as well as with passages of Latro (Suas. 6. 3 & 8),
Cestius Pius (Suas. 6. 4), and Haterius (Suas. 7. 1).

68 Woodman, VP: C & A N., 144-5.

69 Woodman, VP: C & A N., 145.
echoes self-exculpatory utterances by Augustus in his *Memoirs* gains added credence from Velleius' probable use of this work. Somewhat more surprising is the sophisticated level of Ciceronian literary allusion that Woodman discerns in the passage: not only a heightened striving for that syntactical "balance" which marked Cicero's prose, but also detailed reminiscence from Cicero's political, rhetorical and philosophical works. Such literary devices serve to highlight and reinforce the somewhat oblique reference (§ 5) to Cicero's virtually unique status as a Roman philosophical writer. As we have seen, references to Cicero's philosophical works are relatively rare in any of the evidence we have examined, let alone in material heavily influenced by the schools of declamation.

The tendencies we can discern from this passage are further illumined by an analysis of Velleius' other references to Cicero. These are not only indicative of a highly laudatory evaluation of him, but at times reveal a more profound historical and literary knowledge than is often assumed. At 1. 16-17, in yet another notable departure from narrative brevity, Velleius discusses why it is that those who excel in the various fields of human achievement are to be found in the same narrow period of time. In the matter of oratory, Velleius (1. 17. 3) states:

> At oratio ac vis forensis perfectumque prosae eloquentiae decus, ut idem separetur Cato (pace P. Crassi Scipionisque et Laelii et Gracchorum et Fannii et Servii Galbae dixerim) ita universa sub principe operis sui erupit Tullio, ut delectari

70 Velleius nowhere states explicitly that he used Augustus' *Memoirs*, yet most scholars have been happy to accept his use of this work as highly likely. The correspondence between what Velleius says concerning Augustus' origins (2. 59. 1-2), and Suetonius (Aug. 2. 3), who is clearly at this point using the *Memoirs* (also cf. Aug. 85. 1) is particularly suggestive: see Duff, *Silver Age*, 72, and Hellegouarch's 1982 Budé edition of Velleius, vol. 2, 208. As we have seen and shall see (see n. 86), other references by Velleius to Cicero tend to strengthen these suspicions. Woodman (*VP: C & A N.*, 145), who strangely does not discuss in any detail Velleius' literary sources, does however say that Velleius' exculpation here of Caesar from responsibility for the proscriptions "no doubt goes back to Augustus himself."

71 See Woodman, *VP: C & A N.*, 145-150. Not only does Woodman find the usual references to the *Philippics*, but also possible reminiscence from such rhetorical works as the *De Oratore* and *Brutus*, and philosophical works such as the *Tusculanae disputationes*, *De senectute*, *De natura deorum*, and Cicero's translation of Plato's *Timaeus*.

72 An unimportant reference is to be found in 2. 14. 3, where Cicero's house on the Palatine is mentioned as standing on the site of that of Livius Drusus the Younger.
(Take oratory and the forensic art at its best, the perfected splendour of eloquence in prose, if we again except Cato - and this I say with due respect to Publius Crassus, Scipio, Laelius, the Gracchi, Fannius, and Servius Galba - eloquence, I say, in all its branches burst into flower under Cicero, its chief exponent, so that there are few before his day whom one can read with pleasure, and none whom one can admire, except men who had either seen Cicero or had been seen by him)

[Shipley]

This is not simply a standard paean to Cicero's oratorical greatness, but one that is highly reminiscent of the remarks of Seneca the Elder (Controv. 1. pr. 6-7 & 11) and, indeed, Cicero himself (Tusc. 2. 5).\(^73\) Moreover, as his remarks at 2. 66 have already demonstrated, Velleius does not make a strong conceptual distinction between, on the one hand, Cicero's primacy in eloquence and intellectual acumen, and on the other his statesmanship. In his recording of the conspiracy of Catiline (2. 34. 3-4), Velleius not only extravagantly praises Cicero's conduct as Consul, but depicts him as the saviour of Rome's intellectual reputation, again echoing the sentiments of the Elder Seneca:

\[
\textit{Per haec tempora M. Cicero, qui omnia incrementa sua sibi debuit, vir novitatis nobilissimae et ut vita clarus, ita ingenio maximus, quique effecit, ne quorum arma viceramus, eorum ingenio vincseremur, consul Sergii Catilinae Lentulique et Cethegi et aliorum utriusque ordinis virorum coniurationem singulari virtute, constantia, vigilia curaque aperuit.}
\]

(At this time the conspiracy of Sergius Catiline, Lentulus, Cethegus, and other men of both the equestrian and senatorial orders was detected by the extraordinary courage, firmness, and careful vigilance of the consul Marcus Cicero, a

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\(^73\) Cic. Tusc. 2. 5, as noted by Fairweather, (Seneca the Elder, 83-84, 136 & 306) and Woodman ('Velleius Paterculus," 10). Indeed, the passage would seem to encapsulate in its list of orators, between Cato and those (like Antonius and Lucius Crassus) who had been seen by Cicero, the judgments of Cicero in the \textit{Brutus}.}
man who owed his elevation wholly to himself, who had ennobled his lowly birth, who was as distinguished in his life as he was great in genius, and who saved us from being vanquished in intellectual accomplishments by those whom we had vanquished in arms.74)

[Shipley]

Also, interestingly, he makes great play of Cicero’s novitas as a factor which adds to Cicero’s achievement. Velleius goes on (2. 34. 4) to note that it was metu consularis imperi that led to Catiline’s flight from the city. Even more significantly, Velleius lays great stress on the fact that Cicero’s execution of the conspirators was supported auctore senatu, thus agreeing with Cicero’s own justification for his actions as consul.

In the next chapter (2. 35), we are introduced to Cato the Younger, exalted by Velleius (§ 2) as homo Virtuti simillimus et per omnia ingenio diis quam hominibus proprior. As in Sallust, perhaps even on his authority, Cato’s vital part in defeating pleas for leniency in the Senate is given full prominence (§§ 3-4). This is perhaps a line that Cicero would not have totally cared for; as we have seen, Brutus’ Cato had raised Cicero’s hackles by affording Cato what was, in Cicero’s opinion, an overly important role in the execution of the conspirators.75 Yet, like Sallust, it is worth noting that Velleius has not committed the worst alleged sins of Brutus’ work; in, for instance, stating that Cato was the first to make a recommendation for the execution, and making no mention of Cicero’s exposure of the plot. Furthermore, unlike Sallust, and in accordance with Cicero’s own assertions (Att. 12. 21. 1), Velleius (§ 4) makes great play of Cato’s lavish praise of the virtus of the consul; praise which along with Cato’s description of the dangers threatening Rome led, he asserts, not only to the Senate voting for the death penalty, but to a large body of senators escorting the consul to his house.76

74 Both Shipley - in his Loeb translation of Velleius - and Gambet, Cicero’s Reputation, 130 note the resemblance here to Horace Ep. 2. 1. 156: Graecia capta ferum victorem cepit et artes Intulit agresti Latio. Given Velleius’ glaring omission of Horace from the great Roman poets in 2. 36. 2-3, it seems problematical whether the echo is direct. Gambet also notes similar remarks to Velleius made by Cestius Pius (Sen. Suas. 7. 10) and Seneca the Elder (Contr. 1. pr. 6)
75 See Chapter 1, pp 28f.
76 The original text actually gives Cato’s name here. The emendation replacing Cato’s name with Cicero’s is probably based on Plutarch’s account of a procession of leading senators escorting Cicero after the execution of the conspirators (Cic. 22. 5-6). However,
Velleius' treatment here may lead us to assume that the sanctification of Cato - which had its genesis in the pamphlet-war which broke out after his death, and rears its head at times in the Augustan evidence - had by now become something of an orthodoxy. Yet, as we have seen, the reception of the image of Cato in the Augustan period exhibits a fair degree of complexity and ambiguity.\textsuperscript{77} Moreover, as we shall see, despite this glowing paean to Cato's moral excellence, these tendencies are present in Velleius' work as well.

In 2. 36. 1, we are told that the birth of Augustus in 63 BC added no small prestige to Cicero's consulship; possibly another echo of a remark in the Augustan autobiography.\textsuperscript{78} Velleius goes on to discuss (§§ 2-3), in a manner akin to that at 1. 16-17, the men of literary genius who flourished in the age following Augustus' birth. Cicero's name, along with that of Hortensius, heads the list of distinguished orators on account of their seniority in age. However, the assumption of Cicero's pre-eminence in terms of talent is made clear by the description of Caesar as \textit{proximum Ciceroni}.

Velleius devotes a whole chapter (2. 45) to the story of Cicero's exile and recall. Clodius, whose immorality and capriciousness is depicted by Velleius in a manner again reminiscent of Sallust, conceives a violent hatred for Cicero, explained by Velleius (§ 1) in terms of their diametrically opposed characters: \textit{quid enim inter tam dissimiles amicum esse poterat}?\textsuperscript{79} Velleius notes (§ 2) that Cicero's reward for saving the State from destruction was to be exiled. He even tells us that Pompey and Caesar were not free of suspicion of having a share in Cicero's exile; noting that it "seemed" - something of an important qualification - that Cicero had brought his punishment on his own head by refusing the triumvirs' offer of a position on the commission of Hellegouarch's (vol. 2, 183-4) keeps "Cato", arguing that this is more in keeping with the sense of the passage (i.e. laudation of Cato), and that it is not impossible to imagine two processions of senatorial support, one for Cato after the Senate meeting, and one soon after for Cicero in the wake of the executions. While this seems quite plausible, the fact that Velleius' narrative indicates his belief that Cato's eulogizing of Cicero constituted a vital ingredient in its persuasiveness, makes it difficult to decide conclusively on the matter.

\textsuperscript{77} See Chapter 2, n. 100; Chapter 3, n. 118.
\textsuperscript{78} See Chapter 2, n. 15.
\textsuperscript{79} For the Sallustian material in Velleius' description of Clodius, among other things, see Woodman, \textit{VP: C & A N.}, 65-6.
twenty for the distribution of the Campanian lands. Cicero's return (§ 3), thanks to the support of Pompey - somewhat belated as Velleius admits - and the activity of Milo, is in accordance with votisque Italicae ac decreatis senatus. Not since Metellus Numidicus, we are told, had there been aut expulsus invidiosius aut receptus est laetius. Velleius also tells us that the Senate's lavish rebuilding of Cicero's house more than compensated for the maliciousness of Clodius' earlier destruction of it. Significantly, Woodman once again discerns a fairly significant degree of Ciceronian literary allusion throughout this passage, particularly to De Domō sua, Post reditum ad Populum, and Post reditum in senatu. This would seem to go far beyond the scattered and very brief mentions made of these events in the Senecan material.

There are few references to Cicero in the period 56-44 BC, but again these are wholly laudatory. There is no mention of Cicero in Velleius' description of the death of Clodius and the trial of Milo (2. 47. 4-5), where the potential of Cato's vote for acquittal to have changed the result, if it had been cast earlier, is noted. However, given the extensive use made of Cicero's alleged faint-heartedness at this trial by the hostile tradition, this is probably more indicative of Velleius' disinclination to mention circumstances that could even hint at weakness on the part of his hero. In his account of the outbreak of civil war in 49 BC, Velleius places great emphasis on the negative influence of Curio in destroying attempts to conclude a truce; a truce, which Velleius tells us (2. 48. 5), would have been largely due to Cicero's phenomenal efforts: unice cavente Cicerone concordiae publicae. Velleius goes on to reinforce this

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80 As to Pompey, the original text read sera Cn. Pompeii cura verum et cupit interita... The emendation of interita to intenta is generally accepted. Woodman (VP: C & A N., 68), on the basis of Cic. Sest. 67, suggests ut cupit, giving the sense of "as he wanted to do all along." Other scholars, as Woodman notes, prefer ut coepit; so Shipley: "effective when once exerted."

81 Woodman (VP: C & A N., 68) comments; "The comparison was no doubt suggested by Cic., who regularly compared himself to Numidicus".

82 Woodman, VP: C & A N., 65-70. Gambet, on the other hand, claims: "there is no evidence of any detailed knowledge of Cicero's orations or of any real appreciation of his stylistic excellence."

83 Gambet (Cicero's Reputation, 132, n. 20) argues that while treatment of these events by the Senecan declaimers was by no means as popular as of 63 BC and 43 BC, there are clear references. In fact, he finds only two (Cestius Pius at Suas. 7. 2, and Haterius at Controv. 7. 2. 5), and both rather cursory.

84 Moreover, as Woodman notes (VP: C & A N., 76), Velleius' description of Clodius (§5) - quo nemo perniciosior rei publicae neque bonis inimicior vixerat - is "conspicuously and characteristically Ciceronian".
image of "Cicero the peacemaker" by noting (2. 58. 4) that it was on his motion that the Senate approved the amnesty after Caesar's murder.

In Velleius' narrative of the political events of 44-43 BC - which Woodman again sees as displaying a relatively detailed knowledge of Cicero's relevant works - Cicero comes to the fore again. At 2. 62, we are told (§ 1) that it was maxime auctore Cicerone that Octavian and his army were praised by the Senate prior to Antony's defeat at Mutina. After going on to note at length the "Pompeian" Senate's subsequent ingratitude, and their succour of the tyrannicides, Velleius concludes with another reference to Cicero: Hoc est illud tempus, quo Cicero insito amore Pompeianarum partium Caesarem laudandum et tollendum censebat, cum alius diceret, alius intellegi vellet. Woodman has seen in this citation of Cicero's double entendre a clear suggestion that Velleius sees it as "typifying the hypocrisy with which the Pompeiani had been acting, and at which his 'scorching attack' in this section has been directed." Certainly, this would seem to be the logical reading of Velleius' words, especially given that Velleius later tells us (2. 65. 1) that Antony wrote to Octavian, reminding him of the hostility of the Pompeiani, and Cicero's extolling of Brutus and Cassius. But is Velleius' treatment of the situation here in any sense "logical"? His treatment of Cicero's Philippics (2. 64. 3-4), for instance, not only identifies Cicero as the enemy of Antony, but, like the Senecan declaimers, depicts him as the defender of libertas:

Haec sunt tempora, quibus M. Tullius continuis actionibus aeternas Antonii memoriae inussit notas, sed hic fulgentissimo et caelesti ore, at tribunus Cannutius canina rabie lacerabat Antonium. Utrique vindicta libertatis morte stetit; sed tribuni sanguine commissa proscriptio, Ciceronis velut satiato Antonio poena finita.

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85 Woodman, VP: C & A N., 115f
86 Woodman (VP: C & A N., 115) assumes that Velleius' knowledge of the remark comes from Cicero's correspondence (Fam. 11. 20). Gambet (Cicero's Reputation, 128, n. 14) suggests that Velleius got this pun from Tiro's collection of Cicero's ioci. The remark is, of course, imperfectly quoted. Given this, and Suetonius' evidence (Aug. 12) that the remark was used as justification by Octavian for his later volte-face, surely the most plausible source is, as has already been suggested, Augustus' Memoirs. Hellegouarch (vol. 2, 211) certainly thinks this the most likely source. See also Chapter 2, pp 90f.
87 Woodman, VP: C & A N., 132. See also Hellegouarch, vol. 2, 211.
(This is the period when Cicero in a series of speeches branded the memory of Antony for all time to come. Cicero assailed Antony with his god-given tongue, whereas Cannutius the tribune tore him to pieces with the ravening of a mad dog. Each paid with his life for his defence of liberty. The proscription was ushered in by the slaying of the tribune; it ended with the punishment of Cicero, as though Antony was now sated with blood.)

[Shipley]

To be sure, Velleius may be implicitly stating that the cause of liberty was served by attacks on Antony, but not by attacks on Octavian. However, that may be giving rather too much credit to the consistency of Velleius' ideological position than is strictly warranted. Certainly, it is clear from Velleius' remarks here and at 2. 66, that if he was attempting harsh criticism of Cicero in the earlier passage, he definitely did not believe that it justified his death. But is this the motive? It is notable how in the previous section, Velleius does not assay any direct criticism of Cicero. Cicero is, in a sense, hived off from the Senate as a whole; his actions and statements, while clearly referable to those of the Senate, are not made synonymous with them, or explicitly commented upon. Moreover, his earlier description of Cicero's love for the Pompeian cause as insitus (2. 62. 6) may suggest an exculpatory purpose rather than a condemnatory one. Surely what we are seeing here is a strong admirer of both Cicero and the Principate - probably after having read Augustus' Memoirs - confronting the unpalatable truth that the good names of Cicero and the young Octavian were not mutually salvageable if one was to write anything approaching a serious history of the events of 43 BC. Or, perhaps more accurately, we should say "failing to confront"; for in these two passages, Velleius manages the impressive feat of both proclaiming Cicero a martyr to the cause of freedom while justifying Octavian's actions almost in toto.

Velleius' final major reference to Cicero is the famous "suasorial" passage we have already examined. Yet one last passing mention of him

88 poena is usually replaced by paene in translations, but as Woodman argues (VP: C & A N., 140-1), this attempt to make the text more historically accurate is unnecessary, given that remarks such as these are to be found in work, similarly inspired by rhetorical material.
is to be found much later in the narrative. In the list of famous novi homines which Velleius cites to justify the high position given to Sejanus by Tiberius, Cicero finds a place (2. 128. 3), along with such figures as Cato the Elder, Mummius, Marius and Asinius Pollio: et qui M. Tullio tantum tribuere, ut paene adsentatione sua quibus vellet principatus conciliaret. 89 This may seem, at first, a rather odd way to typify Cicero. Yet when one remembers his role in legitimizing the power of so many of the great figures of his time - Pompey, Caesar, Octavian, Brutus and Cassius, the meaning becomes clear: the reference is surely to the power of his oratory. 90

The linkage made here between those very different examples of the rise of the novus homo, Cicero and Sejanus, brings to our attention the question of Velleius' politics and its relationship to his treatment of Cicero. Viewed in the light of the evidence surveyed in our previous chapters, the coexistence of a sympathetic attitude towards both Cicero and the Principate should not cause amazement. The essentially unhistorical reconciliation of Cicero's good name with acceptance of the new order is the essential mark of the rhetorical treatments of Cicero found in Seneca the Elder. Yet, in two respects, Velleius' attitude is somewhat surprising: firstly, the distinct perception we receive that Velleius' attitude towards the Principate goes far beyond mere acceptance; and secondly, the recurrence of the essential motifs found in those rhetorical treatments of Cicero in a work of history, which for all its faults does reveal a relatively detailed knowledge and use of a wide range of important evidence.

Lavery has argued that the answer lies in the ideological vacuity of Velleius' treatment of the history of the late Republic. He states: "Velleius did not choose to argue the question of Republic versus Empire; he merely considers the 'nomen Romanum sanctum et augustum', praising all who had served Rome." 91 There is no doubt an

89 The emendation of Fulvio to Tullio is generally accepted.
90 Woodman (C & A N., 260) takes it as a reference to Cicero's informal influence in gaining positions for his relatives and clients, à la Sejanus. Shipley's translation here ("...and those who yielded such honours to Marcus Tullius that on his recommendation he could secure positions of importance almost for anyone he chose.") would seem to be informed by the same notion. Yet surely principatus suggests something more exalted than the letters of Ad Fam. 13?
91 Lavery, Cicero's Reputation., p 85.
element of truth to this. Velleius tends to subsume the party quarrels of
the Civil Wars under the traditionalist and conciliatory rhetoric which
often, though not wholly, characterize Augustan ideology. Moreover,
it is not readily apparent that Velleius enunciates a clear distinction
between Augustus' Principate and the old Republic. Yet, on the
whole, it is insufficient as an explanation. While Velleius may not
indulge in a formal comparison of the merits of both systems, one can
hardly say that he does not make judgements on the policy and beliefs of
statesmen, especially when scrutinising the late Republic. If we look at
the other notable enemies of Caesarism mentioned by Velleius, none of
them escapes some criticism. Pompey is said (2. 29. 4) to be paene
omnia vitiorum expers; to which is added the important, if
tentatively expressed, rider: nisi numeraretur inter maxima in civitate
libera dominaque gentium indignari, cum omnes cives iure haberet
pares, quemquam aequalem dignitate conspicere. Brutus was a man
of the highest morality, and one whose character would have made him
a much better ruler of Rome than Cassius; but the murder of Caesar
robbed him of omnes virtutes. Even Cato, whom, as we have seen,
Velleius equates with virtue itself, comes in for oblique criticism
regarding his behaviour subsequent to the Cyprus expedition. Moreover, he is denied a paean concerning his famous suicide.

92 Witness, for instance the obvious pride of Velleius in both his vigorously Pompeian
grandfather (2. 76. 1) and his equally vigorous Caesarian uncle (2. 69. 5). While the close
friendship of the grandfather with Ti. Claudius Nero is raised by Velleius as the cause
of his allegiance at the time of his suicide, Velleius does not hesitate to mention his
service under both Pompey and Brutus, the latter possibly in the Republican army in

93 In his description of events after Actium, Velleius states (2. 89. 3): Prisca illa et
antiqua rei publicae forma revocata. Woodman (VP: C & A N., 254), who, on the basis
of the arguments posited by Judge and Millar, rejects the notion that Augustus claimed to
have 'restored the Republic', thus denies that this statement constitutes a faithful echo
of Augustus' deceitful claim', or that 'he used the word forma to express some
scepticism about the claim.' Rather, he states that the remark 'refers simply to the
dissolution of the Triumvirate...and the consequent return to the earlier form of
administration.' Of course, far from all scholars have rejected the 'restoration of the
Republic'; Mole's view ('Review: Velleius Paterculus: The Caesarian and Augustan
Narrative, ' JRS 74 (1984), 242-4, at 244) of Woodman's interpretation is symptomatic:
'W.'s interpretation of V. here is sheer sophistry, for what is 'the dissolution of the
triumvirate...and the consequent return to the earlier form of administration' but a
restored Republic?'.

94 See also 2. 33. 3. Such a fault, to Velleius' eyes, manifested itself in his behaviour
over Crete (2. 34. 2) and his refusal to countenance Caesar's claims to stand for a second
consulship in absentia in 49 (2. 30. 3). Of course the above passage could be reckoned
somewhat ambiguous as regards Caesar's position as well.

95 2. 72; see also Chapter 3, n. 120.
Cicero escapes clear censure from Velleius, and, unlike Cato, the omissions concerning his career run to his advantage.

To Gambet, the solution to the problem of why the pro-Imperial historian praises the Republican hero so extravagantly is quite straightforward:

Velleius did so precisely - and only - because he was following a pattern he had learned in the schools. He had practised such elaborate and fulsome declamations on Cicero there and was now simply using what he had previously learned to embellish his history and demonstrate his rhetorical prowess.97

To Gambet, Velleius' work therefore reveals little or nothing about the writer's opinions about Cicero, especially considering his strong loyalty to the Principate and a long military career which probably left him little time for acquiring stylistic appreciation.

It is simply not in doubt that Velleius' work, in both the aspects of Cicero's life it most strongly highlights and the language in which it is phrased, displays the strong influence of the sort of school declamation on Cicero which we find in the works of Seneca the Elder. Yet mechanical regurgitation of school declamation is obviously not the whole story with Velleius. As we have seen, the level of Ciceronian literary reminiscence in Velleius' references to Cicero is high both in terms of volume and variety. Nor is such reminiscence necessarily restricted to those passages in which Cicero is discussed.98 In wider

96 At 2. 45. 5, Velleius says of Cato: *cuius integritatem laudari nefas est*, the sense being, of course, that one could not do it proper justice. But he goes on to state that his refusal to disembark in Rome, except at the place where the monies he had brought back were landed, amounted to *insolentia paene*. Woodman (*VP: C & A N.*, 65 & 70), on the authority of Starr, notes how Cato's "haughty" return contrasts adversely with that of Cicero earlier in the chapter. In his narrative of the African War (2. 54. 2 - 55. 2), Velleius mentions (54. 3) Cato's march through the desert and his refusal of supreme command, but does not mention his famous and much lauded suicide. Woodman calls the omission "curious", going on to state (*VP: C & A N.*, 106): "...perhaps he felt constrained by brevity (cf. 55. 1), more likely he was disinclined to divert attention from Caesar." As Starr ("Review: Velleius Paterculus: The Caesarian and Augustan Narrative," *Phoenix* 40 (1986), 246-7, at 247) has rightly commented, this gives Velleius "too much credit".


98 Woodman's analyses ("Velleius Paterculus," 15-16 & 24; "Date, Genre, and Style in Velleius," 292-3 & 300, & *VP: TN.*, 234f) of Velleius' general panegyric of Tiberius' reign...
stylistic terms, moreover, Woodman - despite noting the many clear examples of both silver "point", as well as marked echoes of Sallustian phraseology - has found that in general, Velleius strived to reproduce Ciceronian "fulness and balance (concinnitas )." Of course as we have seen, stylistic predilections are a less than perfect guide for ascertaining the attitude of a writer to Cicero. Surely however, the scale of Velleius' Ciceronian imitation, and the evidence it provides as to his detailed knowledge of the orator's works, suggests that his admiration is not simply, as Gambet would have it, the instinctive remembrance of a declamatory education.

The revisionist tendencies inherent in much recent Velleian scholarship may initially tend to suggest easy answers as to why Velleius responded to Cicero as he did. No longer the simple and unlearned soldier, perhaps no longer the unquestioning supporter of the status quo, we may begin to glimpse a Velleius whose education and independence stimulated an admiration for a man who symbolized Roman statesmanship and intellectual development, and who constantly suffered under the demands of the corrupt and those unscrupulous in the pursuit and use of arbitrary power.

Yet not all scholars have been willing to accept Velleius' complete rehabilitation. G. V. Sumner's revisionist analysis of Velleius begins with an enumeration of the common stereotypes that had, up until then, dominated perceptions of him: "The bluff old soldier, the ham-fisted amateur, the sleazy toady". In the light of Ronald Syme's continued criticisms of Velleius, he was tempted to add another: "the crafty liar". As to the former two characterizations - ones which to some extent underlie the analyses of Lavery and Gambet and which are demonstrably false on an analysis of Velleius' references to Cicero alone (2. 126), and his description (2. 129-130) of the specific achievements and disappointments of that reign, for instance, have highlighted "numerous delicate allusions to Cicero".  

99 See Woodman's entry on Velleius in OCD 3, 1585, & "Velleius Paterculus," 13-15. As he argues in the latter, the preference of Velleius for the "proxility of style which places him firmly in the style of Livy and Cicero", suggests, along with the limited evidence we have for other historians of the time, that the oft repeated claim - notably made by Syme and Leeman - that historians of the first century AD in general preferred Sallustian abruptness, is simplistic, if not quite wrong.  

100 Sumner, "The Truth about Velleius Paterculus," 257.  

101 G. V. Sumner, "Review: Velleius Paterculus: the Tiberian Narrative," CPhil. 74 (1979), 64-68, at 64.
- it is clear that they have fallen by the wayside in the light of detailed analysis of Velleius' life and literary work by such scholars as Woodman and Sumner. However, despite the efforts of these two scholars, determined proponents are still very much in evidence for the latter two characterizations. The attempt to detach Velleius from the clientela of Sejanus, to cite one of the most notable examples, has not convinced Ronald Syme for one.

Whatever Velleius' specific alignment in the power politics of the Tiberian age, his strong and abiding loyalty to that Emperor is unquestionable. Moreover, it is clear that even if his enthusiasm for Tiberius is unique in his treatment of the Caesars, Velleius' attitude towards Julius Caesar and, despite assertions to the contrary, Augustus, generally exhibits a firmly sympathetic conception. Despite Velleius' failure to wholly damn the military leaders of the Republican cause, there is relatively little sign here of that "literary republicanism", which played with the idea that the civil wars were a triumph of might over right. Given this, as well as the fact that evidence of Velleius' reading indicates not only a detailed knowledge of the works of Cicero, but also,

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102 Syme ("Mendacity in Velleius," 1103; see also Syme, AA, 437) gives this much credit to the revisionists. As he says: "The stock figure of the military man, enthusiastic in loyalty towards his old commander, but inexpert when he took up the pen, has been sensibly modified, it is true."

103 Notably, of course, Syme, who consistently maintained his highly critical view of Velleius for over fifty years. For his "denunciations" up until 1970, see Woodman, "Date, Genre and Style in Velleius," 289. Add to this Syme, "Mendacity in Velleius," passim, and Syme AA, esp. ch. XXIX, 421-38. Nor is he alone in his distrust of Velleius' historical detachment and veracity. Moles ("Review of Woodman," 243) has stated: "A just estimate of V.'s work has yet to be made, somewhere between Sumner and Woodman on the one side and Syme on the other, but nearer the latter."

104 Both Sumner ("The Truth about Velleius Paterculus," 288-297) and Woodman ("Date, Style and Genre in Velleius," 296-305 & VP: TN., esp., 253) have argued strongly against the view that Velleius was a strong supporter of the Praetorian prefect, a view that often has as its corollary the entanglement of Velleius in Sejanus' fall. Indeed, both regard it as more probable that Velleius was antagonistic. Syme relented enough to say (AA, p 436) : "That Velleius was an open and decided adherent of Aelius Sejanus evades ascertainment." However, he clearly implies that he believes in that adherence. Moreover, he suggests that even if hollow, praise "of the great 'adiutor' rendered a man vulnerable to eager prosecutors, and he would need powerful protection."

105 Woodman (VP: C & A N., 115, n. 1) notes that on a comparison of Velleius' various treatments of Augustus and Tiberius, that "it is in theory possible to infer...that V. actually disapproved of Augustus." Despite noting here and at other places in his commentaries (see, for instance VP: TN., 234 & 238-9) Velleius' far greater enthusiasm for Tiberius, and instances of possibly adverse comparison of Augustus with the latter, he is wary of taking the argument too far. Moreover, he clearly rejects the idea that Velleius is informed by the same anti-Augustan source which informs the Elder Pliny, Tacitus and Dio.
it seems, a not inconsiderable knowledge of the source materials and histories concerned with the late Republic, some of which no doubt provided a rather more sober appreciation of Cicero's statesmanship, it seems strange that he does not make something quite different of Cicero's tumultuous relationships with Caesar and Octavian, or at the very least, balance his portrayal with a tincture of critical reflection.106

Clearly, the dominantly sympathetic attitude towards Cicero found in the rhetorical schools - an attitude which had its genesis in the juxtaposition of Cicero with Antony - and the effect this had in reconciling admiration for Cicero with loyalty to the Princeps, must have played a major, if not the major role in moulding Velleius' depiction of Cicero. However, given the evidence that Velleius' knowledge of the Ciceronian corpus probably outran that of the average rhetorical pupil, we must assume that his admiration was, to some degree, a personal construct; one, which like Quintilian several decades later, may have seen an intense literary appreciation readily translate itself into a strongly sympathetic view of the orator's character and statesmanship.107 Moreover, it is precisely Velleius' reversion to some of the clichés of rhetorical discourse on Cicero that constitutes the most compelling evidence for the sincerity of his attitude. Despite his probable knowledge of Augustus' criticisms of Cicero's behaviour in 44-3 BC, and of the critical judgements of earlier historians, such as Pollio and Livy, Velleius forcefully and extensively propounds a very different view of the orator-statesman; a view which however sanitised and partial, amounts to something of a corrective to the earlier historiography.

106 For Velleius' probable use of Asinius Pollio, see Woodman, VP: C & A N., 177 & 186.
107 Perhaps other factors came into play as well. The emphasis that he places (2. 48. 5, 2. 58. 4) on Cicero's attempts to preserve concordia may suggest that he saw in him a figure whose basic ideals were at one with those of the Augustan regime that followed. Furthermore, as we have seen, Velleius lays considerable stress on Cicero's novitas (2. 34. 3, 2. 128. 3). Perhaps, as we have hypothesized with Varius Geminus (Chapter 3, n. 166), Cicero's rise to the consulship from the equestrian order held some special meaning for Velleius, who, despite the fact that his uncle had reached the Senate (2. 69. 5), had himself risen from the ranks of the equites into the Senate: see Lavery, 89. To be sure, the second of these references has a particular purpose - i.e. to justify Tiberius' elevation of the novus homo Sejanus. Indeed, Woodman (VP: TN, 258), commenting on 2. 128 suggests caution: There is one conclusion which in my opinion should not be drawn from this discussion. We should not think that V. is here defending Tiberius' general policy of granting more responsibility to equites and novi homines. " As Woodman also notes here (257), the arguments Velleius uses here essentially mirror those used both by Sallust and Cicero.
Valerius Maximus.

Valerius Maximus and his *Facta et Dicta Memorabilia* have, if anything, suffered even harsher treatment at the hands of modern scholarship than Velleius' history. Reviled as a work extremely symptomatic of the intellectual and stylistic corruption which Imperial rule and the formalized rhetorical education have been perceived as encouraging, sympathetic re-appraisal of the author and his work has only recently reached mainstream attention. Bloomer's recent analysis of the work not only contains an important and iconoclastic survey of the question of Valerius' sources and their exploitation, but, more widely, attempts to highlight the importance of his work in understanding ideological conceptions of the past in an age of political and social transition. Skidmore's even more recent work not only dramatically questions many widely held assumptions about Valerius' identity, and the nature and purpose of his work, but attempts to place that work within the wider context of the use of examples from history in Greek and Roman literature. Studies such as these demonstrate that whatever the irritation felt with the style and structure of Valerius' work, its importance in elucidating Imperial perceptions of Cicero and the late Republic in general should not be underestimated.

Valerius explicitly refers to Cicero on a dozen or so occasions; far fewer than for many other Republican notables. In addition, a number of

108 As Bloomer has noted (231): "Valerius remains the earliest club by which to beat the Silver Age". Carter's withering and highly amusing analysis ("Valerius Maximus") stands as a fairly representative example of modern responses to Valerius up until very recently. With reference to its style he says (30): "The approach is uniformly dull, monotonously turgid and oppressively forced, and variations in tone, length of narration and use of direct speech are too sporadic and slight to make any difference. The declamatory conventions of his day have little to do with it. What distinguishes Valerius from Lucan, Seneca, Petronius and Tacitus is supreme mediocrity of talent. He was no spinner of words and whatever the cultural environment a silk purse cannot be made out of a sow's ear." Elsewhere (p 47), he makes analogies between the work and "Roget, *Pear's Cyclopaedia* or a dictionary". He concludes (51): "If he still has something of a future on examination papers in Latin Unseens, this, as Valerius himself would have put it, is the last twist of the knife buried in the heart of his present obscurity."

109 Bloomer's work is reviewed sympathetically by John Carter (JRS 84 [1994], 223) and witheringly by Winterbottom (CR 44 [1994], 50-52).

110 For the number of references in Valerius to famous statesmen, see T. F. Carney, "The Picture of Marius in Valerius Maximus," *Rh. Mus.* 105 (1962), 289-337, at 289, n. 2. Caesar and Pompey, with 38 mentions, are surpassed only by Scipio Africanus (46
these references give us no indication as to Valerius' attitude towards the orator. Yet it would be rash to draw from this the idea that Valerius was either uninterested in Cicero, or influenced by the potential political sensitivity celebrating the orator’s memory. The former's literary debt to the latter, and the wider literary context, would suggest that the sheer ubiquity and popularity of Ciceronian representation may have been the most potent factor in a cautious exploitation of the orator’s image. Moreover, Valerius' laudatory conception of the orator is quite clear. At 1. 4. 6 - part of a section of Valerius' work (1. 1. ext. 4 - 1. 4. ext. 1) preserved only by Valerius' later epitomizers, Julius Paris and Januarius Nepotianus -, we are told of the raven that flew into Cicero's Caietan villa, and which, by pecking at the hand of a clock and taking hold of Cicero's toga, predicted his imminent death.\textsuperscript{111} No sign here as to any judgment on the event, except possibly Nepotianus' description of Cicero's killers as \textit{percussores}. However, given Valerius' later remarks (5. 3. 4) on Cicero's death and those who committed it, we can be pretty sure of the "line" Valerius may have taken if he did go beyond the semblance of "reportage" here.

At 1. 7. 5, Valerius relates the story of a dream Cicero had in exile of meeting Marius, who predicted his imminent return to Rome; one which, together with the dreams outlined in 1. 7. 4 and 6, has been taken from Cicero's \textit{De divinatione} (1. 55-56).\textsuperscript{112} Again, there is little overt sign of Valerius' perception of the exile, apart from his statement that Cicero was exiled \textit{inimicorum conspiratione}. However, Valerius' failure to embroider Cicero's account with adverse comment as to his despondency in exile, as is the case with Plutarch and Dio, is probably significant. The two famous Arpinates are linked once again at 2. 2. 3, where Valerius presents what is a somewhat confusing defence of Marius's failure to learn Greek:

\textsuperscript{111} The story is found also in Plut. Cic. 47. 8-10; App. B Civ. 4. 19 & [Aur. Vict.] \textit{De vir. ill.} 81. 6. The failure of Julius Obsequens to mention the story would seem to suggest that it did not originally come from Livy. See Appendix.

\textsuperscript{112} See Bloomer, 201-2.
Quapropter non es damnandus rustici rigoris crimine, C. Mari, quia gemina lauru coronatam senectutem tuam, Numidicis et Germanicis inlustrem tropaeis, victor deuictae gentis facundia politiorem fieri noluisti, credo, ne alienigena ingenii exercitatione patrii ritus serus transfuga existeres. quis ergo huic consuetudini, qua nunc Graecis actionibus aures curiae exurdantur, ianuam patetecit? ut opinor, Molo rhetor, qui studia M. Ciceronis acuit: eum namque ante omnes exterarum gentium in senatu sine interprete auditum constat. quem honorem non inmerito cepit, quoniam summam uim Romanae eloquentiae adiuvaret. conspicuae felicitatis Arpinas municipium, siue litterarum gloriosissimum contemptorem siue abundantissimum fontem intueri uelis.

(Therefore you ought not to be found guilty on the charge of rustic severity, C. Marius, because as conqueror you did not want your old age, crowned with the double laurel of your German and Numidian triumphs, to become more refined by the eloquence of a conquered foreign tongue lest, I suppose, the practice of a foreign talent make you a late fugitive from your ancestral customs. Who opened the door to the present practice by which the senate's ears are deafened by Greek pleadings? In my opinion, it was the rhetorician Molo, the one who sharpened M. Cicero's technique, for it is well known that first of all foreigners, he addressed the senate without an interpreter. This distinction he earned quite rightly since he had aided the greatest source of Roman eloquence. Arpinum is a town of outstanding fortune, whether you should wish to look upon the most famous despiser or the richest source of letters.)

[Bloomer]

A fine example of Valerius' Roman chauvinism, and one that initially may suggest a critical attitude towards Cicero's "hellenized" education.\textsuperscript{113} That would be paying too much deference, however, to the consistency of Valerius' argumentation. For it is clear that despite

\textsuperscript{113} For Valerius' patriotic attitude see Bloomer, 21, 48-50, 197 & 220.
Molo's alleged responsibility for opening the Senate to the Greek tongue, Valerius feels that the allowance made to him was justified by his tutelage of the *summa vis* of Roman eloquence, as he describes Cicero.

In a chapter on former enemies who come together *amicitia aut necessitudine*, Valerius gives as an *exemplum* (4. 2. 4) Cicero's defence of Gabinius and Vatinius. Here, Valerius' notably unhistorical perspective is clearly apparent. For despite the title of the chapter, it is clear that Valerius sees, in what was historically the product of Triumviral coercion and deeply humiliating for Cicero, an example of his *praecipua humanitas*! Valerius' remark that Cicero's advocacy was *sine ullo crimine levitatis* ignores not only the evidence of Cicero's own letters but the hostile interpretations of his behaviour in these cases found in the invective tradition. The unreality of Valerius' treatment is compounded by the following *exemplum* (§ 5), where Clodius' action in defending one of the three Cornelii Lentuli, who had prosecuted him in the Bona Dea trial of 61 BC, is seen as magnifying the admirable nature of Cicero's behaviour, *ut imitari id ne inimicissimus quidem illi P. Pulcher dubitaverit*.

In his chapter *de ingratis*, Valerius gives us (5. 3. 4) the story of Popillius, the killer of Cicero, one which highlights the strong links between the author and the declamatory milieu described by the Elder Seneca. The perfidy of Popillius in killing his former advocate is magnified by Valerius' claim that he begged Antony for this commission, and by the fact that he *nee re nec uerbo a Cicerone laesus*. Popillius is described as having cut off *caput Romanae eloquentiae et pacis clarissimam dexteram*. Again, the lack of any real historical perspective is highlighted by Valerius' statement that this happened *per summum et securum otium*. Valerius rounds off the story by exclaiming: *Invalidae ad hoc monstrum suggilandum litterae, quoniam qui talem Ciceronis casum satis digne deplorare possit, alius Cicero non extat?* This sounds suspiciously like a re-working of a similar remark of Livy's (Sen. Suas. 6. 24). Indeed, we might perhaps suspect on the basis of this correspondence, and the particulars Valerius alone gives us about

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114 [Sall.] *Inv. in Cic.* 7; [Cic.] *Inv. in Sall.* 12; Dio 39. 63. 2-5. See also Quint. *Inst.* 11. 1. 73.
the identity of Popillius, that this account faithfully reflects lost Livian material on Cicero's killer; on the other hand, given the popularity of declamatory treatment of this theme, and other information we possess, perhaps it does not.\footnote{See Chapter 3, pp 166f; Appendix.}

At 8. 5. 5, Valerius tells of Clodius' acquittal in the Bona Dea trial in terms of the rejection of Cicero's testimony:

\begin{quote}
Quid, M. Cicero forensi militia summos honores amplissimumque dignitatis locum adeptus, nonne in ipsis eloquentiae suae castris testis abjectus est, dum P. Claudium Romae apud se fuisset iuravit, illo sacrilegum flagitium uno argumento absentiae tuente? Si quidem iudices Claudium incesti crimine quam Ciceronem infamia periurii liberare maluerunt.
\end{quote}

(Well then, after winning the highest offices and the most noble rank of dignity by soldiering in forensic battles, wasn't M. Cicero rejected as a witness in the very camp that he had fortified by his own eloquence, when he swore that P. Claudius had been at his home in Rome while Claudius was preserving himself from the disgrace of sacrilege by the single argument of his absence? For the jurors preferred to free Claudius from the charge of sexual impurity than Cicero from the infamy of perjury.)

[\textit{Bloomer}]

Again, we might be tempted to draw from this passage some form of adverse suggestion about Cicero. However, as Bloomer argues, the proper inference that should be drawn is that it reflects "the paradoxical defeat of a type within his proper sphere...a sort of reverse exemplum that by its 'negative' qualities reinforces the 'positive'."\footnote{Bloomer, 227. He likens this exemplum to that (7. 8. 6) where Augustus, having been promised by T. Marius Urbinas that he would be made the latter's heir, finds once the will is opened, that there is no mention of him. Cicero himself (\textit{Font.} 23-25) played on such a theme concerning two of his 'heroes', M. Aemilius Scaurus and Lucius Crassus.} As Bloomer also notes, the reference to the case is free from any detailed historical or ideological delineation. No reference is made to the political conflicts
underlying the case, nor to the notorious fact that Clodius’ acquittal was widely believed to be the result of enormous bribery. Bloomer suggests that a limitation in sources may be partly to blame. Above all, however, it is the tyranny of Valerius’ chapter headings which leads to such a restricted analysis; a tyranny which sees "factionalism and indeed nearly all political motivation recede under the pressure of an understanding insistently moral and abstract."  

At 8. 10. 3, Valerius gives us a story concerning Cicero’s speech Pro Gallio, where Cicero made play of the contrast between an accusation of attempted poisoning and the diffident delivery of the prosecutor Marcus Calidius. As Bloomer notes, despite the mention of the speech itself, Valerius' account almost certainly comes from Cicero's Brutus (§ 277-8), the details and diction of which Valerius furnishes in a compressed form. After a brief mention of Cicero's long-lived first wife, Terentia (8. 13. 6), Valerius gives us (8. 13. ext. 1) his sole explicit mention of Cicero as a source, citing his De senectute (§ 34) as authority for the Numidian King Masinissa's sprightliness and indifference to inclement weather in extreme old age. The uniqueness of this citation belies the fact that, along with Livy and to a lesser extent Pompeius Trogus, Cicero's speeches, rhetorical and philosophical works constitute Valerius' major source. 

At 9. 11. 3, Valerius gives a version of Catiline's famous retort in the face of Senatorial condemnation: L. uero Catilina in senatu M. Cicerone incendium ab ipso excitatum dicente "sentio", inquit "et quidem illud, si

117 Bloomer, 11-12. Bloomer suggests (199) that Valerius may not have had access to Cicero’s letters (esp. Ad Att. 1. 16), and thus was probably unaware of Clodius’ alleged bribery. He seems to have overlooked, however, Valerius’ description of the trial at 9. 1. 7, where he refers to this. In any case, Cicero speaks openly of bribery in De haruspicum responsis (§§ 36-8), a speech Valerius may well have read. 
118 Bloomer, 200-1. 
119 Bloomer rejects both the old theory of Valerius' reliance on a lost intermediate source that had already synthesized sources such as Cicero and Livy (61-77), and the more expansive views of Valerius' range of historical and antiquarian sources. He notes particularly (e.g. at 61 & 153) the failure of source critics to properly factor in the synthesizing of variant traditions by Valerius himself, and the influence of declamatory "free play" with literary material. His views were to some extent prefigured by G. Maslakov ("Valerius Maximus and Roman Historiography: A Study of the exempla Tradition," ANRW 2. 32. 1 (1984), 437-96), who, building on the research of Bliss and Fleck, states (at 461): "Valerius drew on Cicero and Livy directly: imitating and varying his models, sometimes abridging and at other times inflating in a highly rhetorical manner. He was not averse to invention of entirely fictitious material." See also Carter, 'Valerius Maximus', pp 37-8.
The passage bears some resemblance both to Cicero (Mur. 51) and Sallust (Cat. 31. 9), though regardless of whether he used one or both of these, he errs in asserting that the remark stemmed from a specific allegation of fire-raising. Valerius rounds off the "quotation" by rhetorically asking whether one can come to any conclusion, given Catiline's remark, other than that Cicero's accusation was true. Valerius' final reference to Cicero (9. 12. 7) is a passing one, in the context of the suicide of the historian Licinius Macer, father of the orator Calvus, just before his almost certain condemnation on a charge of extortion.

The significance of the evidence from Valerius' work is, of course, heavily dependent on how we classify it in terms of its genre and aims. During the Middle Ages and Renaissance, when Valerius' work reached extraordinary heights of popularity, he was widely assumed to be a historian. Indeed, as late as 1970, The Oxford Classical Dictionary.

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120 Bloomer notes (109-110) that while Cicero has Catiline replying to Cato, Sallust has Catiline speaking after Cicero's first Catilinarian speech and in response to being shouted down by the Senate as a whole. He suggests - while noting that the declamatory popularity of Catiline and Cicero makes certainty impossible - that Valerius has used both sources, taking most of the wording from Cicero, and the version of events from Sallust. Interestingly, one of the manuscripts of the epitomator Paris has Catone rather than Cicerone, possibly suggesting an even closer correspondence to Cicero's account rather than Sallust's.

121 Macer sends a messenger to Cicero, the presiding praetor, making clear that his death would precede condemnation, thus technically freeing his property from the threat of confiscation. In response to the message, Cicero stays judgment. This contradicts Cicero's own account (Att. 1. 4. 2) which clearly states that a conviction was recorded, despite Cicero's inner sympathy for the accused. Plutarch (Cic. 9. 2) doesn't even have Macer committing suicide, but rather dying of the shock of an unexpected conviction. Given these accounts, Valerius' account may well be doubted: see Gruen, "Cicero and Licinius Calvus," 215-7. The popularity accruing to Cicero from the case would, as Gruen argues from Plutarch, seem to have resulted from his impartiality in conducting the case. By denying a conviction, Valerius' account may be seen as overlooking this ultimate proof of Cicero's principled behaviour, though it also of course eliminates any suspicion that Cicero's "impartiality" may have been a cover for hidden hostility. However, as Bloomer notes (199), the theme of the chapter (De mortibus non vulgaribus) means that the subject of the exemplum is Macer rather than Cicero.

122 So popular, in fact, that Niebuhr (quoted by Duff, Silver Age., 59) stated: "Throughout the Middle Ages Valerius Maximus was considered the most important book next to the Bible." Carter ('Valerius Maximus," 26) suggests that this is perhaps an exaggeration, but states that he "was certainly well-known and much read by all who counted themselves educated from the time of Charlemagne to the sixteenth century." In Carter's discussion (47-51) of Valerius' influence, he notes (49) that more Renaissance manuscripts of Valerius survive than for any other ancient prose author. He also cites (49) as a notable example of the popularity of Valerius, and the misconceptions that surrounded him, the fact that Valerius headed both surviving lists of Petrarch's favourite historical writers.
could describe him as "a Roman historian in Tiberius' reign with a strong rhetorical and philosophical bias." However, until very recently, most modern scholars have generally agreed that Valerius' collection of historical exempla was designed as a convenient handbook for rhetorical use, especially in the practice of declamation; probably written by a professional teacher of rhetoric. This view has, however, been strongly challenged by Skidmore. He argues that characterization of Valerius' work as a "mere rhetorical tool" fails to explain the immense popularity of the work during the Middle Ages and Renaissance as a work of moral exhortation and guidance, an exploitation which he sees as necessarily reflective of the author's intention. "Historical examples" he argues "were the basic means of moral instruction in the ancient world from the earliest times." From an analysis of the use of examples throughout a wide range of classical Greek and Hellenistic literature, and the imitation of Hellenistic compilations by such writers as Varro, Cornelius Nepos and Julius Hyginus, he argues that while Valerius' thematic arrangement is a new, and apparently Roman invention, his work is basically representative of a much wider literary tradition. This was a work, he argues, aiming at serious ethical persuasion, and directed at readers of the highest social status. Moreover, far from being a second rate declaimer of obscure birth, Valerius was, so Skidmore argues, quite probably a bona fide member of the patrician Valerii, possibly even a close relative of the family of Messalla Corvinus.

It would seem dangerous to infer much from the usage of Valerius' work over a thousand years later given, as we have already seen, that this was a time when Valerius was widely thought a historian.

123 So G. C. Whittick (OCD 2, 1106). The description is noted by Carter ("Valerius Maximus," 26) and Skidmore (xi). To be fair, Whittick would seem to be using the term only in relation to Valerius' researches, as he goes on to describe his work as "a handbook of illustrative examples for rhetoricians."
124 So, most recently, Bloomer, 1. Despite typifying Valerius' audience as "declaimers and schoolboys" (12), Bloomer clearly envisages (16 & 255) the possibility of a wider exploitation by public speakers and lawyers, for whom declamation was a form of preliminary education. Duff states (Silver Age., 57): "It is a fair guess that he was a professor of rhetoric." See also, Rudolf Helm, RE, "Valerius (239) Maximus," Bd. 8A (1), (1955), at 93-94; Teuffel-Kroll, vol. 2, 193.
125 Skidmore, xvi-xvii. See also 53 & 107.
126 Skidmore, 3.
127 Skidmore, 3-50.
128 Skidmore, 103-7. See also, Winterbottom, "Review of Valerius," 51.
129 Skidmore, 113-7.
However, in other respects, Skidmore does make some interesting points here. His hypothesis concerning Valerius' identity is not impossible, even if considerable doubts remain. Moreover, his demonstration of the venerable provenance of the wider use and systematic collection of historical examples may suggest that the "convenience" which Valerius touts about his work is not only referable to display rhetoric. Yet the close linkage between Valerius' work and the new rage for declamation in the early Empire cannot be wholly argued away. The irritation of the Elder Seneca with the historical ignorance of many of the declaimers he listened to clearly indicates that a need existed for the sort of work Valerius produced. Furthermore, both Maslakov and Bloomer have noted that Valerius' treatment of specific events not only reflects his own reworking of his historical sources, but the prior reworking of those sources in the practice of declamation. Moreover, Valerius' stylistic proclivities - which, despite his detailed reading of Cicero and Livy, is strongly marked by an addiction to novel and highly metaphorical word usage, extreme sententiousness and exclamatory phrasing - suggest a keen, if somewhat inept student of declamatory rhetoric. Even if Valerius envisaged a

130 Skidmore notes the preface to 5.5, where Valerius refers to the imagines of his ancestors, which, he argues, denotes Senatorial extraction. As to membership of the patrician Valerii, he notes that the cogomen "Maximus", long in disuse amongst that family, had had a recent revival in Messalla Corvinus's son, M. Aurelius Cotta Maximus Messallinus (cos. AD 20), who as Syme has pointed out (HO, 117; AA, 231) would have been known as Valerius Maximus prior to his adoption. Moreover, he argues, political obscurity and intimations of poverty hardly rule out membership, especially given the information we possess as to the financial worries of the Valerii Messallae. Already in Tiberius' reign Cotta Messallinus, the above-mentioned consul of AD 20 (So Syme, AA, 236), was described by Tacitus (Ann. 6. 7. 1 - AD 32) as egens ob luxum. Tacitus tells us (Ann. 13. 34. 1 - AD 58) that by the time of Nero, M. Valerius Messalla Corvinus, grandson of Cotta Messallinus' brother, had to take a subsidy from Nero in the same year he shared the consulship with him, in order to support his innoxia paupertas. He also mentions in the same place an annuity paid out to Aurelius Cotta, whom Syme (AA, 240) identifies as the son of Cotta Messallinus, and who Tacitus says had wasted his fortune in extravagance. Yet despite all this, doubts of any close link to the Valerii Messallae are inevitable, especially given Valerius' failure to make anything of such an illustrious lineage (not one reference to Corvinus or his sons) and his obsequiousness to a Pompeius.

131 See Valerius' preface to Book I. As Skidmore notes (31-33), convenience is a virtue advertised by many writers at this time, including historians and biographers.

132 Though we might shudder at the thought of what would have befallen the declaimer who, in the presence of a knowledgeable critic such as Porcius Latro, Cassius Severus, or Varius Geminus, attempted to cite Cicero's defence of Vatinius and Gabinius as an outstanding example of Cicero's humanitas!

133 See n. 119. See also their analyses of the story of Horatia and Valerius' treatment (6. 3. 6) of it; Maslakov, 464-471, Bloomer, 153-4.

134 For Valerius' style see, especially, Bloomer, 230-254. Despite noting Valerius' turgidity and preciseness, he generally eschews the sort of adverse value judgments which
somewhat more elevated purpose for his work than providing glorified crib-notes for lazy or ill-educated schoolmen, one cannot help suspecting that the latter were among the busiest exploiters of the work, and that more competent exponents of the art had been among the most formative influences on his writing.135

Indeed, it is the complex relationship between the rhetorical style and structure of Valerius’ work and his portrayal of Republican history, which is perhaps the most illuminating feature in determining his ideological significance. As we saw, Velleius Paterculus’ exploitation of rhetorical stylization and a summarizing form leads to an obfuscation of the factual and ideological conflicts of the late Republican and Triumviral periods, and an idealization and reconciliation of historical opposites. However, as we also saw, the dictates of narrative history force Velleius at certain junctures to confront those conflicts and explain them away as best he could. Valerius is in an even better position to produce a idealized version of past events that fitted in with a new Imperial reality, freed as he is from these constraints by the structure of his work, in which historical events are cut adrift from each other and re-constituted as examples of a particular type of good or bad conduct.

dominated former analyses of the work (see n. 108). Most importantly, he states (233): “The declaimers of Seneca’s Controversiae and Suasoriae come closest to Valerius’ style.” Moreover, although he also stresses Valerius’ close relationship with the texts of Cicero and Livy, he argues that Valerius’ complex re-working of these texts reflects the declamatory obsession with novelty; Valerius treating them (230-1) “like an earlier declaimer whose words must be be surpassed in order to be suppressed.” Both Carter (“Valerius Maximus,” 45) and Bloomer (247) argue that Valerius’ clausulae show a distinct liking for orthodox Ciceronian patterns; see, however, Winterbottom, “Review of Bloomer,” 52.

135 Bloomer states (12): “This is not a work for Roman nobles; it may not have been a work primarily for the traditionally literate classes of the city of Rome.” Both Carter and Winterbottom evince scepticism as to this assertion. Skidmore (103-7) seems to see in it a suggestion that Valerius’ work was not designed for persons of “high social status”. However, Bloomer does not argue this. On the contrary, he is suggesting that the work was very much designed for members of the upper classes, but not for the traditional families of Republican or early Augustan heritage; rather, for the rapidly growing number of wealthy men from municipal, provincial, or even freedman backgrounds, seeking to join the new Imperial aristocracy. Bloomer argues (259): “The true aristocrat does not feel the need to learn of his past through reading; his methods of acculturation are familial, institutional, and traditional. It is the arriviste who learns of the Roman through a handbook and whose anxieties about the aristocratic culture he seeks to appropriate direct Valerius’ work.” Of course, whether one can make such a clear-cut distinction between the “old” and “new” aristocracy of the time is somewhat dubious. Moreover, we should remember that even some of the greatest nobles of the late Republic needed the help of the likes of Atticus and Varro to help elucidate their family histories.
As Maslakov notes, Valerius' rhetorical utilization of the exempla tradition "promoted a careless and fragmented image of the past." Yet, paradoxically, in terms of its rhetorical and ideological purpose, such a treatment has a unifying effect. "Valerius is after all not just an excerptor" as Bloomer notes, "he is a binder of stories...bitter enemies, republican and Caesarian, must peaceably cohabit, adjacent witnesses of some trite theme." As he later remarks: "Republican and imperial materials coexist not in a state of tension but of deliberate non-resolution."

Not that this means, as Bloomer has noted, that Valerius eschews strong judgment of historical figures, nor that he is incapable of maintaining a reasonably consistent line in his judgment of some of those figures. Valerius' limited but wholly adulatory treatment of Tiberius, to whom the work is dedicated, is mirrored consistently in his more expansive portrayals of Julius Caesar and Augustus, where the divine omnipotence of their example is highlighted both explicitly and in the very placement of the exempla dealing with them. By contrast, the tyrannicides are unequivocally and unmitigatedly damned, while the portrayal of Antony is almost entirely given over to his murderous activities. Yet, as Bloomer also notes, the "class of the vilified" here is

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136 Maslakov, 445.
137 Bloomer, 154.
138 Bloomer, 229. Although assuming that Valerius was totally honest in his loyalty to the regime, Maslakov suggests (446-452) that since Valerius' attempted fusion of past and present has to ignore historical reality, it necessarily reveals signs of underlying tension and anxiety. Bloomer, as if sensing that problematic bugbear of veiled or unconscious dissent, argues (206-7) that such tension "bothers the critic far more than it does Valerius: it is a conflict of underlying fact, not of the fictive weave that is Valerius' work."
139 Carter ("Review of Bloomer") states: "Consistency of historical presentation is not V.'s concern, and it is a mistake to search for a 'Valerian' picture of Sulla, Marius, or Caesar. V. does not deal in explanation, nor in historical judgment." Presumably, this is meant as a criticism of Bloomer's analysis, which is somewhat surprising given that he singles out Bloomer's analysis of the key figures of the late Republic for especial praise. Despite Carter's talk of "depoliticization", Bloomer's analysis dramatically illustrates the loaded ideological agenda in Valerius' selection and treatment of exempla concerning the leading figures of this time.
140 Bloomer, 204-229.
141 For Brutus and Cassius, see esp. Val. Max. 1. 5. 7 & 8; 1. 8. 8 ; 6. 4. 5; 6. 8. 4. See Bloomer, 222-3; Rawson, "Cassius and Brutus," 492 Rawson states that Valerius is "more bitter against the Liberators than any other extant source". However, see discussion in Chapter 3, n. 120. For the generally belittling depiction of Antony, and the association of his name with murder (Val. Max. 5. 3. 4 being a prime example), see Bloomer, 225-6.
a small one. In such a representation, the "bittiness" and rhetorical stylization are Valerius' chief aids. Not only are Republican past and Imperial present depicted in terms of a virtually "seamless" continuity, but the Caesars are indeed proclaimed as the dramatic climax of that past. Potentially embarrassing facts, such as the bravery of lesser adherents of the Tyrannicides, can be presented, isolated and re-drafted, as personal displays of moral virtue; or, in cases such as the darker episodes of Octavian's Triumviral career, they can be excluded altogether.

Those Republican adversaries of the Caesars who had already undergone a measure of official rehabilitation in Augustan times are subsumed rather than marginalized. Here also, an overriding consistency of attitude can be discerned. Pompey is mostly treated with respect and, or sympathy, although even at his best, his virtues are consistently compared to, and surpassed by those of Caesar. In contrast with Velleius, Cato is lauded uncritically, even in the context of his conflicts with Caesar; although the latter are framed in such a way as to head off any potential damage to Caesar's good name. Moreover, as Bloomer notes, Valerius' treatment of Cato is not only devoid of a meaningful political context, but is characterized by a total abstraction of his persona as a name for virtue. As we have seen with Valerius' depiction of Cicero, the level of abstraction is if anything just as extreme

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142 Bloomer, 187-8., noting the example of Brutus' wife Portia, whose self-wounding and suicide (3. 2. 15, 4. 6. 5) are an example of wifely devotion, and an echo of her father's behaviour, rather than representative of her husband's fate. Note also Bloomer's discussion (219-21) of Val. Max. 4. 7. 4 & 6 (praise of the strength of friendship shown by partisans of the Tyrannicides).

143 Bloomer, 210-6. As he notes, such treatment is epitomized by Valerius' account (4. 5. 5) of Pompey's humility after Pharsalus. Valerius remarks here: dicrem, non dignus qui vincereetur, nisi a Caesare esset superatus. Moreover, he follows this with the example (4. 5. 6) of Caesar's even greater modesty in death.

144 As to the relationship of Valerius' depiction of Cato with that of Caesar, see Bloomer, 211-2 & 217. As he notes with Valerius' reflection on Cato's death (5. 1. 10), Caesar's envy of Cato's glory is balanced by Cato's envy of his, while he adds to this the glory that would have accrued to the divina opera of Caesar from being able to spare Cato. Even where Caesar comes off second best, as in Valerius' account of Cato's imprisonment by Caesar in 59 BC for filibustering in the Senate, the support of the Senate for Cato softens the divi animi perseverantiam.

145 Thus Valerius' notable sententia (6. 2. 5): Quid ego? libertas sine Catone? non magis quam Catone sine libertate. As Bloomer notes (190), this remark is a microcosm of Cato's wider "rhetorization" in Valerius' work, in that it depends on the substitution of the man for the category. Indeed, Valerius makes this explicit (2. 10. 8): quae quidem effectit ut quisquis sanctum et egregium civem significare velit, sub nomine Catonis definit.
as that found with Cato, even if in this case identifying the subject with supreme eloquence rather than virtue, and not so fulsomely singing his praises. Here, all trace of Cicero's political relations has been removed, or interpreted in such a way as to be rendered nugatory. Bloomer is keen to make clear that he believes such treatments were as much the result of "purely" rhetorical imperatives as political ones. Yet given the concurrence here, as in the Elder Seneca and Velleius, of rhetorical and ideological imperatives, one cannot help suspecting that the latter so direct and shape the former's parameters of usefulness and acceptability, as to render the distinction fairly meaningless.

In introducing the question of Valerius' treatment of materials dealing with the late Republic, Bloomer argues there were "at least two great burdens" that faced not just Valerius, but indeed anyone at this time writing on these events, "the 142 books of Livy and the prospect of imperial attention." The difficulties and dangers of confronting both the new veiled autocracy, and the giant literary legacy which that autocracy at least initially fostered, suggests Bloomer, is not only illuminated by the genre and tendency of the works of Velleius and Valerius, but also by the subject matter chosen by other more traditional narrative historians. Further, he argues, if any additional demonstration was required of the political sensitivity of the historian's task at this time, the fate of Cremutius Cordus provided a salient example.

To be sure, the prominence of the works of Velleius and Valerius do give us the very distinct impression that the early Julio-Claudian period witnessed a major sea change in the treatment of recent history. Velleius' compressed and simplified narrative, together with Valerius' historically fragmented and morally re-constituted collection of incidents, suggests an attitude wary of explication and reasoned

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146 Bloomer, 193.
147 Bloomer, 147.
148 Thus Bloomer (147-8) notes how Claudius, having been pressured by Livia and Antonia, ended up passing over the Triumviral period in his general history, cum sentiret neque vere sibi de superioribus tradendi potestatem relictum (Suet. Claud. 41. 2). He also notes here that historians such as Aufidius Bassus, Pliny the Elder and Nero's general Corbulo chose to write on the subject of the German Wars. Bloomer overlooks the fact that both Bassus and Pliny also wrote histories on domestic affairs.
149 Bloomer, 147-8. He does note, however, the problems of the relationship between Cordus' writings and his persecution.
judgment of past events. In such works, the author's attitude concerning a particular historical figure seems somewhat less important than the manner in which that attitude is elaborated. With our view dominated by works that seem to presage the total subordination of history to rhetorical imperatives, including the exaltation and justification of the new political order, we seem to be in a very different age from that of Pollio and Livy, however cynically we may evaluate the independence of both from Augustus.

Yet we must not allow the matter of literary survival wholly dictate our views on this question. Expansive narrative history on Roman politics in the late Republican and Triumviral periods did not die with Livy; it did not even go into a temporary abeyance. The works of the Julio-Claudian annalists are almost entirely lost to us; their authors, as a result, often little more than names and a series of conjectures. Yet these historians provide a fundamental continuity between, on the one hand, the historiography of the late Republic and Augustan age, and on the other, that of Tacitus and his contemporaries. As we shall see, the failure in transmission of these works can hardly be rendered wholly explicable in terms of political unacceptability.

Moreover, as has been already noted, some of the most important specimens of this tradition - which survive due to their citation by Seneca the Elder - deal with Cicero. Analysis of these fragments is not free from difficulty, and it soon becomes apparent that this evidence is as illuminative of the rhetorical elaboration and idealization of Cicero's image as the works of Velleius and Valerius are. Yet it may also tend to suggest that the weight of the Caesars and Livy had not totally stifled serious thought on the problems of the late Republic.
ii) Historians cited by Seneca the Elder: Cremutius Cordus, Aufidius Bassus and Bruttedius Niger.

Cremutius Cordus.

As well as Livy and Pollio, the Elder Seneca cites the works of three other historians in his excursus concerning the historiographical and poetic treatments of the death of Cicero (Suas. 6. 14-27). By far the most famous of these is Aulus Cremutius Cordus; that fame largely due to Tacitus' extended account (Ann. 4. 34-35) of his trial in AD 25, which has been described as "perhaps the fullest and most explicit assertion of the alleged suppression of free speech by the Empire."\textsuperscript{150} Cremutius' trial remains a problematic affair, and since not only the tendency and significance of his historical work, but also its date can only be properly determined in terms of the persecution of the historian, we shall first examine this cause célèbre before going on to examine the extant Ciceronian references.

Tacitus' account, which is mainly composed of a long speech of Cremutius in his own defence, begins with a clear statement of the cause of the prosecution; Cremutius was charged, he says (Ann. 4. 34. 1): \textit{novo ac tunc primum audita crimine, quod editis annalibus laudatoque M. Bruto C. Cassium Romanorum ultimum dixisset.} \textsuperscript{151} After Cremutius' long speech, in which he makes great play of the tolerance accorded in Augustus' reign, the lack of danger in his remarks, and the counter-productiveness of such persecution, he leaves and starves himself to death, the Senate ordering the burning of his books.

All our other sources are in agreement that Cremutius' history was a factor in his persecution: the Younger Seneca (Ad Marc. 1. 3-4), Quintilian (Inst. 10. 1. 104), Suetonius (Tib. 61. 3; cf. Calig. 16. 1), and

\textsuperscript{150} Robert Samuel Rogers, "The Case of Cremutius Cordus," TAPA 96 (1965), 351-9, at 351.

\textsuperscript{151} This has been generally translated as meaning that Cremutius praised Brutus and called Cassius "Last of the Romans". However, it has been thought (Rawson, "Cassius and Brutus," 488; Bauman, \textit{Impieta in principem.}, 99 & 102) that \textit{laudato M. Bruto} might mean that Cremutius merely cited Brutus, who had praised Cassius thus (App. BC 4. 114; Plut. Brut. 44. 2) after the first battle of Philippi. To confuse matters, Suetonius (Tib. 61. 3) states that Cremutius described both Brutus and Cassius in this manner, while Dio (57. 24. 3) simply speaks of praise of Cassius and Brutus.
Cassius Dio (57. 24. 2-4). However, this general agreement only serves to highlight the fact that, in many other respects, our sources show considerable variance. Seneca the Younger's account of the trial (Ad Marc. 22. 4-7) states that it was Cremutius' outspoken criticism of Sejanus which led the latter to allow his client Satrius Secundus to accuse him. This tallies vaguely with Tacitus who, while stressing the malevolence of Tiberius, notes that Secundus and another client of Sejanus, Pinarius Natta, were his accusers. But Seneca's account nowhere speaks of a speech by Cremutius. Indeed, it gives us the rather distinct impression that Cremutius did not even bother to defend himself, but started starving himself to death before the trial had gone very far. Dio states (57. 24. 2-3) at the outset that Cremutius had come into conflict with Sejanus. He goes on to say that the charge centred on his history, but in addition to an accusation of praising Cassius and Brutus, he notes one of deriding the People and Senate, and another concerning his treatment of Julius Caesar and Augustus, which although free of criticism, did not indulge in panegyrical excess. He goes on to note Cremutius' death and the burning of his writings, but says nothing of how or when he died. Suetonius (Tib. 61. 3), who does not actually name Cremutius, has him being put to death, merely for praising Brutus and Cassius.

Suspicions have thus arisen that Tacitus' account is more than a little misleading. Cremutius' speech has often been seen as Tacitean free composition; perhaps, it is surmised, especially given the Younger

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152 The passage in Quintilian is an important one for the subsequent history of Cremutius' work. The text as generally accepted, runs as follows: Habet amatores nec immerito Cremuti libertas, quanquam circumcisis quae dixisse ei nocuerat. Sed elatum abunde spiritum et audaces sententias reprehendas etiam in his quae manent. Yet Rogers ('The Case of Cremutius Cordus," 351, n. 2), noting that the name of Cremutius at the beginning of the passage is reliant on an emendation, albeit a hitherto almost universally accepted one, suggests that other possible emendations (he does not specify what) could make the passage a continuation of the beginning of § 104, usually taken to refer to Fabius Rusticus.

153 Which, according to Seneca (§ 7), led to Cremutius' accusers compelling to the consuls, in order to force Cremutius' survival until the trial had finished. Rogers argues that the anxiety of the delatores - that Cremutius' death would debar them from receiving the rewards of a conviction - was wholly illogical given Tiberius' recent veto (Tac. Ann. 4. 30. 2) of a Senatorial proposal to bar rewards for accusers in such a circumstance. Bauman (Impieta in principem., 31, n. 42) suggests that Cordus' suicide frustrated a conviction. However, Jane Bellemore ("The dating of Seneca's Ad Marciam de Consolatione," CQ 42 (1992), 219-234, at 225 & 228) agrees with Rogers, stating that the usual procedure was to continue such trials after the death of an accused.
Seneca's account, Cremutius never spoke at all. The evidence provided by Seneca and Dio may suggest that the issue of Cremutius' history was nothing but a front, behind which lay the wrath of a slighted Sejanus. Yet even this has been contested by Rogers. The burning of Cremutius' books, Rogers notes, does not constitute proof that those books were the basis of the indictment. He accepts - despite the lack of hard evidence - the general assumption that the charge against Cremutius was one of treason. Yet, rejecting, on an analysis of the later juridical writings on that law, the notion of "verbal treason", he argues that the formal indictment against Cremutius could thus not have been praising the Tyrannicides. A further problem arises: Dio states unequivocally that Cremutius' history had been written παλαιον, and had been read by, or to, Augustus himself. It would seem rather strange that a historical work, at least eleven if not many more years old, which had received at least the implicit imprimatur of the first princeps, could have constituted the formal basis for the charge. This is especially so, Rogers argues, given the evidence supplied by Tacitus of Tiberius'

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154 Thus Syme (Tacitus, vol. 1, 337, n. 10) states: "The speech is all Tacitus". Starr (Civilization and the Caesars, 216) thinks that Cremutius never spoke in his own defence. Bauman (Impietas in principem., 100, n. 73), though suitably cautious, prefers to see some genuine Cremutian material: "The speech need not have been delivered at the trial. There need not even have been a trial: the occasion could have been a debate on a recepicio inter reos. " Bellemare who, as we have noted (see n. 153), assumes that the trial continued after Cremutius' suicide, suggests ("Dating Seneca's Ad Marciam," 229, n. 46) that the speech may reflect an argument raised by an advocate at that time, which Tacitus has placed in the mouth of Cremutius for dramatic purposes.

155 Rogers, "The Case of Cremutius Cordus," 354. He notes the case of Mamercus Aemilius Scaurus, whose orations were burned (Sen. Controv. 10. pr. 3) in the wake of a charge of maestas in AD 34. As Rogers notes, the indictment alleged adultery and the use of astrologers (Tac. Ann. 6. 29. 3-4). Yet Tacitus' account does say that Scaurus' fall was ultimately due to the enmity of Macro, who adduced as evidence a tragedy written by Scaurus (on Agamemnon, says Suetonius [Tib. 61. 3] and Dio [58. 24. 3-5]) which, it was alleged, contained allusions to Tiberius. However, both Bauman (Impietas in principem., 31, n. 42) and Bellemare ("Dating Seneca's Ad Marciam," 224, n. 42) agree that book-burning does not necessarily indicate that such books constituted the basis of a charge. Both note the case of Labienus (see Chapter 3, n. 176), where it seems probable that no official charge was made. Bauman also notes the statement of Dio (56. 27. 1) that not all those who suffered the destruction of their works were punished.

156 As he notes ("The Case of Cremutius Cordus," 357; cf. 359) the only reference is in the speech of Cremutius: Sed neque haec in principem aut principis parentem, quos lex maestatis ampletitur... Suetonius (Tib. 61. 3) states that the works had been read with approval in public Augusto audiente. The case of Ovid might be thought to provide a pretext for the delayed prosecution of Cremutius. Yet the importance of Ovid's poetry as a factor in his persecution is, of course, even more vexed issue than the controversy surrounding Cremutius' history: see Chapter 2, p 123. Moreover, it could never be said that Augustus had given any sign of approval towards the Ars Amatoria, as he seems to have done, at least tacitly, with Cremutius' history.
rigid adherence to the policies of Augustus, whose liberality towards "Republican" history is noted by Tacitus' Cremutius himself. Rogers argues, but one that was constructed not so much by Cremutius' persecutors as by our sources, so as to conceal an actual charge of treasonous conspiracy.

Caution is required here. Rogers' views on the illusory nature of verbal treason are contradicted by Bauman, whose detailed analyses of the issue suggest specific legal developments in this area in relation to the earlier trial or trials of Cassius Severus. Moreover, even if Cremutius' history was not the strict legal basis for the charge, other factors - apart from the hitherto mentioned unanimity of the sources - suggest that it could quite easily have constituted an important factor in the trial. We have already noted the extreme nature of Valerius Maximus' imprecations against the Tyrannicides. Other evidence we possess also seems to make it quite clear that the memory of Brutus and Cassius remained a perceived threat long after the death of Augustus; indeed, it may very possibly have become considered more dangerous, especially given the evidence we have from Tacitus here (Ann. 4. 34. ?) as well as from other sources, of not only moderation but praise during Augustan times. The funeral in AD 22 of Junia Tertulla - the niece of Cato, wife of Cassius, and sister of Brutus - gave glorious prominence to the Tyrannicides' memory, Tacitus tells us (Ann. 3. 76), precisely because among the impressive collection of imagines from over twenty notable

158 Rogers, "The Case of Cremutius Cordus," 355, citing Tac. Ann. 4. 37. 3. Rogers also refers to earlier instances, noted by Tacitus, where Tiberius deprecates cases of verbal treason against not only himself and his mother, but against the memory of Augustus. Yet in the latter instance, his reference to the trial of Appuleia Varilia (Ann. 2. 50) fails to note that although Tiberius acquitted the defendant, he did state that imputations against Augustus could constitute treason.

159 Bauman, Crimen Maiestatis, 246-265; Impietas in principem., 25-51; Chapter 3, n. 177. Bauman does, however, note (Impietas in principem., esp. 35-39) that this development of verbal treason dealt specifically with covert pamphleteering, and that (50-51) the extension of such laws to works where authorship was openly declared is not attested by any identifiable ordinance. "The further development of impietas in principem after A. D. 8 was consequently" he argues "the work not so much of the emperor or the senate as of the delators: they excogitated the new ideas, and in a certain sense the emperor or the senate merely acted as a rubber stamp." Presumably, Baumann is speaking here of the specific legal developments, rather than the question of responsibility for the abuse of the law; as we have already seen, with Cassius Severus, depictions of autocrats as helpless victims of their subjects' bloodlust have to be treated with some caution.

160 See n. 141.

families heading the procession, theirs were missing. As late as AD 65, the trial of the blind jurist C. Cassius Longinus (cos. suff. AD 30) could see the use of Cassius' veneration of an imago of the Tyrannicide in his accusation. Indeed this case may have run along similar lines to that of Cremutius: Cassius' commemoration of his ancestor, rather than constituting treason ipso facto, being utilized as a significant proof of such treason. Thrasea Paetus, better known for his veneration of Cato, and his son-in-law Helvidius Priscus, were said to have celebrated the birthdays of the tyrannicides (Juv. 5. 35f); and if the speech retailed by Tacitus (Ann. 16. 22. 9) of one of Thrasea's accusers, Cossutianus Capito, is a realistic guide, then harmful imputations may well have been drawn from such ostentation. Even at the end of the century, circumspection was required in the celebration of their memory, and it was not until the philosopher-Emperor, Marcus Aurelius, that we get our first clear sign of Imperial approbation for their legacy.

Nor is Augustus' explicit or implicit acceptance of the work, and the seemingly long delay between its public circulation and Cremutius' prosecution necessarily proof that its role in the trial has been invented or radically exaggerated. It is often assumed from the remarks of Suetonius and Dio that Cremutius' work must have been both written and published by the end of Augustus' reign. Yet surely we must envisage the possibility that Cremutius had been reading from "work in progress", or, to take up the hypotheses of Starr and Bauman, that Cremutius revised and re-circulated a more forthright version of his work under Tiberius. Indeed, this would seem highly probable given the suggestion from Quintilian's remarks that even Caligula, with all

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162 Tac. Ann. 16. 7 (where the imago is said to have born the inscription duci partium); Suet. Nero 37. 1; Dio 62. 27. 1. Syme (AA, 306 & Table XXIV) has this Cassius as great-grandson of L. Cassius Longinus (trib. pleb. 44 BC), who he names here as cousin to the Tyrannicide, but earlier (RR, 64 & 132) had identified him as brother. To confuse matters further, Appian speaks of a nephew of the Tyrannicide who died at Philippi (B Civ. 4. 135) and a brother of the Tyrannicide pardoned by Antony (B Civ. 5. 7); both called Lucius. Seager (OCD 3, 301) takes the latter to be the tribune of 44.

163 The display of the busts of Bruti, Cassii, and Catones by the Imperial official and friend of Pliny, Titinius Capito (Plin. Ep. 1. 17. 3), has been seen as illustrative of the inoffensiveness of the Tyrannicides' memory by the time of Nerva: so Wirszubski, Libertas., 127; Syme, Tacitus., vol. 1, 92; Ramsay MacMullen, Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire (Harvard, 1966), 27. Yet Pliny makes it plain that Titinius was able to display such effigies only in the privacy of his house. For Marcus Aurelius' positive conception of Brutus see Med. 1. 14.

164 Cichorius (RE "Cremutius [2]", Bd. 4 (1901), 1703) states: "Sein Geschichtswerk hat er sicher schon bei Lebzeitendes Augustus verfasst."
his anti-Tiberian pretensions, could not countenance a complete re-publication of the work.165

It would seem then reasonably clear that we are dealing with a work that, however cynically and unjustly, came to be deemed subversive by the Imperial authorities. What then does this tell us about Cremutius' depiction of Cicero? Seneca the Elder gives us two fragments of Cordus' work in Suasoria 6. The first (Suas. 6. 19), cited in relation to the question of Cicero's manner in facing death, largely concerns itself with the exhibition of Cicero's head and hand on the rostra:

Cremutius Cordus et ipse ait Ciceronem secum cogitasse utrumne Brutum an Cassium an Sex. Pompeium peteret: omnia illi displicuisse praeter mortem. CREMUTI CORDI. Quibus visis laetus Antonius, cum peractam proscriptionem suam dixisset esse, quippe non satiatus modo caedendis civibus sed differtus quoque, super rostra exponit. Itaque, quo saepius ille ingenti circumfusus turba processerat, quam paulo ante coluerat piis contionibus, quibus multorum capita servaverat, <eo> tum per artus sublatus alter ac solitus erat a civibus suis conspectus est, praependenti capiti orique eius inspersa sanie, brevi ante princeps senatus Romanique nominis titulus, tum pretium interfectoris sui. Praecipue tamen solvit pectora omnium in lacrmas gemitusque visa ad caput eius delicata manus dextera, divinae eloquentiae ministra; ceterorumque caedes privatos luctus excitaverunt, illa una communem.

165 See n. 152; Starr, Civilization and the Caesars., 217; Bauman, Impietas in principem., 102-3. Indeed, Starr tentatively suggests that such a revised edition may have made an explicit and adverse reflection between the memory of the Tyrannicides and the current domination of the People and Senate by Sejanus. That the trial may have been stimulated by a publication, or re-publication of Cremutius' work, is further suggested by Tacitus' words editis annalibus. For the issue of Cremutius' posthumous re-publication, see Bellemore ('Dating Seneca's Ad Marciam, "passim. "), who redates Seneca the Younger's ad Marciam de Consolatione to the period AD 33-37, and in the process, argues for re-publication of Cremutius' history to the same period (i. e. after Sejanus' death). She argues that either Suetonius (Calig. 16. 1) is mistaken in dating such re-publication to Caligula's reign, or that he has overlooked a selective re-publication late in Tiberius' reign, which may have been followed by a complete re-publication in Caligula's reign.
(Cremutius Cordus, too, said that Cicero pondered whether to make for Brutus, Cassius or Sextus Pompeius - but only death found favour with him. "Seeing this Antony was glad. He said that his proscription was over, for he was sated, and indeed stuffed full of citizen blood; and he displayed Cicero on the rostra. And so, in the place to which he had so often gone, surrounded by a vast throng, which he shortly before courted with the patriotic speeches that had been the salvation of so many, he was now raised limb by limb, to be viewed by his fellow countrymen in a new state, blood spattered over his lips and lolling head. Shortly before, he had been leader of the senate, glory of the Roman name: now he was merely a source of profit to his killer. What most set men weeping and wailing was the sight of his right hand, tied by the side of his head: the hand that had been the servant of that god-like eloquence. The murder of the others provoked private grief - this alone excited public mourning.")

[Winterbottom]

Seneca's opening comments make it clear that Cremutius conformed with the dominant tradition, found in Livy, of Cicero facing death bravely. Indeed, Cremutius' account would seem, more generally, to take its cue from Livy: especially in placing emphasis on the grief of the Roman people in viewing the extremities of a man whose eloquence approached the divine. Yet one can also discern a heightened level of vivid descriptive embellishment - especially in the grotesque description of those extremities, and in the portrait of an Antony finally sated by the blood of his greatest enemy - which bears a stronger resemblance to the poetic lamentations of Cornelius Severus, and the later descriptions of Plutarch. No doubt the declamatory treatments of such themes as the imaginary trial of Popillius played their part in stimulating such a process; though Seneca's failure to cite passages of extended declamatory narrative on Cicero's death does not allow us to analyse this interaction in detail. Gambet notes that the rhetorical flavour of Cremutius' description is further highlighted by Cordus' emphasis on the divina eloquentia of Cicero.

166 Sen. Suas. 6. 26; Plut. Cic. 49. 1-2, Ant. 3-4.
167 Gambet, Cicero's Reputation, 126
Yet Cremutius would seem to go further than any of his possible influences - whether historical, poetic, or rhetorical - in his "sanctification" of Cicero’s memory. Not only is there the reference to his "divine" eloquence, but his description of Cicero’s career in the Forum (coluerat piis contentionibus) strongly suggests something of a religious ceremony, and perhaps recalls the religious overtones by which Cicero characterized his consulship in his orations and other writings.168 Moreover, Cremutius does not detach Cicero’s eloquence from its political context; indeed Cicero is styled princeps senatus as well as Romani nominis titulus. His eloquence was not simply a mark of private accomplishment, but something that all Rome took pride in, and mourned the destruction of as one.

No sign here, however, that Cremutius diverged from the declamatory fashion of blaming Antony alone for the murder of Cicero; not that this should surprise us. The evidence of Dio and Suetonius strongly suggests that Cremutius’ history did not attempt to explicitly subvert Augustus’ reputation or position.169 To be sure, the Younger Seneca (Ad Marc. 26. 1) speaks of the strong tone of Cremutius work: quo civilia bella deflevit, quo proscribentis in aeternum ipse proscripsit. 170 Yet such remarks could just as easily, ignoring the question of style, apply to the denunciations of Velleius Paterculus. Clearly, Cremutius’ view of the civil wars differed quite markedly from those of Velleius. Yet one must assume that even Cremutius would not have dared to openly suggest that Augustus was to blame here. For, as we have seen, it was only the unremitting concentration on the responsibility of Antony that had allowed the laudatory conception of Cicero to develop and prosper.

168 Cornelius Severus (Sen. Suas. 6. 26) speaks of sacrae ares and sacrae manus, but the point of reference, of course, is his "immortal" eloquence. For a general discussion of Cicero’s depiction of his "apotheosis", see Christian Habicht, Cicero the Politician (Baltimore and London, 1990), 32-34. For the religious symbolism of the Catilinarians, see Ann Vasaly, Representations: Images of the World in Ciceronian Oratory (Berkeley, Los Angeles and Oxford, 1993), ch. 2, esp. 81-87.
169 Indeed, Dio (57. 24. 2-3) calls it a history "περί τῶν τῆς Ἀὔγουστος πραξιντων." However, it would be rather strange if this was the title of the work. To treat Augustus’ career soberly in a general history is one thing; to do the same when the work revolves around the life of the first princeps suggests something akin to open defiance.
170 Quintilian (Inst. 10. 1. 104) also speaks, not only of the libertas Cremutii, but also of his audaces sententias.
Unfortunately for us, Cremutius' second reference to Cicero - his laudatio (Sen. Suas. 6. 23) - is only briefly cited, due to Seneca's contemptuous (stylistic, no doubt) opinion of it:

Cordi Cremuti non est operae pretium referre redditam Cicerone dignum est, ac ne hoc quidem, quod [paene] maxime tolerabile est. CREMUTI CORDI. Proprias enim simultates deponendas interdum putabat, publicas numquam vi exercendas: civis non solum magnitudine virtutum sed multitudine quoque conspiciendus.

(It is not worth recording the eulogy accorded to Cicero by Cremutius Cordus; nothing in it is worthy of Cicero, not even this, which is more tolerable than the rest: "Private differences he thought should sometimes be laid aside: public ones should never be worked out by force. He was a citizen conspicuous alike for the greatness and the number of his virtues.")

Given the brevity of our evidence here, it would be unwise to categorize Cremutius' history too rigidly. Yet arguably, this citation may give us a fairly revealing view of how Cremutius summed up Cicero's career. Cicero is a man conspicuous by reason of his "civic" virtues: private quarrels were never necessarily pursued to their logical conclusion; public ones were never to be the cause of civil war. It would be difficult in the light of these comments to see the historian going on to make the sort of harsh reflections which characterize the epitaphs of Pollio and Livy. Indeed, Cremutius' remarks here may represent a direct answer to Pollio's concentration on Cicero's quarrelsomeness, and perhaps even Livy's suggestion that Cicero would have been no less cruel to Antony if he had been successful than Antony was to him. Such views, so similar to those found in Velleius Paterculus and Valerius Maximus, may strike us as nothing more than the sort of unhistorical idealization encouraged by the declamatory treatments. No doubt, declamatory fashion impinged quite indiscriminately upon both, the slavish follower of the Caesars, and those who evinced various degrees of dissatisfaction,

alike. Yet, with a figure such as Cremutius, one cannot help but suspect that a desire to "perfect" a champion of Republican freedom, who was widely perceived as flawed, may also have had something to do with his opinions.

The fragments of Cremutius' history preserved by the Elder Seneca add little to our understanding of his trial. Yet they carry significant ramifications for any analysis of Cicero's reception in the early Empire. It has become something of a commonplace to state that among those in the early Empire who championed the cause of *libertas*, however narrowly or widely conceived, Cicero was never considered an "authentic" martyr. Of course, phrased in such a way, the copious outpourings of the declaimers and those who, like Velleius and Valerius Maximus, echo the declaimers' adulation while at the same time venerating the Caesars, can be dismissed as the meaningless efflorescence of a sham Republicanism. Yet with Cremutius we find a clear case where praise of Syme's "authentic" martyrs co-existed happily with that of Cicero. Nor does that praise seem to simply reflect the redemption some might claim for him on the basis of his brave death. For Cremutius' comments imply respect and admiration for Cicero's career as a statesman and advocate in a much wider context. Of course, a major distinction still exists here: Cremutius' praise of Brutus and Cassius led to, or at least partially justified, his ruination; his praise of Cicero seems to have caused no offence. That says much about official attitudes towards the various celebrated antagonists of Julius Caesar and his adopted son; it arguably tells us little as to how the opponents of untrammelled Imperial autocracy understood and felt about those antagonists.

*Aufidius Bassus.*

Also well regarded by Quintilian (*Inst.* 10. 1. 103) is the historian Aufidius Bassus, who in addition receives - no mean feat - an implicitly

173 One greatly misses here a surviving fragment on Cato, another of Syme's "authentic" heroes. No doubt, he was praised to the skies; yet, like Cicero, his veneration grounded no charge.
favourable stylistic assessment from Tacitus (Dial. 23. 2). Indeed, not a few modern scholars have suggested Aufidius as Tacitus' major source for the early Julio-Claudian period, though Syme has expressed doubts. That debate raises the highly problematic question of the nature and scope of Aufidius' historical works. At least two would seem to be attested to him: a Bellum Germanicum, which Quintilian singles out for especial praise; and a general History, which presumably began early enough to encompass the Senecan fragments on the death of Cicero - possibly the beginning of the Civil War or death of Caesar - and which the Elder Pliny continued in a work of thirty one volumes (Plin. HN pr. 20; Plin. Ep. 3. 5. 6).

Yet even these assumptions have been questioned. It has been suggested, for instance, that the libri belli Germanici is actually part of the general History. Moreover, Syme has tentatively raised the possibility that the Cicero-fragments preserved in Seneca may not come from Aufidius' general History at all, but rather an earlier monograph on the subject of Cicero's death. Virtually no evidence exists to test

175 Quintilian (Inst. 10. 1. 102) states that the historian Servilius Nonianus, though clarius vi ingenii and sententiiis creber, was minus pressus than was required by the auctoritas of history. He goes on to say (10. 1. 103): Quam paulum aetate praecedens eum Bassus Aufidius egregie, utique in libris belli Germanici, praestitit genere ipso, probabilis in omnibus, sed in quibusdam suis ipse viribus minor. Thus the suggestion that Aufidius inclined more towards Sallust, while Servilius - despite, as Quintilian tells us here, his equal admiration for the two earlier historians - towards Livy: Leeman, Orationis Ratio., vol. 1, p 251. Yet Woodman ("Velleius Paterculus," 14-15) argues that the nearest stylistic parallel - at least in terms of structure - to Aufidius' summation of Cicero's career is Velleius Paterculus' attempts at Ciceronian/Livian fullness. Tacitus' Aper (Dial. 23. 2) notes disparagingly that self-styled antiqui consider Aufidius and Servilius inferior to Sisenna and Varro, which seems to indicate that the differences between Aufidius and Servilius were not that marked in relative terms.

176 See Syme, Tacitus., vol. 1, 274-6 & 288; vol. 2, 697-700 (App. 38). Syme notes (vol. 2, 699) that the scholars who profess this viewpoint are often: "those who assume that Tacitus was normally content to follow a single source only", a view he expressly rejects along with the idea that Tacitus did not consult the acta senatus. As to Tacitus' major literary source for this period, Syme prefers - despite the even greater paucity of evidence - Servilius Nonianus: see Syme, "The Historian Servilius Nonianus," Hermes 92 (1964), 408-414 = Ten Studies in Tacitus (Oxford, 1970), 91-109. See also, n. 193.

177 The Younger Pliny states that the title of the work was A fine Aufidi Bassi triginta unus. The Elder Pliny also wrote (Plin. Ep. 3. 5. 4) a Bellorum Germaniae viginti, which may have received partial inspiration from Aufidius' work: see Syme, Tacitus., vol. 1, 288.

178 So Von Rohden (RE, "Aufidius [15]", Bd. 2 [1896], 2290), citing Mommsen. Syme (Tacitus, vol 2, 697) ignores the suggestion, and, moreover, assumes that it was written before the general History.

179 Syme, Tacitus., vol. 1, 275 & vol. 2, 698; "The Historian Servilius Nonianus," 102. Syme suggests that such a monograph could have been inspired by the rhetorical
such a theory. To be sure, our only other solid evidence for establishing the range of Aufidius' work, Cassiodorus, uses his consular dates for the period from 8 BC to AD 31. Yet the earlier date need indicate nothing more than his reliance on the consular dating of Livy up to the end of that historian's work in 9 BC. The existence of a Cicero-monograph would render simpler the idea that Aufidius' general History, rather than concluding some time in the reign of Tiberius, or Caligula, went on to discuss the reign of Claudius, perhaps even to that Emperor's death. Yet as Syme notes, there is no real evidence to indicate that Aufidius narrated any of Claudius' reign. Moreover, the information that can be gleaned from the Younger Seneca's remarks on him adds little to the debate.

Whether from Aufidius' general History or a monograph on Cicero's death, the two extracts preserved by Seneca the Elder are not without considerable interest. Seneca first cites Aufidius concerning the death of Cicero (Sen. Suas. 6. 18):

Bassus Aufidius et ipse nihil de animo Ciceronis dubitavit, quin fortiter se morti non praebuerit tantum sed obtulerit. AUFIDI BASSI. Cicero paulum remoto velo postquam armatos vidit, "ego vero consisto," ait; "accede, veterane, et, si hoc saltim potes recte facere, incide cervicem." Trementi

 popularity of the subject. He presses the possibility rather insistently, considering that, as he says, it is only a "faint chance".

181 Yet there is no real reason why the work may not have been published over a period of time in sections: Syme, Tacitus., vol. 1, 275 & Von Rohden, RE, "Aufidius (15)".
182 Syme, Tacitus., vol. 1, 288-9 & vol. 2, 698-700. Syme's views on the closing point of Aufidius' history are expressed rather vaguely. In Tacitus (vol. 1, 288), he does seem rather sceptical of a date as early as the fall of Sejanus, as suggested by Mommsen on the basis of Cassiodorus; seemingly preferring the death of Caligula. Yet later ("The Historian Servilius Nonianus," 103) he gives rather more weight to Mommsen's opinion. 183 Sen. Ep. 30 (c. AD 60). In what Syme (Tacitus., vol. 1, 274, n. 2) calls: "a disguised obituary", Seneca describes an elderly Aufidius - his consistently frail health having taken a distinct turn for the worse - on the verge of death, though wholly fortified by the precepts of Epicurus. No reference is made to the writing of history at all. The evidence of delicate health and Epicurean beliefs suggests to Syme a non-senator (Tacitus., vol. 1, 276), and is one of the main reasons that he prefers Servilius Nonianus, clearly an active statesman, as a source for Tacitus. There is room for doubt. Physical frailty hardly rules out all political activity. Seneca does not explicitly state that Aufidius was an Epicurean; perhaps, like Seneca himself, he was a Stoic who admired many of Epicurus' beliefs. Even if he was, such a philosophical attachment was not necessarily a bar to political involvement, as the examples of such statesman as Caesar and Cassius, to cite two notable instances, illustrate.
deinde dubitantique: "quid si ad me" inquit "primum venissetis?"

(Aufidius Bassus, too, had no doubts of the spirit of Cicero: he was convinced that he had had the courage to expose and indeed to offer himself to death. "Cicero drew aside the curtain a little, and seeing the armed men said: 'I am stopping here; approach, soldier, and if you can do this properly cut off my head.' Then, as the soldier trembled and hesitated: 'What if you had come to me first?'"

[Winterbottom]

We may have cause to doubt the historicity of the conversation that Aufidius reproduces here, given that it is not verified by any other authority. Such invention was no doubt encouraged by the declamatory interest in the subject; indeed, Seneca explicitly tells us, in the context of Controv. 7. 2, that the declaimers vied with each other to introduce novelties at that point when Popillius came upon Cicero. What is not in doubt is Aufidius' assertion of Cicero's bravery in facing his death.

The artificiality of that piece may suggest a historian of little value. That assumption is, however, belied by the second passage cited by Seneca (Sen. Suas. 6. 23): Aufidius' ἐπιτάφιον or laudatio. Unfortunately, the passage is also highly problematic, thanks to continuing textual controversy. Winterbottom has it as follows:

AUFIDI BASSI. Sic M. Cicero decessit, vir natus ad rei publicae salutem, quae diu defensa et administrata in senectute demum e manibus eius elabitur, hoc ipsius vitio laesa, quod nihil in salutem eius aliud illi quam si caruisset Antonio placuit. Vixit sexaginta et tres annos, ita ut semper aut peteret alterum aut invicem peteretur, nullamque rem

184 The propensity of historians, probably under the influence of rhetorical urges, to invent some famous last words for Cicero is also illustrated, it would seem, by Livy (Sen. Suas. 6. 17).
185 Sen. Controv. 7. 2. 14: A parte accusatoris illo loco quo Popillius venit nemo non aliquid voluit novi dicere. These include suitably uncomprehending remarks on the part of Cicero at Popillius' entrance.
rarius quam diem illum quo nullius interesse ipsum mori vidit.

(AUFIDIUS BASSUS. So died Cicero, a man born to save the state. Long did he defend and administer it; then in his old age it finally slipped from his grasp, shattered by this personal mistake - his policy that it could only be saved if Antony were got rid of. He lived for sixty-three years, always attacking another or himself under attack; no sight was rarer for him than a day on which his death was in no one's interest.)

[Winterbottom]

However, the original text here read: ...in senectute demum e manibus eiusmod habitu non ipsius vitio laesa... All commentators have agreed that habitu needs to be emended.186 However, Gambet rejects the other common emendation of non to either hoc or uno, stating:

I prefer and have followed this...reading not so much because it obviates the necessity of a gratuitous (if readily admissible) emendation, but more because it permits us to leave Bassus in the category of those historians who praised Cicero - which I feel we must do in view of Seneca's statement that Asinius Pollio was the only historian who did not praise him.187

The true sense of the passage, he argues is as follows: "Cicero upheld the Republic for a long time, but it finally slipped from his grasp, not through any fault of his, but because he rightly saw the removal of Antony as the only way to save it."188 Yet Seneca does not say that Pollio was the only historian who criticized Cicero; he merely remarks that Pollio was the only historian whose account of Cicero's death was

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186 However, Lennart Håkanson ("Zu den Historikerfragmenten in Seneca d. ä., Suas. 6," PCPS Suppl. 15 [1989] [J. Diggle, J. B. Hall and H. D. Jocelyn, eds., Studies in Latin Literature and its Tradition in Honour of C. O. Brink, J., 14-19, at 18] suggests abit followed by uno, instead of the normal labitur or elabitur followed by hoc or uno, on the basis that the presence of a present tense among so many perfects would be incongruous. As Pomeroy (The Appropriate Comment., p 169, n. 1) observes, this gives the same sense as the traditional emendation.
188 Gambet takes as his cue Kiessling's 1872 Teubner text which keeps non. He also prints in brackets Schultingh's sed preceding quod nihil, but suggests that it is not strictly necessary.
hostile to his memory and whose praise of him was *invitus* (Sen. *Suas.* 6. 24). As we have already seen, Livy's *plenissimum testimonium* to Cicero (Sen. *Suas.* 6.22) contains strong criticisms of Cicero's behaviour. Thus the fact that in the emended version of the text Aufidius' remarks would contain criticism of Cicero - and hardly sweeping criticism at that - is no reason to reject it. Furthermore, as Pomeroy has noted, Aufidius' comments concerning Cicero's constant struggles with political enemies echo, if without the explicitly critical tone, the remarks of Pollio (Sen. *Suas.* 6. 24), who makes much of this aspect of Cicero's character; while his remark concerning Cicero's *vitium* would somewhat recall Livy's suggestion (Sen. *Suas.* 6. 22) that a victorious Cicero would not have pardoned Antony. Given that Aufidius may well have acquired much of his information from these two historians, it would not be surprising if he went on to argue that Cicero's unremittingly hostile policy towards Antony had been flawed. Perhaps, there is even something of a correction here to Cremutius' defence of Cicero's quarrelsome reputation.

Above all, both the reading adopted by Gambet, and the meaning he gleans from it seems, if not wholly nonsensical, then rather clumsy, not to say tortured. The idea that Cicero's "policy" towards Antony was the only possible one for a right-thinking statesman may make sense in terms of the attitudes evinced in the early Empire, especially by the declaimers. Yet the incorporation of such an idea here would seem to twist the natural sense of the wording: phrases such as *ipsius vitio* and *illi placuit* strongly suggesting the distinctive and personal nature of Cicero's attitude. There is really nothing here which suggests that Aufidius thought Cicero's opinion right or necessary.

A critical reference then, and one that may have developed under the influence of Pollio, Livy and Cremutius. However, it is important to note the singular nature of Aufidius' remarks. Aufidius' portrait makes no explicit reference to Cicero's eloquence; indeed, it is almost unique in its concentration on Cicero's political leadership. The reference to Cicero's *vitium*, as we said earlier, does initially recall Livy. Yet while Livy restricts himself to the question of the punishment Cicero would have wrought on a defeated Antony, Aufidius seemingly has a deeper

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perspective, questioning the very nature of Cicero's wider political policy in the last year of his life. Indeed, is there not here something of an implicit questioning of popular demonisation of Antony? The combative nature of Cicero's career, as we have also said, recalls Pollio. Yet unlike Pollio, he does not use this fact to cast aspersions at Cicero's character. Indeed, the very nature of Aufidius' remarks (vir natus ad rei publicam salutem, quae diu defensa et administrata) strongly suggests, however unhistorically, that Cicero had not only successfully, but quite rightly, been politically quarrelsome for most of his career.190

The fragments of Aufidius thus represent what is, to our eyes, a strange mixture of sobriety and political acuity on the one hand, and rhetorical embellishment and idealization on the other. Syme, championing the claims of the consular Servilius Nonianus, depicts Aufidius as a man who both, by force of circumstances and inclination, led the life of an armchair historian; and whose high reputation among later generations was predicated purely upon his style.191 Syme, of course, had a poor opinion of the historical rigour and ideological independence displayed by that greatest of "armchair historians", Livy; especially in the comparison to another favourite historian of his, Pollio.192 As was also the case with that synkrisis, Syme's characterizations should be treated with extreme caution. The evidence for Servilius' historiography is virtually non-existent.193 Also, as we have seen, the depiction of Aufidius as an isolated literary figure is by no means certain. Most importantly, the evidence provided by the Elder Seneca tantalisingly suggests a historian who, while exhibiting many of the characteristic attributes of that declamatory milieu with which Seneca seeks to

190 This would be strengthened if we insert uno rather than hoc.
191 Syme, Tacitus., vol. 1, 275-6. Syme suggests that Aufidius' Bellum Germanicum would have mirrored the panegyrical excesses of Velleius Paterculus towards Tiberius' German commands: Syme, Tacitus., vol. 1, 274-5, vol. 2, 697. Considering that we have absolutely no idea as to which "German war" Aufidius related, this is wholly without warrant.
193 Syme describes Tacitus' commemoration of his death in AD 59 (Ann. 14. 19), in which the celebrated nature of his historical writing is mentioned, as "resplendent", which is something of an exaggeration. Syme ("The Historian Servilius Nonianus," 104-5) suggests other possible fragments, including the celebrated account in Josephus (AJ 19. 1-273) of the assassination of Caligula and its sequel. One does well to note that, despite Quintilian's reservations, it is clear that Servilius' reputation rested just as much on his style as Aufidius.
juxtapose the historians, is also capable of evincing original, not to say inconoclastic, attitudes towards the sensitive issues of the recent past.

**Bruttedius Niger.**

Seneca also cites (Suas. 6. 20-21) among the historians writing accounts of the death of Cicero, the work of a Bruttedius Niger. This figure has been universally identified with the Aedile of AD 22, whose character Tacitus delineates in the context of his prosecution - together with Mamercus Aemilius Scaurus and Junius Otho - of the proconsul of Asia, C. Junius Silanus. However, an immediate problem of definition at once arises. Gambet, noting the fact that no other evidence exists that Bruttedius was a historian, suggests - on the authority of Teuffel - that the passages quoted by Seneca are pieces of declamation that have, by some unknown means, been mistakenly added to the text dealing with historians. It is clear from Seneca that Bruttedius was an enthusiastic declamer of some note. Yet it is hardly strange that a historian of Julio-Claudian times should also be heavily involved in declamation. In all other respects, Gambet's argument is wholly untenable. The lack of other references to his writing history, like most arguments ex silentio, is extremely dubious. Also, the passages of Bruttedius seem to flow on logically from Seneca's citation of Cremutius Cordus. Most importantly, it is rather difficult to envisage how a piece of extended descriptive narration on Cicero's death could be inserted into a suasorial

194 Tac. Ann. 3. 66: Bruttedium artibus honestis copiosum et, si rectum iter pergeret, ad clarissima quaeque iturum festinatio eststimulabat, dum aequalis, dein superiores, postremo suasmet ipse spes antire parat; quod multos etiam bonos pessum dedit, qui spretis quae tarda cum secritate, praematura vel cum exitio properant.


196 See Sen. Controv. 2. 1. 35-6. This passage not only tells us that Bruttedius was a student of the famous Apollodorus of Pergamon, but also, rather interestingly in the context of Tacitus' intimations (§ 4) that Bruttedius' impatient ambition ultimately overreached itself and led to ruin: see Henze, R.E. "Bruttedius (2)," Bd. 3 (1899), 907; Syme, Tacitus., vol. 1, 326-7 & 362, n. 3.

197 Even Pollio was an enthusiast (Sen. Controv. 4. pr. 2-6), and his reluctance to declaim in front of a multitudo (§ 2) reflects the attitudes of the older generation of orators.

198 Note, for instance, Cordus' description of Cicero's head and hand on the rostra (Suas. 6. 19) and Seneca's remark (Suas. 6. 20) about Bruttedius: Et hic voluit positi in rostris capitis miserabilem faciem describere, sed magnitudine rei obrutus est.
speech, in which the declaimer is supposed to be taking the part of a contemporary advising Cicero on whether to beg Antony's pardon. However, the very fact that the cited pieces of Bruttedius' narrative could have been seriously characterized as specimens of declamation once again serves to graphically illustrate the fine line that existed between historiography and school rhetoric, especially when it came to the depiction of historical narrative. Seneca cites Bruttedius twice (Sen. Suas. 6. 20-21), concerning the actual murder of Cicero, and the display of Cicero's head on the rostra:

BRUTTEDI NIGRI. Elapsus interim altera parte villae Cicero lectica per agros ferebatur; sed, ut vidit adpropinquare notum sibi militem, Popillium nomine, memor defensionem a se laetiore vultu aspexit. At ille victoribus id ipsum imputaturus occupat facinus, caputque decisum nihil in ultimo fine vitae facientis quod alterutram in partem posset notari Antonio portat, oblitus se paulo ante defensum ab illo. Et hic voluit positi in rostris capitis miserabilem faciem describere, sed magnitudine rei obrutus est: [Bruttedi Nigri] Ut vero iussu Antonii inter duas manus positum in rostris caput conspectum est, quo totiens auditum erat loco, datae gemitu et fletu maximo viro inferiae, nec, ut solet, vitam depositi in rostris corporis contio audivit sed ipsa narravit. Nulla non pars fori aliquo actionis inclutae signata vestigio erat; nemo non aliquod eius in se meritum fatebatur: hoc certe publicum beneficium palam erat, illam miserrimi temporis servitutem a Catilina dilatam in Antonium.

(BRUTTEDIUS NIGER. "Meanwhile, slipping out at the other side of the villa, Cicero was borne through the fields in a litter. But when he saw approaching him a soldier he knew, Popillius, his countenance lightened, for he remembered defending him in court. The soldier, however, proposing to make this a further point in his favour with the

199 As declamation, Bruttedius' narrative would only fit into the type outlined in Controv. 7. 2. Yet even in that exercise, Seneca - restricting himself to the notable sententiae, divisiones, and colores - does not give us any specimens of extended narration on the actual circumstances of the murder.
victors, wasted no time in committing his crime. Cicero, at this last moment of his life, did nothing that could be censured one way or the other. His head was cut off, and carried to Antony by the soldier, who forgot that Cicero had defended him a short time before." Bruttedius, too, wanted to enlarge on the pitiful appearance of the head on the rostra, but he was overcome by the magnitude of the task. "But when, on Antony's orders, the head was placed for public viewing between the two hands on the rostra, where it had so often been heard, the great man was given his funeral offerings in groans and tears. The assembled people did not, as is customary, hear the biography of the body on the rostra, but they narrated it. Every part of the forum was marked by the memory of some glorious pleading; everyone had a benefit done him by Cicero to proclaim. There was no doubt of at least one service to Rome: he put off that miserable servitude from the time of Catiline to that of Antony.")

As with the other historians of this period, Bruttedius' narrative is notable not only for its heavily sympathetic attitude towards Cicero, but the marked degree of rhetorical stylization with which this attitude is conveyed. Alone among the historical citations preserved by Seneca, we get here a mention of Popillius as Cicero's killer: a tradition which had strong links to the declamatory treatment of Cicero's death. As with many of the declaimers, he tragically depicts Cicero as initially pleased at the approach of his former client, though unlike Aufidius Bassus, he refrains from producing dialogue to heighten the effect. The notion that Cicero's death provoked unique extremes of grief among the Roman people is ingeniously developed by the idea that their groans and tears constituted the inferiae, as well as the image of their narrating rather than listening to the vita depositi corporis.

200 See Appendix.
201 Indeed, the phrase, nihil in ultimo fine vitae facientis quod alterutram in partem posset notari, would seem to mean that Cicero had neither displayed ostentatious heroism nor cowardice - that is the two major characterizations found in Pollio and Livy - at his death.
However, the most striking feature here is the ideological tenor. In that description of the display of Cicero's extremities, the Forum is everywhere marked *actionis includae vestigio*. However, Cicero's eloquence is not in itself the climax of the piece. For Cicero's *publicum beneficium palam* was his delay of the imposition of *illa miserrimi temporis servitutem* from Catiline to Antony. In the light of the declamatory extracts, the remarks of Velleius Paterculus and Valerius Maximus, Bruttedius' *indignatio* should not really surprise us. No doubt the slavery he speaks of here only relates, at least ostensibly, to that of the bloodthirsty Antony. Yet even with these caveats, there is something a trifle bizarre in the mouthing of such sentiments by one of the more notorious of Sejanus' pet informers. Indeed, it is in these fragments of Bruttedius' history that we receive the clearest confirmation of just how extreme a disjunction could be rendered between language and meaning by the potent combination of autocracy and rhetorical sophistication. The sentiments expressed by another Imperial informer, Romanius Hispo illustrate how Cicero's memory potentially had a place among those of the unreconcilable enemies of the new order. Yet Romanius' statements - to modern eyes strikingly logical, not to say honest - were, as the Elder Seneca noted, remarkable for their uniqueness.

iii) Summation.

As was noted in the introduction to this section, the influence of declamation has been perceived as the single most important factor in determining the reception of Cicero by Julio-Claudian historiography. As our analysis of the surviving historians and the work of Valerius Maximus has hopefully illustrated, that importance can hardly be denied or minimised. Echoes of the declamatory treatment of Cicero's death redound upon these historical works with full force, not simply in their language and motifs, but in the actual opinions evinced. Moreover, it seems more than clear that, given the politics of a number of these authors, the reconciliation of Cicero's good name with that of the Principate had developed into a virtual orthodoxy.

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202 As Leeman (*Orationis Ratio*, vol. 1, 252) remarks on Seneca's criticism of the passage: "It is perhaps better to say that he (i.e. Bruttedius) *multitudine exemplorum obrutus est.*"

203 See Chapter 3, pp 186ff.
Yet it is important that we do not overlook the subtle but important nuances in the response here. Though at times so reminiscent of the treatments of the declaimers, the works of Velleius Paterculus and Valerius Maximus are redolent with a high degree of Ciceronian knowledge and reminiscence somewhat atypical of the declamatory excerpts. Cremutius Cordus' laudatory perspective, viewed in the context of his ultimate fate, indicates that Cicero had not been entirely commandeered by the laudatores Caesaris. Aufidius Bassus not only evinces criticism, but somewhat original criticism. Bruttedius Niger not only lauds Cicero, but portrays him as a bulwark against despotism. We are very far here from the sober and critical assessments of Pollio and Livy; yet neither is this a wholly homogenized and barren representation.
d) A Family Feud: Asinius Gallus.

Gaius Asinius Gallus (cos. AD 8), son of Asinius Pollio, and one of the most important as well as interesting members of the nobility during the reign of Tiberius, is said by Tacitus (Ann. 1. 12. 4) to have inherited his father's ferocia. As we have seen, the evidence for Pollio's ferocia is patchy and ambiguous, and its equation with serious political disaffection more than a little dubious. Despite Gallus' ultimate fate, doubts concerning his independence must be even greater. Certainly, the accounts of Tacitus and Dio - including as they do, such matters as Tiberius' longstanding personal and political antagonism, the famous and suspect anecdote concerning those (including Gallus) whom Augustus speculated upon as being capax imperii, supposed instances of Gallus' persistent "needling" of the princeps, and Gallus' downfall and slow annihilation - would seem to give plenty of weight to the traditional picture of recalcitrance and/or subversion. However, those self-same authors, as well as other sources, provide us with information that would seem to cast considerable doubt on that portrait.

204 See Chapter 3, pp 149ff.
205 As with Pollio, it is again Bosworth who has provided the most conspicuous and radical reassessment: A. B. Bosworth, "Tacitus and Asinius Gallus," AJAH 2 (1977), 173-192. Gallus' career, he argues (180), was that typical of a prominent senatorial orator of the time, "capable of making his own initiatives but also acting as a spokesman for the official line." For a somewhat more conservative revision, see Barbara Levick, Tiberius the Politician. London, 1976, esp. 43, 77ff, 114, 172. Levick depicts Gallus as a firm supporter of the Imperial idea, if "slippery" and ambiguous towards Tiberius, his family and favourites.
206 The authenticity of the anecdote concerning the capaces imperii (Tac. Ann. 1. 13. 2) - where Gallus is described as avidus et minor - has been subject to much doubt. Syme originally thought it a malicious comment directed against Hadrian for the execution of the four consulars in AD 118; later, he continued to maintain the spuriousness of the piece without this explanation: Syme, Tacitus, vol. 2, 694; AA, 137f. Bosworth ("Tacitus and Asinius Gallus", pp 185-6) plausibly suggests that the anecdote may have constituted a reinterpretation of the actions of the capaces in the light of the treasonous actions of their sons. For arguments in favour of authenticity, see F. R. D. Goodyear, ed., Annals., vol. 1, 181-4. It would be interesting in this context, to know just how much Gallus made of the claim, heard by Asconius (Serv. Eel. 4. 11, Thilo, vol. 3. 1, 46) that he was the famous "golden child" of Virgil's fourth Eclogue.
207 Thus Bosworth notes, among other things, the notable promotions of Gallus' sons even after Vipsania's death, his opposition to Piso's proposal for Senatorial debate on Italian and provincial delegations in Tiberius' absence (Tac. Ann. 2. 35), his part in the banishment of Agrippina's close friend Sosia Gallia (Tac. Ann. 4. 20. 1), the lack of hard evidence behind the common assumption that Agrippina was thinking of Gallus when famously requesting a husband (Tac. Ann. 4. 53), and his assiduous courting of Sejanus (Dio 58. 3). In the light of this behaviour, he argues, Tacitus' intermittent suggestions of
One thing we do know about Gallus' ferocia is that it was not his only mental inheritance from his father. For the mantle of infestissimus famae Ciceronis was also taken up by Gallus. As we shall see, Gallus' attacks on Cicero are evidenced by a wide range of sources, which make it plain that Gallus' criticisms were strongly motivated by a sense of familial pietas. Unfortunately, however, those sources make far from clear the depth and range of those attacks.

Of this evidence, by far the most fascinating, not to say bizarre, piece is to be found in the letters of Pliny the Younger. A literary acquaintance, Pontius Allifanus, had, it seems, read some of Pliny's light verse, and writing to him, enquired how a man of such severitas had come to write poetry of this type. In his reply (Plin. Ep. 7. 4), Pliny records not only his long abiding interest in poetry of various genres, but also the specific inspiration for his forays into erotic lusus. While residing on his estate at Laurentum, he had had read to him the works of Asinius Gallus de comparatione patris et Ciceronis, in which Gallus quoted an epigram of Cicero on Tiro. The reading, so Pliny avers, inspired the reflection that all the greatest orators had not only dabbled in this sort of verse, but seen merit in doing so. He thus set upon writing his own effort in this vein, which he then quotes:

_Cum libris Galli legerem, quibus ille parenti
ausus de Cicerone dare est palmamque decusque,
lascivium inveni lusum Ciceronis et illo
spectandum ingenio, quo seria condidit et quo
humanis salibus multo varioque lepore
magnorum ostendit mentes gaudere virorum.
_Nam queritur quod fraude mala frustratus amantem
paucula cenato sibi debita savia Tiro
tempore nocturno subtraxerit. His ego lectis
"cur post haec" inquam "nostros celamus amores
nullumque in medium timidi damus atque fatemur

subversive behaviour on the part of Gallus - notably during the succession debate of September AD 14 (Tac. Ann. 1. 12), and in his proposals for changes in the election and appointment of public officials in AD 16 (Tac. Ann. 2. 36) - need re-evaluation. Tacitus' "opaque and baffling" account, he argues, stems from the utilization of two contradictory traditions, one of which has tendentiously reinterpreted his actions and motives in terms of his ultimate fate.
Tironisque dolos, Tironis nosse fugaces
blanditias et furta novas addentia flammias?"

(Reading the works of Gallus, where he ventures
To hand the palm of glory to his father,
I found that Cicero could unbend his talent
To play with polished wit on lighter theme.
He showed how well the minds of mighty men
Enjoyed the pleasure of much varied charms:
Tiro, he says, defrauds and cheats his lover;
Kisses - not many - promised for a dinner
Are afterwards denied when night-time comes.
Why then conceal my blushes, fear to publish
My Tiro's wiles and coy endearing favours
Wherby he heaps the fuel on my passion?)

It virtually goes without saying that up until recently, modern mores
have hardly been conducive to a dispassionate investigation of ancient
attitudes to homosexuality. The reaction to this piece of evidence -
characterized as it generally has been by squeamishness and
embarrassment - is no exception. Tyrrell, despite his horror in even
mentioning what he describes as a "hideous moral disease", rushes to
exonerate Cicero.208 No evidence, he argues, as to such a relationship is
found in Cicero's letters, and his philosophical works evince a horror of
homosexuality. He suggests two alternative and wholly implausible
explanations: that Tiro had stolen a mistress of Cicero, or that Cicero
playfully described Tiro as a faithless lover when the latter missed a
business appointment! That such tortured re-readings are not the sole
preserve of late-Victorians is shown by McDermott's sentimental
conjecture that the epigram refers to a refused good night kiss by a three
or four year old Tiro, subsequently misinterpreted, either innocently or
wilfully, by its various later readers.209

19) describes Tyrrell's discussion as "semi-hysterical". It is omitted from the third
edition of the work (1904), co-edited by Tyrrell and L. C. Purser.
209 W. C. McDermott, "Cicero and Tiro," 274-5. Shackleton Bailey (Profile of Horace, 74)
witheringly dismisses this theory by stating, after quoting McDermott at length: "To
return to the grown-up world..." McDermott's theory may have been influenced by his
Other scholars have taken comfort in the distinctly dubious assumption that the epigram must be a forgery. Such is certainly implied by Zielinski, who sees Pliny as naïvely reproducing here a locus of the caricaturizing tradition. Büchner develops this idea at length, arguing that the epigram is anachronistic in terms of genre and language, and is uncorroborated by works such as the Invectiva in Ciceronem, which we would expect to utilize such useful ammunition. Even Carcopino, somewhat surprisingly, takes this approach. Shackleton Bailey has little difficulty in disposing of these arguments. Indeed, the very idea of Gallus or anyone else manufacturing a Ciceronian epigram for the purposes of slighting his memory is difficult to believe, especially since as McDermott, rightly this time, notes, such a charge "could as easily be stated more boldly."

Let us take a step back here and reconsider the basic issues. The common assumption behind all these arguments is that Gallus cited the epigram in an attempt to blacken Cicero's name with the allegation of homosexuality. Now at first glance, such a theory seems unanswerable. We know that Gallus, like his father, wrote works that were hostile to Cicero's memory (Quint. Inst. 12. 1. 22). We know from other sources that the enemies of Cicero - both during his lifetime and possibly afterwards - accused him of certain homosexual practices. To
tentatively expressed, and wholly baseless, hypothesis that Tiro was Cicero's natural son: McDermott, "Cicero and Tiro," 264-5.

210 Zielinski, 12 & 287.

211 Büchner, RE, "Tullius (29)," Suppl. 7 A (1939), 1259-60. A. N. Sherwin-White (The Letters of Pliny: A Historical and Social Commentary [1966. Reprint with correcs., Oxford, 1985], 406) tends to this opinion too, noting the lack of corroboration in Cicero's letters and essays, and commenting: "...there was no reason for Cicero to hide what Catullus did not blush to publish." Courtney (FLP, 366) is inclined to agree.

212 Carcopino, vol. 1, 82-83.

213 Shackleton Bailey, Profile of Horace., 72-74.

214 So McDermott ("Cicero and Tiro," 273) states confidently: "...there is not the slightest doubt that Gallus inserted them in his work as a charge of homosexuality against Cicero."

215 Plut. Cic. 7. 7 (Verres attacking Cicero ιεις μολακίαι); [Sall] inv. in Cic. 2 (the allegation that Cicero lost his chastity to M. Piso); Dio 46. 22. 2 (Calenus speaks of Cicero's μολακία). McDermott ("Cicero and Tiro," 274, n. 53) corrects Perrin for translating Plutarch's reference to μολακία as "effeminacy", arguing that the context clearly indicates homosexuality. However "effeminacy" would seem to readily connote homosexual passivity in terms of ancient notions. He also suggests ("Cicero and Tiro," 274) that Dio's reference may only mean "cowardice", given that it is contrasted with
be sure, the only specific instance of Gallus' criticism of Cicero which has been preserved (Gell. NA 17. 1) concerns the rather jejune question of the orator's use of paeniteat. Yet Gellius does add (§ 2): Atque alia quidem quae reprehenderunt neque dictu neque auditu digna sunt. 217

However, closer inspection suggests serious problems. Recent analyses of ancient attitudes to sexuality have very much inclined to the opinion that, as with Greece, the most important dichotomy informing traditional Roman mores related to the sexual role (active/passive) a person undertook - as circumscribed by the social status of that person -, rather than one of heterosexual/homosexual distinction.218 The assumption by a Roman citizen of an active homosexual role with a young servile partner was not in itself, it seems, either illegal or the subject of strong social stigmatism.219 Now clearly, evidence exists

Cicero's allegation of δειλία against Antony. There would seem no real reason why Calenus' remark should not have both meanings.


219 See Cantarella, 97-8 & Lilja, 126, who relate this directly to the Plinian reference. But see also: Ramsay MacMullen, "Roman Attitudes to Greek Love," Historia 31 (1982), 484-502. MacMullen aggressively re-asserts the now unfashionable view that traditional Roman mores condemned homosexuality in toto, going on to assert that this remained the prevailing attitude among the mass of Roman citizens. Yet even he admits (491-2) that this intolerance operated on a "sliding scale", and that active sexual behaviour with boy-slaves was very much at the bottom end of this scale. Tiro's changing status over the years may give pause for thought here. However, the field of legitimate passive same-sex partners may have not been rigorously restricted to slaves and male prostitutes. Indeed, the assumption of a master's sexual rights over his slaves seems, by analogy, to have extended itself to the issue of the operaes officiales owed by a freedman to his former master. Thus Haterius' notable sententia (Sen. Controv. 4. pr. 10): impudicitia in ingenuo crimen est, in servo necessitas, in liberto officium.
indicating disapprobation attaching to active homosexual behaviour in some instances; but that evidence also indicates that the amount of opprobrium was indissolubly linked to the matter of the age and social status - as distinct from the gender - of their sexual partner, or the emotional and material excesses associated with the relationship at hand.220

While Pliny's remarks on Cicero's epigram suggest that Pontius felt the widespread dissemination of such works was lacking in decorum, there is no hint that either man, or for that matter Gallus, had any problem with the specifically homosexual nature of the material. Moreover, another of Pliny's letters indicates that there is very little likelihood that Gallus' criticisms could have simply constituted a condemnation of the lascivious nature of the poem more generally. For in a letter to the jurist Titius Aristo (Ep. 5. 3), Pliny also defends his "light verse", this time from the criticism that such verses are not fit for public recitation. Pliny gives (§ 5-6) a list of famous Romans who wrote in this vein: a list which not only includes Cicero, but Asinius Pollio himself!221

What the epigram tells us about the reality of Cicero's relations with Tiro is unclear. Tyrrell is at least correct in stating that Cicero's correspondence provides no evidence of corroboration.222 Cicero's theoretical discussions of homosexuality - failing as they do to provide a condemnation of the practice in general - add little to the debate.223

220 Thus, as Cantarella (101-2) notes, the famous story of Lucius Flamininus' offence in Greece in 184 BC (Cic. Sen. 42; Livy 39. 42-3; Sen. Controv. 9. 2; Val. Max. 2. 9. 3) did not really revolve around the disputed issue of the gender of Flamininus' beloved, but the disgrace of a senior public official allowing the execution of a subject for the amusement of that love object at a drunken and luxurious dinner party.

221 It is unclear whether all the notables named wrote in a homoerotic vein, but Pliny's reference (§ 2) to such verse forms as the sotadic indicates that indecent material is under discussion: cf. Quint. Inst. 1. 8. 6. As Sherwin-White (317) notes, Sotadicos is an emendation (from the universal MSS rendering Socraticos), but a necessary one.

222 Quintus' letter to Tiro (Fam. 16. 27. 2: ...tuosque oculos, etiamsi te veniens in medio foro videro, dissuaviabor) may be thought of relevance here. Tyrrell is probably correct, however, in arguing that Quintus' remarks denote nothing more than normal emotive Roman custom. Courtney (FLP, 366-7) agrees, and goes on to use this as evidence for the "innocence" of Cicero's poem, if genuine. However, one must wonder whether the two situations can be held closely analogous.

223 Most notably Cic. Tusc. 4. 70f. As Cantarella (97) notes, the critique here is directed specifically against pederasty, i.e. "making love to freeborn boys". Shackleton Bailey (Profile of Horace, pp 68-70) overlooks the question of the active/passive dichotomy, and the relative status of the lovers in discussing this passage. However, he rightly notes - especially given the reference here to heterosexual liaisons as well - that Cicero's
Neither do Cicero's oratorical accusations of homosexuality against his enemies. Moreover, there is the long-running dispute over the influence of the Alexandrian poetic tradition in the Roman depiction of homosexual love. The idea that educated Romans, in emulating this tradition, were simply "posing as sodomites" - to use Shackleton Bailey's expression, taking up Queensberry's address to Oscar Wilde - has been a popular one. Recent scholarship has been at pains to argue against the notion that Roman homoerotic literature can be simply viewed as the unthinking reception of a Hellenistic stylistic convention totally divorced from real Roman lifestyles. Yet it has also been accepted that the importance of that tradition cannot be wholly argued away, and that its exploitation by Romans may not necessarily be indicative of specific sexual habits and situations. Indeed, Pliny's excuses for writing in this vein may suggest that the nature of the verse bore little correlation to the lifestyle of the writer. Given these problems, and the fact that the debate continues to stimulate emotional and ideological passions,
the nature of the relationship will no doubt remain a point of contention.  

The limited evidence we have concerning clear allegations of homosexuality against Cicero seems to suggest that such charges were framed in terms of passivity. If we free ourselves from the mistaken assumption that Gallus' reference to Cicero's epigram necessarily invokes charges of "unnatural practices", then the body of evidence concerning his criticism of Cicero takes on an entirely different hue. Technical literary criticism would seem to be the main component here. For instance, given the Younger Pliny's evidence (Ep. 5. 3. 5) of Pollio's composition of similar works of erotic verse, it would seem more than probable that Gallus' analysis here involved a close stylistic comparison of Cicero's *lusus* with those of his father. Quintilian's reference (Inst. 12. 1. 22) may speak of Asinian *inimicitia*, but he also says that it was perceived *vitia orationis* that were the target. Quintilian's other reference (Inst. 12. 10. 13) to Cicero's posthumous *inimici* mentions only stylistic criticisms as well. As we have seen, the only criticism cited by Gellius relates to a technical matter of word usage. Gellius tells us (NA 17. 1. 1) that Gallus' and Larcius Licinius' general allegation was that Cicero spoke *parum integre atque inproprie atque inconsiderate*. The discussion that follows, concerning the use of *paeniteat*, would tend to suggest that such terms have in this context no overt moral overtones. It is not unreasonable then to suggest that Gellius (§§ 2-3) refuses to discuss other criticisms made of Cicero not because of their scurrilous nature, but because he thought their technical argumentation deficient.

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229 Cantarella (97 & 103) certainly has no doubts as to the reality of the relationship; Shackleton Bailey (Profile of Horace, 74) prefers to see it as a "naughty plea santry". See also, Courtney, FLP, 366-7.

230 Hendrickson ("Cicero's Correspondence," 257-8) argues that the term, contrasted as it is with the criticisms of Calvus and Brutus as to Cicero's rhythmic arrangement, must refer to Cicero's diction and choice of words; this is accepted by Austin (Quintiliani Institutionis Oratoriae Liber XII., 63).

231 Thus it is said (§ 5): *Non existumant verbo proprio esse usum...*

232 It has been put to the writer that Gellius' remarks about those criticisms of Gallus and Larcius Licinus he forbears to mention (§ 2: *Atque alia quidem, quae reprehenderunt, neque dictu neque auditu digna sunt*) necessarily imply that these involve scurrilous personal criticism. Arguably, given Gellius' original and extravagant analogy (§ 1) between those who attacked Cicero's oratory in general and *monstra hominum, quod de dis immortalibus impias falsasque opiniones prodierunt*, this does not necessarily follow.
One other interesting piece of evidence is available to us concerning Gallus' work on Cicero. The Emperor Claudius was renowned in literary terms for his historiographical pursuits. Yet Suetonius (Claud. 41. 3) tells us that he also wrote a work entitled *Ciceronis defensionem adversus Asini Galli libros*. 233 Given Claudius' interest in history, and the difficulties he had encountered in writing upon the last years of the Republic, it is easy to assume that the work must have included a defence of Cicero's character and politics against Asinian aspersions.234 Indeed, many scholars, whilst assuming that Gallus' criticisms must have been predominantly stylistic, have been keen to see Claudius using that platform of comparison to defend Cicero's character, and what is more, indulge in ideological reflection on the late Republic.235

Certainly, Suetonius' description of Claudius' work as *satis eruditam* does not immediately suggest a piece of counter-polemic.236 Yet we should not rush to dismiss the possibility that Gallus' work indulged in strong critical reflections on Cicero the man. We have noted that

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233 It is generally assumed that Claudius' work was written prior to his becoming Emperor, presumably when Gallus was still alive: see for instance, Eleanor Huzar, "Claudius - the Erudite Emperor," ANRW 2. 32. 1 (1984), 611-650, at 624. Yet given Suetonius' statement (Claud. 41. 2) that he wrote much during his principate, and the popularity of posthumous criticism at this time, there seems no real reason why he could not have written it while Emperor.

234 Suet. Claud. 41. 2.

235 See for instance, Huzar, 624; Arnaldo Momigliano, *Claudius: The Erudite Emperor* (Translated by W. D. Hogarth. Oxford, 1934, 6-7). Momigliano depreciates Claudius' interest in rhetoric, noting the poor modern opinion of the extant fragments of Claudius' oratory, and suggests that the work, along with his history, condemned Antony. To be sure, a number of modern scholars have found the extant examples of Claudius' oratory, to use Syme's words (Tactius., vol. 1, 318), "highly repulsive"; Leeman, *Orationis Ratio.*, vol. 1, 254-5. However, not all modern scholars have been as harsh, and Suetonius (Claud. 41. 3) says of his autobiography that it was written *magis inepte quam ineleganter*. As Claudius' interest in the alphabet illustrates (Tac. Ann. 11. 13. 3; Suet. Claud. 41. 3), he was a keen philological enthusiast: Huzar, 625-6. In any case, as Barbara Levick ("Antiquarian or Revolutionary? Claudius Caesar's Conception of his Principate," AJPh 99 (1978), 79-105, at 101-2) notes, what is at issue here is Claudius' enthusiasm, not his ability. Given what we know of Claudius' attitude to Antony (Suet. Claud. 11. 3), Levick rightly rejects the suggestion that Claudius' work would have criticized his maternal grandfather. Yet despite arguing that the reply to Gallus was free of moral and political considerations, her view that Claudius was a more thoroughgoing Caesarian than any of his three predecessors leads her to go to the other extreme, suggesting (Claudius [London, 1990], 18; cf. "Antiquarian or Revolutionary?," 101) that Claudius may have despised Cicero's ideas, and that his use of a Ciceronian style "could well be opportunistic and emollient".

236 A stylistic apologia makes quite enough sense on its own considering that it was Livy (Suet. Claud. 41. 1) who encouraged Claudius' historical studies. Interestingly, strong Ciceronian and Livian echoes have been found in the fragments of Claudius' speech preserved in the Lugdunum tablet: Levick, *Claudius.*, 18; Huzar, 621.
Pollio’s attacks on Cicero seem to have varied considerably in their nature and intensity according to the genre he was engaged in writing; yet also, that it is by no means impossible he pursued his assaults on Cicero’s character in his literary criticism. Nor do we have to fantasize - à la Robert Graves - of a closet Republican Claudius to suppose that it may have been criticisms of that character that initially stirred the historically-minded Emperor to undertake a defence. Certainly, the strong connections which Romans, at least in theory, made between style and character, suggest that such a line may have been taken.

Moreover, Pliny the Elder supplies us with a tantalizing piece of evidence which is possibly of relevance here. For he mentions (HN 13. 92) Cicero’s purchase, in illa paupertate et, quod magis mirum est, illo aevo, of a citrus-wood table for half a million sesterces; followed immediately by a reference to a similar table purchased by Asinius Gallus for a million sesterces. Is this information from Claudius? Did Asinius abuse Cicero for his extravagance, and receive in turn a reproof from Claudius for his hypocrisy? Caution is required here. We know from Pliny’s indices in Book 1 that Claudius was a source for Book 13. Moreover, we have one certain citation (HN 12. 78) where Claudius does discuss the properties of wood, with reference to the healing qualities of the eastern bratus tree. Unfortunately, Pliny gives no citation for the information here, and, indeed, fails to specifically cite Claudius anywhere in that book. In addition, all Pliny’s certain citations from Claudius refer to geography and natural phenomena; presumably digressions in his history. Of course, like his nephew, Pliny may have read Claudius’ reply to Gallus as well and remembered material from it when using Claudius’ history, or Claudius could have recycled some of his writings or researches; the matter is nebulous enough to admit a multitude of possibilities.

237 See Chapter 1, pp 71ff.
238 The story is repeated by a disapproving Tertullian: De Pallio 5. 5. A further reference to Cicero and citrus-wood tables is to be found at Plin. HN 13. 102; though it adds nothing to the source question.
239 Huzar (624) simply states, without any reference, that Claudius "justified Cicero’s having paid a high price for a table made of precious wood."
240 For the fragments, see Peter, HRRel. vol. 2, 92-94. For discussion, see Huzar, 615.
It is as important to note what the evidence for Asinius Gallus does not illustrate, as what it does. Viewed in the context of the almost universal, though somewhat illogical praise of Cicero as the epitome of Roman eloquence at this time, Gallus' work may strike us as an important piece of dissent. However, in refusing to award Cicero the title of the supreme Roman orator, Gallus no doubt echoed many of the stylistic criticisms of his father, including what was presumably by that time, an anachronistic "Atticist" perspective. The criticisms of Cicero's oratory, or at least, what can be gleaned about them from Aulus Gellius' remarks, suggest the rigorous purity of word-selection and expression characteristic of earlier days. Admittedly, however "out of time" Gallus' account may have seemed, it was important enough to elicit a reply from Claudius. Slurs on the man and statesman may have had a role to play here; philological antiquarianism must have. Some may wish to surmise that Gallus' work, and following that, Larcius Licinus' *Ciceromastrix*, acted as a vital conduit for the dissemination of Pollio's libels against Cicero's person. Yet, the level of personal abuse in this work cannot be properly measured. Fierce and unremitting damnation of Cicero hardly seems to ride easily with the sort of stylistic pedantry we know the work included. Indeed, given Gallus' stylistic heritage, and the predilections of such men as Claudius and Aulus Gellius, we are given the distinct impression that what we are looking at here is more of a stagnant backwater than a rushing torrent.
e) The Early Julio-Claudian Period - Conclusion.

Mention of Claudius' opinion of Cicero raises the question of his two predecessors' attitudes towards the orator. The paucity of our evidence for the literary interests of Tiberius and Caligula renders the matter highly problematic.\(^{241}\) Tiberius' use of Messalla Corvinus as an oratorical exemplar, and his personal penchant for archaistic pedantry (Suet. Aug. 86. 2; Tib. 70. 1, 71, Dio 57. 17. 1-3), have at times been taken as evidence of a distaste for Ciceronian urbanity and volubility.\(^{242}\) Given, as we have seen, the vagueness of our knowledge of Messalla's oratorical style, the ubiquity of the charge of archaic diction, and the vagaries of ancient stylistic criticism in general, such assumptions are not without considerable danger.\(^{243}\) In any event, Tiberius' interest in Latin oratory seems to have increasingly taken a backseat to his interest in Greek literature, particularly the Alexandrian poets (Suet. Tib. 70. 2).\(^{244}\) Certainly, the encomiastic attitudes evinced by such men as Velleius Paterculus, Bruttedius Niger and Valerius Maximus, clearly suggest that whatever the precise nature of Tiberius' Latinity, it did not interfere greatly with the glorification of Cicero.

At first glance, the case of Caligula would seem to be rather different; a number of passages in Suetonius not only make plain strongly held views on literature, but perhaps suggest a radical ideological agenda behind them. We hear of his republication of the works of such authors as Titus Labienus, Cassius Severus and Crementius Cordus (Suet. Calig. 16. 1), of his forbidding the celebration of the annual festivals for Augustus' victories off Sicily and at Actium (23. 2), and his desire to ban the works and busts of Vergil and Livy from the libraries with the claim: alterum ut nullius ingenii minimaque doctrinae, alterum ut verbosum in historia neglegentemque. From the aggregate of such scattered references, a number of scholars have claimed that Caligula's reign was marked not only by general manifestations of anti-Augustanism, but by

\(^{242}\) Thus Syme, AA, 146-7. Syme (Tac. vol. 1, 284; Syme, AA, 355-6 & 366) sees the orations of Tiberius found in Tacitus as vital evidence; a "close and congenial" rendering of a painstaking style which was alternately forceful and obscure (Tac. Ann. 13. 3. 2). Others have been more sceptical of the extent to which Tacitus transmits Tiberius' style: for instance F. D. R. Goodyear (ed.), Annals .., vol. 2, 303-5.
\(^{243}\) See n. 11.
\(^{244}\) See Levick, Tiberius., 17-8.
an especial celebration of the memory of Caligula's great-grandfather Antony at the expense of Augustus.245

If such was the state of affairs, one might be tempted to wonder about the implications in this for the reputation of Cicero, given that the damnation of Antony was almost a standard corollary in the earlier laudatory conception of the orator. There are, however, distinct problems with such theories. Suetonius does not make any linkages between Caligula's assaults on Vergil and Livy, and any "Antonian" predilections.246 Dio's reference (59. 20. 1-2) to the Actium celebrations clearly suggests that the supposed insult to Antony counted little with the Emperor.247 Moreover, as Barrett has noted, the numismatic and epigraphic evidence suggests that Augustan orthodoxy prevailed untrammelled, and that the anecdotal literary evidence at times could be wholly misleading.248 Claudius would seem to have a much better claim to being the restorer of Antony's reputation; and as we have seen, he was no enemy of Cicero's.249

Even if we eschew such grandiose speculations, easy categorization of Caligula's oratory - which by all accounts, he had a natural facility for -

245 Thus Syme (RR, 489) speaks of Caligula having encouraged - if only for nefarious or mischievous purposes - "an Antonian and Republican revival." See also Anthony A. Barrett, Caligula: The Corruption of Power (New York, 1989), 218. There he cites the views of Garzetti, Momigliano, and Ceaușescu, all of whom see in Antony's memory an inspiration and an aid for Caligula's absolutist tendencies and purposes.
246 Suetonius' reference begins with Caligula's enmity to Homer, which allegedly was so strong that the Emperor thought of destroying his poems, claiming the same privilege as Plato, who excluded the bard from his ideal state.
247 In Dio's account (AD 39), the celebration of Actium is used as an excuse for removing the consuls, with Caligula telling his close confidants that he would have also removed them if they had failed to celebrate the victory!
248 Barrett (218-9) describes the idea of Caligula distancing himself from Augustus as "absurdity", and goes on to state: "There is not a single scrap of numismatic or epigraphic evidence to show any special favour to Antony." He notes that a recently discovered fragment of the Arval records shows that in AD 38 Caligula himself carried out the sacrifices to Augustus in the festival marking Actium, and that the records also show the celebration of Augustus' birthday during his reign, but no sign of a celebration of Antony's. As he also notes (217-8) Caligula's alleged shame at his paternal grandfather Agrippa's ignoble birth, and the bizarre boast that his mother was actually born out of the incestuous union of Augustus and Julia (Suet. Calig. 23. 1), must be false or a joke in poor taste given the evidence from coinage and inscriptions celebrating these linkages.
249 Suet. Claud. 11. 3. His insistence that his father Drusus' birthday be celebrated more heartily because it was also the birthday of Antony, suggests, as Barrett notes (219), a significant innovation.
is impossible. One may be tempted to read much into the charge of verbosity levelled against Livy. Yet his characterization (Suet. Calig. 53. 2) of Seneca's style as *commissiones meras* and *harena sine calce*, suggests equal dislike for the pointed mannerisms typical of silver Latin prose. Certainly, Caligula's claim (Dio 59. 19. 3) to surpass all the orators may have included the greats of the past, as well as eminent contemporaries such as Domitius Afer and the Younger Seneca. Yet as with all the anecdotal evidence concerning Caligula, it is difficult to know just how dangerous Caligula's jealousy of great orators was in reality. Even if it were the case that certain tendencies during Caligula's principate were unfavourable to Cicero's further glorification, the briefness of his reign and the inclinations of his successor no doubt lessened their significance.

It is fitting that we conclude this survey with Claudius, the beginning of whose reign was marked by the last serious, or at least, ostensibly serious, attempt to restore the Republican system. That a member of the Imperial family could celebrate at length, in whatever capacity, the memory of the most famous victim of the second Triumvirate shows the extent to which the orator's image had been rehabilitated over the intervening decades. That Claudius could quite happily indulge in such laudations, while also publicly commemorating the memory of his grandfather Antony, provides the most powerful confirmation of the extremes to which such sentiments could, and did, become dislocated from historical and political reality.

Yet in the context of the evidence we have surveyed, this final twist can hardly be described as surprising. In an age when informers and *adulatores Caesaris*, along with those disaffected or deemed disaffected with the Imperial regime, could write and declaim on Cicero's death in terms of the extinguishment of the light of liberty as well as eloquence, anything would seem possible. As we have seen, this did not signal the death of sober and balanced assessment of Cicero in either literary or historical terms. But what it does seem to signal is the final and

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251 So Goodyear ("Tiberius and Gaius," 608, who sees in the criticism a preference for the brevitas of Sallustian historiography.

252 If Dio is to be believed, the life of the Younger Seneca lay in grave peril merely for having brilliantly argued a case in the senate before the emperor (Dio 59. 19. 7-8).
irrevocable divorce of the orator's image from any latent potential it had for serious political resonance.
Conclusion.

In beginning his analysis of Cicero's reception during the Imperial age, Zielinski makes passing mention of the Emperor Severus Alexander as one of those whose heart burned with the Nachglanz of Cicero.\(^1\) Presumably, he is referring to the story (SHA Alex. Sev. 31. 4) that the young Emperor kept a portrait of Cicero, together with those of Vergil, Achilles and other heroes in his second sanctuary of the Lares.\(^2\) One wishes that this charming tale were true, if only for the contrast which it would provide with the opinion of one of his senior consulars, Cassius Dio.\(^3\) The wide variance between these reactions would perhaps serve as a worthy coda to the early Empire's reception of the memory of Cicero, encapsulating as it does the wide range of possible opinion. Yet, despite that range, the "balance sheet" for Cicero in our given period would seem to reflect a dominantly favourable reception of his memory. Almost completely reconciled with acceptance of the new regime, Cicero's good name was now, it would seem, contestable only as a purely literary exercise. However, what was the effect of this ascendant sympathy towards Cicero in the period following the death of Claudius? What, moreover, was the deeper significance of these developments in terms of how Romans of the early Principate perceived the late Republic and its collapse?

Given the chosen parameters of the present work, it might easily be assumed that there is here an implicit suggestion that the period we have investigated saw the articulation of all the essential elements which went to forming the image of Cicero, the man and statesman, in the Imperial age; that what came after it was nothing but a series of stale leitmotifs, stolen magpie-fashion from an earlier age when that image had real human and ideological resonance. Indeed, Gambet's work on the period between the death of Cicero and that of the Elder Pliny,

\(^1\) Zielinski, 9.
\(^2\) The first sanctuary allegedly held (SHA Alex. Sev. 29. 2) likenesses of not only the best of the deified emperors and Severus' ancestors, but also certain holy men, including Apollonius of Tyana, Christ, Abraham and Orpheus.
\(^3\) Syme (Emperors and Biography [Oxford, 1971], 26) states: "Few in this late season are likely to accord credence to Severus Alexander and his domestic chapel." However, Syme later notes (276) the fact that such distinguished scholars as W. H. C. Frend and E. R. Dodds have given credence to it. See also Syme's remarks (101) concerning the similarly dubious story (SAH Alex. Sev. 30. 2) of the young Emperor's liking for De officiis and De re publica.
manages to explicitly state something very close to this. Correctly identifying the ubiquity of references to Cicero in his chosen period, and their dominantly laudatory character, he goes on to assert strongly the primacy of the portrait delineated by Augustan declaimers as the major developmental factor.4

The importance of the Augustan declamatory tradition cannot be underestimated. The eulogistic conception of Cicero enunciated by the vast majority of the declaimers, depicting him as the greatest of Roman orators and as the enemy of Catiline and Antony, characterized and probably facilitated the progress of Cicero's memory towards wholesale political and cultural legitimation. Yet even within the period of our purview it can hardly be described as the predominant influence, even simply with reference to laudatory conceptions of Cicero. The vitally important opinion of Livy would seem to be more influenced by the "grudging" concessions of Pollio's *historiae*, than the uncritical praise of the declaimers. Even a writer so enthusiastically sympathetic and so obviously indebted in his stylistic mannerisms to declamation as Velleius Paterculus reveals, on close inspection; a relatively deep acquaintance with the works of Cicero, as well as the historical and biographical treatments dealing with him written in the Augustan age.

Indeed, if there is a major flaw in Gambet's study it is the assumption that Cicero's posthumous reputation was a creation predominantly predicated upon posthumous treatments of the orator of the rhetorically simplifying variety.5 He fails to take into account the perpetuation of an authentic and important historical and biographical tradition which, however strongly influenced by rhetorical language and conceptions, carried through from the early works of Tiro, Nepos, Pollio, Livy and Augustus himself, to the those of Plutarch, Appian and Dio. Moreover, he underplays the extent to which Roman and Greek writers could, and

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4 In his own words (*Cicero's Reputation*, 251-2): "If there is a single key to a correct interpretation of our evidence, it is an understanding that nearly all the writers of the period were influenced in their praise of Cicero, to a greater or lesser extent, by their training in the rhetorical schools. It is this training which explains their choice of themes and which accounts, too, for the routine and artificial tone of many of their laudatory testimonia."

5 As noted by Richter, 172-3.
in fact often did, go back to the copious works of Cicero and his contemporaries in order to form opinions of Cicero.6

Thus, Asconius' historical commentaries on Cicero's speeches, however partial to Cicero's good name and consequently misleading, are informed by a wide and deep knowledge of not only Cicero's speeches, but many of his rhetorical treatises as well.7 Seneca the Younger's criticisms of Cicero's character, reminiscent - although in a more moderate tone - of those of Pollio and Livy, and representative of the writer's "Stoic yardstick", also took their inspiration from a reading of Cicero's letters.8 Pliny the Elder's references to Cicero - especially his encomium on Cicero's consulship - reveal, it is true, the strong influence of school rhetoric; yet they also display considerable (if flawed) knowledge of Cicero's life and works.9 Quintilian's profound knowledge of, and intense admiration for, Cicero's oratorical achievement translated itself into systematic refutation of the most criticized aspects of Cicero's character and career.10 Tacitus could exploit Ciceronian language and the structural framework of Cicero's rhetorical and philosophical dialogues, as well as the old battles involving Cicero and his stylistic critics, so as to fashion, in the Dialogus, one of the most fascinating and provocative analyses of the relationship between politics

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6 Lavery's study constitutes something of an improvement in this respect. His judgments concerning the so-called "image-formers" are in many respects far too categorical, especially when he asserts (177) that the works of Asinius Gallus ended "the image-formation process among the obtrectatores. Y Yet in his analysis of Cicero's self-image (4-11), and of what he calls "the radical sources" - i.e. the works of Cicero and "all biographical and anecdotal material, oral and written, reaching back to Cicero's own circle" - (174-5), he recognizes the vital fact that the views of later Imperial sources were not wholly predicated upon the earlier posthumous tradition. Moreover, he goes on to assert (179-80) the vital role played by such writers as Asconius and Quintilian in laudatory "image-formation".

7 See Marshall, Asconius Comm., esp. 39-50, 62-77. This is recognized well enough by Gambet himself (Cicero's Reputation, 188-99). Yet he refuses to see Asconius' interest and sympathy as representative of anything more than an isolated coterie of Ciceronian (see Chapter 4, pp 225f).

8 See esp. Brev. Vit. 5. 1-3. Again, Gambet himself (Cicero's Reputation, 173-83; "Cicero in the Works of Seneca 'Philosophus'," 178-83), despite asserting the importance of school rhetoric in shaping Seneca's view of Cicero as a man, notes how Seneca downplays certain issues, such as the last year of Cicero's life, which were central to the declamatory tradition.

9 See esp. Plin. HN 7. 116-7. Once again, this is recognized by Gambet (Cicero's Reputation, 205-22), who states (212): "Pliny is clearly influenced by his rhetorical training, but he is by no means dominated by it".

10 Quint. Inst. 12. 1. 1f (Quintilian's use of Cato the Elder's definition of an orator as vir bonus dicendi peritus); see esp. §§14-17. See also Inst. 11. 1. 17-25, on the question of Cicero's alleged vanity.
and public speaking written in the ancient world. Juvenal, who like his friend Martial, delivers the customary references to Catiline, the *Philippics*, great oratory and bad poetry, could also style Cicero as *pater patriae*, directly contrasting the *Roma libera* that accorded him the title for his deeds as a civilian with that State which gave it to "Octavius" for his bloody deeds at Philippi and Actium.\(^{11}\)

In addition, the dominance of laudatory conceptions of Cicero in the early Empire may partly deceive us as to the character of his reception, even within the limited period we are investigating. Despite the fact that vicious detractors of Cicero’s character were unpopular and, it seems, meagre in numbers, their influence was considerable. Cicero’s perceived weaknesses - timidity, irresolution, quarrelsomeness and vanity - were not the sole preserve of the caricatural tradition identified by Zielinski; they were also central to such treatments as those of Pollio and Livy’s histories, and the writings of Augustus himself. Even the most laudatory conceptions of the orator constitute, in many cases, a reaction against such charges. It is significant that when Quintilian came to styling Cicero as the greatest of Roman orators, he found that the description of him as a *vir bonus* was as problematic, if not more so, for his contemporaries than the question of whether he was *dicendi peritus*. In an age when Cicero’s oratorical stature was acknowledged even by the most aggressive modernists, when the political sensitivity of his memory had faded away, the question of Cicero’s moral virtue was still contested. Even if Cicero’s death had not been partially the responsibility of the future Augustus, even if Pollio had conceived an uncritical admiration for Cicero’s eloquence, one wonders whether the reception could have ever matched that of his contemporary Cato. We saw that Varius Geminus was unusual among the declaimers in both his knowledgeability about Cicero and his unconcern for his peers’ disapproval in arguing on the basis of Cicero’s servility. One wonders, however, if he was alone in being able to easily conceive Cicero begging Antony. The very nature of the declamatory exercises, whereby Cicero was urged to greatness in a scenario originating with the slurs of Pollio, may suggest that "Rome’s least mortal mind" seemed all too fragile for even many of his unabashed admirers.\(^{12}\)

\(^{11}\) Juv. 10. 114-26, 8. 231-44.

\(^{12}\) That famous description was, of course, Byron’s (*Child Harold’s Pilgrimage*, Canto 4. 44), and should perhaps be compared to his remarks after witnessing a performance of
Given the complexity of, and close interaction between, positive and negative reactions to Cicero, the simple classification of our evidence into such groupings can only take us so far. Juvenal's juxtaposition of Cicero with the first princeps, touching as it does on issues which the vast majority of Augustan declaimers left well alone, may suggest a more vital measure of developments in our chosen period. The failure of our many sources to harp on the title accorded to Cicero in 63 BC, to go into detail regarding the relationship between Cicero and the young Octavian, would seem to indicate very clearly how political sensitivity moulded the terms of discussion. Arguably, it is as much in what we do not read about Cicero as in what we do, that his significance lies.

One of the justifications for the choice of Cicero as a subject for this survey was his role in providing a theoretical exposition and justification of the res publica. As we have seen, many scholars have argued for an exploitation of Ciceronian political philosophy in the establishment of the Augustan Principate. The frustratingly nebulous character of the debate is indicative of the fragmentary nature of the De re publica, and the loss of the writings of Cicero's contemporaries that would provide a meaningful context. It is also revelatory of the lack of surviving philosophical works from the early Principate similarly concerned with the nature of the State. Apart from the tantalizing possibility that Didymus Chalcenterus discussed the De re publica in detail, there is no explicit reference to the work until the time of Nero, in the works of Seneca the Younger. The loss of virtually all the philosophical material dating from between Cicero's death and that of Seneca must necessarily render any theories as to the non-appearance of this, or any other work of Ciceronian philosophy extremely tentative. Yet, it is suggestive that in that first discussion of the De re publica (Sen. Ep. 108. 30f), the most noticeable feature is the fragmented and myopic treatment it is accorded by the various academic disciplines of the time. Even Seneca, in criticizing these differing approaches, can only suggest that the proper purpose in reading such a work is to find those precepts

Shakespeare's "Antony and Cleopatra" (Journal, Nov. 16, 1813): "why do they abuse him (Antony) for cutting off poltroon Cicero's head? Did not Tully tell Brutus it was a pity to have spared Antony? And did he not speak the Philippics? And are not words things?"

13 See Chapter 2, pp 95f.
which aid the individual in the pursuit of the *beata vita*. One gets a very strong suspicion that whether consciously or unconsciously, there is an eschewal here of that synthesis of oratorical, philosophical and historical knowledge which was so central to Cicero's works.

The problem of the *rector/princeps* and its possible relationship to the Augustan Principate, can tend to obscure the issue of how other aspects of Ciceronian political philosophy were received in Imperial times. Oltramare suggests that even within this wider context much of Ciceronian thought was not only assimilable with, but exploited as a basis for, the new Augustan reality. Yet even he admits that this posited exploitation was neither idealistic nor wholesale. It is Cicero who makes the fundamental equation of a *res publica* with a *res populi*, with its implicit denial of the right of any sectional interest to wholly dominate the State. It is also Cicero who states that *libertas in legibus constituit*, predicated as it is on the idea that the laws must equally bind all citizens. There is nothing "vague" about these formulations, nor are they necessarily "innocuous". To be sure, such words were used by Cicero to defend the pre-eminence of a narrow caste. Moreover, Chaim Wirszubski considers that even according to these formulas, Augustus could claim that his system constituted a *res publica*. Yet, as Wirszubski himself admits, it is only by ignoring the change in "the fundamental principle of government" that such a claim of continuity with the Republican past can be made. Indeed, perhaps even more important than Cicero's specific definitions of what constituted legitimate government, was the very act of definition itself. For it was only by not examining the structure and workings of the Principate too closely and too rigorously that one could maintain the fiction that the rights of citizens depended on the rule of law rather than the goodwill of the *princeps*.

14 See Chapter 2, n. 32.
16 Cic. Leg. agr. 2. 102. As Wirszubski (*Libertas*, 87) notes, the latter formulation was the central idea behind *De legibus*.
Perhaps then it is also in those abstract speculations which, somewhat ironically, Cicero always saw as a poor substitute for practical politics, as well as the sensitivities surrounding his political career, that potential dangers lay. As indicated previously, Wirszubski asserts that no one during the early Principate considered Cicero a hero or martyr of the Republic because there was nothing in his "character or his death to commend him to the admiration of posterity." Given that many references examined herein do accord him such a status, and the fact that even such a critic as sober-minded as Livy saw something akin to redemption in Cicero's final moments, the exaggeration is clear. Arguably, however, Wirszubski gets close to the real nub of the matter when he goes on to comment: "Perhaps if republicanism mattered most, Cicero would have found an honourable place beside Cato and the Liberators."

For even the most knowledgeable and perceptive comments on Cicero that we have examined, whether they be sympathetic or hostile, tend to appear somewhat shallow in the context of Cicero's wider legacy. Quintus Haterius (Sen. Suas. 6. 1) asks the question, Cicero, quid in alieno saeculo tibi? Haterius may be simply assuming the mask of one of Cicero's contemporaries in late 43 BC. However, perhaps he is also slyly hinting at conditions in the peaceful age of the Augustan Principate. Moreover, as M. L. Clarke has noted, it is in the intellectual sphere as much as the immediate realm of politics, that the question has resonance. As a symbol of oratorical excellence and literary greatness, as the quintessential embodiment of the civilian statesman struggling against the forces of violence and brutality, there was quite a considerable role for Cicero in the new State. It is only when these facets of his life are viewed within the wider context of both the totality of his political career and his conceptualization of the Republic that we begin to realize how much of the historical Cicero tended to go missing in the process.

18 Wirszubski, Libertas, 128-9; see Chapter 4, p 291.
Appendix.

The Death of Cicero. Forming a Tradition: the Contamination of History.  

The death of Marcus Tullius Cicero in early November 43 BC is one of the most widely-evidenced of "famous deaths" in the ancient world. Not only are we served here by Plutarch and Appian, both of whom give us long narrative accounts, as well as by Cassius Dio, and the usual brief references in the epitomizing tradition and the chronographers; but thanks to the stubborn insistence of Seneca the Elder in - to use his own metaphor - "dosing" his declamation-hungry sons with the "medicine" of history, we have passages from important, and now largely lost, Latin historians of the early Principate. Tantalizing fragments from, and references to such giants of the Augustan age as Livy and Asinius Pollio, as well as lesser-known figures from the late Augustan and early Julio-Claudian period, are recorded by Seneca, who himself gives us important "editorial" commentary. Together, this material gives us a range and scope of sources to this particular event virtually without parallel in the ancient source material.  

Now it would seem reasonable considering this state of affairs to assume that we are in a relatively good position to find out what really happened concerning the demise of Cicero. Indeed, at least one scholar has made such an assumption. W. C. McDermott certainly sees the evidence as representing historical information of the first order:

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1 The only detailed analysis of the evidence concerning Cicero's death is Homeyer's monograph. Homeyer is more interested with identifying the order and direction of the transmission of information between the extant sources, than with analysing particular discrepancies between the sources as to the historical event. In particular, she attempts to identify Livy as the main formative influence in the generally sympathetic depiction of Cicero's character and demeanour in most of the accounts.

2 For Seneca's medicinal metaphor see Sen. Suas. 6. 16.

3 The major historical sources on Cicero's death are as follows: Tiro (Tac. Dial. 17. 2), Asinius Pollio (Sen. Suas. 6. 24), Livy (Sen. Suas. 6. 16-17 & Livy Per. 120), Aufidius Bassus (Sen. Suas. 6. 18), Cremutius Cordus (Sen. Suas. 6. 19), Bruttedius Niger (Sen. Suas. 6. 20-21), Seneca the Elder (Sen. Controv. 7. 2. 8), Valerius Maximus (1. 4. 6 & 5. 3. 4), Seneca the Younger (Sen. Tranq. 16. 1), Plutarch (Cic. 47-49 & Ant. 20), Appian (B Civ. 4. 19-20), Florus (2. 16. 5), Cassius Dio (47. 8. 3-4 & 11. 1-2), Pseudo-Victor (De vir. ill. 81. 6), Jerome (Chron. , Helm, 158), Cassiodorus (Chron. Mommsen, 626). See also Velleius Paterculus 2. 66. 3-5, Sen. Ep. 83. 25, Eutropius 7. 11, Orosius 6. 18. 11, Jer. Adv. Rufin. 3. 42 (Migne PL 23, 510), and August. De civ. D. 3. 30.
The vivid details of Cicero's assassination were already well known in the Augustan age, and they have all the indications of an eye-witness account. Moreover in the three accounts extant there are only minor inconsistencies. Certainly then the account is based largely on Tiro. He could have questioned those who were present, but I think it more likely that he accompanied (sic) Cicero on that fatal day. He then may have been with those slaves who, according to Livy and Appian, were ready to defend their master.4

Leaving aside for the moment the extreme tenuousness of McDermott's general chain of argument here regarding the transmission of our evidence, we should consider his claim that it exhibits, in general, cohesion and credibility. Presumably the "three accounts extant" of which McDermott speaks are those of Livy, Plutarch and Appian, since these are the most expansive of those left to us. Now as we shall see, McDermott's assertion here that these three accounts contain only "minor" discrepancies is dubious enough in itself. However, it is when we put these three accounts together with all our other evidence that the most serious problems begin to arise. Almost certain proof exists that in the case of at least one piece of evidence, the historical record has been contaminated by a fiction generated by the practice of declamation. This in turn raises our suspicions regarding the origin and reliability of the many other pieces of anecdotal evidence with which our sources provide us. This is especially so when we analyse the discrepancies in our material, and the way in which, if these are closely compared, rhetorical embellishment of the historical record may perhaps be further discerned.

The vital information here is provided by Seneca the Elder in Controversia 7.2. Here, Popillius, Ciceronis Interfector, is subject to an imaginary accusation de moribus. The theme of the Controversia is given by Seneca as follows: Popillium parricidii reum Cicero defendit; absolutus est. Proscriptum Ciceronem ab Antonio missus occidit Popillius et caput eius ad Antonium rettulit. Accusatur de moribus.5

5 Sen. Controv. 7.2.8. The reason for the invention of a parricide trial would seem apparent. As Volkmann states (RE, “Popillius [16] Bd 22 (1) [1953], 54): “Diese Behauptung entspringt dem Bestreben, möglichst effektvoll den Vaterräter und sein
After giving us the epigrams of the various declaimers and before giving us the *divisio* and *colores*, Seneca, as if unable to resist his historian's calling, gives us some very interesting information:

*Popillium pauci ex historicis tradiderunt interfectorem Ciceronis et hi quoque non parricidi reum a Cicerone defensum, sed in privato iudicio: declamatoribus placuit parricidi reum fuisse. Sic autem eum accusant tamquam defendi non possit, cum adeo possit absolvit ut ne accusari quidem potuerit.*

Now how are we to read this passage? Clearly, there is a firm assertion here on Seneca's part as to the total lack of historical attestation for the charge of parricide on which the *Controversia* was based, and as to the rhetorical origin of the story. What, however, of Popillius himself? While a number of different readings may suggest themselves here, by far the most plausible one would seem to be that because of the lack of historical attestation, Seneca has considerable doubts that a man named Popillius - whoever he might have been - was involved in the death of Cicero.6

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6 Certainly, Winterbottom’s translation gives this sense: “Few of the historians have told us that Popillius was the killer of Cicero, and even they didn’t represent him as having been defended by Cicero for parricide, but rather in a private suit. It was the declaimers who decided that he had been tried for parricide. But they accuse him in such a way as to suggest he cannot be defended: yet he can be acquitted - in fact he could not even have been accused.” Yet Winterbottom also adds the following oracular remark: “Our sources are more certain than Seneca himself was that Popillius did kill Cicero.” Alfred Gudeman (*The Sources of Plutarch’s Life of Cicero*, 28) also interprets the passage as carrying this meaning: “This passage, of course, admits of but one interpretation, to wit, that the connection of Popillius with the death of Cicero is unhistorical, being an invention of rhetoricians which was subsequently improved for epideictic purposes by making the alleged assassin a former client of Cicero in a murder trial, this circumstance naturally enhancing the pathetic features of his base ingratitude.” Of course there are other ways to interpret the passage. Perhaps, in describing the historians who mention Popillius as Cicero’s killer as *pauci* - here to be translated as “a few” rather than “few” - Seneca is merely making the factual observation that some historians do say this, with no implication that their information is dubious because of their numerical (or other) inferiority. Also, what are we to make of the word *interfectio?* In the light of Plutarch’s account, where it is Herennius, not Popillius that actually strikes Cicero down, could Seneca simply be saying that Popillius was not the actual executioner? Furthermore, how are to understand the last sentence of the passage? Why can he be
So who were the *pauci ex historicis* who said that Popillius was the killer of Cicero? Initially, there would seem to be two certainties. One of these is Bruttedius Niger, whose depiction of Cicero's death - preserved by Seneca the Elder - mentions Popillius and his murder of Cicero, *obitus se paulo ante defensum ab illo*. As we have seen, there has been a suggestion that Bruttedius was not a historian, and that the passages quoted by Seneca are pieces of declamation that have by some unknown means, become part of the text dealing with historians. As we have also seen, the hypothesis is distinctly dubious. Yet the fact that Bruttedius' narrative can so easily be confused with a piece of declamation arguably says much about its evidential weight.

Another candidate is Livy. In the *periocha* for Book 120, we are told that Cicero was slain by Popillius and that his head and right hand were placed on the rostra. This seems conclusive enough. Yet there are distinct problems here. Firstly, there is the fact that in the passage of Livy preserved by Seneca, there is no mention of Popillius. Now it is quite possible that Livy went on to mention Popillius in a subsequent passage. However, for two reasons this would seem distinctly problematic. Firstly, there is the fact that the *periocha* states that only Cicero's right hand was placed on the rostra with his head, while the passage preserved by Seneca states that *both* hands were displayed. Now while one can accept that it is quite possible that Livy went on after the passage quoted by Seneca to name Popillius as the killer of Cicero or at least discuss whether he was the killer, one would find it hard to believe that even Livy would have wasted time in a separate passage discussing whether only one, or both Cicero's hands had been cut off and displayed. Of course, it could be suggested that the confusion over the

acquitted, indeed not even accused? Is it because of his non-participation in the killing, or is it because of the strength of Popillius' defences to the charge (which Seneca immediately goes on to illustrate by way of Porcius Latro's comments)? This last problem remains somewhat mysterious. However, as to the former ones, the *force of quoque* in the second sentence would seem to suggest that Seneca is saying something concerning the lack of historical attestation for Popillius' wider involvement; with *interfector*, it is clear from literary usage that the phrase goes far beyond the physical act: see for instance, *Sen. Apocol*. 13. 6, where Claudius is described as *omnium amicorum interfector*.

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7 See Chapter 4, pp 298f.
8 See Chapter 4, pp 298-9.
9 Homeyer (85) cautiously seems to favour this option.
10 To note a famous instance where Livy discusses various versions of a notorious incident, see 39. 42-3, where we are given two versions, Cato the Elder's and Valerius Antias', of
hands was a simple mistake on the part of the author of the periocha, or an intervening epitomizer, if there was one. However, a second point suggests that this explanation is not sufficient. Seneca's respect for Livy as a historical authority is considerable. He uses Livy explicitly as the main weapon in discounting Asinius Pollio's claim that Cicero offered to retract his Philippics and write speeches praising Antony. He also uses Livy, along with the later historians, to implicitly cast doubt on Pollio's account of Cicero's death; Pollio having been, according to Seneca, the only historian who maligne narrat. Thus the question must be asked: would Seneca have described those historians who stated that Popillius had been the killer of Cicero in so dismissive and sceptical a fashion, if Livy had been one of their number? It seems unlikely.

A further point is of interest here. Of the later material which is often used to reconstruct the lost Livian narrative of the late Republican and Triumviral periods, the evidence for Popillius is distinctly ambiguous. In Appian's account Popillius figures rather prominently. Now, as we have seen, it is unlikely that this account, or indeed any of Appian's proscription narrative derives from what many see as his predominant source, Asinius Pollio. However, for a number of reasons, there is very little likelihood that his account comes, at least directly, from Livy either. The material contained within, and the general tone of the two accounts are markedly different; and while the former point might be explained away by what we have lost in the Livian account, it can hardly account for the latter. The Livian account is obviously more
sympathetic to the plight of Cicero. While Appian does speak of the murder as τὸ πάθος, and makes no reference to explicit cowardice (as in Pollio) on the part of Cicero, there is no reference either to Cicero's resignation to, and bravery in, death, as in Livy. In Livy, Cicero offers his head to his slayers, while in Appian, Popillius has to draw Cicero's head out of the litter. Furthermore, there is no reference by Appian, as there is in Livy, to the grief felt by the People of Rome in viewing Cicero's mutilated remains on the rostra. Instead we are simply told: "καὶ πλείους ὁμίμενοι συνέθεον ἡ ἀκροώμενοι." There are also clear discrepancies between the two accounts: once again, for instance, there is disagreement on the number of hands hacked off and displayed. Furthermore, Appian actually tells us that he has conducted his own "field research" on the matter. Regardless of whether this is true or not, it certainly tends to suggest that Appian had found his source materials distinctly wanting, and that as such, his account is not simply a slavish imitation of a Latin original. Dio's references - if only because they are considerably shorter - exhibit less divergence from the Livian narrative, and he also has Popillius figuring prominently. However, once again there is the discrepancy about the hand(s), as well as two bizarre stories concerning Popillius and Antony's wife, Fulvia, which are not found in any of the other main evidence. Florus, Eutropius and Orosius, so often used for the purposes of adducing Livian information, contain no reference to Popillius.

Valerius Maximus' account, however, is a different matter. Of all our sources he gives us the most detail on Popillius, and at first glance his account may seem to bolster both the idea of Livy's mention of him, and the historicity of his involvement in Cicero's death. We are given unique information, including a full name - Gaius Popillius Laenas - and the statement that Cicero's defence of Popillius was at the request of Marcus Caelius. As we have seen, it is generally accepted that Livy was

Architect of the Roman Empire. [Oxford, 1928], Vol. 1, 216-7) to, in his own words "collate the three detailed accounts of the fate of Cicero." Rice Holmes' "collation" does nothing more than show that such agreement as there is, is extremely minimal. Gowing also seems to think that Appian's account here is markedly sympathetic, a point I would dispute given the above differences from Livy's account.

18 Even Homeyer (69-71) misses these differences in tone and emphasis.
19 See n. 52. It also, of course, suggests that Appian had distinct problems dealing with his sources. See Gowing's remarks, n. 58.
20 Dio 47. 8. 3-4 & 11. 1-2
one of Valerius' two main sources. Moreover, the final lines bear a marked similarity - in meaning if not in language - to those of Livy in his *encomium* of Cicero preserved by Seneca the Elder.

Yet caution is required. The practice of source-hunting is a perilous business at the best of times, but with Valerius it can be positively dangerous. To assume, because of Valerius' heavy use of Livy and the conceptual similarity of the two writers in their final remarks, that Valerius' whole *exempla* is "lifted" from Livy ignores Valerius' penchant for "elaborating" his materials in the manner of the declaimers. It is more than possible that those Livian remarks became much-used (and much-abused) fodder for declaimers in the schools. Also, Valerius' account, like others we have seen, departs from Livy as to the number of hands that were cut off Cicero. As for the information concerning Marcus Caelius, it can be taken either way. To be sure it might represent valid historical evidence from a lost source; but on the other hand it might represent the use of a well-known fact concerning Cicero - his friendship with Caelius - in a process of rhetorically inspired invention.

In actual fact, the detailed information given to us by Valerius only serves to intensify our doubts regarding Popillius and his trial. That none of the other surviving sources on Cicero's death provides any hint of the personal detail Valerius gives us regarding Popillius may suggest, even at this preliminary stage, that Valerius is embellishing an already dubious story with rhetorically inspired material. Nor should it surprise us that we find the already hazy line between historiography and rhetoric most unclear with a writer whose "historical" perspective

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21 See Chapter 4, n. 119.
22 Livy *apud* Sen. *Suas.* 6. 22: *vir Magnus ac memorabilis fuit et in cuius laudes exequendas Cicerone laudatore opus fuit.* Val. Max. 5. 3. 4: *quoniam qui talem Ciceronis casum satis digne deplorare possit, alius Cicero non extat.* See Gudeman, 29, n. 5. Gudeman sees Valerius Maximus' source in this passage as Livy because of the similarity of meaning. However, see Pomeroy's remarks cited in Chapter 3, n. 73.
23 See Chapter 4, n. 119.
24 Homeyer (88) is also sceptical concerning Caelius' inclusion. For a similar example of such a process at work concerning Cicero's death, see Appian *BCiv.* 4. 19, where Cicero's escape-route from his villa is betrayed, not by Philologus - as in Plutarch - but by a shoemaker who had been a client of Clodius; Moles (*Plutarch: Life of Cicero,* 200) describes this as "banal". Note the declaimer Triarius' remarks in Sen. *Controv.* 7. 2. 4. For further problems with Valerius' mention of Caelius see n. 38.
seems to so strongly reflect both the language and sensibility of the schools of declamation.

In this instance at least, there would seem little likelihood that the *Periocha* text bears much relation to what Livy actually said.\(^\text{25}\) It is distinctly possible that Livy actually never mentioned Popillius. If he did mention him - taking into account Seneca's remarks about Popillius - it would seem that he could not have done it without evincing considerable scepticism about his involvement. Thus we are left in the position of not being able to clearly identify any early historiographical source which names Popillius as Cicero's killer, apart from Bruttedius Niger.

However, what of Tiro? Let us turn to the second of Seneca's statements, his assertion that Popillius' parricide trial was a fiction invented by declaimers. It is here that the most dramatic of our problems arises. For when we read Plutarch's "Tironian" account we suddenly find that the parricide trial that Seneca has categorically told us to be a rhetorical fiction has become a reality (Plut. Cic. 48. 1):

\[\begin{align*}
\text{"Εν τούτῳ δ'οί σφαγεῖς ἐπῆλθον, ἐκατοντάρχης Ερέννιος καὶ Ποπίλλιος χιλίαπχος, ὁ πατροκτονίας ποτὲ δίκην φεύγοντι συνεῖπεν ὁ Κικέρων, ἔχοντες ὑπηρέτας.}
\end{align*}\]

(Meanwhile, however, the murderers had arrived. These were the centurion Herennius and Popillius, a military tribune, who had in the past been defended by Cicero when he was prosecuted for having murdered his father.)

[Moises]

Presumably the first question we should ask ourselves is whether it is possible that Seneca was wrong.\(^\text{26}\) Could he have overlooked some

\(^{25}\) Bingham, whose investigation of the relationship between the *Periocha* and the Livian text is probably the most comprehensive of such studies, also assumes (403 & 475) that the Popillius reference in *Per.* 120 stems from contamination. Jal, who as we have seen (Chapter 3, n. 79) contests many of Bingham's alleged discrepancies, does not discuss this one.

\(^{26}\) Erich Gruen (*The Last Generation of the Roman Republic* [1974. Berkeley and Los Angeles, 1995], 529-30), for one, has assumed as much. He notes Popillius' existence thus: "C. Popillius (sic) Laenas: one of the murderers of Cicero in 43. He was earlier defended by Cicero on a charge of parricide and acquitted...Some historians reported that Cicero's
early historical authority who mentioned the parricide trial? The obvious candidate is Tiro, Cicero's freedman, secretary and literary adviser, many of whose literary works published after the death of Cicero - including his lost biography of Cicero - were written to honour his former master and patron. Plutarch explicitly mentions Tiro (Cic. 49. 4) in his account of Cicero's death, in connection with the supposedly gruesome fate of one Philologus - an ex-slave of Cicero's brother Quintus who in Plutarch's account (Cic. 48. 2), betrays Cicero to the soldiers - at the hands of Quintus' widow Pomponia (Cic. 49. 2-3):

οδτο γὰρ ἔνιοι τῶν συγγραφέων ἱστορίκαιν· ὁ δ' αὐτοῦ τοῦ Κικέρωνος ἀπελεύθερος Τίων τὸ παράπαν οὐδὲ μέμνηται τῆς τοῦ Φιλολόγου προδοσίας.28

(This, at least, is the account given by some historians; though Cicero's own slave, Tiro, makes no reference at all to the treachery of Philologus.)

The assumption, made by scholars such as Homeyer and McDermott, that Plutarch's material in chs. 47-49 preserves - relatively intact - Tiro's account of Cicero's death, directly challenges the assertions of Gudeman, who had seen in the story of Philologus, the parricide trial, as well as other pieces of evidence, enough to suggest that the whole narrative had been substantially altered by intervening material.29 Yet, leaving this

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27 See Chapter 1, pp 49f. Homeyer (65), like McDermott, assumes that Plutarch's account of Cicero's final days "in seinem Grundzügen" derives ultimately from Tiro. She goes even further than McDermott in assuming that Tiro was an eyewitness to the events of his death.

28 Plut. Cic. 49. 4. Drumm and Groebe (Geschichte Roms [Hildesheim, 1964], vol. 6, 327f) notes a reference to a slave of Quintus Cicero called "Philogonus" in Cicero's letters (Cic. ad Q. fr., I. 3. 4). In the light of Plutarch's own scepticism this seems of little weight. Homeyer (66, n. 23) also thinks this information is of little value. Tiro is also mentioned by Plutarch as a source in relation to Cicero's divorce from Terentia and remarriage to Publilia; Plut. Cic. 41. 6.

29 Gudeman (27) writes: "Plutarch...tells us...that Tiro nowhere even so much as mentions this Philologus whose treacherous conduct forms an integral part of the preceding narrative. But if so, then Tiro cannot have been Plutarch's source for the closing period of Cicero's life." Both McDermott ("Cicero and Tiro," 283-4; "Suetonius and Cicero," 486) and Homeyer (67) challenge Gudeman's logic, arguing that the mention
question aside for the moment, is it possible that the gobbet of information concerning Popillius' parricide trial is from Tiro? A further point militates against it. While one can accept that Seneca alone may have overlooked Tiro's account of Cicero's death (though this would seem rather unlikely given the historian's care with which he has collected sources here), it would seem highly improbable that all the historians whom Seneca has cited, have overlooked him as well. If Jerome's date for the death of Tiro (4 BC) is correct, it would seem unlikely that any of the historians' narratives on Cicero's death which Seneca quotes from would have predated the release of his Cicero-biography. It therefore seems extremely unlikely that the reference to Popillius' parricide trial in Plutarch can have arisen from Tiro, or from any other early historical source for that matter.30

Janet Fairweather, speaking on the matter of Seneca's statement, states:

...as none of the historians known to Seneca took over the story of the parricide trial, we cannot use this intriguing piece of source criticism as evidence that fictions were being imported from declamatory themes into historical narrative of Tiro's failure to mention Philologus suggests rather that Tiro was the source for the rest of the material. For Gudeman this problem is one of the pieces of evidence for his thesis that the chief source of Plutarch's biography of Cicero was not Tiro's lost biography but rather the lost Suetonian biography which had incorporated, but also heavily supplemented the Tironian material. One of the most interesting pieces of evidence in positing Suetonius was the the fact that Jerome (Chron. Halm, 158) - whose reliance on Suetonius is generally accepted - is the only other source apart from Plutarch to mention both Popillius and Herennius as the killers of Cicero: see Gudeman, 52 & 110, n. 3. There is the possibility, however, especially if Pelling ("Plutarch's method of Work in the Roman Lives," passim.) is correct in positing Cicero as one of the earliest of Plutarch's Lives, that it could predate Suetonius' work. Homeyer (see esp., 58) had agreed with Gudeman that Plutarch's information from earlier Latin sources must derive through an intermediary source(s), but had seen a much less significant level of contamination as to the narrative on Cicero's death. Recent works, such as those of McDermott, Moles and Pelling have assumed direct use of Tiro and other early sources by Plutarch: see Chapter 1, n. 126. Despite these disagreements, however, Moles (Plutarch: Life of Cicero," 200), McDermott ("Cicero and Tiro," 284), and Homeyer (66) all agree with Gudeman that the parricide trial is a rhetorical fiction.

30 Valerius Maximus' account (5. 3. 4) may at first glance seem to support the idea of a parricide trial, or at least some form of criminal charge: i.e. The reference to Popillius being sent home safely to his household gods, and the reference to Cicero having pleaded per capite eius. However, it is important to note that many civil actions could lead to infamia and thus have serious consequences as to status and security of an individual: see J. A. Crook, Law and Life of Rome. (London, 1967), esp 83-5. Crawford (Cicero: The Lost and Unpublished Orations, 238) claims that Cassius Dio (47. 11. 1) also tells us that the charge against Popillius had been parricide. Yet not only is there no mention of a parricide charge in Dio, but no clue to whether the matter was criminal or civil.
at this date, as they certainly were to be later, in the *Gesta Romanorum*.\(^{31}\)

She appears to have overlooked Plutarch’s incorporation of the parricide fiction. To be sure, in many important respects Plutarch’s biographies are not "history", both in the sense of the aims and methods of their author, and in the actual information that is conveyed to the reader.\(^{32}\) However, in a very fundamental sense, what Plutarch is attempting - at least in biographies of this type - is not far removed from the writing of history.\(^{33}\) Certainly, what we are seeing here represents a rhetorical contamination of the historical tradition concerning Cicero.\(^{34}\)

However, can we stop here? The fact that in this particular case such contamination can be traced to its source necessarily raises suspicions regarding other elements of the tradition, especially when we find information that only appears in a limited number of sources, or that appears implausible, or that seems to conform somewhat too faithfully to literary/historical stereotypes. Let us turn to the various accounts and examine some of the anomalies and problems in more detail.

Firstly, let us look again at the figure of Popillius. We have already seen that Seneca seems to evince some considerable scepticism about his being the killer of Cicero, and how this has led some modern scholars to conclude that his involvement in the death of Cicero is essentially unhistorical. Nor does an investigation of our other evidence

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\(^{31}\) Fairweather, *Seneca the Elder*, 324; see also 90.

\(^{32}\) As Plutarch himself understood; see Plut. *Alex.* 1.

\(^{33}\) Moles (*Plutarch: Life of Cicero*, 34), writing on the distinction between ancient biography and historiography - a distinction, he notes, that Plutarch explicitly and emphatically made himself - argues: "...to the extent that ancient historiography is concerned with the accurate recording of things that actually happened, this historical concern is sometimes also found in biography. In his *Lives*, Plutarch sometimes has explicit discussions of points of historicity, chronology, source bias etc., and sometimes provides background analysis." A pertinent example of this is, of course, right at hand, in Plutarch's discussion of the historicity of Philologus. He goes on to argue: "Plutarch, then, is in the first instance a moral biographer; but he is to some extent too a historian. He is also of course a literary man, who wants not only to provide moral edification, not only to record what happened, but also to give pleasure to his readers, an aim all ancient historical writers shared, to a greater or lesser degree."

\(^{34}\) As also recognised by T. P. Wiseman (*Clio's Cosmetics: Three Studies in Greco-Roman Literature* [Leicester, 1979], 7 & 33) in his study of rhetorical influence on Roman historiography. He states (33) that the rhetorical fiction of Popillius' parricide trial became "accepted as historical fact within two generations of their invention by the schools."
concerning him assuage these doubts. His name, for instance, seems problematic. Our first references to him - in the declamatory material collected by Seneca - simply refers to him as "Popillius". Our first reference to him as "Popillius Laenas" comes, as noted before, in Valerius Maximus, who describes him as C. Popilius Laenas Picenae regionis. Now the name "Popillius Laenas" was of course one to conjure with; the Popillii Laenates having supposedly produced six consulars, four in the second century.35 Yet if our Popillius carried the nomen and cognomen of this illustrious plebeian family - presumably implying therefore some sort of strong linkage to it - is it not strange that none of the declaimers quoted by Seneca raise the issue of the disgrace his actions bring to that name?36 There seems the distinct possibility, therefore, that the tradition of a man named Popillius being the killer of his former advocate Cicero - in itself a dubious tradition - may have been embellished once more by giving him the name of a family of venerable heritage and status.

The hypothesis that Popillius may have undergone, in rhetorical terms, a form of social advancement, may be strengthened by another anomaly in the evidence about him: no one can agree as to his exact military rank. In the Periochae, he is referred to simply as legionarius miles. Bruttedius Niger also refers to him simply as miles, as do Jerome and Cassiodorus. Yet Plutarch refers to him as a military tribune (χιλίαρχος), while Appian describes him as a centurion (λοχαγός). While it is true that this "promotion" does not strictly follow a chronological pattern, the suspicion remains that Popillius' military stature has been heightened in some of our sources for rhetorical effect.

However, we may wish to consider the opposite possibility as well. In Plutarch's account, as noted before, Popillius figures in a supervisory capacity as a military tribune, while the centurion Herennius cuts Cicero's throat. If we assume for the sake of argument that Popillius was one of Antony's soldiers at this time, we may wish to ponder whether Popillius may have rather been "downgraded" - to a centurion or even a

36 Volkmann (RE, "Popillius [16].") speaks of our Popillius being "Freigelassener oder Nachkomme eines solchen." The use of the consular cognomen would hardly seem to suggest the former, though it may not be conclusive. Certainly, the reference to Picenum suggests that he was not a bona fide member of the family, and that any possible link to it was the result of manumission or, more probably, a client relationship.
common "ranker" - in order to lend verisimilitude to his striking the actual blow.37 If we were to accept the historicity of the privatum iudicium mentioned by those few historians who named Popillius as Cicero's killer, then this may lend support to the hypothesis; if one assumes some degree of social status in those defended by Cicero.38

The various narratives concerning Cicero's flight and demise are also interesting in this respect. In Livy's account, Cicero flees from Rome to his villa at Tusculum, then cross-country to his villa near Formiae; then follow a number of unsuccessful attempts to put to sea from the nearby Caieta. Plutarch's account is substantially different: Cicero hears of the proscriptions at Tusculum; he moves towards the port of Astura with his brother Quintus, who leaves him mid-journey to seek money; from Astura, Cicero sails to Circaeum; here, he moves twelve miles towards Rome, before turning back to Astura; from here he sails to Caieta, and goes thence to his nearby villa. Appian simply tells us that Cicero fled - from exactly where is not clear - in a small boat and put to land at his estate near Caieta.39 Despite the similarities between the three accounts - Cicero's inability to put up with the rough sea journey for instance - there are obviously marked discrepancies.

Now we might want to put Plutarch's more complicated account down to his use of a better source, namely Tiro. However, a number of factors provoke scepticism. As Moles notes, Plutarch's account lays great stress

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37 Another example of where the roles of centurion and military tribune are somewhat confused is in the case of the death of Agrippa Postumus in AD 14; compare Tac. Ann. 1. 6 and Suet. Tib. 22.
38 Moles (Plutarch: Life of Cicero, 200) is sceptical about the historicity of the forensic relationship. He says: "Cicero probably never defended Popillius at all." There is a problem with clearly identifying this trial. Valerius Maximus, as have already seen, states that Cicero defended him rogatu M. Caeli which would date Cicero's defence to before Caelius' death in 48. Yet Bruttedius Niger refers to the suit as occurring paulo ante. Even taking into account the flexibility of such a phrase this would seem a rather long intermission. Moles also implies doubt as to Popillius' very historical existence. He notes (24 & 200) the resemblance of Popillius to Demosthenes' killer Archias. One cannot make too much of the latter point. It is true that, as Moles says, Archias resembles Popillius "in his treachery and in being known to his victim", but that is where the resemblance ends.
39 As Drumann and Groebe (vol. 6, 324-5) note, the flight of Cicero mentioned in B Civ. 3. 93 is probably only from the Senate house, not the city. Drumann also states that the reading of Caieta here is based on an emendation of the mss tradition, where it says Capua. Yet it seems to be assumed by textual scholars that this is a fault in transmission, rather than Appian's.
on Cicero's "fearfulness, irrationalism and irresolution". However, while Moles sees this as a matter of Plutarch "rightly" stressing the historical situation, one wonders whether the narrative detail of Cicero's flight has survived intact, considering Plutarch's literary imperatives. Certainly, Cicero's more tortuous, convoluted course allows Plutarch much greater scope in stressing these aspects of Cicero's character. Another detail in Plutarch's narrative also makes one wary. We are told that at Astura, Cicero decided to travel to Rome and kill himself on Octavian's door, so as to bring divine retribution upon the young consul. It is perhaps significant that such thoughts are also attributed to Cicero in the Pseudo-Ciceronian Epistula ad Octavianum, which is generally believed to be a product of early imperial school declamation.

The story of the ravens that haunt Cicero in his final hours also gives cause for concern. Once again we hear of the story for the first time in Valerius Maximus. Here we are told that while Cicero was resting at his villa, he saw a raven tear the hour hand from the clock, and take hold of Cicero's toga with its beak, thus signalling his demise. The story reappears in Plutarch in quite a different form. Now, we have whole squadrons of the birds, which on seeing Cicero's ship coming from Astura, rise up from the Temple of Apollo, and land on Cicero's ship, croaking and pecking at the ropes; this being seen by all as a bad omen. When Cicero goes to the villa and lies down to rest, the ravens perch round the window cawing loudly; one of the ravens flies to the bed and begins to drag with its bill a garment which is covering Cicero's face. Cicero's servants then reproach themselves for doing nothing while dumb creatures try to help and care for Cicero. The difference in the

40 Moles, Plutarch: Life of Cicero, 198.
41 [Cic.] Epist. ad Oct. 10: Quae quidem si nullo allo, me tamen internuntio celeriter ad illos deferentur; nam si vivus ista subterfugere non potero, una cum istis vitam simul fugere decrevi. Gudeman (29) states "...we cannot but recognize the handiwork of these same rhetoricians in the suicidal deliberations which Cicero is alleged to have indulged in on reaching Astyra in his flight." Homeyer (65) agrees with Gudeman that a later rhetorically-inspired source has been incorporated here. See also, Chapter 1, pp 77ff.
42 Val. Max. 1. 4. 6. It is interesting that there is no mention of the story in Julius Obsequens, which suggests that the story does not originate in Livy. The only story that Obsequens records concerning Cicero's death is that a gale blew over and shattered a statue of Cicero before the Temple of Minerva; see c. 68
43 Plut. Cic. 47. 8-10.
44 Moles (Plutarch: Life of Cicero, 199) makes some interesting points on the symbolism of the ravens and Apollo in signifying death.
stories is not simply in the matter of the number of birds. As Moles notes, the ravens' actions have expanded in meaning from a simple matter of ill-omen to a symbol of "Cicero's abandonment by unfeeling humankind: humans are no longer human and only savage animals care."\(^{45}\)

Cicero's final actions and words also reveal clear differences between our sources. In Livy we have him uttering (or should one say declaiming?) the noble words, *moriar in patria saepe servata*, and at the moment of death, offering his neck to the killers without a tremor. In Aufidius Bassus, we are told that Cicero told his killer to approach and cleanly cut his head off, reproaching the soldier for his timidity. In Bruttedius Niger, Cicero is glad at seeing his former client Popillius and is said to have done nothing in his last moments that could be censured.\(^{46}\) Plutarch has Cicero steadfastly holding the gaze of his slayers, while noting his wasted and pathetic appearance.\(^{47}\) Appian's account, as has already been noted, is the sole surviving one of the longer accounts, in which the bravery of Cicero in his final moments is not explicitly noted.\(^{48}\)

The actual killing of Cicero also reveals discrepancies among the sources. In Livy, Cicero's head is struck off as he offers it, as also seems to be the case in Bruttedius Niger and Valerius Maximus. In Plutarch, however, Cicero's throat is cut and it is only later on the orders of

\(^{45}\) Moles, *Plutarch: Life of Cicero*, 199. The story is also found in Appian, *B Civ.* 4.19 and [Aur. Vict.] *De vir. ill.* 81.6. Homeyer (65, 70 & 89) sees the raven-omen as presented in Valerius Maximus and Appian as coarsened versions of the account in Plutarch, which she takes to represent the original more faithfully. However, the development in the symbolism of the omen tends to suggest that it is rather that Plutarch's story contains accretions on an earlier, and more concise account.

\(^{46}\) Niger's account - in noting Cicero's gladness at Popillius' arrival - is particularly reminiscent of the declaimers (*Controv.* 7.2.14): see Chapter 3, n. 148.

\(^{47}\) Homeyer (65, 68, 85 & 87) makes great play of the fact that Plutarch's account does not give us - in contrast to Livy's account, among others - Cicero's last words, arguing that this, along with other characteristics, illustrates the greater authenticity of Plutarch's account. In the light of Homeyer's later conclusion (see esp., 93) that Plutarch's "Cicerobild" concerning the final period of his life is heavily influenced, through an intervening source, by Livy, her argument seems somewhat confusing. If Plutarch was happy to exploit the tragic "pathos" of the Livian tradition, why would he have been content with keeping to a "factual" Tironian tradition as regards Cicero's last days?

Antony that the head is cut off. In Appian, we are given the grotesque information that Popillius struck at Cicero’s head three times, or rather sawed it off in order to kill him. Furthermore, we have already noted some of the variations in the sources over the number of hands cut off Cicero and displayed on the rostra. As to which of these accounts more faithfully reflects the historical situation it is hard to say. The similarities between the "historical" accounts we see here and the rhetorical treatments of Cicero’s death in the exercises preserved by Seneca the Elder makes one suspicious of all of these versions. What may look to be different sources of information may simply reflect the different routes taken by these writers, or their sources, in embroidering a very bare bedrock of historical information.

Other stories concerning Cicero’s demise raise suspicions as well. Cassius Dio tells us that when the head of Cicero was brought to Antony, Antony’s wife Fulvia took it, and after abusing it and spitting in its face, proceeded to stick her hairpins through Cicero’s tongue. This grotesque story is an interesting one, if only because Jerome exploits it so as to make a rather curious analogy between the fate of Cicero and that of John the Baptist. Dio also tells us that Popillius set up a statue of himself crowned with Cicero’s head beside him, in order to gain full

49 Plut. Cic. 48. 5-6. See also Plut. Ant. 20. 2-4.
50 Gambet (Cicero’s Reputation, 97, n. 128) states: “Severus (i.e. the poet Cassius Severus), with Livy...follows the minority opinion here that both Cicero’s hands were cut off.” Technically speaking, Gambet is correct: the Livian Periocha, Cremitius Cordus, Valerius Maximus, Juvenal (10. 120), Plutarch (Ant. 20), Appian, Cassius Dio, and Jerome (adv. Rufin. 3. 42) speak of one hand; Livy (Sen. Suas. 6. 17), Cornelius Severus (Sen. Suas. 6. 26), Bruttedius Niger and Plutarch (Cic. 48. 6) speak of both hands. Whether the numerical superiority of the first group counts for anything is another matter. The discrepancy between the two accounts of Plutarch is interesting. Pelling (Plutarch: Life of Antony [Cambridge, 1988], 167) writes: "The discrepancy ... is perhaps carelessness, but it is possible that ... Plutarch here prefers a version found in his more recent readings."
51 One later tradition, preserved by Georgius Synkellos (Late Eighth- Early Ninth Century A. D.) tells us that some authorities even spoke of Cicero committing suicide by poison! Synkell. Chronogr. 305b (577,19), quoted in Jer. Chron., Helm, 389.
52 As noted before, Appian claims to have visited Caieta in order to find the truth of Cicero’s death. Gowing (Triumviral Narratives, 156, n. 37) makes some interesting remarks on Appian’s statement here, noting that Appian may have had other reasons to journey to Caieta. As Gowing also notes, the efficacy of undertaking such a trip would be somewhat questionable. As he says: "It is unlikely that more than 150 years after the fact much could be gleaned from a visit to the site, but he includes the detail simply to lend pathos to his account." One feels that if the detail is true, Appian would have been in a position somewhat analogous to that of the Christian pilgrim in the Holy Land, upon whom is foisted frauds and myths of the most dubious type.
53 Dio 47. 8. 4; Jer. Adv. Rufin. 3. 42.
credit for murdering his former advocate. The fact that such stories - in demonstrating the cruelty and excess of Antony and his intimates - conform so closely to rhetorical stereotypes must make us wary of their veracity.

So how are we, in the light of all these evidential problems, to reconstruct Cicero's final days? Many scholars still turn to Plutarch's account, by reason of the reference to information being supplied by Tiro, as our most reliable depiction of historical reality. Homeyer, for instance, confidently asserts: "In Plutarchs Darstellung sind die Nachrichten über Ciceros letzten Lebensabschnitt am treuesten aufbewahrt; die späteren Zusätze sind geringfügig." Yet, as we have already seen, it is in Plutarch's account that, as Homeyer herself admits, the most flagrant piece of rhetorical contamination - Cicero's defence of Popillius on a charge of parricide - is found. In addition to this, as we have also already seen, numerous other pieces of information in the account could be the result of later additions from rhetorically inspired material.

On the basis of Seneca the Elder's statement, and all these possible interpolated elements, Gudeman saw reason to question whether Popillius' very presence was not in itself a product of contamination:

And yet the apparently insignificant circumstance that in this very narrative it is not Popillius, as we should expect, but Herennius who after pursuing and overtaking Cicero deals the fatal blow, has still preserved an unmistakeable trace of the genuine account in which Popillius either played only a

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54 Dio 47. 11. 2. The story is repeated by Jerome (Chron. Helm, 158), who adds that the statue was set up on the rostra. Homeyer (83) assumes the story to be a later fiction.
55 As to Antony's reception of Cicero's head, see the story in Appian (B Civ. 4. 20), of Antony placing Cicero's head on the table while having meals. See also Sen. Ep. 83. 25 and Plut. Ant. 20. On Plutarch, see Pelling's remarks (Plutarch: Life of Antony, 167-8), noting as they do, other examples of this "motif".
56 Homeyer, 68. See also Drumann and Groebe, vol. 6, 326f; Torsten Peterson, Cicero: A Biography (Berkeley, 1920), 681-2; and McDermott's comments quoted at the beginning of this Appendix. Not all scholars have surrendered to this temptation. Shackleton Bailey (Cicero [London, 1971], 277), for instance, says of Plutarch's account that it "is far the most elaborate and colourful, but the details (though some of them no doubt came from Tiro) are hardly reliable."
subordinate role or, what is more likely, did not figure at all.57

If we subtract from the "Tironian" narrative Popillius' parricide trial, possibly even the figure of Popillius altogether (and obviously the figure of Philologus); if we accept that Plutarch's story of Cicero's flight and confused state of mind may have been moulded and embellished to fit rhetorical and dramatic imperatives, as also with the omen of the ravens, and the depiction of Cicero at the moment of his death; then we are left with precious little in Plutarch's narrative which can be confidently ascribed to Cicero's freedman.

Indeed, one could go further. Presumably, Gudeman credits the historicity of Herennius to the very novelty of the information, thus seeing it as "genuine" Tiro. Yet if Gudeman's assumption of an intermediate source, be it Suetonius or someone else, turned out to be correct - and the mess we have here hardly weakens such a proposition - one might very reasonably question this figure's authenticity instead on the basis of that very same novelty. If miles Popillius had become the military tribune Laenas, would not such an invention serve a very useful purpose? Moreover, who is to say that Tiro's account, whatever that was, represented a better source of information than any other? When it comes down to it, there is almost no evidence for the assumption that he witnessed the actual events.58

The full consequences of our problem here can be seen when we consider how much of the information concerning the death of Cicero in any of our sources can stand free from doubt and suspicion. What is

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57 Gudeman, 29.
58 Apart from the fact that Tacitus (Dial. 17. 2) tells us that Tiro gives us the day - Dec. 7th - Cicero died, there seems no reason for assuming that Tiro was an eyewitness to Cicero's murder; and knowing the day of death hardly necessitates actually witnessing the event. Appian (B Civ. 4. 19) tells us that Cicero was proscribed "ἀμα τῷ παιδὶ καὶ τῷ ἄδελφῳ καὶ τῷ παιδὶ τοῦ ἄδελφου καὶ πάσιν οἰκείοις τε καὶ στασιώτατις καὶ φίλοις". That the three latter groups (a rather considerable group of people) were officially proscribed would seem rather dubious. However, we do know from Appian's version (App. B Civ. 4. 8-11) of the Proscription edict (which is now generally accepted as reproducing the Latin original: Gowing, Triumviral Narratives, 250-1) that those who aided the proscribed would be proscribed themselves (§ 11). This would seem to suggest that Tiro would have had trouble surviving his "reportage". It is also interesting that in the late tradition which survives concerning Cicero's burial, no mention of Tiro is made: see Chapter 1, n. 185.
reasonably clear is that Cicero was killed by soldiers sent by Antony somewhere in the vicinity of his estate between Caieta and Formiae in December 43 (probably the seventh of that month), and that Cicero's head and either one or both his hands were cut off and taken to Rome and displayed on the Rostra.\textsuperscript{59} The route of Cicero's flight from Rome, the precise manner of his death, the identity of his killer(s), the reception accorded Cicero's head and hand(s) in Rome, as well as the numerous other details attested in the historical material must remain in doubt. We are faced with the ultimate irony: that despite having a range of source material on this event which is relatively speaking, extremely wide, we know very little indeed about what actually happened.

\textsuperscript{59} See n. 62.
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